



Colac Otway
SHIRE

MEETING OF SPECIAL COUNCIL

AGENDA

WEDNESDAY 14 NOVEMBER 2018

AT 5PM

COPACC



COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

14 NOVEMBER 2018

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COLAC OTWAY SHIRE COUNCIL SPECIAL MEETING

NOTICE is hereby given that the next **SPECIAL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on 14 November 2018 at 5pm.

AGENDA

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2. PRESENT

3. APOLOGIES AND LEAVE OF ABSENCE

4. WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

The sole purpose of the Special Meeting is the election of the Mayor and the election of the Deputy Mayor.

5. QUESTION TIME

At every Special Meeting, a public question time not exceeding 30 minutes will be held to enable any member of the public to question Council but only on items included in the Agenda of that Special Meeting.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question.

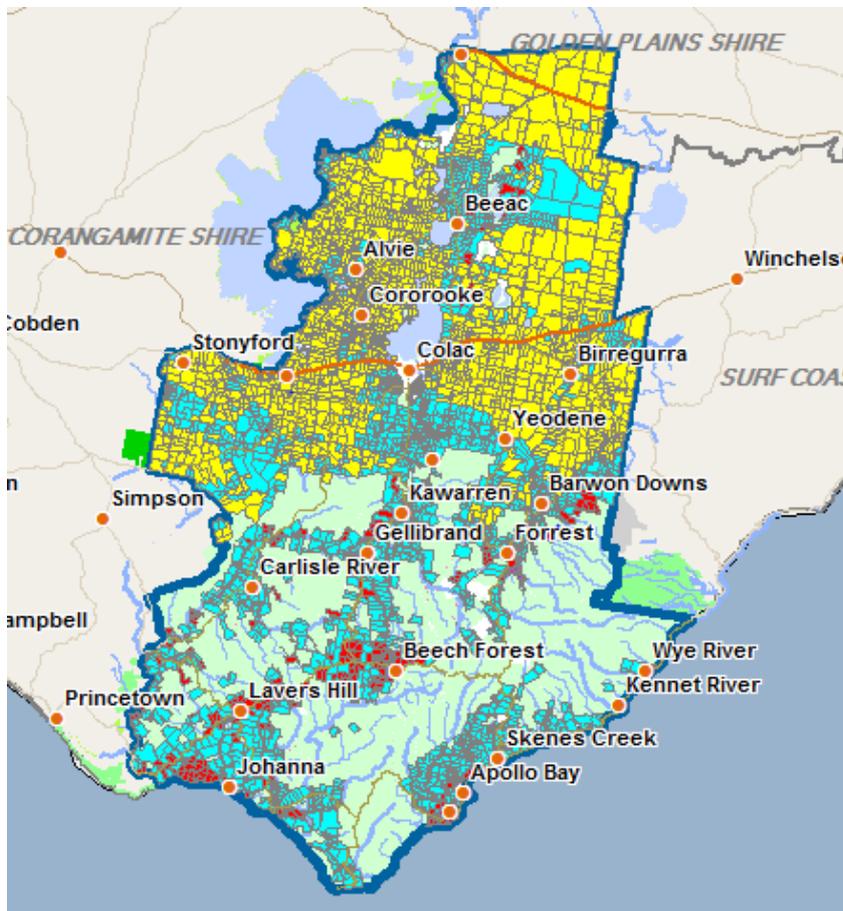
1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions from the floor.

6. DECLARATIONS OF INTEREST

SPECIAL COUNCIL MEETING
ELECTION OF THE MAYOR
 SC181411-1

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To elect the Mayor of the Colac Otway Shire		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

Section 71(1) of the *Local Government Act 1989* provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 71(3)

“The Mayor is to be elected –

- (a) after the fourth Saturday in October but not later than 30 November in each year; or*
- (b) as soon as possible after any vacancy in the office of Mayor occurs.”*

Following the election, the Mayor shall assume the chair to deal with the remaining matters before the meeting.

3. RECOMMENDATION

That pursuant to the provisions of Section 71 of the Local Government Act 1989, the Council elect Councillor to be the Mayor for the Colac Otway Shire Council for a one year term.

4. BACKGROUND / KEY INFORMATION

BACKGROUND / KEY INFORMATION

Election Procedure

The procedure in the election of Mayor is outlined in Governance Local Law No. 4 and is as follows:

13. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) the election of the Mayor must be by a show of hands;*
- (2) the Councillor who receives the majority of votes cast must be declared elected; and*
- (3) for the purpose of sub-clause (2) the following will apply:*
 - (a) nominations must be moved and seconded;*
 - (b) where only one nomination is received, that Councillor must be declared elected;*
 - (c) where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;*
 - (d) where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of*

votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected;

- (e) in the event that no candidate receives an absolute majority of the votes and there are only two remaining candidates, each of whom has received an equality of votes, the process to determine who is elected will be conducted by lot; and*
- (f) if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.*

Term of Mayor

The Council may resolve to elect a Mayor for a term of one or two years.

5. OFFICER DIRECT OR INDIRECT INTEREST

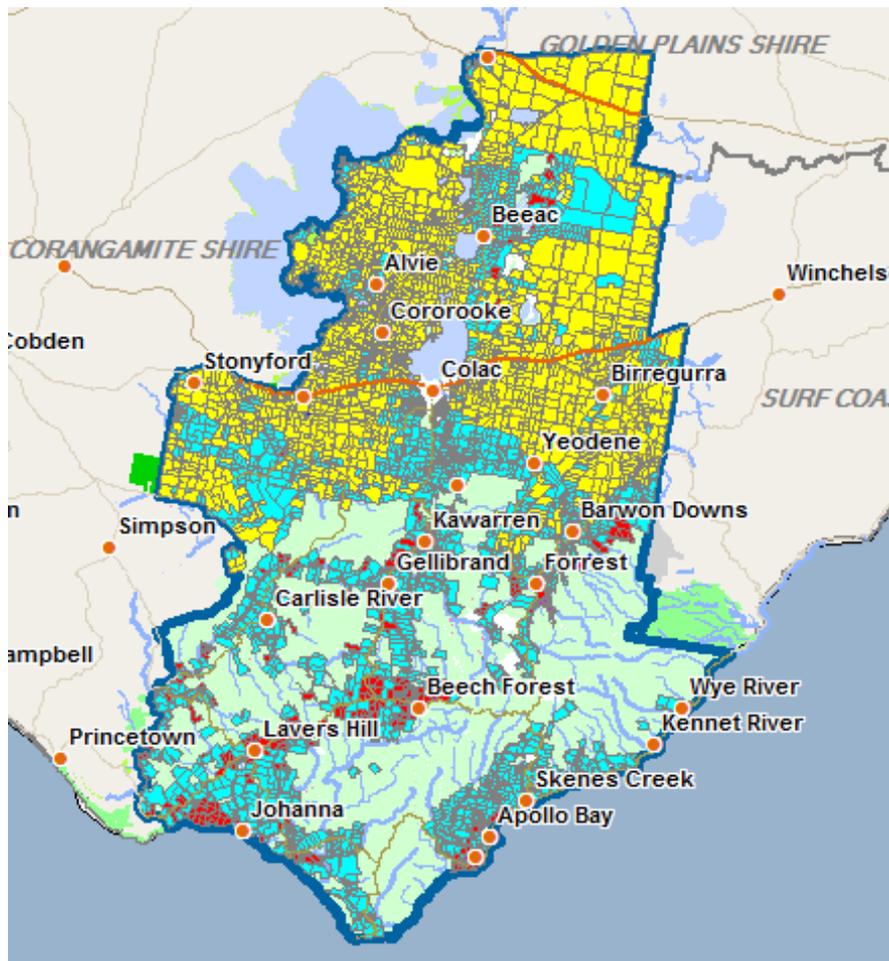
No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

SPECIAL COUNCIL MEETING
ELECTION OF THE DEPUTY MAYOR

SC181411-2

LOCATION / ADDRESS	Whole of municipality	GENERAL MANAGER	Errol Lawrence
OFFICER	Sarah McKew	DIVISION	Corporate Services
TRIM FILE	F18/7487	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	For Council to consider the election of a Deputy Mayor of the Colac Otway Shire Council		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

The *Local Government Act 1989* is silent in regard to the appointment of the position of Deputy Mayor. Council's Governance Local Law No 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

Section 17 of Council's Governance Local Law No 4 specifies:

17. Acting Chair in Mayor's Absence

- (1) If the Mayor is unable to attend a Council Meeting for any reason, the Deputy Mayor (if appointed) will be the Acting Chair.*
- (2) If the Mayor or any Deputy Mayor is unable to attend a Meeting for any reason, and Acting Chair may be elected following the same procedure as that for an election of the Mayor (with all the necessary adaptations).*
- (3) If the Mayor is required to vacate the chair for a short period (whether on account of conflict of interest or otherwise), the Deputy Mayor (if appointed) will be the Acting Chair. If no Deputy Mayor has been appointed, Council must elect an Acting Chair for that time. The procedure for election of an Acting Chair will be the same as for an election of the Mayor (with all the necessary adaptations and modifications).*

The position of Deputy Mayor is not a statutory position and no special allowance is payable.

3. RECOMMENDATION

That Council elect Councillor to be the Deputy Mayor of the Colac Otway Shire Council for a one year term.

4. BACKGROUND / KEY INFORMATION

BACKGROUND / KEY INFORMATION

Local Law

Council's Governance Local Law No 4 2014 provides that the procedure for the election of the Mayor will apply to the election of the Deputy Mayor, with the Mayor conducting the election.

Clause 13 of Council's Governance Local Law No 4 2014 states:

13. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) the election of the Mayor must be by a show of hands;*
- (2) the Councillor who receives the majority of votes cast must be declared elected; and*

- (3) *for the purpose of sub-clause (2) the following will apply:*
- (a) *nominations must be moved and seconded;*
 - (b) *where only one nomination is received, that Councillor must be declared elected;*
 - (c) *where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;*
 - (d) *where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected;*
 - (e) *in the event that no candidate receives an absolute majority of the votes and there are only two remaining candidates, each of whom has received an equality of votes, the process to determine who is elected will be conducted by lot; and*
 - (f) *if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.*

5. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.