



Colac Otway  
SHIRE

**SPECIAL COUNCIL MEETING**

**AGENDA**

**Monday 16 November 2020**

**at 5:30 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

**and by videoconference**



# COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Monday 16 November 2020

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## COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

NOTICE is hereby given that the next **SPECIAL COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC and by videoconference on Monday 16 November 2020 at 5:30 PM.

### AGENDA

In accordance with section 29 of the *Local Government Act 2020* the term of office of the previous Councillors ended at 6am on 24 October 2020.

The Local Government Elections were held on 24 October 2020 through a postal vote and the results were declared by the Victorian Electoral Commission on 5 November 2020.

On 6 October 2020 the Councillors elect took the oath or affirmation of office and commenced their term of office as Councillors.

Under section 25(3)(a) of the *Local Government Act 2020* the election of the Mayor must be chaired by the Chief Executive Officer. The Chief Executive Officer will chair this meeting until the Mayor is elected.

#### **1 DECLARATION OF OPENING**

##### **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.

Please note: All Council and Committee meetings will be audio recorded and live streamed, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Council Meeting.

In response to the COVID-19 pandemic and in accordance with the relevant Directions issued by the Chief Health Officer of Victoria that are in place in regional Victoria at the time of publication, Council advises only Councillors and Council staff are permitted to attend the Special Council meeting. Strict hygiene and social distancing measures will be in place for those who need to physically attend.

The sole purpose of the Special Council Meeting is to consider the:

- Term of the Mayor
- Term of the Deputy Mayor
- Election of the Mayor
- Election of the Deputy Mayor.

## **5 QUESTION TIME**

Colac Otway Shire encourages community input and integral to this is the opportunity provided to ask questions at Council Meetings. A maximum of 30 minutes is usually allowed for question time however, in response to the COVID-19 pandemic and in accordance with the relevant Directions issued by the Chief Health Officer of Victoria that are in place at the time of publication, only those people who are working are permitted to attend this Special Council Meeting. Only Councillors and Council staff will be permitted to attend this Special Council Meeting.

Questions and responses to questions that are submitted in writing by 5pm of the Monday preceding this Special Council Meeting will be included in the minutes of this meeting. For this meeting, this is interpreted as Monday 16 November 2020.

Please note that as this is a Special Council Meeting, only questions pertaining to this agenda will be responded to.

## **6 TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

These responses will not be read out but will be included in the minutes of this meeting.

## **7 DECLARATIONS OF INTEREST**

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

## Item: 8.1

### Term of the Mayor

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To consider the term of office for the next Mayor of Colac Otway Shire.

## 1. EXECUTIVE SUMMARY

Section 26(3) of the *Local Government Act 2020* states:

*“Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”*

## 2. RECOMMENDATION

***That pursuant to section 26 of the Local Government Act 2020, Council elect the Mayor for a term of ..... year/s.***

## 3. KEY INFORMATION

Section 26 of the *Local Government Act 2020* provides:

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *The Mayor of the Greater Geelong City Council must be elected for a 2 year term.*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*

- (5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable

### LEGAL & RISK

Not applicable

### FINANCIAL & BUDGETARY

Not applicable

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

A media release will be issued following the election of the Mayor.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Item: 8.2

### Term of the Deputy Mayor

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To consider the term of office for the next Deputy Mayor of Colac Otway Shire.

## 1. EXECUTIVE SUMMARY

Section 27(2) of the *Local Government Act 2020* requires that the term of office for the Deputy Mayor be determined in the same manner as the term of office for the Mayor, stating “*Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.*”

Section 26(3) of the *Local Government Act 2020* states:

*“Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.”*

## 2. RECOMMENDATION

***That pursuant to sections 26 and 27 of the Local Government Act 2020, Council elect the Deputy Mayor for a term of .....year/s.***

## 3. KEY INFORMATION

Section 27(2) of the *Local Government Act 2020* states:

*“Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.”*

Section 26 of the *Local Government Act 2020* provides:

- (1) *A Mayor is to be elected no later than one month after the date of a general election.*
- (2) *The Mayor of the Greater Geelong City Council must be elected for a 2 year term.*
- (3) *Before the election of the Mayor, a Council, other than the Greater Geelong City Council, must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.*
- (4) *If the Mayor is elected for a 1 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 1 year term as is reasonably practicable.*
- (5) *If the Mayor is to be elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the 2 year term as is reasonably practicable.*
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable

### LEGAL & RISK

Not applicable

### FINANCIAL & BUDGETARY

Not applicable



## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

A media release will be issued following the election of the Deputy Mayor.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

### Item: 8.3

## Election of the Mayor

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To elect the Mayor of Colac Otway Shire

## 1. EXECUTIVE SUMMARY

Section 25(1) of the *Local Government Act 2020* provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 26(1) states:

*“A Mayor is to be elected no later than one month after the date of a general election.”*

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

## 2. RECOMMENDATION

***That pursuant to the provisions of sections 25 and 26 of the Local Government Act 2020, Council elect Cr ..... to be the Mayor of Colac Otway Shire for the agreed term.***

## 3. KEY INFORMATION

### Election Procedure

The procedure for the election of Mayor is outlined in Part B of the Governance Rules and is as follows:

#### **4. Election of the Mayor**

*The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.*

## **5. Method of Voting**

*The election of the Mayor must be carried out by a show of hands.*

## **6. Determining the election of the Mayor**

- 6.1 *The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.*
- 6.2 *Any nominations for the office of Mayor must be seconded by another Councillor.*
- 6.3 *Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:*
  - 6.3.1 *if there is only one nomination, the candidate nominated must be declared to be duly elected;*
  - 6.3.2 *if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;*
  - 6.3.3 *in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;*
  - 6.3.4 *in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;*
  - 6.3.5 *if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;*
  - 6.3.6 *in the event of two or more candidates having an equality of votes and one of them having to be declared:*
    - (a) *a defeated candidate; and*
    - (b) *duly elected**the declaration will be determined by lot.*
  - 6.3.7 *if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:*
    - (a) *each candidate will draw one lot;*
    - (b) *the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and*

- (c) *as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).*

## 4. COMMUNITY CONSULTATION & ENGAGEMENT

Not applicable

## 5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.

## 6. CONSIDERATIONS

### ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

Not applicable

### LEGAL & RISK

Not applicable

### FINANCIAL & BUDGETARY

Not applicable

## 7. IMPLEMENTATION STRATEGY

### COMMUNICATION

A media release will be issued following the election of the Mayor.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

## Item: 8.4

### Election of Deputy Mayor

<b>OFFICER</b>	Lyndal McLean
<b>CHIEF EXECUTIVE</b>	Peter Brown
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil
<b>PURPOSE</b>	To elect the Deputy Mayor of Colac Otway Shire.

## 1. EXECUTIVE SUMMARY

Section 27(1) of the *Local Government Act 2020* requires that the procedure for the election of the Mayor will apply to the election of the Deputy Mayor, with the Mayor conducting the election. Section 27(1) states “Section 25, other than subsection (3)(a), applies to the election of a Deputy Mayor by the Councillors as if any reference in that section to the Mayor was a reference to the Deputy Mayor.” Section 25 provides the regulations for the election of the Mayor. Section 25(3)(a) sets out who is required to chair the meeting for the election of the Mayor.

## 2. RECOMMENDATION

***That pursuant to sections 25, 26 and 27 of the Local Government Act 2020, Council elect Cr ..... to be the Deputy Mayor of Colac Otway Shire for the agreed term.***

## 3. KEY INFORMATION

### Election Procedure

The procedure for the election of Deputy Mayor is outlined in Part B of the Governance Rules.

Clause 7 states:

### ***7. Election of Deputy Mayor and Chairs of Delegated Committees***

*Any election for:*

*7.1 any office of Deputy Mayor; or*

7.2 *Chair of a Delegated Committee*

*will be regulated by Rules 4-6 (inclusive) of this Chapter, as if the reference to the:*

7.3 *Chief Executive Officer is a reference to the Mayor; and*

7.4 *Mayor is a reference to the Deputy Mayor or the Chair of the Delegated Committee (as the case may be).*

Rules 4 to 6 are as follows:

**4. Election of the Mayor**

*The Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act.*

**5. Method of Voting**

*The election of the Mayor must be carried out by a show of hands.*

**6. Determining the election of the Mayor**

6.1 *The Chief Executive Officer must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.*

6.2 *Any nominations for the office of Mayor must be seconded by another Councillor.*

6.3 *Once nominations for the office of Mayor have been received, the following provisions will govern the election of the Mayor:*

6.3.1 *if there is only one nomination, the candidate nominated must be declared to be duly elected;*

6.3.2 *if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;*

6.3.3 *in the event of a candidate receiving an absolute majority of the votes, that candidate is declared to have been elected;*

6.3.4 *in the event that no candidate receives an absolute majority of the votes, and it is not resolved to conduct a new election at a later date and time, the candidate with the fewest number of votes must be declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;*

6.3.5 *if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;*

6.3.6 *in the event of two or more candidates having an equality of votes and one of them having to be declared:*

*(a) a defeated candidate; and*

*(b) duly elected*

*the declaration will be determined by lot.*

6.3.7 *if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:*

*(a) each candidate will draw one lot;*

*(b) the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and*

*(c) as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).*

## **4. COMMUNITY CONSULTATION & ENGAGEMENT**

Not applicable

## **5. ALIGNMENT TO COUNCIL PLANS, POLICIES OR STRATEGIES**

Alignment to Council Plan 2017-2021:

Theme 4 - Our Leadership & Management

2. Openness and accountability in decision making.

## **6. CONSIDERATIONS**

### **ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC**

Not applicable

### **LEGAL & RISK**

Not applicable

### **FINANCIAL & BUDGETARY**

Not applicable

## 7. IMPLEMENTATION STRATEGY

A media release will be issued following the election of the Deputy Mayor.

## 8. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.