



Colac Otway
SHIRE

SPECIAL COUNCIL MEETING

AGENDA

Wednesday 13 November 2019

at 5:00 pm

COPACC

95 - 97 Gellibrand Street, Colac Victoria



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Wednesday 13 November 2019

TABLE OF CONTENTS

1 Declaration of Opening.....	3
2 Present.....	3
3 Apologies and Leave of Absence	3
4 Welcome and Acknowledgement of Country.....	3
5 Question Time	4
6 Declarations of Interest	4
7 Officer Reports.....	5
7.1 Election of the Mayor	5
7.2 Election of the Deputy Mayor	8

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 on Wednesday 13 November 2019 at 5:00 pm.

AGENDA

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, 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 Local Law 4, 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.

The sole purpose of the Special Council 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

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: 7.1

Election of the Mayor

OFFICER	Sarah McKew
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To elect the Mayor of Colac Otway Shire

1. 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 –

- 1. after the fourth Saturday in October but not later than 30 November in each year; or 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.

Term of Mayor

Under the *Local Government Act 1989* a Council may resolve to elect the Mayor for a two-year term of office. However, as there is only one year left of this Council’s term, one year is the obvious option for the term of Mayor.

2. 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.

3. KEY INFORMATION

Election Procedure

The procedure in the election of Mayor is outlined in 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.*

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

Not applicable

7. IMPLEMENTATION STRATEGY

COMMUNICATION

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

8. OFFICER DIRECT OR INDIRECT INTEREST

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

Item: 7.2

Election of the Deputy Mayor

OFFICER	Sarah McKew
CHIEF EXECUTIVE	Peter Brown
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To elect a Deputy Mayor of Colac Otway Shire

1. EXECUTIVE SUMMARY

The Local Government Act is silent regarding the appointment of the position of Deputy Mayor. Council's Governance Local Law No. 4, Section 16 includes a provision that Council may resolve to appoint a Deputy Mayor.

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

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.

Term of Appointment

Given there is only one year left of this Council's term, the appointment should be for one year only.

2. RECOMMENDATION

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

3. KEY INFORMATION

Local Law

Council's Local Law No 4 2014 – Governance 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 Local Law No 4 2014 – Governance 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.*

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

Not applicable

7. IMPLEMENTATION STRATEGY

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

8. OFFICER DIRECT OR INDIRECT INTEREST

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

