



SPECIAL COUNCIL MEETING

AGENDA

Wednesday 10 November 2021

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Wednesday 10 November 2021

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 Officer Reports.....	5
6.1 Term of the Mayor and Deputy Mayor	5
6.2 Election of the Mayor	8
6.3 Election of the Deputy Mayor.....	11

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 10 November 2021 at 4:00 PM.

AGENDA

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

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, present and emerging and welcomes any descendants here today.

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

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

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Council and Committee meetings are live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

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).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. 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.

PUBLIC ATTENDANCE

A registration system will be in place for members of the public wishing to attend this meeting in person. To ensure COVID capacity restrictions are adhered to, the number of people permitted to attend will be capped according to the room size. Any person who would like to come along to this Special Council meeting must register by contacting Council via email on governance@colacotway.vic.gov.au or phone 5232 9400 before close of business (5pm) Monday 8 November 2021. Registrations will open Friday 5 November. If attendance capacity is reached, community members will be advised if their registration cannot be accommodated.

In response to current COVID-19 requirements as directed by the Chief Health Officer, all attendees aged 16 and over must be fully vaccinated and show their vaccination status as a condition of entry to COPACC. Patrons will be required to wear face masks in COPACC and enter via the main entrance (all abilities access from Gellibrand Street), where they will be required to register and show proof of vaccination.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

5 QUESTION TIME

A maximum of 30 minutes is allowed for question time. Any person wishing to participate in public question time by videoconference will need to register their intention to do so by contacting the shire prior to 5pm on Monday 8 November 2021. Question time is not a forum for public debate or statements.

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

1. Questions received in writing prior to the meeting.
2. Questions by videoconference (by prior arrangement) and from the floor.

Item: 6.1

Term of the Mayor and Deputy Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To consider the term of office for the Mayor and the Deputy Mayor.

1. EXECUTIVE SUMMARY

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

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.”

Section 20A of the *Local Government Act 2020* (the Act) provides Council with the option to establish an office of the Deputy Mayor and elect a Deputy Mayor.

If Council resolves to elect a Deputy Mayor, the term of the Deputy Mayor must be determined by resolution to be for a 1 year or a 2 year term, prior to the election of the Deputy Mayor.

2. RECOMMENDATION

RECOMMENDATION 1

That Council resolves that the Mayor be elected for a term of year/s.

RECOMMENDATION 2

That Council establishes an office of Deputy Mayor and resolves that the Deputy Mayor be elected 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.*
- ...”*

Section 27(2) of the *Local Government Act 2020* (the Act) 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.”

4. COMMUNITY CONSULTATION & ENGAGEMENT

The election of the Mayor and the Deputy Mayor must be held at a Council meeting that is open to the public.

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

There are no environmental, social, cultural and economic implications arising from the recommendation contained in this report.

LEGAL & RISK

The term of the Mayor and Deputy Mayor will be considered in accordance with the provisions of the *Local Government Act 2020*.

FINANCIAL & BUDGETARY

There are no financial implications arising from the recommendation contained in this report.

7. IMPLEMENTATION STRATEGY

COMMUNICATION

A media release will be issued following the election of the Mayor and 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: 6.2 Election of the Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To elect the Mayor.

1. EXECUTIVE SUMMARY

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

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

2. ELECTION

The Chief Executive Officer will call for nominations.

3. KEY INFORMATION

Election Procedure

The procedure for the election of Mayor is outlined in Part B of the Governance Rules and reads 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

The election of the Mayor must be held at a Council meeting that is open to the public.

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.

Alignment to Policies or Strategies:

Governance Rules.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

There are no environmental, social, cultural and economic implications arising from the recommendation contained in this report.

LEGAL & RISK

The election will be held in accordance with the provisions of the *Local Government Act 2020* and Council's Governance Rules.

FINANCIAL & BUDGETARY

There are no financial implications arising from the recommendation contained in this report.

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: 6.3

Election of the Deputy Mayor

OFFICER	Lyndal McLean
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil
PURPOSE	To elect the Deputy Mayor.

1. EXECUTIVE SUMMARY

Section 20A of the *Local Government Act 2020* (the Act) provides Council with the option to elect a Deputy Mayor.

Section 27(1) of the Act 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.

2. ELECTION

The Mayor will call for nominations.

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

The election of the Deputy Mayor must be held at a Council meeting that is open to the public.

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.

Alignment to Policies or Strategies

Governance Rules.

6. CONSIDERATIONS

ENVIRONMENTAL, SOCIAL & CULTURAL, & ECONOMIC

There are no environmental, social and economic implications arising from the recommendation contained in this report.

LEGAL & RISK

The election will be held in accordance with the provisions of the *Local Government Act 2020* and Council's Governance Rules.

FINANCIAL & BUDGETARY

There are no financial implications arising from the recommendation contained in this report.

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.

