

Agenda

Special Meeting of Council
Wednesday, 7 November 2018

To be held in the
Council Chambers
1 Merrijig Drive, Torquay

Commencing at 5.00pm

Council:

Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick (Leave of Absence)
Cr Margot Smith
Cr Heather Wellington

AGENDA FOR THE SPECIAL COUNCIL MEETING OF SURF COAST SHIRE COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON WEDNESDAY 7 NOVEMBER 2018 COMMENCING AT 5.00PM

PRESENT:

OPENING:

Council acknowledge the traditional owners of the land where we meet today and pay respect to their elders past and present and Council acknowledges the citizens of the Surf Coast Shire.

PLEDGE:

As Councillors we carry out our responsibilities with diligence and integrity and make fair decisions of lasting value for the wellbeing of our community and environment.

APOLOGIES:

CONFLICTS OF INTEREST:

Note to Councillors and Officers

Declaration of Interest

Councillors and Officers please note that in accordance with Section 77A of the Local Government Act 1989, there is an obligation to declare a conflict of interest in a matter that could come before Council.

A conflict of interest can be a direct or indirect interest in a matter.

A person has a direct interest if:

There is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way.

A person has an indirect interest if the person has:

- 1. A close association whereby a "family member" of the person has a direct or indirect interest or a "relative" or member of a person's household has a direct interest in a matter;*
- 2. An indirect financial interest in the matter;*
- 3. A conflicting duty;*
- 4. Received an "applicable" gift;*
- 5. Become an interested party in the matter by initiating civil proceedings or becoming a party to civil proceedings in relation to the matter; or*
- 6. A residential amenity affect.*

Disclosure of Interest

A Councillor or Officer must make full disclosure of a conflict of interest by advising the class and nature of the interest immediately before the matter is considered at the meeting. While the matter is being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

BUSINESS:

1. GOVERNANCE & INFRASTRUCTURE	4
1.1 <i>Term of Mayor and Deputy Mayor</i>	<i>4</i>
1.2 <i>Election of Mayor</i>	<i>5</i>
1.3 <i>Election of Deputy Mayor.....</i>	<i>6</i>

1. GOVERNANCE & INFRASTRUCTURE

1.1 Term of Mayor and Deputy Mayor

Author's Title: Team Leader Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F18/218
Trim No: IC18/1705

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider and resolve on the term of the next Mayor and Deputy Mayor.

Summary

The Council may resolve to elect a Mayor for a term of one or two years. This decision must be made before the Mayor is elected (Local Government Act section 71(2)). If no decision is made, the term of the Mayor remains as one year.

The Local Government Act 1989, section 71, outlines the requirements relating to the election of the Mayor of the Council and the term for which a Mayor is elected.

Section 71 of the Local Government Act 1989 provides that:

- (1) At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
- (3) The Mayor is to be elected—
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (ab) if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - (b) as soon as possible after any vacancy in the office of Mayor occurs.

The Local Government Act 1989 does not consider the term of the Deputy Mayor, however this should be resolved before the election of the Deputy Mayor, and this report recommends the same term for both offices.

Recommendation

That Council resolves that the Mayor and Deputy Mayor be elected for a term of one/two years.

1.2 Election of Mayor

Author's Title: Team Leader Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F18/218
Trim No: IC18/1706

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:
In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:
Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to elect a Mayor for the Surf Coast Shire.

Summary

The Local Government Act 1989, section 71, outlines the requirements relating to the election of the Mayor of the Council and the term for which a Mayor is elected.

Section 71 of the Local Government Act 1989 provides:

- (1) At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
- (3) The Mayor is to be elected—
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (ab) if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - (b) as soon as possible after any vacancy in the office of Mayor occurs.
- (4) The election of a Mayor after the period specified in this section does not invalidate the election.
- (5) Repealed
- (6) The Mayor of a Shire Council may be titled the President.
- (7) Any reference to Mayor includes a reference to Lord Mayor or President as the case may be.

Section 90(ca) of the LGA explains that “voting at a meeting that is open to members of the public must not be in secret”.

The Chair will then call for nominations for Mayor for the ensuing 12 or 24 months as determined by separate resolution. Council's Meeting Procedure Local Law No. 2 requires nominations for Mayor to be “moved and seconded” [section 8.8.1].

Council's Local Law also notes “where only one nomination is received, the Councillor must be declared elected [section 8.8.2]”.

At its meeting on 25 September 2018 Council approved a process to cover the scenario of two candidates being nominated with equal votes being cast. That process would be applied to this election.

Recommendation

That Council duly elects Councillor _____ to be the Mayor of the Surf Coast Shire for the agreed term.

1.3 Election of Deputy Mayor

Author's Title: Team Leader Governance
Department: Governance & Risk
Division: Governance & Infrastructure

General Manager: Anne Howard
File No: F18/218
Trim No: IC18/1707

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 –
Section 80C:

Yes

No

Reason: Nil

Status:

Information classified confidential in accordance with
Local Government Act 1989 – Section 77(2)(c):

Yes

No

Reason: Nil

Purpose

The purpose of this report is to consider the appointment of a Deputy Mayor for the Surf Coast Shire.

Summary

The Local Government Act is silent in regard to the appointment to the position of Deputy Mayor.

Council's Meeting Procedure Local Law No. 2, section 9 includes a provision that Council may resolve to appoint an Acting or Deputy Mayor. Surf Coast Shire Council has had a Deputy Mayor during 2016-17.

The Chair will seek direction from Council in regard to whether the Deputy Mayor position is desired, and if so will then call for nominations for Deputy Mayor.

The procedure to elect of the Deputy Mayor will take the same format as the election of the Mayor.

Recommendation

That Council duly elects Councillor _____ as Deputy Mayor of the Surf Coast Shire for the agreed term.

Close: There being no further items of business the meeting closed at pm.