

Minutes

Special Meeting of Council
Wednesday, 7 November 2018

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

MINUTES 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:

Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Margot Smith

In Attendance:

Acting Chief Executive Officer – Anne Howard
General Manager Environment & Development – Ransce Salan
Acting General Manager Culture & Community - Leanne Perryman
Coordinator Governance and Corporate Planning - Danielle Foster (minutes)

25 members of staff
7 members of the public
2 members of the press

Non Attendance:

Chief Executive Officer – Keith Baillie
General Manager Culture & Community – Chris Pike

Assume the Chair:

Anne Howard, Acting Chief Executive Officer assumed the Chair.

OPENING:

Anne Howard, Acting Chief Executive Officer opened the meeting.

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:

Cr Libby Coker recited the pledge on behalf of all Councillors.

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:

Council Resolution

MOVED Cr Rose Hodge, Seconded Cr Libby Coker

That an apology be received from Cr Heather Wellington, and Cr Carol McGregor..

CARRIED 6:0

CONFLICTS OF INTEREST:

Section 79(1)(b) of the Local Government Act provides for a number of exemptions in relation to declarations of conflicts of interest. One of these exemptions relates to the election of the Mayor.

Because tonight is the Special Meeting held for the purpose of electing a Mayor in accordance with section 71 of the Act, there is no need for any declarations of Conflicts of Interest to be made tonight.

Additionally, while the Local Government Act does not address the position of Deputy Mayor, we will be applying the same principles as per the Mayor.

Address by the outgoing Mayor:

Anne Howard, Acting Chief Executive Officer formally acknowledged and thanked Cr David Bell, outgoing Mayor.

Cr David Bell, outgoing Mayor, addressed the meeting.

Address by the outgoing Deputy Mayor:

Anne Howard, Acting Chief Executive Officer, formally acknowledged and thanked Cr Clive Goldsworthy, outgoing Deputy Mayor.

BUSINESS:

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1. GOVERNANCE & INFRASTRUCTURE

1.1 Term of Mayor and Deputy Mayor

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

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

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.

Council Resolution

MOVED Mayor David Bell, Seconded Cr Libby Coker

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

CARRIED 6:0

1.2 Election of Mayor

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/218

Division: Governance & Infrastructure

Trim No: IC18/1706

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

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 Cr _____ to be the Mayor of the Surf Coast Shire for the agreed term.

Council Resolution

MOVED Mayor David Bell, Seconded Cr Margot Smith

That Council duly elects Cr Rose Hodge to be the Mayor of the Surf Coast Shire for the agreed term.

CARRIED 6:0

Assume the Chair:

Following the election of the Mayor, the Mayor assumed the Chair at 5.09pm for the remainder of the meeting.

Address by the incoming Mayor:

The Mayor addressed the meeting.

1.3 Election of Deputy Mayor

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/218

Division: Governance & Infrastructure

Trim No: IC18/1707

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

Status:

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

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

Yes

No

Yes

No

Reason: Nil

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.

Council Resolution

MOVED Cr Libby Coker, Seconded Mayor David Bell

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

CARRIED 6:0

Address by the incoming Mayor:

The Deputy Mayor addressed the meeting.

Close: There being no further items of business the meeting closed at 5.16 pm.