

Agenda

Special Meeting of Council
Thursday, 7 November 2019

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

Commencing at 6.00pm

Council:

Cr David Bell
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr James McIntyre
Cr Brian McKiterick
Cr Tony Revell
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 THURSDAY 7 NOVEMBER 2019 COMMENCING AT 6.00PM

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 *Election of Mayor 4*

1.2 *Election of Deputy Mayor..... 5*

1. GOVERNANCE & INFRASTRUCTURE

1.1 Election of Mayor

Author's Title: Administration Governance Officer

Department: Governance & Risk

Division: Governance & Infrastructure

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

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Yes

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No

Reason: Nil

General Manager: Anne Howard

File No: F18/218

Trim No: IC19/1819

Status:

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

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Yes

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No

Reason: Nil

Purpose

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

Summary

The election of Mayor will occur in accordance with Section 71 of the *Local Government Act 1989* (the Act) and Section 8 of Council's Local Law No. 2 of 2019, Council Meeting Procedures and Common Seal (Local Law No. 2).

Section 71 of the Act outlines the following requirements for election of the Mayor:

- (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.

The term of the next Mayor is determined by Section 72(2) of the Act, which outlines that the office of Mayor becomes vacant under subsection (1)(b) at 6.00am on the day of a general election, whether or not the Mayor has completed his or her term of office. The term for the next Mayor will therefore end at 6.00am, Saturday 24 October 2020.

The Chair will call for nominations for Mayor and in accordance with Section 8.8 of Local Law No. 2; nominations for Mayor must be moved and seconded. Where only one nomination is received, the Councillor must be declared elected.

In the circumstance of two candidates being nominated with equal votes being cast, the procedure outlined within Section 8.8 of Local Law No. 2 is to be applied.

After the result of the election of Mayor is determined, the Mayor must take the Chair (s.10 Local Law No. 2).

Recommendation

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

1.2 Election of Deputy Mayor

Author's Title: Administration Governance Officer

Department: Governance & Risk

Division: Governance & Infrastructure

Appendix:

Nil

Officer Direct or Indirect Conflict of Interest:

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

☐

Yes

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No

Reason: Nil

General Manager: Anne Howard

File No: F18/218

Trim No: IC19/1854

Status:

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

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Yes

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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 1989* does not outline a requirement to appoint to the position of Deputy Mayor, however as per Council's Local Law No. 2 of 2019, Council Meeting Procedures and Common Seal (Local Law No. 2), Council may resolve to appoint an Acting or Deputy Mayor (section 9).

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

In accordance with Section 9 of Local Law No. 2, the provisions outlined for the election of Mayor will apply to the election of Deputy Mayor. Hence, if a Deputy Mayor is elected, their term of office is determined by Section 72(2) of the Act, which outlines that the office of Mayor becomes vacant under subsection (1)(b) at 6.00am on the day of a general election, whether or not the Mayor has completed his or her term of office. The term for the Deputy Mayor would therefore end at 6.00am, Saturday 24 October 2020.

Recommendation

That Council:

1. Determines to proceed with the election of a Deputy Mayor for the Surf Coast Shire.
2. Duly elects Councillor as Deputy Mayor of the Surf Coast Shire for the agreed term.