

Minutes

Special Meeting of Council
Thursday, 7 November 2019

Held in the
Council Chambers
1 Merrijig Drive, Torquay
Commenced at 6.15pm

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

MINUTES FOR THE SPECIAL COUNCIL MEETING OF SURF COAST SHIRE COUNCIL
HELD IN THE COUNCIL CHAMBERS, 1 MERRIJIG DRIVE, TORQUAY
ON THURSDAY 7 NOVEMBER 2019 AT 6:15PM.

PRESENT:

Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr James McIntyre
Cr Tony Revell
Cr Margot Smith
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance and Infrastructure – Anne Howard
General Manager Environment & Development – Ransce Salan
General Manager Culture & Community – Chris Pike
Acting Senior Governance Officer – Zoe Eastick
Administration Officer Governance – Jocelyn Christensen

9 members of staff
3 members of the public
1 member of the press

ASSUMED THE CHAIR:

Keith Baillie, Chief Executive Officer assumed the Chair.

OPENING:

Keith Baillie, 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 James McIntyre 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 Margot Smith

That apologies be received from Cr Brian McKitterick and Cr David Bell.

CARRIED 7:0

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.

This special meeting was held for the purpose of electing a Mayor in accordance with section 71 of the Act, therefore there was no need for any declarations of Conflicts of Interest to be made.

The Local Government Act does not address the position of Deputy Mayor and the same principles as per the Mayor were applied at this special meeting.

BUSINESS:

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1. GOVERNANCE & INFRASTRUCTURE

1.1 Election of Mayor

Author's Title: Administration Governance Officer

General Manager: Anne Howard

Department: Governance & Risk

File No: F18/218

Division: Governance & Infrastructure

Trim No: IC19/1819

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 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 6am 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 6am, 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.

1.1 Election of Mayor

Nominations for Mayor

MOVED Cr Margot Smith, Seconded Cr Tony Revell

Cr Rose Hodge was nominated for the position of Mayor.

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Tony Revell

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

Division

Councillor Heather Wellington called for division, which was voted on as follows:

| <u>For</u> | <u>Against</u> | <u>Abstained</u> |
|----------------|----------------|------------------|
| Cr Duke | Cr Wellington | Nil |
| Cr Goldsworthy | | |
| Cr Hodge | | |
| Cr Smith | | |
| Cr McIntyre | | |
| Cr Revell | | |

CARRIED 6:1

Assume the Chair:

Following the election of the Mayor, Cr Rose Hodge assumed the Chair at 6:21pm for the remainder of the meeting.

Address by the incoming Mayor:

The Mayor addressed the meeting.

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:

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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 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 6am 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 6am, 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.

Nominations for Deputy Mayor

MOVED Cr Martin Duke, Seconded Cr James McIntyre

Cr Clive Goldsworthy was nominated for the position of Deputy Mayor.

Council Resolution

MOVED Cr Martin Duke, Seconded Cr James McIntyre

That Council:

1. Determines to proceed with the election of a Deputy Mayor for the Surf Coast Shire.
2. Duly elects Councillor Clive Goldsworthy as Deputy Mayor of the Surf Coast Shire for the remainder of this Council term.

CARRIED 7:0

Address by the incoming Deputy Mayor:

The Deputy Mayor addressed the meeting.

Close: There being no further items of business the meeting closed at 6:30pm.