

Minutes

Meeting of Council

Tuesday 14 November 2023

Surf Coast Shire Civic Office

Council Chambers

1 Merrijig Drive, Torquay, Victoria 3228

Commenced at 5:00 pm

Council:

Cr Gary Allen
Cr Paul Barker
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Libby Stapleton
Cr Heather Wellington

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1 Procedural Matters

1.1 Present

Cr Gary Allen
Cr Paul Barker*
Cr Mike Bodsworth
Cr Kate Gazzard
Cr Rose Hodge
Cr Liz Pattison
Cr Adrian Schonfelder
Cr Libby Stapleton

**Cr Barker attended via video-conference, but was unable to vote due to technical difficulties, in accordance with Rule 51.11 of Council's Governance Rules.*

Chief Executive Officer - Robyn Seymour
General Manager Placemaking and Environment - Chris Pike
General Manager Community Life - Gail Gatt
Acting General Manager Strategy and Effectiveness - Damian Waight
Acting Executive Manager - Strategic Projects and Partnerships - Darryn Chiller
Manager Integrity and Governance - Jake Brown
Governance Officer - Jess Menzel

1.2 Opening

CEO Robyn Seymour opened the meeting.

The Surf Coast Shire local government area spans the traditional lands of the Wadawurrung People and the Gulidjan and Gadubanud Peoples of the Eastern Maar. The main Council offices in Torquay are on Wadawurrung Country. We wish to acknowledge the Traditional Owners of the lands on which each person is attending or viewing this meeting today, and pay respect to Elders past and present. Council also acknowledges other First Nations People that may be attending the meeting today.

1.3 Pledge

Cr Pattison recited the 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.

1.4 Apologies

Council Resolution

Moved Cr Bodsworth, Seconded Cr Schonfelder

That an apology be received from Cr Wellington.

CARRIED 7|0

For	Against	Abstained
Cr Allen Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton	Nil	Nil

NOTE: Cr Barker attended via video-conference, but was unable to vote due to technical difficulties, in accordance with Rule 51.11 of Council's Governance Rules.

2 Reports

2.1 Term of Mayor and Deputy Mayor

Council Plan	Nil
Author's Title:	Coordinator Governance
General Manager:	Damian Waight, Acting General Manager Strategy and Effectiveness
Division:	Strategy and Effectiveness
Department:	Integrity and Governance
Attachments:	Nil

Purpose

1. The purpose of this report is for Council to consider continuing the office of the Deputy Mayor and to determine the term of the Mayor and Deputy Mayor in accordance with section 26(3) of the *Local Government Act 2020* (the Act) for a term of one or two years.

Recommendation

That Council:

1. Continues to maintain the office of Deputy Mayor as previously resolved; and
2. Determines that the Mayor and Deputy Mayor be elected for the remainder of the current Council term.

Council Resolution

Moved Cr Hodge, Seconded Cr Pattison

That Council:

1. Continues to maintain the office of Deputy Mayor as previously resolved; and
2. Determines that the Mayor and Deputy Mayor be elected for the remainder of the current Council term.

CARRIED 7|0

For	Against	Abstained
Cr Allen Cr Bodsworth Cr Gazzard Cr Hodge Cr Pattison Cr Schonfelder Cr Stapleton	Nil	Nil

NOTE: Cr Barker attended via video-conference, but was unable to vote due to technical difficulties, in accordance with Rule 51.11 of Council's Governance Rules.

Outcome

2. If Council accepts this recommendation, Council will maintain the office of the Deputy Mayor, and agree on the term of the Mayor and Deputy Mayor.

Key Considerations

3. Council resolved in 2020 to establish an office of Deputy Mayor, and resolved to continue to maintain the office of the Deputy Mayor in each subsequent year.
4. Although the office of Deputy Mayor is established, to avoid any confusion this report provides Council the opportunity to confirm that this office continues.
5. Council must determine by resolution whether the Mayor will be elected for a term of one or two years. The term must be resolved prior to the election of the Mayor. In this instance, the term of Council ends less than 12 months from the date of this report. As such, this report recommends that the term of the Mayor and Deputy Mayor be until the end of the Council term.

Background

6. Section 26(3) of the Act states that before the election of the Mayor a Council must determine by resolution the mayoral term.

Options

7. Alternative Option 1 – There is no alternative option for officers to recommend to Council in order to comply with the Act.

Council Plan (including Health and Wellbeing Plan) Statement

8. This report continues to support the delivery of the Council Plan.

Financial Considerations

9. There are no financial implications associated with determining the term of the Mayor and Deputy Mayor.

Community Engagement

10. Community engagement has not been undertaken in preparing this report.

Statutory / Legal / Policy Considerations

11. Section 26 of the Act describes when a Mayor is to be elected and describes resolving the term:

(1) A Mayor is to be elected no later than one month after the date of a general election.

2.1 Term of Mayor and Deputy Mayor

- (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.*
- (6) *A Mayor is to be elected within one month after any vacancy in the office of Mayor occurs.*
- (7) *The election of a Mayor after the period specified in this section does not invalidate the election.*
- (8) *A Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year or a 2 year term serves the remaining period of the previous Mayor's term.*

Risk Assessment

12. By resolving the term of the Mayor and Deputy Mayor prior to the election of the Mayor, Council is mitigating the risk of not complying with section 26(3) of the Act.

Sustainability Considerations

13. There are no sustainability considerations associated with this report.

Conflict of Interest

14. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

Confidentiality

15. This report and attachments contain no confidential information under section 66(2) of the *Local Government Act 2020*.

Transparency

Audit and Risk Committee involvement

This matter is not in scope of the Audit and Risk Committee.

Councillor Briefings

This item was not discussed at Councillor Briefings prior to being presented to Council.

2.2 Election of Mayor

Council Plan	Nil
Author's Title:	Coordinator Governance
General Manager:	Robyn Seymour, Chief Executive Officer
Division:	Strategy and Effectiveness
Department:	Integrity and Governance
Attachments:	Nil

Purpose

1. To elect the Mayor of the Surf Coast Shire Council.

Recommendation

That Council elect Cr _____ as Mayor of the Surf Coast Shire for the remainder of the Council term.

Nominated by Cr Hodge, Seconded Cr Stapleton

That Council elects Cr Pattison as Mayor of the Surf Coast Shire for the remainder of the Council term.

Cr Liz Pattison was declared elected as Mayor of the Surf Coast Shire.

Cr Liz Pattison assumed the Chair and briefly addressed the meeting.

Cr Barker left the meeting at 5:10pm.

Outcome

2. If Council accepts this recommendation, Council will have elected the Mayor of the Surf Coast Shire for the resolved term.

Key Considerations

3. The election of the Mayor must be conducted in accordance with the provisions of the *Local Government Act 2020* (the Act) and Council's Governance Rules. As such, the election of the Mayor will be chaired by the Chief Executive Officer.
4. Subject to the provisions of the Act, the Mayor must be elected by an absolute majority of the Councillors.

Background

5. In accordance with Section 25(1) of the Act, Councillors must elect a Councillor to be Mayor at a Council meeting open to the public.
6. The current term of the Mayor commenced 15 November 2022.

Options

7. Alternative Option 1 – If Council are unable to reach an absolute majority, Council may resolve to conduct a new election at a later specified time and date.

Council Plan (including Health and Wellbeing Plan) Statement

8. The election of the Mayor will continue supporting the delivery of the Council Plan for the year ahead.

Financial Considerations

9. There are no financial considerations associated with this report.

Community Engagement

10. In accordance with the Act, Councillors must elect a Councillor to be Mayor of Council. Community engagement has not been undertaken.

Statutory / Legal / Policy Considerations

11. The election of the Mayor is to be conducted in accordance with section 25 of the Act and Council's Governance Rules.

Risk Assessment

12. If an absolute majority of the Councillors cannot be obtained at the meeting, the Council may resolve to conduct a new election at a later specified time and date.

Sustainability Considerations

13. There are no sustainability considerations associated with this report.

Conflict of Interest

14. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

Confidentiality

15. This report and attachments contains no confidential information under section 66(2) of the *Local Government Act 2020*.

Transparency

Audit and Risk Committee involvement

This item is not in in scope of the Audit and Risk Committee.

Councillor Briefings

This item was not discussed at Councillor Briefings prior to being presented.

2.3 Election of Deputy Mayor

Council Plan	Nil
Author's Title:	Coordinator Governance
General Manager:	Robyn Seymour, Chief Executive Officer
Division:	Strategy and Effectiveness
Department:	Integrity and Governance
Attachments:	Nil

Purpose

1. To elect the Deputy Mayor of the Surf Coast Shire Council.

Recommendation

That Council elects Cr _____ as the Deputy Mayor of the Surf Coast Shire for the remainder of the Council term.

Nominated by Cr Schonfelder, Seconded Cr Gazzard

That Council elects Cr Bodsworth as the Deputy Mayor of the Surf Coast Shire for the remainder of the Council term.

Cr Mike Bodsworth was declared elected as Deputy Mayor of the Surf Coast Shire.

Cr Mike Bodsworth briefly addressed the meeting.

Outcome

2. If Council accepts this recommendation, Council will elect its Deputy Mayor for the resolved term.

Key Considerations

3. The election of the Deputy Mayor is to be conducted in accordance with the provisions of the *Local Government Act 2020* (the Act) and Council's Governance Rules.
4. Subject to the provisions of the Act, the Deputy Mayor must be elected by an absolute majority.

Background

5. Council has previously resolved since 2020 to establish an office of Deputy Mayor.
6. The election of the Deputy Mayor must be undertaken during an open Council meeting which must be conducted in accordance with Sections 25 and 27 of the Act.
7. The most recent term of the Deputy Mayor commenced on 15 November 2021.

Options

8. Alternative Option 1 – If Council are unable to reach an absolute majority, Council may resolve to conduct a new election at a later specified time and date.

Council Plan (including Health and Wellbeing Plan) Statement

9. The election of the Deputy Mayor continues to support delivery of the Council Plan..

Financial Considerations

10. There are no financial considerations associated with this report.

Community Engagement

11. In accordance with the Act, Councillors must elect a Councillor to be Deputy Mayor of Council. Community engagement has not been undertaken.

Statutory / Legal / Policy Considerations

12. The election of the Deputy Mayor is to be conducted in accordance with section 27 of the Act and Council's Governance Rules.

Risk Assessment

13. If Council are unable to reach an absolute majority, Council may resolve to conduct a new election at a later specified time and date.

Sustainability Considerations

14. There are no sustainability considerations associated with this report.

Conflict of Interest

15. No officer declared a conflict of interest under the *Local Government Act 2020* in the preparation of this report.

Confidentiality

16. This report contains no confidential information under section 66(2) of the *Local Government Act 2020*.

Transparency

Audit and Risk Committee involvement

This item is not in scope of the Audit and Risk Committee.

Councillor Briefings

This item was not discussed at the Councillor Briefings prior to being presented.

3 Close of Meeting

The Special Council Meeting - 14 November 2023 closed at 5:15pm.