



Minutes

Special Meeting of Council
Wednesday, 8 November 2017

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
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 8 NOVEMBER 2017 COMMENCING AT 5.00PM

PRESENT:

Cr David Bell
Cr Libby Coker
Cr Martin Duke
Cr Clive Goldsworthy
Cr Rose Hodge
Cr Carol McGregor
Cr Brian McKiterick
Cr Margot Smith
Cr Heather Wellington

In Attendance:

Chief Executive Officer – Keith Baillie
General Manager Governance & Infrastructure – Anne Howard
General Manager Environment & Development – Ransce Salan
General Manager Culture & Community – Chris Pike
Team Leader Governance – Candice Holloway (minutes)
Manager Governance & Risk – Wendy Hope
Coordinator Governance & Corporate Planning– Danielle Foster
Manager Community Relations – Damian Waight
Communications Officer – Kate Fowles

17 members of the public
2 members of the press

Assume 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 Martin Duke 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:

Nil.

Conflicts of Interest:

Keith Baillie, Chief Executive Officer advised Councillors that:

“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.”

Voting:

Keith Baillie, Chief Executive Officer advised Councillors that:

“In relation to election of both the Mayor and Deputy Mayor, it is the intention that if a result is DECLARED without the need for a vote to be held, we would be minuting the outcome as CARRIED 9:0.

Further to this, I advise that Section 41.1 of Local Law No.2 states that any Councillor may ask that his or her opposition to a motion adopted by a meeting be recorded. If any Councillor wishes to have such a vote recorded then they should advise me promptly after the declaration.”

Address by the outgoing Mayor:

Keith Baillie, Chief Executive Officer formally acknowledged and thanked Cr Brian McKiterick, outgoing Mayor.

Cr Brian McKiterick, outgoing Mayor, addressed the meeting.

Address by the outgoing Deputy Mayor:

Keith Baillie, Chief Executive Officer, formally acknowledged and thanked Cr Carol McGregor, outgoing Deputy Mayor.

Cr Carol McGregor, outgoing Deputy Mayor, addressed the meeting.

BUSINESS:

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1. GOVERNANCE & INFRASTRUCTURE

1.1 Term of Mayor

Author's Title: Team Leader Governance

General Manager: Anne Howard

Department: Governance & Risk

File No: F17/282

Division: Governance & Infrastructure

Trim No: IC17/1300

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 and resolve on the term of the next 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 [s.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:

- (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.

Recommendation

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

Council Resolution

MOVED Cr Clive Goldsworthy, Seconded Cr Libby Coker

That Council resolve that the Mayor be elected for a term of one year.

CARRIED 9:0

1.2 Election of Mayor

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

General Manager: Anne Howard
File No: F17/282
Trim No: IC17/1299

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".

Accordingly, the election of the Mayor must not be done by secret ballot, and will be done by show of hands.

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" [s8.8.1].

Council's Local Law also notes "where only one nomination is received, the Councillor must be declared elected [s8.8.2]".

Recommendation

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

Council Resolution

MOVED Cr Margot Smith, Seconded Cr Rose Hodge

That Council duly elect Councillor David Bell to be the Mayor of the Surf Coast Shire for the agreed term of one year.

CARRIED 9:0

Assume the Chair:

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

1.3 Election of Deputy Mayor

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

General Manager: Anne Howard
File No: F17/282
Trim No: IC17/1301

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 for the ensuing one/two years.

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

Recommendation

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

Council Resolution

MOVED Cr Libby Coker, Seconded Cr Brian McKiterick

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

CARRIED 9:0

Close: There being no further items of business the meeting closed at 5:17pm.