

# Minutes

Meeting of Council

Thursday 14 November 2024

Surf Coast Shire Civic Office

Council Chambers

1 Merrijig Drive, Torquay, Victoria 3228

Commenced at 5:30 pm

**Council:**

Cr Paul Barker  
Cr Mike Bodsworth  
Cr Rebecca Bourke  
Cr Joel Grist  
Cr Liz Pattison  
Cr Tony Phelps  
Cr Adrian Schonfelder  
Cr Libby Stapleton  
Cr Leon Walker

## Order of Business

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# 1 Procedural Matters

## 1.1 Present

## 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

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

Nil.

## 1.5 Conflicts of Interest

Nil.

## 2 Reports

### 2.1 Term of Mayor and Deputy Mayor

<b>Council Plan</b>	Nil
<b>Author's Title:</b>	Coordinator Governance and Council Business
<b>General Manager:</b>	Gail Gatt, General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Integrity and Governance
<b>Attachments:</b>	Nil

#### Purpose

1. The purpose of this report is for Council to consider re-establishing 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. Re-establishes the office of Deputy Mayor ; and
2. Determines that the Mayor and Deputy Mayor be elected for a term of ..... year/s.

#### **Council Resolution**

**Moved Cr Schonfelder, Seconded Cr Pattison**

That Council:

1. Re-establishes the office of Deputy Mayor ; and
2. Determines that the Mayor and Deputy Mayor be elected for a term of 1 year.

CARRIED 9|0

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Barker	Nil	Nil
Cr Bodsworth		
Cr Bourke		
Cr Grist		
Cr Pattison		
Cr Phelps		
Cr Schonfelder		
Cr Stapleton		
Cr Walker		

#### **Outcome**

2. If Council accepts this recommendation, it will re-establish 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 has resolved to continue to maintain the office of the Deputy Mayor in each subsequent year.
4. 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.

### **Background**

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

### **Options**

6. Alternative Option 1 – That Council does not maintain the office of the Deputy Mayor.

This option is not recommended as the role of Deputy Mayor is a key function to support the Mayor. This role is also trained to perform the role of the Mayor when required, including if the Mayor takes leave. Without the role of a Deputy Mayor, Council would need to appoint an acting Mayor on each separate occasion as required. Due to training requirements, including specific additional induction requirements which have recently come into effect following reforms to the Act and associated regulations, the process of appointing an acting Mayor on a case-by-case basis is also likely to be resource intensive.

There is no alternative option for officers to recommend to Council with regard to the determination of the Mayoral term, as this option has been left blank for Councillors to determine through a motion at the Council meeting. If Council does not determine the Mayoral term, it will be in breach of the Act and will also be unable to elect a Mayor.

### **Council Plan (including Health and Wellbeing Plan) Statement**

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

### **Financial Considerations**

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

### **Community Engagement**

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

### **Statutory / Legal / Policy Considerations**

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

2.1 Term of Mayor and Deputy Mayor

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

11. 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**

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

**Conflict of Interest**

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

**Confidentiality**

14. 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

<b>Council Plan</b>	Nil
<b>Author's Title:</b>	Coordinator Governance and Council Business
<b>General Manager:</b>	Gail Gatt, General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Integrity and Governance
<b>Attachments:</b>	Nil

### Purpose

1. The purpose of this report is to elect the Mayor of the Surf Coast Shire Council.

### **Recommendation**

That Council elect \_\_\_\_\_ as Mayor of the Surf Coast Shire for the Mayoral Term as resolved at agenda item 2.1.

### **Nomination**

Cr Paul Barker was nominated by Cr Paul Barker, Seconded by Cr Joel Grist

### **Nomination**

Cr Mike Bodsworth was nominated by Cr Leon Walker, Seconded by Cr Liz Pattison

### **Voting for Cr Paul Barker to be Mayor of the Surf Coast Shire Council for a one-year term:**

#### **For**

Cr Paul Barker  
Cr Rebecca Bourke  
Cr Joel Grist

### **Voting for Cr Mike Bodsworth to be Mayor of the Surf Coast Shire Council for a one-year term:**

#### **For**

Cr Mike Bodsworth  
Cr Liz Pattison  
Cr Tony Phelps  
Cr Libby Stapleton  
Cr Adrian Schonfelder  
Cr Leon Walker

Cr Mike Bodsworth was declared Mayor of the Surf Coast Shire Council for a term of one year.

Cr Mike Bodsworth assumed the Chair and briefly addressed the meeting.

### **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.

### **Options**

6. 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**

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

### **Financial Considerations**

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

### **Community Engagement**

9. In accordance with the Act, Councillors must elect a Councillor to be Mayor of Council. Community engagement is not required to be undertaken.

### **Statutory / Legal / Policy Considerations**

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

### **Risk Assessment**

11. 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**

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

**Conflict of Interest**

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

**Confidentiality**

14. 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

<b>Council Plan</b>	Nil
<b>Author's Title:</b>	Coordinator Governance and Council Business
<b>General Manager:</b>	Gail Gatt, General Manager Strategy and Effectiveness
<b>Division:</b>	Strategy and Effectiveness
<b>Department:</b>	Integrity and Governance
<b>Attachments:</b>	Nil

### Purpose

1. The purpose of this report is to elect the Deputy Mayor of the Surf Coast Shire Council.

### **Recommendation**

That Council elects \_\_\_\_\_ as the Deputy Mayor of the Surf Coast Shire for the term as resolved in agenda item 2.1.

### **Nomination**

Cr Libby Stapleton was nominated by Cr Liz Pattison, Seconded by Cr Tony Phelps

### **Nomination**

Cr Paul Barker was nominated by Cr Joel Grist, Seconded by Cr Rebecca Bourke

### **Nomination**

Cr Adrian Schonfelder was nominated by Cr Leon Walker, Seconded by Cr Libby Stapleton

### **Voting for Cr Libby Stapleton to be Deputy Mayor of the Surf Coast Shire Council for a one-year term:**

#### **For**

Cr Mike Bodsworth  
Cr Liz Pattison  
Cr Tony Phelps  
Cr Libby Stapleton  
Cr Leon Walker

### **Voting for Cr Paul Barker to be Deputy Mayor of the Surf Coast Shire Council for a one-year term:**

#### **For**

Cr Paul Barker  
Cr Rebecca Bourke  
Cr Joel Grist

**Voting for Cr Adrian Schonfelder to be Deputy Mayor of the Surf Coast Shire Council for a one-year term:**

**For**

Cr Adrian Schonfelder

Cr Libby Stapleton was declared elected as Deputy Mayor of the Surf Coast Shire. Cr Libby Stapleton 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. 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.

**Options**

6. 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**

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

**Financial Considerations**

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

**Community Engagement**

9. Community engagement is not applicable to this report and has not been undertaken.

**Statutory / Legal / Policy Considerations**

10. 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**

11. 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**

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

**Conflict of Interest**

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

**Confidentiality**

14. 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 2024 closed at 5:48pm.