



LATROBE CITY COUNCIL

MINUTES FOR THE SPECIAL COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.00PM ON
02 NOVEMBER 2017

SM509

PRESENT:

Councillors:	Cr Graeme Middlemiss	Central Ward
	Cr Alan McFarlane	Central Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Darren Howe	East Ward
	Cr Dale Harriman	East Ward
	Cr Dan Clancey	East Ward
	Cr Darrell White	South Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
Officers:	Gary Van Driel	Chief Executive Officer
	Sara Rhodes-Ward	General Manager Advocacy and Transition
	Phil Stone	General Manager City Development
	Greg Drumm	General Manager Corporate Services
	Steven Piasente	General Manager Infrastructure & Recreation
	Brett McCulley	Manager Governance
	Amy Phillips	Coordinator Governance

TABLE OF CONTENTS

1. OPENING PRAYER.....	3
2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND.....	3
3. APOLOGIES AND LEAVE OF ABSENCE.....	3
4. DECLARATION OF INTERESTS.....	3
5. ORDER OF EVENTS.....	4
5.1 Outgoing Mayor Speech.....	4
5.2 Election of the Mayor.....	5
5.3 Election of the Deputy Mayor.....	12
5.4 Presentations.....	14
5.5 Meeting Close.....	15

1. OPENING PRAYER

The Chief Executive Officer read the opening prayer.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Chief Executive Officer read the acknowledgement of the traditional owners of the land.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil.

4. DECLARATION OF INTERESTS

Nil.

5. ORDER OF EVENTS

5.1 Outgoing Mayor Speech

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

An opportunity was provided for the outgoing Mayor, Cr O'Callaghan to speak and reflect on their Mayoral term at the meeting.

Attachments

Nil

5.2 Election of the Mayor

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

At the Special Council meeting held on 09 November 2016, Council resolved that an election for the Mayor role was to occur annually for the 2016-2020 Council term.

The process for the election of the Mayor is as follows:

Appointment of a Temporary Chair

- The Chief Executive Officer invites nominations for the appointment of a temporary Chair. The vote is counted as per the procedure for election of the Mayor.
- The temporary Chair then takes the Chair and assumes the running of the meeting.

Election of the Mayor

- The temporary Chair calls for nominations for the position of Mayor. Once nominations are received, voting commences if necessary.
- The Chair confirms the incoming Mayor for the 2017/18 Mayoral Term.
- The Mayor then assumes the Chair for the remainder of the meeting.

Appointment of a Temporary Chair

The Chief Executive Officer invited nominations for the appointment of a temporary Chair.

Cr White nominated Cr Middlemiss, and was accepted.

Cr O'Callaghan seconded the nomination.

There being no other nomination, Cr Middlemiss was declared as duly elected as the temporary Chair.

The temporary Chair, Cr Middlemiss then assumed the Chair.

Election of the Mayor

Cr Middlemiss invited for nominations for the position of Mayor.

Cr Gibson nominated Cr White, and was accepted.

Cr Harriman seconded the nomination.

Cr McFarlane nominated Cr O'Callaghan, and was accepted.

Cr Clancey seconded the nomination.

Suspension of Standing Orders

MOTION

Moved: Cr Law
Seconded: Cr Howe

That Council suspend standing orders.

CARRIED UNANIMOUSLY

Standing orders were suspended at 6.10pm

The meeting heard from Cr White, then Cr O'Callaghan on their candidacy for Mayor.

Resumption of Standing Orders

MOTION

Moved: Cr Gibson
Seconded: Cr Clancey

That Council resumes standing orders.

CARRIED UNANIMOUSLY

Standing orders were resumed at 6.15 pm.

In accordance with the Meeting Procedure Local Law 2014, the Mayoral candidacy was put to the vote by way of a show of hands.

In favour of Cr O'Callaghan

For Crs O'Callaghan, McFarlane, Clancey and Law

In favour of Cr White

For Crs White, Middlemiss, Harriman, Gibson and Howe

Cr White, having received the absolute majority of votes in favour, was elected Mayor.

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989 (Act)*.

Under the Act, Councillors are deemed to not have a conflict of interest for the election of a Mayor.

STAKEHOLDER CONSULTATION

Not applicable.

FINANCIAL AND RESOURCE IMPLICATIONS

The election of the Mayor as well as support functions provided to the role, are contained within existing budget provisions. This is supported by current policies such as the *Provision of Resources and Support to Councillors Policy*.

RISK IMPLICATIONS

There is a legislative breach risk if Council does not elect a Mayor prior to 30 November 2017 in accordance with the *Local Government Act 1989*.

CONCLUSION

The process for the election of the Mayor is contained within Council's *Meeting Procedure Local Law*.

SUPPORTING DOCUMENTS

Meeting Procedure Local Law No. 1

Councillor Code of Conduct

Special Council Meeting Minutes 09 November 2016

Attachments

1↓ . Process for the Election of the Mayor and Deputy Mayor

5.2

Election of the Mayor

- 1 Process for the Election of the Mayor and Deputy Mayor 9**



Election of the Mayor and Deputy Mayor

*The election of Mayor and Deputy Mayor will take place on **Thursday, 02 November 2017 at 6:00 pm** to be held in Nambur Wariga, Corporate Headquarters, 141 Commercial Road Morwell. Councillors may invite their families for this occasion and light refreshments will be provided following the election.*

Procedure for Election of Mayor and Deputy Mayor

Local Law No. 1 Part B

Election of Mayor

7.	<i>The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must facilitate the election of the Mayor in accordance with the provisions of the Act</i>
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Method of Voting

8.	<i>The election of the Mayor or temporary Chair must be carried out by a show of hands.</i>
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Determining the Election of the Mayor

9.1	<i>The Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer must open the meeting at which the Mayor is to be elected, and call for nominations for the election of a Councillor as a temporary Chair.</i>
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Any Councillor may nominate for this position. A show of hands is required when asked who is in favour of the appointment.

9.2	<i>Upon the meeting electing a temporary Chair;</i>
9.2.1	<i>The temporary Chair takes the Chair</i>

The Temporary Chair's Role and Procedure for Election of Mayor

9.2.2	<i>The temporary Chair must invite nominations for the office of Mayor; Councillors may nominate themselves but each nomination must be seconded.</i>
	<i>If there is only one nomination, the candidate nominated is deemed to be elected; and in the event that a Councillor nominates themselves and they are the only Councillor who is nominated, then that Councillor is elected even if the nomination is not seconded;</i>

Voting

9.2.3	<i>If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;</i>
9.2.4	<i>In the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected;</i>
9.2.5	<i>In the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;</i>
9.2.6	<i>If one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;</i>
9.2.7	<i>In the event of two or more candidates having an equality of votes and one of them having to be declared:</i> 9.2.7.1 <i>a defeated candidate; or</i> 9.2.7.2 <i>a candidate or candidates being declared a defeated candidate and the other duly elected,</i> <i>the declaration will be determined by lot.</i>

Determination by Lot

9.2.8	<i>If a lot is conducted, the Chief Executive Officer or a member of Council staff nominated by the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:</i> 9.2.8.1 <i>each candidate will draw one lot;</i> 9.2.8.2 <i>the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and</i> 9.2.8.3 <i>as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates). Where there are only 2 candidates remaining and the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.</i>
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	<p>9.2.9 <i>The procedure provided for in this clause 9.2 also applies to the election of a temporary Chair and Chair of a Special Committee.</i></p>
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Election of Deputy Mayor

9.3	<p><i>Immediately following the election, the Mayor is to take the chair</i></p>
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10.	<p><i>If Council resolves that there be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in clause 9.2 except that any reference in that sub-clause to:</i></p>
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10.1	<p><i>a temporary Chair is to be taken as a reference to the Mayor; and</i></p>
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10.2	<p><i>the Mayor is to be taken as a reference to the Deputy Mayor.</i></p>
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If the Mayor is unable to attend a Council meeting for any reason, the Deputy Mayor will be acting Chair.

5.3 Election of the Deputy Mayor

General Manager

Corporate Services

For Decision

EXECUTIVE SUMMARY

The role of a Deputy Mayor is not constituted in the same manner as that of the Mayor. In order for an office of Deputy Mayor to be in place, Council must first resolve that there is to be that position on Council.

Historically, Latrobe City Council has appointed a Deputy Mayor and it is recommended to continue with this arrangement as the position provides deputising functions to the Mayoral role and enhances the leadership of the Councillor group.

If Council resolves to elect a Deputy Mayor, the same procedure as outlined for the *Election of the Mayor* is to occur.

MOTION

Moved: Cr McFarlane

Seconded: Cr Gibson

That Council appoints a Deputy Mayor for the 2017/2018 term.

CARRIED UNANIMOUSLY

Election of the Deputy Mayor

Cr White invited for nominations for the position of Deputy Mayor.

Cr McFarlane nominated Cr Clancey, and was accepted.

Cr O'Callaghan seconded the nomination.

Cr Gibson nominated Cr Middlemiss, and was accepted.

Cr Harriman seconded the nomination.

In accordance with the *Meeting Procedure Local Law 2014*, the Deputy Mayor candidacy was put to the vote by way of a show of hands.

In favour of Cr Clancey

For Crs O'Callaghan, McFarlane, Howe, Clancey and Law

In favour of Cr Middlemiss

For Crs White, Middlemiss, Harriman and Gibson

Cr Clancey, having received the absolute majority of votes in favour, was elected Deputy Mayor.

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989 (Act)*.

Under the Act, Councillors are deemed to not have a conflict of interest as to the decision to appoint the position of Deputy Mayor, or for the election of a Deputy Mayor.

STAKEHOLDER CONSULTATION

Not applicable.

FINANCIAL AND RESOURCE IMPLICATIONS

The election of the Deputy Mayor as well as support functions provided to the role, are contained within existing budget provisions. This is supported by current policies such as the *Provision of Resources and Support to Councillors Policy*.

There are no additional allowances or support provided to the role of Deputy Mayor above the role of a Councillor. The role of a Deputy Mayor is described within the Councillor Code of Conduct.

RISK IMPLICATIONS

If Council decides to not have a Deputy Mayor, there are no legislative breach risks under the Act.

CONCLUSION

If Council decides to appoint a Deputy Mayor for the 2017/2018 term, the same process for the election of the Mayor is to be followed to elect the position of the Deputy Mayor. This is contained within Council's *Meeting Procedure Local Law*.

SUPPORTING DOCUMENTS

Meeting Procedure Local Law No. 1

Councillor Code of Conduct

Attachments

Nil

5.4 Presentations

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

The Mayor made presentations to the outgoing Mayor and Deputy Mayor.

The Mayor and Deputy Mayor both spoke at the meeting on their incoming term.

Attachments

Nil

5.5 Meeting Close

General Manager

Corporate Services

For Information

EXECUTIVE SUMMARY

At the close of the meeting, the 2017/2018 Mayor invited guests to enjoy a light supper in the Nambur Wariga room.

Attachments

Nil

There being no further business the meeting was declared closed at 6.28pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____