



LATROBE CITY COUNCIL

MINUTES FOR THE SPECIAL COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.00 PM ON
01 NOVEMBER 2018

SM524

PRESENT:

Councillors: Cr Darrell White OAM
Cr Dan Clancey
Cr Graeme Middlemiss
Cr Darren Howe
Cr Dale Harriman
Cr Kellie O'Callaghan
Cr Alan McFarlane
Cr Brad Law
Cr Sharon Gibson

South Ward
East Ward
Central Ward
East Ward
East Ward
East Ward
Central Ward
West Ward
West Ward

Officers: Gary Van Driel
Gail Gatt
Greg Drumm
Martin Teplik

Brett McCulley
Amy Phillips
Louise McKendry

Chief Executive Officer
General Manager City Development
General Manager Corporate Services
Acting General Manager Infrastructure &
Recreation
Manager Governance
Coordinator Governance
Governance Officer

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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.

ORDER OF EVENTS

5. ORDER OF EVENTS

Agenda Item: 5.1

Agenda Item: Outgoing Mayor Speech

Sponsor: General Manager, Corporate Services

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Information

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

Attachments
Nil

Agenda Item: 5.2

Agenda Item: Election of the Mayor

Sponsor: General Manager, Corporate Services

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Decision

Appointment of a Temporary Chair

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

Cr Clancey nominated Cr White, and was accepted.

Cr Gibson seconded the nomination.

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

The temporary Chair, Cr White then assumed the Chair.

Election of the Mayor

Cr White invited nominations for the position of Mayor.

Cr Gibson nominated Cr Middlemiss, and was accepted.

Cr Howe seconded the nomination.

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

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, and seconded, voting commences if necessary.
- The Chair confirms the incoming Mayor for the 2018/19 Mayoral Term.

The Mayor then assumes the Chair for the remainder of the meeting.

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*.

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, 01 November 2018 at 6:00pm** 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 Government Act 1989 (Act) Meeting Procedure Local Law No. 1 Part B (Local Law)

Method of Voting

Act	90(1)(c)	The election of the Mayor, Deputy Mayor or temporary Chair must be carried out by a show of hands.
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Determining the Temporary Chair

Local Law	8.1	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.
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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.

Local Law	8.3	The temporary Chair takes the Chair and must invite nominations for the office of Mayor.
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The Temporary Chair's Role and Procedure for Election of Mayor

Local Law	8.4-8.5	<p>The temporary Chair must invite nominations for the office of Mayor; Councillors may nominate themselves but each nomination must be seconded.</p> <p>If there is only one nomination, the candidate nominated is declared elected.</p> <p>If 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.</p>
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<u>Voting</u>		
<i>Local Law</i>	8.6	<i>If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.</i>
<i>Local Law</i>	8.6.1	<i>If a candidate receives a majority of the votes, that candidate is declared to have been elected.</i>
<i>Local Law</i>	8.6.2	<i>If no candidate receives a 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>
<i>Local Law</i>	8.6.3	<i>If one of the remaining candidates receives a 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>
<i>Local Law</i>	8.6.4	<i>If two or more candidates have an equality of votes and one of them has to be declared, the declaration will be determined by lot.</i>
<u>Determination by Lot</u>		
<i>Local Law</i>	8.6.5 – 8.6.6	<p><i>If a lot is conducted, the Chief Executive Officer or the nominated Council staff member will conduct the lot and the following provisions will apply:</i></p> <ul style="list-style-type: none"> • <i>each candidate will draw one lot;</i> • <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> • <i>as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a container. If the lot is being conducted to determine which is a defeated candidate, the word "Defeated" will be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it will 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> <p><i>The procedure provided for in this clause also applies to the election of a temporary Chair and Chair of a Special Committee.</i></p>

Election of Deputy Mayor

<i>Local Law</i>	<i>8.7</i>	<i>Immediately following the election, the Mayor is to take the chair</i>
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<i>Local Law</i>	<i>9</i>	<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 8 except that any reference in that sub-clause to:</i> <i>10.1 a temporary Chair is to be taken as a reference to the Mayor; and</i> <i>10.2 the Mayor is to be taken as a reference to the Deputy Mayor.</i>
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If the Mayor is unable to attend a Council meeting for any reason, the Deputy Mayor will be acting Chair.

Agenda Item: 5.3

Agenda Item: Election of the Deputy Mayor

Sponsor: General Manager, Corporate Services

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Decision

MOTION

Moved: Cr Gibson

Seconded: Cr Clancey

That Council appoints a Deputy Mayor for the 2018/2019 term.

CARRIED UNANIMOUSLY

Election of the Deputy Mayor

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

Cr Gibson nominated Cr Howe, and was accepted.

Cr Clancey seconded the nomination.

There being no other nomination, Cr Howe was declared as duly elected as the Deputy Mayor.

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.

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*.

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.

Reasons for Proposed Resolution:

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.

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

Attachments
Nil

Agenda Item: 5.4

Agenda Item: Presentations

Sponsor: General Manager, Corporate Services

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Decision

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.

Executive Summary:

An opportunity will be provided for presentations to occur to the outgoing Mayor and Deputy Mayor as required.

In addition, the incoming Mayor and Deputy Mayor will have the opportunity to speak at the meeting on their incoming term.

An opportunity for photos will be provided at the close of the meeting.

Attachments
Nil

Agenda Item: 5.5

Agenda Item: Meeting Close

Sponsor: General Manager, Corporate Services

Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.

Status: For Decision

Executive Summary:

At the close of the meeting, the 2018/2019 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 6:19pm.

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____