



# GANNAWARRA

*Shire Council*

**Monday, 12 November 2018**

**9:00am**

**Council Chambers**

**Kerang**

## **AGENDA**

### **Special Council Meeting**

**Order Of Business**

<b>1</b>	<b>Acknowledgement of Country .....</b>	<b>3</b>
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## **1 ACKNOWLEDGEMENT OF COUNTRY**

I would like to take this time to acknowledge the Traditional Custodians of the land, and pay my respects to elders both past and present

## **2 OPENING DECLARATION**

We, the Councillors of the Shire of Gannawarra, declare that we will undertake the duties of the office of Councillor, in the best interests of our community, and faithfully, and impartially, carry out the functions, powers, authorities and discretions vested in us, to the best of our skill and judgement.

## **3 BUSINESS REPORTS FOR DECISION**

### **3.1 APPOINTMENT OF TEMPORARY CHAIR**

**Author:** Tom O'Reilly, CEO

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

### **RECOMMENDATION**

**That Council nominate a Councillor to act as Temporary Chairperson to oversee:**

- **Nominated Term of the Mayor**
  - **Nominations for the Election of the Mayor**
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### **3.2 DECLARATION OF CONFLICT OF INTEREST**

**Author:** Tom O'Reilly, CEO

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

### **EXECUTIVE SUMMARY**

Councillors are reminded that under section 79C of the *Local Government Act 1989* a Councillor does not have a conflict of interest if the matter relates to the election of the Mayor and Deputy Mayor.

### **3.3 OUTGOING MAYORAL SPEECH**

**Author:** Tom O'Reilly, CEO

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

#### **RECOMMENDATION**

**That Council note the report of Cr Brian Gibson, Mayor 2017/2018.**

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#### **EXECUTIVE SUMMARY**

The 2017/2018 Mayor to provide an overview of the year as the Mayor.

**3.4 MAYORAL TERM - 2018/2019****Author:** Tom O'Reilly, CEO**Authoriser:** Tom O'Reilly, CEO**Attachments:** Nil**EXECUTIVE SUMMARY**

Under Section 71(2) of the *Local Government Act 1989*, before a Mayor is elected under section 71, the Council may resolve to elect a Mayor for a term of two years. If no decision is made, the term of the Mayor remains one year. Historically, this Council has elected a Mayor for a one year term only.

**BACKGROUND**

The *Local Government Act 1989* establishes the role of Mayor, and provides that the Mayor takes precedence at all municipal proceedings within the municipal district, and must take the Chair at all meetings of the Council at which he or she is present. The Office of Mayor becomes vacant at 6:00am on the day of the election of the Mayor. The Council year commences on the date of the election of the Mayor, and concludes on the date set for the next Mayoral election.

Prior to determining the position of Mayor, Council needs to determine whether the Mayoral term is one or two years.

If a motion is made and seconded, it will be put to a vote and the resolution recorded. If no motion is made, the meeting will proceed to the Election of Mayor 2018/2019.

**POLICY CONTEXT**

*Local Government Act 1989.*

**CONFLICT OF INTEREST**

In accordance with Section 80B of the Local Government Act, the Officer preparing this report declares no conflict of interest in regards to this matter.

### 3.5 ELECTION OF MAYOR - 2018/2019

**Author:** Tom O'Reilly, CEO

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

#### EXECUTIVE SUMMARY

This report outlines the process and statutory requirements for the election of Mayor. The election of Mayor will take place as part of this report.

#### BACKGROUND

Each year Council considers candidates for the forthcoming year to be Mayor of Gannawarra Shire. 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.

The term of the office of the existing Mayor becomes vacant at 6:00am on the day of the election of the Mayor under section 72(1)(a) of the *Local Government Act 1989*.

The *Local Government Act 1989* stipulates under Section 90(1)(ca) that 'voting at a meeting that is open to members of the public must not be in secret'. This means that voting for the Mayor at an open Council meeting cannot be conducted as a secret ballot.

The precedence of the Mayor is as follows:

1. The Mayor of a Council takes precedence at all municipal proceedings within the municipal district.
2. The Mayor must take the chair at all meetings of the Council at which he or she is present.
3. If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
4. An acting Mayor may perform any function or exercise any power conferred on the Mayor.

The functions of the Mayor of a Council include:-

1. Providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
2. Acting as a principal spokesperson for the Council; and
3. Supporting good working relations between Councillors; and
4. Carrying out the civic and ceremonial duties of the office of Mayor.

#### POLICY CONTEXT

*Local Government Act 1989*

Local Law No 7 (2011) – Processes of Local Government (Meetings and Common Seal), (Further Amendment) Local Law.

### **VOTING PROCEDURES**

In determining the election of the Mayor the following will apply:

- a) Where only one nomination is received, that Councillor must be declared and elected;
- b) Where two nominations are received, the Councillor with the majority of votes cast will be declared elected;
- c) Where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot;
- d) Where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by the lot) and the names of the remaining nominees must be put to the vote again;
- e) The procedure in paragraph (d) must be repeated until the circumstances in paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with a majority will be declared elected or, if there is an equal division of votes, the election must be determined by lot.

### **CONSULTATION**

All Councillors have been consulted regarding this matter.

### **CONFLICT OF INTEREST**

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

### **CONCLUSION**

Council will determine at this meeting the election of the Mayor.

**3.6 ELECTION OF DEPUTY MAYOR - 2018/2019****Author:** Tom O'Reilly, CEO**Authoriser:** Tom O'Reilly, CEO**Attachments:** Nil**EXECUTIVE SUMMARY**

If the Council resolves to appoint a Deputy Mayor, nominations will be sought, and will require a nominator and a seconder.

**BACKGROUND**

The position of Deputy Mayor has been used for many years with the notion that the Deputy Mayor would act for the Mayor should he/she not be able to act. There is no statutory requirement to elect a Deputy Mayor as the *Local Government Act 1989* is silent on this issue. The act specifies that should the position of Mayor need to be filled in the Mayor's absence Councillors must vote to elect an Acting Mayor and this position can be undertaken by any Councillor by a majority show of hands. Therefore the position of Deputy Mayor fulfils no function under the *Local Government Act 1989* and is unnecessary for Council to operate effectively.

No additional allowance is payable and it is not a prerequisite for becoming the Mayor. Currently Council appoints a Deputy Mayor for the same term as the Mayor.

Any election by Council of a Deputy Mayor or Acting Mayor of a Council will follow the same procedure as that for an election of the Mayor.

The Council elect a Deputy Mayor to support the Mayoral role to facilitate the smooth and uninterrupted civic, statutory and policy making functions of the Council in the absence of the Mayor. However according to the Act, any Councillor at any time can be nominated to be Acting Mayor to cover the Mayor in his absence not necessarily the Deputy Mayor.

**POLICY CONTEXT**

*Local Government Act 1989*

Local Law No 7 (2011) – Processes of Local Government (Meetings and Common Seal), (Further Amendment) Local Law.

**CONSULTATION**

All Councillors have been consulted regarding this matter.

**CONFLICT OF INTEREST**

In accordance with Section 80B of the *Local Government Act 1989*, the Officer preparing this report declares no conflict of interest in regards to this matter.

**CONCLUSION**

Council will determine at this meeting the election of Deputy Mayor.



**3.7 INCOMING MAYORAL SPEECH**

**Author:** Tom O'Reilly, CEO

**Authoriser:** Tom O'Reilly, CEO

**Attachments:** Nil

**RECOMMENDATION**

**That Council note the report of the incoming 2018/2019 Mayor.**

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**EXECUTIVE SUMMARY**

The 2018/2019 Mayor to provide an overview of the year ahead.