



# GANNAWARRA

*Shire Council*

**Monday, 8 November 2021**

**9:00am**

**Virtual Meeting via ZOOM**

## **AGENDA**

### **Unscheduled Council Meeting**

The Council Meeting will be live-streamed via Council's website which can be accessed at this link  
[gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream](http://gannawarra.vic.gov.au/Council/Council-Meetings/Meeting-livestream)

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**Tom O’Reilly**  
**CHIEF EXECUTIVE OFFICER**

**1 WELCOME TO COUNTRY**

Playing of the Welcome to Country video clip.

**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 APOLOGIES****4 DECLARATION OF CONFLICT OF INTEREST**

In accordance with Section 129(g) of the Local Government Act 2020 and Regulation 7 of the Local Government (Governance and Integrity) Regulations 2020, a Councillor does not have a conflict of interest if the matter relates to the nomination of a Councillor for the election to the office of Mayor or Deputy Mayor, or the election of a Councillor to the office of Mayor or Deputy Mayor.

**5 TEMPORARY CHAIR**

Section 25 of the *Local Government Act 2020* (the Act) states that the election of the Mayor must be chaired by the Chief Executive Officer and conducted in accordance with the Governance Rules.

Section 26 of the Act states that before the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

## **6 BUSINESS REPORTS FOR DECISION**

### **6.1 OUTGOING MAYORAL ADDRESS**

**Author:** Lisa Clue, Manager Governance

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

**Attachments:** Nil

#### **RECOMMENDATION**

**That Council note the Address of Cr Charlie Gillingham, Mayor 2020/2021.**

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#### **EXECUTIVE SUMMARY**

The 2020/2021 Mayor will provide an overview of his year as the Mayor.

**6.2 MAYORAL TERM - 2021/2022****Author:** Lisa Clue, Manager Governance**Authoriser:** Tom O'Reilly, CEO**Attachments:** Nil**RECOMMENDATION****That Council confirms that the Mayoral term for 2021/2022 be for a period of one year.**

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**EXECUTIVE SUMMARY**

In accordance with section 26 of the *Local Government Act 2020* (the Act) and Rule 6 of Council's Governance Rules, before the election of the Mayor, Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

**PURPOSE**

The purpose of this report is for Council to determine whether to elect the Mayor for a 1 year or a 2 year term.

**ATTACHMENTS**

Nil

**DISCUSSION**

In accordance with Section 26 of the Act, and Rule 6 of Council's Governance Rules, prior to the election of the Mayor, a Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

**RELEVANT LAW**

*Local Government Act 2020* – Part 2, Division 4 – Election of Mayor and Deputy Mayor

**RELATED COUNCIL DECISIONS**

On 23 November 2020, Council resolved to confirm that the Mayoral term for 2020/2021 be for a period of 1 year.

**OPTIONS**

Both the Act and Council's Governance Rules state that Council must determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term.

**SUSTAINABILITY IMPLICATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules – Rule 6 – When a Mayor is to be elected.

Gannawarra Council Plan 2021-2025 – Be a creative employer of choice through our adherence to good governance and our inclusive culture.

**TRANSPARENCY OF COUNCIL DECISIONS**

This report will be considered in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

### 6.3 ELECTION OF MAYOR - 2021/2022

**Author:** Lisa Clue, Manager Governance

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

**Attachments:** Nil

#### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) and Rule 6 of Council's Governance Rules require a Mayor to be elected on a day that is as close to the end of the current Mayor's term as is reasonably practicable. At a Council meeting on 23 November 2020, Cr Gillingham was elected Mayor for a one year term.

The process for the election of the Mayor is detailed in the Act and Council's Governance Rules.

Once elected, the Mayor will take the chair for the remainder of the meeting.

#### PURPOSE

The purpose of this report is to guide the process to, and elect a Mayor for the Gannawarra Shire Council.

#### ATTACHMENTS

Nil

#### DISCUSSION

The Act and Council's Governance Rules require, at a meeting of the Council that is open to the public, the Councillors to elect a Councillor to be the Mayor of the Council, on a day that is as close to the end of the current Mayor's term as is reasonably practicable.

At a Council meeting on 23 November 2020, Cr Gillingham was elected Mayor for a one year term.

The role of the Mayor is to –

- a) chair Council meetings; and
- b) be the principal spokesperson for the Council; and
- c) lead engagement with the municipal community on the development of the Council Plan; and
- d) report to the municipal community, at least once each year, on the implementation of the Council Plan; and
- e) promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct; and
- f) assist Councillors to understand their role; and
- g) take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
- h) provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
- i) perform civic and ceremonial duties on behalf of the Council.

The specific powers of the Mayor are set out in section 19 of the Act:

- a) to appoint a Councillor to be the chair of a delegated committee;
- b) to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
- c) to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.

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

- a) Subject to paragraphs b) and c) below, the Mayor must be elected by an absolute majority of the Councillors.
- b) 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.
- c) However, if only one Councillor is a candidate for Mayor, the meeting must declare that Councillor to be duly elected as Mayor.
- d) Section 25(7) of the Act defines absolute majority to mean the number of Councillors which is greater than half the total number of the Councillors of a Council.
- e) 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;
- f) The procedure in paragraph e) 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.

#### **RELEVANT LAW**

*Local Government Act 2020*

#### **RELATED COUNCIL DECISIONS**

At a Council meeting on 23 November 2020, Cr Gillingham was elected Mayor for a one year term. The Mayor will be elected for a term determined by Council resolution earlier in this meeting.

#### **OPTIONS**

In order to comply with the Act, a Mayor must be elected on a day that is as close to the end of the current Mayor's term as is reasonably practicable.

#### **SUSTAINABILITY IMPLICATIONS**

Nil

#### **COMMUNITY ENGAGEMENT**

Not applicable.

#### **INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.



**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules – Part 2 – The Mayor, Deputy Mayor and Acting Mayor.

Gannawarra Shire Council Plan 2021-2025 – Be a creative employer of choice through our adherence to good governance and our inclusive culture.

**TRANSPARENCY OF COUNCIL DECISIONS**

The Mayor will be elected in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

## 6.4 ELECTION OF DEPUTY MAYOR - 2021/2022

**Author:** Lisa Clue, Manager Governance

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

**Attachments:** Nil

### EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) states that a Council may establish an office of Deputy Mayor to perform the role of the Mayor, and exercise any of the powers of the Mayor in certain circumstances. At a Council meeting on 23 November 2020, Cr Smith was elected Deputy Mayor for a one year term.

The process for the election of the Deputy Mayor is detailed in the Act and Council's Governance Rules.

### PURPOSE

The purpose of this report is to consider maintaining the office of Deputy Mayor for Gannawarra Shire Council and if required, guide the process to elect a Deputy Mayor.

### ATTACHMENTS

Nil

### DISCUSSION

Section 20A of the Act states that a Council may establish an office of Deputy Mayor.

Section 21 of the Act states the Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if –

- a) The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b) The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c) The office of Mayor is vacant.

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

The term of office determined for the Mayor will also apply to the term for Deputy Mayor.

Gannawarra Shire Council has established an office of Deputy Mayor for many years to facilitate the smooth and uninterrupted civic, statutory and policy making functions of the Council in the absence of the Mayor.

Note: If the Mayor is temporarily absent or incapable of performing the duties of the office of Mayor for any reason, and there is no elected Deputy Mayor or such person is unavailable, an Acting Mayor may be appointed for a specified period in accordance with Section 20B of the Act.

### RELEVANT LAW

*Local Government Act 2020*

**RELATED COUNCIL DECISIONS**

At a Council meeting on 23 November 2020, Cr Smith was elected Deputy Mayor for a one year term.

**OPTIONS**

Option 1: Council elect a Deputy Mayor to perform the role of Mayor, and exercise any of the powers of Mayor in certain circumstances.

Option 2: Council not establish the office of Deputy Mayor and appoint an Acting Mayor for a specified period when the Mayor is unable to attend part or all of a Council meeting; or is incapable of performing the duties of the office of Mayor for any reason; or when the office of Mayor is vacant.

**SUSTAINABILITY IMPLICATIONS**

Nil

**COMMUNITY ENGAGEMENT**

Not applicable.

**INNOVATION AND CONTINUOUS IMPROVEMENT**

Not applicable.

**COLLABORATION**

Not applicable.

**FINANCIAL VIABILITY**

Not applicable.

**REGIONAL, STATE AND NATIONAL PLANS AND POLICIES**

Not applicable.

**COUNCIL PLANS AND POLICIES**

Gannawarra Shire Council Governance Rules – Part 2 – The Mayor, Deputy Mayor and Acting Mayor.

Gannawarra Shire Council Plan 2021-2025 – Be a creative employer of choice through our adherence to good governance and our inclusive culture.

**TRANSPARENCY OF COUNCIL DECISIONS**

This matter will be decided in an open Council meeting.

**CONFLICT OF INTEREST**

The officer preparing this report declares that they have no conflict of interest in regards to this matter.

**6.5 INCOMING MAYORAL ADDRESS**

**Author:** Lisa Clue, Manager Governance

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

**Attachments:** Nil

**RECOMMENDATION**

**That Council note the incoming Mayoral address.**

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**EXECUTIVE SUMMARY**

The 2021/2022 Mayor will address the meeting on the year ahead.