



**Colac Otway**  
SHIRE

**COUNCIL MEETING**

**MINUTES**

**Wednesday 8 November 2023**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**

**Next Council Meeting: 22 November 2023**



# COLAC OTWAY SHIRE COUNCIL MEETING

Wednesday 8 November 2023

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# COLAC OTWAY SHIRE COUNCIL MEETING

MINUTES of the **COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on  
Wednesday 8 November 2023 at 4:00 PM.

## MINUTES

### **1 DECLARATION OF OPENING OF MEETING**

*“Good afternoon. I formally declare this meeting open.*

*My name is Anne Howard and I am the Chief Executive Officer of the Colac Otway Shire.*

*I would like to start this afternoon by acknowledging the traditional custodians and law makers of this land, their elders past and present and welcome any descendants here today.*

*Today Council will determine the terms for and elect the Mayor and Deputy Mayor for the Council in accordance with Sections 25-27 of the Local Government Act 2020. Section 25(3)(a) of the Local Government Act 2020 requires that the election of the Mayor be conducted by me. Once the election of the Mayor has occurred, I will vacate the Chair and the elected Mayor will assume the role of Chair for the remainder of the meeting.*

*I would like to advise that all Council meetings are recorded and live streamed, with the exception of confidential matters. This includes the public participation sections of meetings. The live stream recording of this afternoon’s meeting will be available on the website as soon as practicable.”*

### **2 PRESENT**

Cr Chris Potter  
Cr Max Arnott  
Cr Graham Costin  
Cr Tosh-Jake Finnigan  
Cr Kate Hanson  
Cr Stephen Hart (via videoconference)  
Cr Margaret White

Anne Howard, Chief Executive Officer  
Andrew Tenni, General Manager Corporate Services  
Doug McNeill, Acting General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Marlo Emmitt, Manager Governance  
Carmen Lawrence, Coordinator Council Business



### **3 APOLOGIES AND LEAVE OF ABSENCE**

Nil

### **4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, present and emerging and welcomes any descendants here today.

### **RECORDING AND PUBLICATION OF MEETINGS**

Please note: All Council meetings will be live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Council meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of open Council meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

The purpose of this meeting is to elect the Mayor, and potentially establish an office of Deputy Mayor and elect the Deputy Mayor.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at [www.youtube.com](http://www.youtube.com)).

### **5 QUESTION TIME**

A maximum of 30 minutes is usually allowed for public question time. However, in accordance with the Council resolution of the 23<sup>rd</sup> of November 2022,

*"That Council:*

- 1. Limits public question time, for this meeting only, to questions that directly relate to the purpose of this meeting, being the election of the Mayor.*
- 2. Defers the questions submitted in writing for this meeting to the Council meeting scheduled for 23 November 2022, and these be considered additional to any further questions lodged by the submitters.*
- 3. Requests officers to capture, in writing, any questions from the gallery at this meeting, and presents them as deferred written questions as per point two above."*

public question time for this particular meeting will be restricted to questions relevant to the purpose of the meeting which is to elect a mayor and potentially a deputy mayor. Any other questions will be deferred to the Council meeting scheduled for 22 November 2023.

#### **QUESTIONS RECEIVED IN WRITING PRIOR TO THE MEETING**

**James Judd**

**Has the Colac Otway Shire Council thrown out the State Government order that a Deputy Mayor is to be reimbursed half a Mayor's allowance so it can claim if a Deputy Mayor is elected no financial implications arise from accepting the recommendation for the election for 2023-2024 contained in the agenda for the meeting on 8<sup>th</sup> November 2023?**

**Do not forget that office was discontinued after State Government changed the rules on payment of a Deputy Mayor. For every \$10,000.00 above a Councillors' allowance a Deputy Mayor is paid, this will inflate the remuneration by over \$11,000.00 per annum due to superannuation being paid on the excess then other expenses also to be added.**

**We must wonder what other urgent works will be overlooked to try and balance the books.**

#### **Response from the Chief Executive Officer**

While Council resolved not to establish the office of Deputy Mayor at its meeting held on 9 November 2022, this decision does not preclude Council from reconsidering the matter at any time.

The base allowances payable to the Colac Otway Shire Mayor, Deputy Mayor and Councillors from 1 July 2023 is:

- Mayor \$102,650
- Deputy Mayor \$51,325
- Councillors \$31,980

The allowances are set by the Victorian Independent Remuneration Tribunal and are inclusive of superannuation entitlements.

Provision is made in Council's annual budget for the Deputy Mayoral allowance.

#### **QUESTIONS RECEIVED VERBALLY AT THE MEETING**

Nil

Item: 6.1  
**Election of the Mayor**

<b>OFFICER</b>	Marlo Emmitt
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

## **ELECTION**

### **RESOLUTION**

*The Chief Executive Officer called for nominations for Mayor for the remaining one year term of the current Council.*

### **NOMINATION 1**

*Cr Chris Potter was nominated by Cr Max Arnott*

*SECONDED Cr Stephen Hart*

### **NOMINATION 2**

*Cr Margaret White was nominated by Cr Kate Hanson*

*SECONDED Cr Tosh-Jake Finnigan*

*No further nominations were received.*

*The Chief Executive Officer called for a vote by show of hands for each nominee.*

*Votes for Cr Chris Potter – 3 votes*



*Vote for Cr Margaret White – 4 votes*

*With an absolute majority of votes, Cr Margaret White was declared elected Mayor of Colac Otway Shire Council for the remaining term of Council.*

The Mayor assumed the Chair for the remainder of the meeting.

Item: 6.2

## Establishing the Office of the Deputy Mayor

OFFICER	Marlo Emmitt
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	Nil

### RECOMMENDATION

*That Council establishes the office of Deputy Mayor.*

### RESOLUTION

*MOVED Cr Graham Costin, SECONDED Cr Max Arnott*

*That Council resolves not to establish the office of Deputy Mayor.*

*CARRIED 4 : 3*



**Item: 6.3**

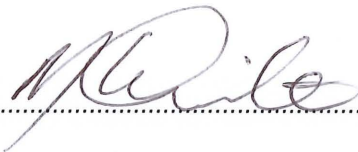
**Election of the Deputy Mayor**

<b>OFFICER</b>	Marlo Emmitt
<b>CHIEF EXECUTIVE OFFICER</b>	Anne Howard
<b>DIVISION</b>	Executive
<b>ATTACHMENTS</b>	Nil

This item lapsed as Council resolved in item 6.2, Establishing the office of Deputy Mayor, not to establish the office of Deputy Mayor.

*The meeting was declared closed at 4.26pm*

**CONFIRMED AND SIGNED** at the meeting held on 22 November 2023.

  
.....MAYOR