



SPECIAL COUNCIL MEETING

MINUTES

9 NOVEMBER, 2016

at 4.00PM

COPACC

COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

9 NOVEMBER 2016

OFFICER REPORTS

SC160911-1	TERM OF THE MAYOR	5
SC160911-2	ELECTION OF THE MAYOR	7
SC160911-3	ESTABLISHMENT OF THE ROLE OF DEPUTY MAYOR AND TERM OF THE DEPUTY MAYOR	10
SC160911-4	ELECTION OF THE DEPUTY MAYOR.....	12
SC160911-5	APPOINTMENT OF THE MAYOR AS REPRESENTATIVE ON THE G21 BOARD.....	15

COLAC OTWAY SHIRE SPECIAL COUNCIL MEETING

Minutes of the **SPECIAL COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on 9 November 2016 at 4pm.

1. OPENING OF MEETING

I DECLARE THIS MEETING OPEN

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2. PRESENT

Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Jason Schram
Cr Chris Smith
Cr Terry Woodcroft

Sue Wilkinson, Chief Executive Officer .
Mark Lyons, General Manager, Corporate Services
Ingrid Bishop, General Manager, Infrastructure and Services
Gareth Smith, General Manager, Development and Community Services
Jenny Wood, Manager, Governance and Community Services
Sarah McKew, Governance Officer
Tamzin McLennan, Public Relations Officer
Melanesia Carson, Public Relations Officer
Sandra Wade, General Manager, Bushfire Recovery
Doug McNeill, Manager, Bushfire Recovery
Heather Johnson, Strategic Corporate Planner
Maree Redmond, Executive Assistant

3. APOLOGIES

Nil

4. MAYORAL STATEMENT

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

Colac Otway Shire encourages community input and participation in Council decisions. Council meetings provide an opportunity for the community to ask Council questions, either verbally at the meeting or in writing.

Please note that Council may not be able to answer some questions at the meeting. These will be answered later.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

The purpose of the Special Meeting is to determine the Term of the Mayor, elect the Mayor, determine the position and term of the Mayor, elect the Deputy Mayor, and appoint the Mayor as representative on the G21 Board.

5. QUESTION TIME

Thank you. At every Special Meeting, a public question time not exceeding 30 minutes will be held to enable any member of the public to question Council but only on items included in the Agenda of that Special Meeting.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question.

1. Questions received in writing prior to the meeting

Nil

2. Questions from the floor

Nil

6. DECLARATION OF INTEREST

Nil

SPECIAL COUNCIL MEETING
TERM OF THE MAYOR
SC160911-1

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to determine the length of time for the Term of the Mayor for the Colac Otway Shire Council.		

1. EXECUTIVE SUMMARY

This report is to determine the length of time for the Term to appoint a Mayor for the Colac Otway Shire. The recommendation is that the Term of the Mayor for the Colac Otway Shire Council be for a one year term.

2. RECOMMENDATION

Recommendation

That Council:

Pursuant to the provisions of Section 71 of the Local Government Act 1989 elect a Mayor for a one year term.

3. KEY INFORMATION / BACKGROUND

The Local Government Act 1989 provides that Council may resolve to elect a Mayor for a term of up to two years.

It is recommended that the Term of the Mayor for the Colac Otway Shire be for a one year term.

4. COMMUNITY CONSULATION AND ENGAGEMENT

Not applicable

5. DISCUSSION / ANALYSIS

LEGAL AND RISK IMPLICATIONS

Section 71(1) of the Local Government Act 1989 provides that Councillors must elect a Councillor to be Mayor of the Council.

6. IMPLEMENTATION STRATEGY

Not applicable

7. COMMUNICATION

Not applicable

8. CONCLUSION

Council must elect a Councillor to be the Mayor of the Council. It is recommended that Council elect a Mayor for the Colac Otway Shire Council for a one year term.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Pursuant to the provisions of Section 71 of the Local Government Act 1989 elect a Mayor for a one year term.***

CARRIED 7 : 0

SPECIAL COUNCIL MEETING
ELECTION OF THE MAYOR
SC160911-2

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to elect the Mayor of the Colac Otway Shire.		

1. EXECUTIVE SUMMARY

This report is to appoint a Mayor for the Colac Otway Shire.

2. RECOMMENDATION

Recommendation

That pursuant to the provisions of Section 71 of the Local Government Act 1989, the Council elect Councillor to be the Mayor for the Colac Otway Shire Council for a one year term.

3. KEY INFORMATION / BACKGROUND

Section 71(1) of the *Local Government Act 1989* provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 71(3)

"The Mayor is to be elected –

- (a) after the fourth Saturday in October but not later than 30 November in each year; or*
- (b) as soon as possible after any vacancy in the office of Mayor occurs."*

Following the election, the Mayor shall assume the chair to deal with the remaining matters before the meeting.

Election Procedure

The procedure in the election of Mayor is outlined in Local Law No. 4 and is as follows;

1. 13. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) *the election of the Mayor must be by a show of hands;*
- (2) *the Councillor who receives the majority of votes cast must be declared elected; and*
- (3) *for the purpose of sub-clause (2) the following will apply:*
 - (a) *nominations must be moved and seconded;*
 - (b) *where only one nomination is received, that Councillor must be declared elected;*
 - (c) *where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;*
 - (d) *where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected;*
 - (e) *in the event that no candidate receives an absolute majority of the votes and there are only two remaining candidates, each of whom has received an equality of votes, the process to determine who is elected will be conducted by lot; and*
 - (f) *if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.*

4. COMMUNITY CONSULTATION AND ENGAGEMENT

Not applicable

5. DISCUSSION / ANALYSIS

LEGAL AND RISK IMPLICATIONS

Section 71(1) of the *Local Government Act 1989* provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 71(3)

“The Mayor is to be elected –

- (a) *after the fourth Saturday in October but not later than 30 November in each year; or*
- (b) *as soon as possible after any vacancy in the office of Mayor occurs.”*

6. IMPLEMENTATION STRATEGY

Not applicable

7. COMMUNICATION

Not applicable

8. CONCLUSION

Council must elect a Councillor to be the Mayor of the Council.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

NOMINATION 1 – Cr Chris Smith

MOVED Cr Joe McCracken seconded Cr Chris Smith

For the Nomination: Three votes

NOMINATION 2 – Cr Chris Potter

MOVED Cr Stephen Hart seconded by Cr Terry Woodcroft

For the Nomination: Four votes

Having received an absolute majority of votes, Cr Chris Potter is duly elected Mayor of Colac Otway Shire.

**SPECIAL COUNCIL MEETING
ESTABLISHMENT OF THE POSITION AND TERM OF THE DEPUTY MAYOR
SC160911-3**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to determine if Council establishes the position of Deputy Mayor and determine the length of time for the Term of the Deputy Mayor for the Colac Otway Shire Council.		

1. EXECUTIVE SUMMARY

This report is to determine if Council will establish the position of Deputy Mayor and the length of time for the Term to appoint a Deputy Mayor for the Colac Otway Shire. The recommendation is that Council establish the position of Deputy Mayor and that the Term of the Deputy Mayor for the Colac Otway Shire Council be for a one year term.

2. RECOMMENDATION

Recommendation

That Council elect a Deputy Mayor for the Colac Otway Shire Council for a one year term.

3. KEY INFORMATION / BACKGROUND

The Local Government Act is silent in regards to the appointment of the position of Deputy Mayor. Council's Governance Local Law No. 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

It is recommended that the Term of the Deputy Mayor of the Colac Otway Shire Council be for a one year term.

4. COMMUNITY CONSULTATION AND ENGAGEMENT

Not applicable

5. DISCUSSION / ANALYSIS

LEGAL AND RISK IMPLICATIONS

The Local Government Act is silent in regards to the appointment of the position of Deputy Mayor. Council's Governance Local Law No. 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

6. IMPLEMENTATION STRATEGY

Not applicable

7. COMMUNICATION

Not applicable

8. CONCLUSION

It is recommended that the Term of the Deputy Mayor of the Colac Otway Shire Council be for a one year term.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Terry Woodcroft

That Council:

- 1. Elect a Deputy Mayor for the Colac Otway Shire Council for a one year term.***

CARRIED 6:1

DIVISION

For the Motion: Cr Stephen Hart, Cr Terry Woodcroft, Cr Kate Hanson, Cr Joe McCracken, Cr Chris Potter, Cr Jason Schram

Against the Motion: Cr Chris Smith

SPECIAL COUNCIL MEETING
ELECTION OF THE DEPUTY MAYOR
SC160911-4

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is for Council to consider the election of a Deputy Mayor of the Colac Otway Shire.		

1. EXECUTIVE SUMMARY

This report is to appoint a Deputy Mayor for the Colac Otway Shire.

2. RECOMMENDATION

Recommendation

That Council elect Councillor to be the Deputy Mayor for the Colac Otway Shire Council for a one year term.

3. KEY INFORMATION / BACKGROUND

The Local Government Act is silent in regard to the appointment of the position of Deputy Mayor. Council's Governance Local Law No. 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

Section 17 of Council's Governance Local Law No. 4, specifies;

17. Acting Chair in Mayor's Absence

- (1) *If the Mayor is unable to attend a Council Meeting for any reason, the Deputy Mayor (if appointed) will be the Acting Chair.*
- (2) *If the Mayor or any Deputy Mayor is unable to attend a Meeting for any reason, and Acting Chair may be elected following the same procedure as that for an election of the Mayor (with all the necessary adaptations).*
- (3) *If the Mayor is required to vacate the chair for a short period (whether on account of conflict of interest or otherwise), the Deputy Mayor (if appointed) will be the Acting Chair. If no Deputy Mayor has been appointed, Council must elect an Acting Chair for that time. The procedure for election of an Acting Chair will be the same as for an election of the Mayor (with all the necessary adaptations and modifications).*

The position of Deputy Mayor is not a statutory position and no special allowance is payable.

Local Law

Council's Local Law No 4 2014 – Governance provides that the procedure for the election of the Mayor will apply to the election of the Deputy Mayor, with the Mayor conducting the election.

Clause 13 of Council's Local Law No 4 2014 – Governance states;

13. Procedure for Election of Mayor

In conducting the election of Mayor the following will apply:

- (1) the election of the Mayor must be by a show of hands;*
- (2) the Councillor who receives the majority of votes cast must be declared elected; and*
- (3) for the purpose of sub-clause (2) the following will apply:*
 - (a) nominations must be moved and seconded;*
 - (b) where only one nomination is received, that Councillor must be declared elected;*
 - (c) where two nominations are received, the Councillor with an absolute majority of votes cast must be declared elected;*
 - (d) where there are more than two nominations received, the Councillor who receives an absolute majority at the first round of votes cast must be declared elected, or if no candidate receives an absolute majority of votes, the candidate with the least number of votes must be eliminated as a candidate and a further ballot conducted between the remaining candidates. If there are several candidates, this procedure must be repeated until a candidate receives an absolute majority of votes and that candidate must be declared elected;*
 - (e) in the event that no candidate receives an absolute majority of the votes and there are only two remaining candidates, each of whom has received an equality of votes, the process to determine who is elected will be conducted by lot; and*
 - (f) if for the purpose of eliminating the candidate with the least number of votes, two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot conducted by the Chief Executive Officer in the presence of the Meeting.*

4. COMMUNITY CONSULTATION AND ENGAGEMENT

Not applicable

5. DISCUSSION / ANALYSIS

LEGAL AND RISK IMPLICATIONS

The Local Government Act is silent in regard to the appointment of the position of Deputy Mayor. Council's Governance Local Law No. 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

Local Law

Council's Local Law No 4 2014 – Governance provides that the procedure for the election of the Mayor will apply to the election of the Deputy Mayor, with the Mayor conducting the election.

6. IMPLEMENTATION STRATEGY

Not applicable

7. COMMUNICATION

Not applicable

8. CONCLUSION

The Local Government Act is silent in regard to the appointment of the position of Deputy Mayor. Council's Governance Local Law No. 4, Section 16 provides that Council may resolve to appoint a Deputy Mayor.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

NOMINATION 1 – Cr Joe McCracken

Moved Cr Chris Smith seconded Cr Joe McCracken

For the Nomination: Three votes

NOMINATION 2 – Cr Stephen Hart

MOVED Cr Terry Woodcroft seconded Cr Kate Hanson

For the Nomination: Four votes

Having received an absolute majority of votes, Cr Stephen Hart is duly elected Deputy Mayor of Colac Otway Shire.

SPECIAL COUNCIL MEETING
APPOINTMENT OF THE MAYOR AS REPRESENTATIVE ON THE G21 BOARD
SC160911-5

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	The purpose of this report is to appoint the Mayor to the Geelong Regional Alliance - G21 Board of Directors.		

1. EXECUTIVE SUMMARY

Council has Councillor and officer representation on a number of committees associated with a variety of interests. Geelong Regional Alliance (G21) is the formal alliance of government, business and community organisations working together to improve the lives of people within the Geelong region across five municipalities - Colac Otway Shire, Golden Plains Shire, City of Greater Geelong, Borough of Queenscliffe and the Surfcoast Shire.

It is recommended that the Mayor of the Colac Otway Shire be appointed to the G21 Board of Directors.

2. RECOMMENDATION

Recommendation

That Council appoint the Mayor of Colac Otway Shire to the G21 Board until determined otherwise.

3. KEY INFORMATION / BACKGROUND

Council has Councillor/Officer representation on a number of committees associated with a variety of interests. This includes managing Council owned or managed facilities, advising Council on issues and representing Council views on regional and state wide matters.

Geelong Region Alliance (G21) is the formal alliance of government, business and community organisations working together to improve the lives of people within the Geelong region across five municipalities – Colac Otway, Golden Plains, Greater Geelong, Queenscliffe and Surf Coast.

On 10 November 2016 G21 will hold its Annual General Meeting and representation is required from the Mayor of the Colac Otway Shire.

4. COMMUNITY CONSULTATION AND ENGAGEMENT

Not applicable

5. DISCUSSION / ANALYSIS

G21 works as a forum to discuss regional issues across interest groups and municipalities resulting in better coordinated research, consultation and planning. It supports the delivery of projects that benefit the region across municipal boundaries and is a platform for the region to speak with one voice to all levels of government. It is also the official Strategic Planning Committee for the G21 region and, as such, is responsible for leading the development and implementation of the region's strategic plan.

In this role, G21 works closely with, and provides advice to, Regional Development Australia (RDA), the Regional Management Forum (RMF) and the state and federal governments on the region's needs and priorities.

The G21 alliance is made up of more than 300 community leaders and specialists who are passionate about the future of the G21 region and who volunteer their time to be involved in G21 as directors, Pillar members and within working groups.

As a not-for-profit organisation, the majority of G21's financial support comes from the five municipal council members, its broader membership base and occasional government or community foundation grants.

G21 currently has a 15-member Board of Directors including the CEO and Mayor of the Colac Otway Shire.

The G21 Board of Directors includes:

- five Councillors representing the G21 municipalities
- five Council Officers representing the G21 municipalities
- five Directors elected by G21 members at the Annual General Meeting

The G21 Board of Directors endorse the priorities identified by the G21 Pillars. They explore methods to implement these projects by engaging with G21 member organisations and other stakeholders to influence potential project funding and support bodies.

6. IMPLEMENTATION STRATEGY

Not applicable

7. COMMUNICATION

Not applicable

8. CONCLUSION

Geelong Regional Alliance (G21) is the formal alliance of government, business and community organisations working together to improve the lives of people within the Geelong region across five municipalities - Colac Otway Shire, Golden Plains Shire, City of Greater Geelong, Borough of Queenscliffe and the Surfcoast Shire.

On 10 November 2016 G21 will hold its Annual General Meeting and representation is required from the Mayor of the Colac Otway Shire.

It is recommended that the Mayor of the Colac Otway Shire be appointed to the G21 Board of Directors.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the Local Government Act 1989 in the preparation of this report.

RESOLUTION

MOVED Cr Stephen Hart seconded Cr Joe McCracken

That Council appoint the Mayor of Colac Otway Shire to the G21 Board until determined otherwise.

CARRIED 7 : 0

The Meeting Was Declared Closed at 4.27pm

CONFIRMED at the meeting held on 23 NOVEMBER 2016



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