



Glenelg Shire Council
Minutes of the Statutory Council Meeting
Tuesday 27 October 2015, at 6.00pm at
Glenelg Shire Municipal Offices – Council Chamber
71 Cliff Street, Portland

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TIME:

7.00 pm

PRESENT:

Cr Robert Halliday, Cr John Northcott, Cr Max Oberlander, Cr Anita Rank, Cr Karen Stephens, Cr Geoff White, Cr Gilbert Wilson.

Also in attendance were the Chief Executive Officer (Mr Greg Burgoyne), Group Manager Corporate Services (Ms Karena Prevett), Group Manager Assets and Infrastructure (Mr Paul Healy), Acting Group Manager Assets and Infrastructure (Mr Chris Saunders), Group Manager Planning and Economic Development (Mr Stephen Kerrigan), Group Manager Community and Culture (Ms Edith Farrell), Council Support Coordinator (Mrs Kylie Walford) and Senior Administration Officer Corporate Services (Mrs Kim Ballantyne).

OPENING PRAYER:

The Chief Executive Officer opened the Meeting with the Council Prayer.

ABORIGINAL ACKNOWLEDGEMENT:

The Chief Executive Officer read the Aboriginal Acknowledgement.

RECEIPT OF APOLOGIES:

Nil.

DECLARATIONS OF CONFLICT OF INTEREST:**CONFLICT OF INTEREST**

'The Local Government Act contains mandatory requirements for both direct and indirect conflict of interest. The objective of the provisions is to enhance good governance in Victorian local government and to improve public confidence in the probity of decision making at Victoria's 79 Councils. Councillors are responsible for ensuring that they comply with the relevant provisions contained in Part 4 – Division 1A of the Act.

An online copy of the Local Government Act is available at www.localgovernment.vic.gov.au select – legislation. Alternatively, a printed copy is available for Councillors upon request'.

Nil.

A. BUSINESS:**A1. MAYORAL REPORT 2014/2015**

As the Glenelg Shire Mayor for 2014-2015 it has been an honour and privilege for Shirley and me to be spokespersons for such a strong and united group of Councillors.

This year's achievements have been documented in the Official Annual Report. Those achievements would not have happened without the combined effort of all Councillors of the Glenelg Shire.

The positive debate has formulated a clear and positive direction for the Chief Executive Officer and his senior staff to follow with confidence.

Some of the highlights include:

- Abandoning the 20% penalty on Industrial and Commercial Rates.
- An incentive for local trades and businesses to attract them to tender for Council works.
- Abolishment of Street Furniture Fees.
- A significant effort invested into tourism for the development of the whole Shire.
- Upgrade to the Alexandra Park Drainage
- Commission and Construction of the Whale Viewing Platform
- Awarding the Contract for the Portland Transfer Station – the largest contract awarded by the Glenelg Shire Council in 2015
- Completion of the Dartmoor and Nelson Transfer Stations

This year has been a very productive year for Council and I would like to take this opportunity to thank all Councillors, Chief Executive Officer, and all staff members for the support, respect and encouragement throughout my term as mayor.

This Council is truly the envy of all Councils in Victoria.

Fellow Councillors expressed their appreciation to former Mayor Cr Robert Halliday.

The 2013/2014 Mayor Cr John Northcott made a presentation to the former Mayor Cr Robert Halliday and former Mayoress Mrs Shirley Halliday.

A2. APPOINTMENT OF A TEMPORARY CHAIRPERSON

Group Manager: Karena Prevett, Group Manager Corporate Services
Author: Karena Prevett, Group Manager Corporate Services

Background

In accordance with the Glenelg Shire Council Meeting Procedure any Councillor may be appointed as a Temporary Chairperson to deal with the receipt of nominations for the Election of Mayor and the formal election of Mayor.

Alternatively, the Council has the discretion to authorise the Chief Executive Officer to conduct the Statutory Meeting until the Mayor is appointed.

Report

The Chief Executive Officer will call for nominations from Councillors for the appointment of a Temporary Chairperson.

Recommendation

That Cr _____ be appointed as the Temporary Chairperson to conduct the meeting until the Mayor is elected.

or

That Council authorises the CEO to conduct the meeting until the Mayor is elected.

MOTION

MOVED Cr Wilson

That Cr Halliday be appointed as the Temporary Chairperson to conduct the meeting until the Mayor is elected.

SECONDED Cr Stephens

CARRIED

A3. DETERMINATION OF MAYORAL TERM OF OFFICE

Group Manager: Karena Prevett, Group Manager Corporate Services
Author: Karena Prevett, Group Manager Corporate Services

Background

Section 71(1) of the *Local Government Act 1989* provides that: '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.'

Report

In addition to the above, Section 71(2) of the *Local Government Act 1989* states 'that before a Mayor is elected the Council may resolve to elect a Mayor for a term of 2 years' and Section 71(3) provides that:

- (3) The Mayor is to be elected-
- (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (ab) if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - (b) as soon as possible after any vacancy in the office of Mayor occurs.

The term of office for previous Mayors of the Glenelg Shire Council has traditionally been a one year term. A resolution to determine the Mayoral Term of Office must be passed prior to electing the Mayor.

As the Council General Elections will be conducted on 22 October 2016, Council should ensure the term of Mayor for 2015/2016 is for a term of not exceeding the Council General Election date.

Recommendation

That Council elects a Councillor to the position of 'Mayor' for a term from 27 October 2015 to 6.00am on 22 October 2016.

A3. DETERMINATION OF MAYORAL TERM OF OFFICE

(continued)

MOTION

MOVED Cr Stephens

That Council elects a Councillor to the position of 'Mayor' for a term from 27 October 2015 to 6.00am on 22 October 2016.

SECONDED Cr Rank

CARRIED

A4. ELECTION OF THE MAYOR

(Separate circulation to Councillors and Group Managers)
(DocSetID: 1633157)

Group Manager: Karena Prevett, Group Manager Corporate Services
Author: Karena Prevett, Group Manager Corporate Services

Background

Section 71(1) of the *Local Government Act 1989* provides that: '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.'

Report

The Departmental Procedure titled 'Election of the Mayor', separately circulated with this report, refer Separate Circulation – Item A5, specifies the way in which the Election of a Mayor is to be conducted and is outlined in summary below:

1. Procedure for voting for the election of Mayor – “Show of Hands”
 - a. Temporary Chairperson calls for nominations for the position of Mayor.
 - b. All nominations must be moved and seconded to be accepted by the Temporary Chairperson, viz;
 1. That Cr _____ be nominated for the position of Mayor.
 2. That Cr _____ be nominated for the position of Mayor.
(etc)
 - c. If only two nominations are received, the Temporary Chairperson proceeds by asking the Council to vote on the first nominated candidate and then the second nominated candidate. If one candidate has a majority of votes, that candidate is duly elected as the Mayor. If both candidates have the equal number of votes, the candidate to be duly elected is determined by lot (see item no. 2 of this report).
 - d. If more than two nominations are received, the Temporary Chairperson proceeds by asking the Council to vote on each candidate in the order of the nominations received.

A4. ELECTION OF THE MAYOR

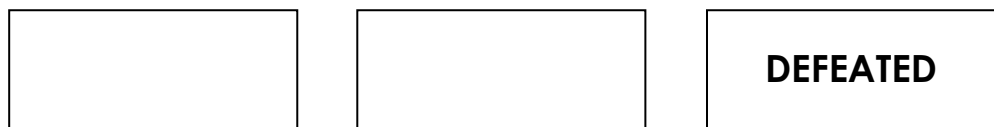
(continued)

- e. When item d. is completed, the candidate with the fewest number of votes cast must be eliminated (and if more than one of the candidates have the same amount of the least number of the votes cast, the candidate for exclusion is determined by lot (see item no. 2 of this report)).
- f. The names of the remaining candidates must be put to the vote again. This "exclusion process" must continue until there are only two candidates remaining.
- g. When there are only two candidates remaining, the same procedure is conducted as specified in item c, d and e.

2. Procedure for Draw of Lot

- a. Three or more candidates in Draw of Lot - conducted to determine who will not progress
 1. Each candidate gets one draw.
 2. Candidates will draw in alphabetical order of surnames. If two surnames are in identical order those candidates first names will determine order of the draw.
 3. Identical pieces of paper for the number of candidates are to be placed in the voting receptacle. One of these pieces of paper is to have 'DEFEATED' written on it.

Example



4. The candidates each draw their piece of paper. The candidate who draws the paper with the word 'DEFEATED' on it shall be declared as defeated.
5. A further vote shall then be conducted by show of hands on the remaining candidates.

A4. ELECTION OF THE MAYOR

(continued)

b. Two candidates only in Draw by Lot - conducted to determine who will be elected

1. Each candidate gets one draw.
2. Candidates will draw in alphabetical order of surnames. If two surnames are in identical order those candidates first names will determine order of the draw.
3. Identical pieces of paper for the number of candidates are to be placed in the voting receptacle. One of these pieces of paper is to have 'ELECTED' written on it.



4. The candidates each draw a piece of paper. The candidate who draws the paper with the word 'ELECTED' on it shall be declared duly elected.

Recommendation

That Cr _____ is duly elected to the position of Mayor for the period 27 October 2015 to 6.00am on 22 October 2016.

1. **Cr White nominated Cr Rank for the position of Mayor for the 2015/2016 mayoral term.**

The nomination was seconded Cr Halliday.

Those voting for Cr Rank: Cr White, Cr Halliday and Cr Rank.

2. **Cr Wilson nominated Cr Oberlander for the position of Mayor for the 2015/2016 mayoral term.**

The nomination was seconded by Cr Northcott.

Those voting for Cr Oberlander: Cr Northcott, Cr Stephens, Cr Wilson and Cr Oberlander.

The Temporary Chairperson declared Cr Oberlander duly elected to the position of Mayor for period 27 October 2015 to 6.00am on 22 October 2016.

Former Mayor Cr Halliday presented Cr Oberlander with the Mayoral Regalia.

Mayor Cr Oberlander assumed the chair and addressed the meeting.

**A5. ARRANGEMENTS FOR ORDINARY COUNCIL MEETINGS 2015/2016
MAYORAL YEAR**

Group Manager: Karena Prevett, Group Manager Corporate Services
Author: Karena Prevett, Group Manager Corporate Services

Background

Section 83 of the *Local Government Act 1989* provides that:

The Council may hold-

- (a) ordinary meetings at which general business of the Council may be transacted; and
- (b) special meetings at which the business specified in the notice calling the meeting may be transacted.

Report

In accordance with previous Council decisions, Ordinary Council Meetings have been held on the fourth Tuesday of each month except for December and subject to public holidays. Therefore it is recommended that Council adopt the following dates for the monthly Ordinary Council Meetings and Statutory Council Meeting for the 2015/2016 year.

In previous years Ordinary Council meetings have been held in two locations around the Shire other than the Municipal Offices in Portland. In the Mayoral Year 2013/2014 they were held at Dartmoor in February and at Merino in September and in the Mayoral Year 2014/2015 they were held at Casterton in March and at Nelson in September. Council may consider continuing this practice in order to give easier access to residents of the Shire to attend the Ordinary Council meetings in the Mayoral Year 2015/2016.

**A5. ARRANGEMENTS FOR ORDINARY COUNCIL MEETINGS 2014/2015
MAYORAL YEAR**

(continued)

Officer Recommendation

1. That the Ordinary Council Meetings be held on the following dates.

Tuesday, 24 November 2015

Tuesday, 15 December 2015

Wednesday, 27 January 2016 (due to Australia Day Public Holiday)

Tuesday, 23 February 2016

Tuesday, 22 March 2016

Tuesday, 26 April 2016

Tuesday, 24 May 2016

Tuesday, 28 June 2016

Tuesday, 26 July 2016

Tuesday, 23 August 2016

Tuesday, 13 September 2016

Tuesday, 18 October 2016

2. That a Statutory Council Meeting be held on Wednesday, 2 November 2016 commencing at 6.00pm in accordance with Section 71(3) of the *Local Government Act 1989* for the purpose of electing a new Mayor and for Councillors to take the oath or affirmation for 2016/2017 year.
3. That the <months> Council Meeting be held at <locations>.
4. That Ordinary Council Meetings commence at 7.00pm on the dates specified in item 1 of this recommendation unless resolved otherwise.
5. That the venue of Council Meetings be at the Portland Council Chamber unless resolved otherwise.
6. That public notice of the dates, times and location for the Ordinary Meetings of Council be placed in the Portland Observer, Casterton News and on Council's website.

**A5. ARRANGEMENTS FOR ORDINARY COUNCIL MEETINGS 2014/2015
MAYORAL YEAR**

(continued)

MOTION

MOVED Cr Stephens

1. That the Ordinary Council Meetings be held on the following dates.

Tuesday, 24 November 2015

Tuesday, 15 December 2015

Wednesday, 27 January 2016 (due to Australia Day Public Holiday)

Tuesday, 23 February 2016

Tuesday, 22 March 2016

Tuesday, 26 April 2016

Tuesday, 24 May 2016

Tuesday, 28 June 2016

Tuesday, 26 July 2016

Tuesday, 23 August 2016

Tuesday, 13 September 2016

Tuesday, 18 October 2016

2. That a Statutory Council Meeting be held on Wednesday, 2 November 2016 commencing at 6.00pm in accordance with Section 71(3) of the *Local Government Act 1989* for the purpose of electing a new Mayor and for Councillors to take the oath or affirmation for 2016/2017 year.
3. That the March Council Meeting be held at Heywood and the September Council Meeting be held at Casterton.
4. That Ordinary Council Meetings commence at 7.00pm on the dates specified in item 1 of this recommendation unless resolved otherwise.
5. That the venue of Council Meetings be at the Portland Council Chamber unless resolved otherwise.
6. That public notice of the dates, times and location for the Ordinary Meetings of Council be placed in the Portland Observer, Casterton News and on Council's website.

SECONDED Cr Northcott

The MOTION was LOST.

**A5. ARRANGEMENTS FOR ORDINARY COUNCIL MEETINGS 2014/2015
MAYORAL YEAR**

(continued)

AMENDMENT

MOVED Cr Wilson

1. That the Ordinary Council Meetings be held on the following dates.

Tuesday, 24 November 2015

Tuesday, 15 December 2015

Wednesday, 27 January 2016 (due to Australia Day Public Holiday)

Tuesday, 23 February 2016

Tuesday, 22 March 2016

Tuesday, 26 April 2016

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3. That the March Council Meeting be held at Digby and the August Council Meeting be held at Heywood.
4. That Ordinary Council Meetings commence at 7.00pm on the dates specified in item 1 of this recommendation unless resolved otherwise.
5. That the venue of Council Meetings be at the Portland Council Chamber unless resolved otherwise.
6. That public notice of the dates, times and location for the Ordinary Meetings of Council be placed in the Portland Observer, Casterton News and on Council's website.

SECONDED Cr White

CARRIED

The AMENDMENT became the MOTION and was CARRIED.

INDEX – SEPARATE CIRCULATIONS TO REPORTS

Separate Circulation to Councillors, CEO, Group Managers and available to the Public

Nil.

Separate Circulation to Councillors, CEO and Group Managers

A3. Election of the Mayor for 2015/2016

Separate Circulation to Councillors

Nil.

'IN CAMERA' Separate Circulation to Councillors, CEO and Group Managers

Nil.

Officer Recommendation

That the documents separately circulated to Councillors, CEO and Group Managers, as listed above, be received.

MOTION

MOVED Cr Stephens

That the documents separately circulated to Councillors, CEO and Group Managers, as listed above, be received.

SECONDED Cr Rank

CARRIED

CLOSURE OF STATUTORY COUNCIL MEETING

THERE BEING NO FURTHER BUSINESS, THE MAYOR DECLARED THE MEETING CLOSED AT 6.28pm.

I HEREBY CERTIFY THAT PAGES 1 TO 16 ARE CONFIRMED AND ARE A TRUE AND CORRECT RECORD.

CR MAX OBERLANDER
MAYOR

24 November 2015

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