

# agenda

CORANGAMITE SHIRE



CORANGAMITE  
SHIRE

## **MEETING OF COUNCIL TUESDAY 10 NOVEMBER 2020**

To be held at the Theatre Royal  
Bath Street, Camperdown  
commencing at 5.00 pm  
and livestreamed on the Internet

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# Order of Business

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The Chief Executive Officer will chair the meeting until the election of Mayor.

1. **PRAYER**
2. **ACKNOWLEDGEMENT OF COUNTRY**
3. **APOLOGIES**
4. **OFFICERS' REPORTS**

**ANDREW MASON**  
**CHIEF EXECUTIVE OFFICER**

#### **DISCLAIMER**

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## 4. OFFICERS' REPORTS

Prior to the consideration of these reports, the Chief Executive Officer will hear the Oaths and Affirmations of Office by each Councillor-Elect.

### 4.1 Oaths and Affirmations of Office

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**Previous Council Reference:** Nil

#### **Declaration**

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

#### **Summary**

The purpose of this report is to receive and document the Oaths and Affirmations of Office of Corangamite Shire's newly elected Councillors.

#### **Introduction**

Under the *Local Government Act 2020*, each person elected to Council is required to take the Oath or Affirmation of Office before they are capable of acting as a Councillor.

#### **Issues**

The Oath or Affirmation of Office must be administered by the Chief Executive Officer, dated and signed before the Chief Executive Officer and recorded in the Minutes of the Council.

Once the newly elected Councillors have taken their Oath or Affirmation, as a Council they will be required to receive (by resolution) the signed documents for incorporation into the Minutes.

#### **Policy and Legislative Context**

Section 30 of *Local Government Act 2020* (the Act) governs the Oath or Affirmation of Office for Councillors. A person is unable to act as a Councillor until the Oath or Affirmation of Office has been taken.

Under section 31 of the Act, if a person elected to Council fails to take the Oath or Affirmation of Office within three months after he or she is declared elected, their position will become vacant.

The form of the Oath or Affirmation of Office is provided in the *Local Government (Governance and Integrity) Regulations 2020*, and requires the Oath or Affirmation be taken in accordance with the *Oaths and Affirmations Act 2018*. The Oath of Office is as follows:

I swear (or promise) by Almighty God (or the person may name a god recognised by the person's religion) that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

The Affirmation of Office is as follows:

I solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Act to the best of my skill and judgement.

### **Internal / External Consultation**

Elected Councillors have been advised about their obligations regarding the Oath or Affirmation of Office, and were provided with the opportunity to choose which one to take.

### **Conclusion**

Persons elected to Council must take the Oaths or Affirmation of Office before being able to act as a Councillor. Once the Oaths and Affirmations have been taken, Council is asked to receive, by resolution, the signed documents for incorporation into the Minutes.

### **RECOMMENDATION**

**That Council receives the signed Oaths and Affirmations of Office of Councillors Beard, Cole, Conheady, Gstrein, Hickey, Makin and Vogels, administered by the Chief Executive Officer, for recording in the Minutes of Council.**

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## 4.2 Election of Mayor - Term of Office

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

### Summary

The purpose of this report is to determine the term of office for the Mayor of Corangamite Shire.

### Introduction

The *Local Government Act 2020* (the Act) requires Council to determine the length of the Mayoral term prior to the election of Mayor. The term decided will apply to the Deputy Mayor, if one is also elected.

### Issues

Council has historically elected a Mayor for a term of one year, however the term of office may be for one or two years.

Under the Act, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term. Should Council continue to hold its scheduled meetings on the fourth Tuesday of the month, the next Mayoral election would be held on 23 November 2021 or 22 November 2022, depending on the length of the term of office.

### Policy and Legislative Context

Section 26(3) of the *Local Government Act 2020* (the Act) requires that before a Mayor is elected, the Council must by resolution resolve whether the Mayoral term is a period of one or two years.

Section 26(4) and 26(5) of the Act governs when the next election of the Mayor is to be held.

Determination of the Mayoral term prior to the election of Mayor demonstrates good governance and is consistent with the following commitment and objective in the 2017-2021 Council Plan:

We are committed to ensuring the ethical behaviour of Councillors and staff, maintaining good governance and remaining financially sustainable.

Council will demonstrate high levels of ethical behaviour and governance standards.

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**Options**

Council may resolve to set the Mayoral term as a period of one or two years, and determine when the next Mayoral election should subsequently be held.

**Conclusion**

Council is required to determine the length of the mayoral term before the Mayor is elected. The term of office for the Mayor may be one or two years. The term decided will also apply to the Deputy Mayor, if one is also elected.

Under the Act, the next election of the Mayor must be held on a day to be determined by the Council that is as close to the end of the term, which may be at the scheduled meeting of Council in November 2021 or 2022, depending on the length of the Mayoral term of office.

**RECOMMENDATION**

**That Council:**

1. **Determines the length of the Mayoral term be a period of \_\_\_\_ year(s).**
2. **Determines the next Mayoral election be held at the scheduled meeting of Council in November \_\_\_\_.**

## 4.3 Election of Mayor

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

### Summary

This report provides advice on the process for the election of Mayor of Corangamite Shire.

### Introduction

The *Local Government Act 2020* (the Act) requires Council to elect a Councillor to be Mayor at a meeting open to the public, by an absolute majority of all Councillors elected to the Council. The Act also requires the Chief Executive Officer to chair the election of the Mayor.

### Issues

The role of Mayor and specific powers of the Mayor are set out in the Act and includes:

- Chairing all meetings of the Corangamite Shire Council.
- Being principal spokesperson of the Council.
- Leading engagement with the community on the development of the Council Plan and reporting annually on the implementation of the plan.
- Promoting behaviour amongst Councillors that meet the standards in the Code of Conduct.
- Assisting Councillors to understand their role.
- Leading the regular review of the Chief Executive Officer's performance.
- Taking precedence at all municipal proceedings within the Shire.

In accordance with Council's Governance Rules, the election of Mayor must be by a show of hands at a meeting open to the public.

Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is only one nominee, they must be declared elected as Mayor in accordance with the Act.

If there are two nominees, Council will vote by show of hands and the candidate with an absolute majority of all Councillors (at least four votes) will be declared elected.



If there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until there is a final vote between two remaining candidates.

If there is a tied vote or an absolute majority of at least four votes cannot be achieved, a second vote will be undertaken.

The successful Councillor will be Mayor of Corangamite Shire until the time and on the day the next Mayor is to be elected, as previously determined by Council.

Once the Mayor is elected, he or she will assume the Chair for the remainder of the Council meeting, and may briefly address the meeting prior to chairing the election of Deputy Mayor.

### **Policy and Legislative Context**

Sections 25 and 26 of the *Local Government Act 2020* governs the election of Mayor and when a Mayor is to be elected. Section 20 of the Act provides for when the office of the Mayor becomes vacant.

The process for electing the Mayor is to be conducted in accordance with Corangamite Shire's Governance Rules.

### **Internal / External Consultation**

No consultation is required for the election of Mayor.

### **Financial and Resource Implications**

The Councillor elected as Mayor will receive a mayoral allowance and the use of a vehicle within existing budget allocations.

### **Options**

Council is required to elect a mayor.

### **Conclusion**

Council is required to elect a mayor at a meeting open to the public. The successful Councillor will be Mayor of Corangamite Shire until the conclusion of the term of office, as previously determined by Council. After the Mayor is elected they will assume the Chair for the remainder of the meeting, including the election of Deputy Mayor.

## **RECOMMENDATION**

**That Council proceeds to elect a mayor.**

## 4.4 Election of Deputy Mayor

**Author:** Penny MacDonald, Executive Services and Governance Coordinator

**File No:**

**Previous Council Reference:** Nil

### Declaration

Chief Executive Officer – Andrew Mason

In providing this advice to Council as the Chief Executive Officer, I have no interests to disclose in this report.

Author - Penny MacDonald

In providing this advice to Council as the Executive Services and Governance Coordinator, I have no interests to disclose in this report.

### Summary

This report provides advice on the process for the election of Deputy Mayor of Corangamite Shire.

### Introduction

The *Local Government Act 2020* (the Act) states Council may establish an office of Deputy Mayor. Council's Governance Rules outlines the process for the election of a deputy mayor.

### Issues

Under the Act, the Deputy Mayor must perform the role of Mayor and may exercise any powers of the Mayor if the Mayor is unable to attend a meeting (or part thereof), or if the Mayor is incapable of performing the duties of the office of Mayor for any reason (including illness), or if the office of Mayor is vacant. The Deputy Mayor does not hold any other additional powers or functions.

In accordance with Governance Rules, the election of Deputy Mayor must be by a show of hands at a meeting open to the public.

The process for the election of a deputy mayor is the same as the process for the election of Mayor. Nominations are to be called for and seconded. A candidate may nominate themselves but the nomination must be seconded. If nominated by another Councillor, the nominee is to be provided with an opportunity to accept or decline the nomination. Each nominee will be offered the opportunity to address fellow Councillors for up to five minutes prior to a vote.

If there is one nominee, they are to be declared elected in accordance with the Act. If there are two nominees, Council will vote by show of hands and the candidate with the absolute majority of all Councillors (at least four votes) will be declared elected. If there are three or more nominees, the candidate with the lowest number of votes will be eliminated, with additional votes undertaken until a final vote between two remaining candidates. If there is a tied vote or an absolute majority of at least four votes cannot be obtained, a second vote may be taken.

The successful Councillor will hold the position of Deputy Mayor until the term of office for the Mayor concludes, as previously determined by Council.

**Policy and Legislative Context**

Section 20A of the Act provides for an office of Deputy Mayor, section 21 outlines the role and powers of the Deputy Mayor (as previously outlined in this report), and section 22 provides for when the position becomes vacant. The election of Deputy Mayor is governed by section 27 of the Act and Council's Governance Rules.

**Internal / External Consultation**

No consultation is required for the election of Mayor.

**Financial and Resource Implications**

There are no financial implications for the election of a deputy mayor. At present, the Deputy Mayor does not receive an additional allowance, above the usual Councillor allowance.

**Options**

Council may proceed to elect a deputy mayor, or resolve not to elect a deputy mayor.

**Conclusion**

The *Local Government Act 2020* and Council's Governance Rules provides for the position of Deputy Mayor and governs the process for the election. At its meeting on 27 November 2018, Council resolved to establish the office of a deputy mayor. Should Council proceed to elect a deputy mayor, the successful Councillor would hold the position of Deputy Mayor until the Mayoral term of office concludes, as previously determined by Council.

**RECOMMENDATION**

**That Council proceeds to elect a deputy mayor.**