



GLEN EIRA CITY COUNCIL

SPECIAL COUNCIL MEETING

*under s60 of the Local Government Act 2020 and
Rule 22 of the Glen Eira City Council Governance Rules*

WEDNESDAY 23 NOVEMBER 2022

AGENDA

**Meeting to be held in the Council Chambers,
Corner Hawthorn and Glen Eira Roads, Caulfield
at 7.30pm**

*"The role of a Council is to provide good governance
in its municipal district for the benefit and
wellbeing of the municipal community."*

- *S8(1) Local Government Act 2020*

Councillors:

The Mayor, Councillor Jim Magee
Councillor Tony Athanasopoulos
Councillor Anne-Marie Cade
Councillor Margaret Esakoff
Councillor Sam Parasol
Councillor Sue Pennicuik
Councillor Li Zhang
Councillor Simone Zmood
Councillor David Zyngier

Chief Executive Officer: Rebecca McKenzie

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1. ACKNOWLEDGEMENT

Glen Eira City Council Acknowledges the peoples of the Kulin Nation as Traditional Owners and Custodians, and pay our respect to their Elders past, present and emerging. We Acknowledge and uphold their continuing relationship to land and waterways. Council extends its respect to all Aboriginal and Torres Strait Islander peoples.

2. APOLOGIES

3. REMINDER TO DECLARE ANY CONFLICTS OF INTEREST IN ANY ITEMS ON THE AGENDA

Councillors are reminded of the requirement for disclosure of conflicts of interest in relation to items listed for consideration on the Agenda, or which are considered at this meeting, in accordance with Section 130(2) of the *Local Government Act 2020* and Rule 60(3) of the Glen Eira City Council Governance Rules. Councillors are now invited to indicate any such conflict of interest.

PROCEDURAL MOTION

That Council:

1. considers the meeting to be adjourned for 10 minutes from the commencement of any technical problem which prevents Council from livestreaming the meeting;
2. adjourns the meeting in the event livestreaming cannot be resumed within 30 minutes from the commencement of the technical problem which prevents livestreaming on Council's website with the meeting to be reconvened on Thursday 24 November 2022 at 5.30pm via livestreaming; and
3. notes, if the Mayor is unable for any reason to attend the Council meeting or part of the Council meeting, the meeting will be chaired in accordance with Rule 13 of the Governance Rules. The Mayor will resume as Chair of the meeting upon return. If a vote is being taken at the time, the Mayor will resume as Chair after the result of the vote has been declared.

4. OFFICER REPORTS (AS LISTED)

4.1 TERM OF OFFICE FOR THE MAYOR AND DEPUTY MAYOR

Author: *Karling Colomiere, Coordinator Councillor Business*

Trim No: *22/1294269*

Attachments: *Nil*

EXECUTIVE SUMMARY

Council is to determine the term of office for the Mayor and Deputy Mayor for either a 1 or 2 year term in accordance with the Local Government Act 2020 (Act) prior to the election of the Mayor.

The Act states if the Mayor is elected for a 1-year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 1-year term as is reasonably practicable.

Council will elect a Mayor and Deputy Mayor for the term determined by Council.

RECOMMENDATION

That Council determines the Office of Mayor and Deputy Mayor to be for a 1 year term.

BACKGROUND

Prior to the election of a Mayor, Council must determine, via resolution, whether the Mayoral term is to be set for either one or two years in accordance with s26(3) of the Local Government Act 2020 (LGA 2020).

The term of office for the Mayor will also apply to the term of office for the Deputy Mayor as described in s27 of the LGA 2020:

- s27(2) LGA 2020 - Section 26 applies to the election of a Deputy Mayor as if any reference in that section to the Mayor was a reference to the Deputy Mayor.

ISSUES AND DISCUSSION

On 3 November 2021, Council elected Cr Jim Magee as Mayor and Cr Li Zhang as Deputy Mayor for a 1-year period.

It is at the discretion of the Council whether the Mayor's term of office is a 1 or 2 year term. At the conclusion of that term, Council may re-elect the incumbent Mayor for another term determined at that time or elect another Councillor to be Mayor.

It has been the practice of Glen Eira Councillors to elect the Mayor for a 1-year term with the next Mayoral election to be held as close to the end of that 1-year term as possible.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no climate emergency implications associated with this report.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, risk or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

This report is in accordance with Section 26(3) and 27 (2) of the Local Government Act 2020.

COMMUNICATION AND ENGAGEMENT

Not applicable.

LINK TO COUNCIL PLAN

Strategic Direction 1: Well informed, transparent decisions and highly valued services
We build trust through engaging with our community, delivering quality services and making evidence-based decisions

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict interest in this matter.

CONCLUSION

Consistent with custom and practice for Glen Eira, it is recommended that Council determines the term of office for the Mayor and Deputy Mayor to be a 1 year term.

4.2 ELECTION OF THE MAYOR

Author: Karling Colomiere, Coordinator Councillor Business

Trim No: 22/1294280

Attachments: Nil

EXECUTIVE SUMMARY

The *Local Government Act 2020* (Act) provides that the term of office for the Mayor be determined prior to the election of the Mayor. This will have occurred on the previous item of the agenda.

The Chief Executive Officer will Chair the election of the Mayor in accordance with section 25 of the Act and Rule 9 of the Glen Eira City Council Governance Rules.

The Councillor (candidate) who receives an absolute majority of votes will be declared Mayor for the term determined by Council.

The Mayor will take the Chair for the items on the agenda for this meeting following their election.

RECOMMENDATION

That Council elects a Mayor for Glen Eira City Council for a 1 year term commencing 23 November 2022.

BACKGROUND

On 3 November 2021, Council elected Cr Jim Magee as Mayor for a 1-year term.

The process for the election of the Mayor will be conducted in accordance with section 25 of the *Local Government Act 2020* and Rule 9 of the Glen Eira City Council Governance Rules.

ISSUES AND DISCUSSION

Section 20(a) of the Act provides that the office of Mayor becomes vacant at the time and on the day of the election of the next Mayor.

The Chief Executive Officer (CEO) will act as Chairperson for the election of the Mayor which will be held in accordance with the *Local Government Act 2020* and the Glen Eira City Council Governance Rules.

The relevant excerpt from Council's Governance Rules is provided below.

9. Election of the Mayor

Section 25(3)(a) of the 2020 Act provides that the election of the Mayor must be:

- (a) Chaired by the Chief Executive Officer; and
- (b) Subject to section 25 of the 2020 Act, be conducted in accordance with the Governance Rules.

- (1) The Chief Executive Officer must determine the most appropriate time and date for the election of the Mayor, provided the election of the Mayor is held in accordance with the provisions of the 2020 Act.
- (2) The Chief Executive Officer must call for nominations for the office of Mayor from those Councillors present.
- (3) Nominations for the office of Mayor do not require a seconder.
- (4) A Councillor may decline their nomination as a candidate and, if they do, the nomination will be rejected by the Chief Executive Officer.

Section 25(6) of the 2020 Act provides that if only one Councillor is a candidate for Mayor, the Meeting must declare that Councillor to be duly elected as Mayor.

- (5) Where more than one candidate has been nominated, the Chief Executive Officer must conduct a poll with voting to take place for each candidate in turn in the order in which their nomination was received.
- (6) The election of the Mayor must be carried out by a show of hands or such other method approved by the person presiding during the election, provided that voting must not be in secret.
- (7) The Chief Executive Officer must declare elected as Mayor the candidate who receives an Absolute Majority of votes.
- (8) If no candidate receives an Absolute Majority of votes, the candidate with the least number of votes must be eliminated and a further poll conducted in accordance with Sub-Rule 9(5). If there are several candidates, this procedure must be continued until a candidate receives an Absolute Majority of votes.
- (9) For the purpose of eliminating the candidate with the least number of votes, if two or more candidates have the same least number of votes, the candidate to be eliminated must be determined by lot by the Chief Executive Officer.
- (10) If two candidates remain and the vote is tied such that neither candidate receives an Absolute Majority of votes, the following process applies.

- (a) The Chief Executive Officer must conduct a further poll to attempt to break the deadlock; and
- (b) If the second vote is also tied, such that neither candidate receives an Absolute Majority of votes, Council may resolve:
 - i. that the candidate to be declared as Mayor shall be determined by lot by the Chief Executive Officer; or
 - ii. for a new election to be conducted, in which case the resolution must also include the date and time for the new election.
- (c) If the vote for a Motion to determine the matter as described in Sub-Rule 9(10)(b) is also tied, then the election of the Mayor will be deferred to the next Meeting.
- (d) If, as a result of this Sub-Rule 9(10), the election of the Mayor has been deferred to the next Meeting, and the vote at that next Meeting remains tied such that neither candidate receives an Absolute Majority of votes, then the candidate to be declared as Mayor shall be determined by lot by the Chief Executive Officer.

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no climate emergency implications associated with this report

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource, risk or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

The election of the Mayor is held in accordance with Sections 25 and 26 of the *Local Government Act 2020* and Rule 9 of the Glen Eira City Council Governance Rules.

COMMUNICATION AND ENGAGEMENT

An announcement regarding the election of the Mayor will be made on Council's website, via a press release and on relevant social media. Written advice will also be provided to the Minister for Local Government.

LINK TO COUNCIL PLAN

Strategic Direction 1: Well informed, transparent decisions and highly valued services
We build trust through engaging with our community, delivering quality services and making evidence-based decisions

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

CONCLUSION

The election of Mayor is a key milestone in Council's annual agenda. The process outlined in this paper will ensure that the election is conducted in accordance with the relevant requirements under the Local Government Act and Governance Rules.

4.3 ELECTION OF THE DEPUTY MAYOR 2022

Author: Karling Colomiere, Coordinator Councillor Business

Trim No: 22/1294285

Attachments: Nil

EXECUTIVE SUMMARY

Council is to elect a Deputy Mayor of Glen Eira City Council for a 1 year term.

The election of the Deputy Mayor will be conducted in accordance with Rules 9 and 10 of the Glen Eira City Council Governance Rules, Election of the Mayor and Role and election of the Deputy Mayor.

The Rules provide that the process for the election of the Deputy Mayor will be regulated in the same way as for the election of the Mayor, but will be Chaired by the newly elected Mayor.

The Councillor (candidate) who receives an absolute majority of votes will be declared Deputy Mayor.

Where no Councillor (candidate) receives a majority of votes, Rule 9 of the Governance Rules will apply.

RECOMMENDATION

That Council elects a Deputy Mayor for Glen Eira City Council for a 1 year term commencing 23 November 2022.

BACKGROUND

On 3 November 2022 Council elected Cr Li Zhang as Deputy Mayor for a 1 year term.

Section 60(1)(d) of the *Local Government Act 2020* provides the election of a Deputy Mayor must be included in the Council's Governance Rules. This is shown as Rule 10 of the Glen Eira City Council Governance Rules – Role and Election of the Deputy Mayor.

The role of the Deputy Mayor as described under section 21 of the Act is to support the Mayor and stand in for the Mayor in the event the Mayor is unable to fulfil their duties for any reason or if the office of Mayor is vacant.

ISSUES AND DISCUSSION

The Governance Rules 2022 were revised and adopted at the 30 August 2022 Ordinary Council Meeting in accordance with the *Local Government Act 2020*.

Under Council's endorsed changes, the Mayor now acts as Chairperson for the election of the Deputy Mayor, although the Chief Executive will conduct the poll should one be required.

The relevant excerpt from Council's Governance Rules is provided below.

10. Role and Election of the Deputy Mayor

Section 21 of the 2020 Act provides 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.

- (1) After the election of a Mayor, Councillors may elect a Deputy Mayor at a Council Meeting that is open to the public.
- (2) The election of the Deputy Mayor is to be Chaired by the Mayor
- (3) Any election of the office of Deputy Mayor:
 - subject to sub-rule 10(4) and 10(5), will be regulated in the same way as the election for the office of the Mayor in rule 9; and
 - be conducted in accordance with section 25(3)(a) and section 27 of the 2020 Act
- (4) The Mayor is ineligible for election to the office of the Deputy Mayor
- (5) The role of the Chief Executive Officer performed in sub-rules 9(2) and 9(4) will be performed by the Mayor

CLIMATE EMERGENCY RESPONSE STRATEGY IMPLICATIONS

There are no climate emergency implications associated with this report.

FINANCIAL, RESOURCE, RISK AND ASSET MANAGEMENT IMPLICATIONS

There are no financial, resource, risk or asset management implications associated with this report.

POLICY AND LEGISLATIVE IMPLICATIONS

The election of the Deputy Mayor is undertaken in accordance with sections 25, 26 and 27 of the *Local Government Act 2020* and Rules 9 and 10 of the Glen Eira City Council Governance Rules.

COMMUNICATION AND ENGAGEMENT

An announcement regarding the election of the Deputy Mayor will be made on Council's website, via a press release and on relevant social media. Written advice will also be provided to the Minister for Local Government.

LINK TO COUNCIL PLAN

Strategic Direction 1: Well informed, transparent decisions and highly valued services
We build trust through engaging with our community, delivering quality services and making evidence-based decisions

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any general or material conflict interest in this matter.

CONCLUSION

The election of Deputy Mayor is a key milestone in Council's annual agenda. The process outlined in this paper will ensure that the election is conducted in accordance with the relevant requirements under the Local Government Act and Governance Rules.

5. CLOSURE OF MEETING