



GLEN EIRA CITY COUNCIL
SPECIAL COUNCIL MEETING
under s84(3) of the Act

WEDNESDAY 31 OCTOBER 2018

AGENDA

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

*"The primary object of a Council
is to endeavour to achieve
the best outcomes for the local community
having regard to the
long term and cumulative effects of decisions."*

- s3c(1) Local Government Act

Councillors: Councillor Tony Athanasopoulos
Councillor Clare Davey
Councillor Mary Delahunty
Councillor Margaret Esakoff
Councillor Jamie Hyams
Councillor Jim Magee
Councillor Joel Silver
Councillor Dan Sztrajt
Councillor Nina Taylor

Chief Executive Officer: Rebecca McKenzie



**AGENDA for the SPECIAL MEETING OF THE
GLEN EIRA CITY COUNCIL to be held on 31 October 2018**

1. ACKNOWLEDGEMENT

In the spirit of respect, Council acknowledges the people and elders of the Boon Wurrung people of the Kulin Nation past and present who have traditional connections and responsibilities for the land on which Council meets.

2. APOLOGIES

3. OATH OF OFFICE AND DISCLOSURES OF INTERESTS

Councillors are reminded that we remain bound by our Oath of Office to undertake the duties of the office of Councillor in the best interests of the people of the municipal district of Glen Eira and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in us under the Local Government Act or any other Act, to the best of our skill and judgement.

Councillors are also 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 Sections 77 to 79 of the Local Government Act.

4. PRESENTATION OF OFFICERS REPORTS

4.1	Election of the Mayor
4.2	Election of the Deputy Mayor
4.3	Appointments of Councillors to External Committees and Advisory Committees

4.1 ELECTION OF THE MAYOR

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 18/1158004

Attachments: Nil

PURPOSE AND SUMMARY

For Councillors to elect a Mayor for the 2018/19 Council year.

RECOMMENDATION

That Council elects a Councillor as Mayor for the 2018/19 Council year in accordance with the requirements of the *Local Government Act 1989* (the Act) and the Council's *Local Law 2009* (the Local Law).

BACKGROUND

A Special Council meeting is held annually to elect a Mayor for the forthcoming Council year. The Special meeting date and process must comply with the Act and the Local Law.

ISSUES AND DISCUSSION

The Chief Executive Officer presides over the election of Mayor pursuant to clauses 211 and 212 of the Local Law and in accordance with section 71 of the Act.

Clauses 211 and 212 of the Local law regulate proceedings for the election of the Mayor in accordance with section 71 of the Act as follows:

Presiding over election

211. The Chief Executive Officer shall preside over the election of Mayor and Deputy Mayor.

Procedure – election of Mayor

212.

- (1) The Chief Executive must call for nominations, from those Councillors present at the meeting of Council called under section 71 of the *Local Government Act 1989* for the purpose of election of the Mayor, for candidates for election as Mayor.
- (2) A Councillor may decline his or her nomination as a candidate.
- (3) If there is only one candidate, the Chief Executive must declare that candidate elected as Mayor.
- (4) If there is more than one candidate, the Chief Executive must conduct a poll, by show of hands, with voting to take place for each candidate in turn in the order in which his or her nomination was received.
- (5) The Chief Executive must declare elected as Mayor the candidate receiving an absolute majority of votes.
- (6) 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-clause 212(4). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.

- (7) 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 shall be determined by lot by the Chief Executive Officer.
- (8) If where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Chief Executive must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Mayor shall be determined by lot by the Chief Executive Officer.
- (9) For the purpose of this clause, an “absolute majority of votes” means a number of votes greater than one half of the total number of votes lawfully cast in the poll.

Election of the Mayor

The Chief Executive Officer will follow the process outlined in clauses 211 and 212 of the Local Law and will call for nominations for the office of Mayor.

In accordance with the Local Law, the Chief Executive Officer will then put the nominations to the vote in the order in which the nominations were received (if required).

Upon determination of the poll (or, if required, determination by lot) the Chief Executive Officer will declare that the successful nominee has been elected as Mayor of Glen Eira City Council for the 2018/19 Council year.

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

In accordance with section 71 of the Act, Election of Mayor, a Mayor is to be elected at a meeting that is open to the public with the Councillors electing a Councillor to be the Mayor of the Council.

The Mayor is to be elected at a meeting held after the fourth Saturday in October but not later than 30 November in each year.

Under section 72 of the Act the office of Mayor becomes vacant at 6am on the day of the meeting.

COMMUNICATION AND ENGAGEMENT

There was no communication and engagement associated with this report.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Council to elect a Mayor for the 2018/19 Council year.

4.2 ELECTION OF THE DEPUTY MAYOR

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 18/1220373

Attachments: Nil

PURPOSE AND SUMMARY

For Councillors to elect a Deputy Mayor for the 2018/19 Council year.

RECOMMENDATION

That Council elects a Councillor as Deputy Mayor for the 2018/19.

BACKGROUND

A Special Council meeting is held annually to elect a Deputy Mayor for the forthcoming Council year. The process for the election must comply with the Council's *Local Law 2009* (the Local Law).

ISSUES AND DISCUSSION

The Chief Executive Officer presides over the election of Deputy Mayor pursuant to clauses 211 and 213 of the Local Law.

Clauses 211 and 213 of the Local Law regulate proceedings for the election of the Deputy Mayor as follows:

Presiding over election

211. The Chief Executive Officer shall preside over the election of Mayor and Deputy Mayor.

Procedure –election of Deputy Mayor

213.

- (1) A Deputy Mayor must be elected at each meeting referred to in clause 212(1) of the Local Law after a Mayor has been declared elected under clause 212.
- (2) The Chief Executive must call for Councillors present at the meeting to nominate candidates for election as Deputy Mayor. Any Councillor, other than the Mayor is eligible for election or re-election to the office of Deputy Mayor and may be nominated.
- (3) A Councillor may decline his or her nomination as a candidate.
- (4) If there is only one candidate, the Chief Executive must declare that candidate elected as Deputy Mayor.
- (5) If there is more than one candidate, the Chief Executive must conduct a poll, by show of hands, with voting to take place for each candidate in turn in the order in which his or her nomination was received.
- (6) The Chief Executive must declare elected as Deputy Mayor the candidate receiving an absolute majority of votes.

- (7) 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-clause 213(4). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (8) 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 shall be determined by lot by the Chief Executive Officer.
- (9) If where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Chief Executive must conduct a further poll to attempt to break the deadlock. If the second vote is also tied, the candidate to be declared as Deputy Mayor shall be determined by lot by the Chief Executive Officer.
- (10) For the purpose of this clause, an “absolute majority of votes” means a number of votes greater than one half of the total number of votes lawfully cast in the poll.
- (11) The office of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in sections 72(1)(a)-(d) of the *Local Government Act 1989*.
- (12). If the office of Deputy Mayor becomes vacant for any reason prior to the date of each meeting referred to in clause 212(1) of the Local Law, then the Council may at an ordinary meeting elect a Deputy Mayor in accordance with sub-clauses 213(2) – (10).
- (13) During any period that the Mayor is absent or unable to act, the Deputy Mayor shall act as the Mayor. During any period that both the Mayor and the Deputy Mayor are absent or unable to act then the most recent former Mayor who is present and able to act shall act as Mayor.

Election of the Deputy Mayor

The Chief Executive Officer will follow the process outlined in clauses 211 and 213 of the Local Law and will call for nominations for the office of Deputy Mayor.

In accordance with the Local Law, the Chief Executive Officer will then put the nominations to the vote in the order in which the nominations were received (if required).

Upon determination of the poll (or, if required, determination by lot) the Chief Executive Officer will declare that the successful nominee has been elected as Deputy Mayor of Glen Eira City Council for the 2018/19 Council year.

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

Clause 213 of the Local Law provides for the election and role of the Deputy Mayor. There is no provision in the Act (other than by incorporation by the Local Law) in relation to the position of Deputy Mayor.

COMMUNICATION AND ENGAGEMENT

There was no communication and engagement associated with this report.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

Council to elect a Deputy Mayor for the 2018/19 Council year.

4.3 APPOINTMENTS OF COUNCILLORS TO EXTERNAL COMMITTEES AND ADVISORY COMMITTEES

Author: Janice Pouw, Coordinator Councillor Business

Trim No: 18/1154834

Attachments: Nil

PURPOSE AND SUMMARY

For Councillors to appoint Council representatives and substitute representatives to external committees and appointments to Council's Advisory Committees for the 2018/19 Council year.

RECOMMENDATION

That Council:

1. appoints Councillors to the External Committees and Council's Advisory Committees listed below for the 2018/19 Council year.

External Committees

Committee	Date appointed	Councillors appointed 2017/18 year	Councillors appointed 2018/19 year
Metropolitan Local Government Waste Forum	1 November 2017	Cr Taylor – representative Cr Davey - substitute	Cr Delahunty – representative Cr Taylor
Metropolitan Transport Forum (MTF)	1 November 2017	Cr Athanasopoulos – representative	Cr Magee - representative Cr Athanasopoulos - substitute
Municipal Association of Victoria (MAV)	1 November 2017	Cr Taylor – representative Cr Esakoff - substitute	Cr Magee – representative Cr Esakoff - substitute

Council's Advisory Committees

Committee	Date appointed	Councillors appointed 2017/18 year	Councillors appointed 2018/19 year
Arts & Culture Advisory Committee	1 November 2017	Cr Esakoff Cr Delahunty Cr Hyams	Cr Esakoff Cr Delahunty Cr Hyams
Audit and Risk Committee	1 November 2017	Cr Magee Cr Athanasopoulos	Cr Silver Cr Delahunty Cr Athanasopoulos - substitute

CEO Employment Matters Committee	1 November 2017	All Councillors	All Councillors
Citizen of the Year	1 November 2017	Cr Davey Cr Sztrajt Cr Magee	Cr Davey Cr Magee Cr Silver
Community Engagement Advisory Committee	1 November 2017	Cr Athanasopoulos Cr Delahunty Cr Hyams	Cr Taylor Cr Delahunty Cr Magee
Community Grants Advisory Committee	1 November 2017	Cr Hyams Cr Esakoff Cr Delahunty	Cr Magee Cr Esakoff Cr Silver
Local Laws Advisory Committee	1 November 2017	Cr Silver Cr Magee Cr Delahunty	Cr Silver Cr Magee Cr Delahunty
Memorial Structure for Holocaust Survivors Project Working Group	5 September 2017	Cr Silver Cr Sztrajt Cr Athanasopoulos	Cr Silver Cr Sztrajt Cr Magee
Recreation & Leisure Advisory Committee	1 November 2017	Cr Silver Cr Taylor Cr Athanasopoulos	Cr Silver Cr Delahunty Cr Hyams Cr Athanasopoulos
Strategic Transport Advisory Committee	1 November 2017	Cr Athanasopoulos Cr Davey Cr Magee	Cr Athanasopoulos Cr Davey Cr Taylor
Sustainability Advisory Committee	1 November 2017	Cr Davey Cr Taylor Cr Sztrajt	Cr Davey Cr Taylor Cr Sztrajt

2. changes the title in the Terms of Reference for the Audit Committee to read Audit and Risk Committee; and
3. changes the title in the Terms of Reference for the Community Consultation Advisory Committee to read Community Engagement Advisory Committee.

BACKGROUND

A report is presented to Council annually to provide Councillors with an opportunity to appoint Councillors to the various External Committees and Council's Advisory Committees. A substitute may also be appointed to attend the external committee meetings if the

appointed representative is unable to attend. In 2017, Councillors were appointed at the Annual (Statutory) meeting on 1 November and it is proposed that a report will be presented to the Annual meeting each year for Councillors to consider these appointments for the upcoming year.

ISSUES AND DISCUSSION

Councillors are to be appointed to the External and Advisory Committees as Council's representative for the 2018/19 year. Councillors can report back to Council at the Ordinary Meetings of Council on the outcomes of the meetings they have attended in their capacity as Council's representative.

The proposed changes in title for the Audit Committee to the Audit and Risk Committee and Community Consultation Advisory Committee to the Community Engagement Advisory Committee have been proposed to better reflect the purpose of the committees.

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

There are no policy or legislative implications associated with this report.

COMMUNICATION AND ENGAGEMENT

There was no communication and engagement associated with this report.

LINK TO COUNCIL AND COMMUNITY PLAN

Theme Five: Informed and Engaged

A well governed Council that is committed to transparency and engages residents in decision-making.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

It is recommended that Councillors are appointed to the external and advisory committees listed in the recommendation for the 2018/19 Council year.

5. CLOSURE OF MEETING