



## **GLEN EIRA CITY COUNCIL**

### **SPECIAL COUNCIL MEETING**

under s84(3) of the Act

**WEDNESDAY 13 NOVEMBER 2019**

### **AGENDA**

**Meeting to be held in the Council Chambers,  
Corner Hawthorn & Glen Eira Roads, Caulfield  
at 6.30pm**

*"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 Anne-Marie Cade  
Councillor Clare Davey  
Councillor Mary Delahunty  
Councillor Margaret Esakoff  
Councillor Jamie Hyams  
Councillor Jim Magee  
Councillor Joel Silver  
Councillor Dan Sztrajt

**Chief Executive Officer:** Rebecca McKenzie



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## **1. ACKNOWLEDGEMENT**

Glen Eira City Council respectfully acknowledges that the Boon Wurrung people of the Kulin nation are the traditional owners of the land now known as Glen Eira. We pay our respects to their Elders past, present and emerging and acknowledge and uphold their continuing relationship to and responsibility for this land.

## **2. APOLOGIES**

## **3. OATH OF OFFICE AND DISCLOSURE 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 OFFICER REPORTS

##### 4.1 ELECTION OF THE MAYOR

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 19/1223946

**Attachments:** Nil

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#### PURPOSE AND SUMMARY

For Councillors to elect a Mayor for the 2019/20 Council year.

#### RECOMMENDATION

That Council elects a Councillor as Mayor for the 2019/20 Council year in accordance with the requirements of the *Local Government Act 1989* and the Glen Eira City Council Meeting Procedure 2019.

#### BACKGROUND

A Special Council meeting is held annually to elect a Mayor for the forthcoming Council year. The Special meeting date must comply with the *Local Government Act 1989* (Vic) (the Act) and the procedure for the election of the Mayor must comply with the Act and the Glen Eira City Council Meeting Procedure 2019 (the Local Law).

#### ISSUES AND DISCUSSION

The Chief Executive Officer presides over the election of Mayor pursuant to clause 19 of the Local Law.

Section 71 of the Act and clause 19 of the Local law regulates the procedure for the election of the Mayor. Clause 19 of the Local Law is as follows:

##### **19. Procedure – election of Mayor**

- (1) The Chief Executive Officer will act as the Returning Officer for the election of the Mayor.
- (2) If there is an election for a Deputy Mayor under clause 20, the Chief Executive Officer will act as the Returning Officer for the election for a Deputy Mayor.
- (3) The Returning Officer must call for nominations for the office of Mayor, from those Councillors present.
- (4) Nominations for the office of Mayor do not require a seconder.
- (5) A Councillor may decline his or her nomination as a candidate.
- (6) If there is only one candidate, the Returning Officer must declare that the candidate nominated is deemed to be elected as Mayor.
- (7) If there is more than one candidate, the Returning Officer 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.
- (8) The Returning Officer must declare elected as Mayor the candidate who receives an absolute majority of votes.

- (9) 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 subclause 19(7). If there are several candidates, this procedure must be continued until a candidate receives an absolute majority of votes.
- (10) 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 by the Returning Officer.
- (11) If, where there are two candidates, the vote is tied such that neither candidate receives an absolute majority of votes, the Returning Officer 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 Returning Officer.

### **Election of the Mayor**

The Chief Executive Officer will follow the process outlined in clause 19 of the Local Law and will call for nominations for the office of Mayor, from those Councillors present.

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). Councillors may decline their nomination as a candidate.

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 2019/20 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(1)(a) of the Act, the office of Mayor becomes vacant at 6 am 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 2019/20 Council year.

## 4.2 ELECTION OF THE DEPUTY MAYOR

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 19/1223954

**Attachments:** Nil

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### PURPOSE AND SUMMARY

For Councillors to elect a Deputy Mayor for the 2019/20 Council year.

### RECOMMENDATION

That Council elects a Councillor as Deputy Mayor for the 2019/20 Council year in accordance with the requirements of the *Local Government Act 1989* and the Glen Eira City Council Meeting Procedure 2019.

### 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 Glen Eira City Council Meeting Procedure 2019 (the Local Law).

### ISSUES AND DISCUSSION

The Chief Executive Officer will preside over the election of the Deputy Mayor pursuant to clause 20 of the Local Law.

Clause 20 of the Local Law regulates the procedure for the election of the Deputy Mayor as follows:

#### 20. Procedure –election of Deputy Mayor

- (1) After the election of a Mayor, Councillors may elect a Deputy Mayor at a meeting of the Council that is open to the public.
- (2) Any election for the office of Deputy Mayor will be regulated in the same way as the election for the office of Mayor as set out in clause 19 subject to-
  - (a) the Mayor being ineligible for election to the office of Deputy Mayor; and
  - (b) clause 19 being applied as if the reference to the Mayor is a reference to the Deputy Mayor
- (3) The office of Deputy Mayor becomes vacant in the circumstances set out in relation to a Mayor in section 72(1)(a)-(d) of the Act.
- (4) If the office of Deputy Mayor becomes vacant for any reason prior to the date of the meeting referred to in subclause 17, then Council may at an ordinary council meeting elect a Deputy Mayor in accordance with subclause 20.

### Election of the Deputy Mayor

The Chief Executive Officer will follow the procedure outlined in clauses 19 and 20 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 2019/20 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 19 of the Local Law provides for the election 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 2019/20 Council year.

### 4.3 APPOINTMENTS OF COUNCILLORS TO EXTERNAL COMMITTEES AND ADVISORY COMMITTEES

**Author:** Janice Pouw, Coordinator Councillor Business

**Trim No:** 19/1223924

**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 2019/20 Council year.

#### RECOMMENDATION

That Council appoints Councillors to the External Committees and Council's Advisory Committees listed below for the 2019/20 Council year.

##### External Committees

Committee	Councillors appointed 2018/19 year	Councillors appointed 2019/20 year
Metropolitan Local Government Waste Forum	Cr Delahunty – representative Cr Davey - substitute	Cr Delahunty – representative Cr Davey - substitute
Metropolitan Transport Forum (MTF)	Cr Magee - representative Cr Athanasopoulos - substitute	Cr Athanasopoulos – representative Cr Magee - substitute
Municipal Association of Victoria (MAV)	Cr Magee – representative Cr Esakoff - substitute	Cr Magee – representative Cr Esakoff - substitute

##### Council's Advisory Committees

Committee	Councillors appointed 2018/19 year	Councillors appointed 2019/20 year
Arts & Culture Advisory Committee	Cr Esakoff Cr Delahunty Cr Hyams Cr Cade	Cr Esakoff Cr Hyams Cr Silver Cr Cade
Audit and Risk Committee	Cr Magee Cr Delahunty Cr Athanasopoulos – substitute Cr J Hyams	Cr Magee Cr Delahunty Cr Athanasopoulos – substitute Mayor as substitute

CEO Employment Matters Committee	All Councillors	All Councillors
Citizen of the Year	Cr Davey Cr Magee Cr Silver	Cr Esakoff Cr Cade Cr
Community Engagement Advisory Committee	Cr Cade Cr Delahunty Cr Magee	Cr Cade Cr Delahunty Cr Magee
Community Grants Advisory Committee	Cr Magee Cr Esakoff Cr Silver	Cr Davey Cr Cade Cr Sztrajt
Local Laws Advisory Committee	Cr Silver Cr Magee Cr Delahunty Cr Cade	Cr Silver Cr Delahunty Cr Hyams
Elsternwick Cultural Precinct Advisory Committee	Cr Silver Cr Sztrajt Cr Magee	Cr Silver Cr Sztrajt Cr Delahunty
Recreation & Leisure Advisory Committee	Cr Silver Cr Delahunty Cr Hyams Cr Athanasopoulos	Cr Cade Cr Delahunty Cr Hyams Cr Athanasopoulos
Strategic Transport Advisory Committee	Cr Athanasopoulos Cr Davey Cr Cade	Cr Athanasopoulos Cr Davey Cr Magee
Sustainability Advisory Committee	Cr Davey Cr Sztrajt Cr Athanasopoulos	Cr Davey Cr Sztrajt Cr Athanasopoulos

## BACKGROUND

A report is presented annually to the Statutory meeting where Councillors are appointed to the various External Committees and Council's Advisory Committees for the upcoming year. A substitute may also be appointed to attend the external committee meetings if the appointed representative is unable to attend.

**ISSUES AND DISCUSSION**

Councillors are appointed to the External and Advisory Committees as Council's representative for the 2019/20 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.

**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 2019/20 Council year.

**5. CLOSURE OF MEETING**