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## **AGENDA**

**UNSCHEDULED MEETING OF COUNCIL**  
**FOR ELECTION OF MAYOR AND DEPUTY MAYOR**  
**WEDNESDAY 9 NOVEMBER 2022**  
**TO BE HELD AT COBRAM CIVIC CENTRE, PUNT ROAD COBRAM VIC 3644**  
**COMMENCING AT 5.00 PM**

### **RECORDING**

Consistent with section 13.3 of our Governance Rules, Council officers have been authorised to record the public session of this meeting using an audio recording device.

### **LIVE STREAMING**

Council meetings are now lived streamed to allow those interested in viewing proceedings greater access to Council decisions and debate, without attending the meeting in person.

### **1. WELCOME CALLING TO ORDER - CEO**

### **2. PRAYER**

Almighty God we humbly ask you to guide our deliberations for the welfare and benefit of the Moira Shire and its people whom we serve.

Amen

### **3. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

We, the Moira Shire Council, would like to acknowledge the traditional owners of the land upon which we meet and pay our respects to their Elders both past and present.

### **4. APOLOGIES / LEAVE OF ABSENCE**

### **5. DECLARATION UNDER ACTS, REGULATIONS, CODES OR LOCAL LAWS**

### **6. DISCLOSURE OF CONFLICTS OF INTEREST**

### **7. OFFICER REPORTS FOR DETERMINATION**

#### **7 CORPORATE GOVERNANCE AND PERFORMANCE**

7.1 ELECTION OF THE MAYOR 2

7.2 INCOMING MAYORAL STATEMENT 4

7.3 ELECTION OF THE DEPUTY MAYOR 5

### **8. CLOSE OF MEETING**

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 7.1  
(SENIOR GOVERNANCE OFFICER, NANCY  
MUSTICA)  
(MANAGER GOVERNANCE AND  
PERFORMANCE, AMANDA CHADWICK)

## ELECTION OF THE MAYOR

### 1. Executive Summary

The Chief Executive Officer will call for nominations for the election of Mayor of the Moira Shire Council in accordance with the *Local Government Act 2020* (the Act) and Moira Shire Council's Governance Rules.

Before a Mayor is elected, the Council can determine by resolution whether the Mayor is to be elected for a 1 year or a 2 year term. Any Councillor is eligible for election or re-election to the office of Mayor.

### 2. Background and Options

The process for the election of the Mayor is prescribed in Section 6 of Council's Governance Rules.

#### Method of Voting

In accordance with Rule 6.2, the election of the Mayor must be carried out by a show of hands and made so that it enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

#### Determining the Election of Mayor

- (1) The Chief Executive Officer will preside during the election of the Mayor.
- (2) The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee. Councillors cannot self-nominate and a nomination does not require a Councillor to second the nomination.
- (3) Where in an election for the Mayor:
  - (a) only one candidate has been nominated, that candidate must be declared elected;
  - (b) two candidates have been nominated, a vote must be taken and the candidate who receives a majority must be declared elected.
  - (c) two candidates have been nominated and no candidate receives a majority, the vote will be determined by lot.
  - (d) more than two candidates have been nominated and no candidate receives a majority vote from the Councillors present:
    - I. the candidate with the fewest number of votes cast must be eliminated;
    - II. the names of the remaining candidates must be put to the vote again; and
    - III. the procedure in II and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this Clause.
    - IV. in the event of two or more candidates having an equality of votes the elected candidate shall be determined by lot.
  - (e) The provisions of sub-rules 6.3.2 and 6.3.3 apply to the election of the *Deputy Mayor* with all necessary modifications and adaptations.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 7.1

## ELECTION OF THE MAYOR (cont'd)

### 3. Council Plan Strategy

This aligns with Council Plan Strategic Pillar 5 – Accountable and Transparent Governance.

### 4. Legislative / Policy Implications

The election of the Mayor is in accordance with the *Local Government Act 2020* and Moira Shire Council Governance Rules adopted 24 August 2022.

### 5. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

### 6. Conclusion

Moira Shire Council is required to elect a Mayor in accordance with the *Local Government Act 2020* and Moira Shire Council Governance Rules.

### Attachments

Nil

**FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE**

**ITEM NO: 7.2  
(SENIOR GOVERNANCE OFFICER, NANCY  
MUSTICA)  
(MANAGER GOVERNANCE AND  
PERFORMANCE, AMANDA CHADWICK)**

## **INCOMING MAYORAL STATEMENT**

### **Executive Summary**

The Mayor of the Moira Shire will present an incoming statement to the Council and members of the public.

### **Attachments**

Nil

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 7.3  
(SENIOR GOVERNANCE OFFICER, NANCY  
MUSTICA)  
(MANAGER GOVERNANCE AND  
PERFORMANCE, AMANDA CHADWICK)

## ELECTION OF THE DEPUTY MAYOR

### 1. Executive Summary

The *Local Government Act 2020* (the Act) allows Council to elect a Deputy Mayor. The election of the Deputy Mayor will be conducted in accordance with the Act and Moira Shire Council's Governance Rules.

It is recommended that Council appoint a Deputy Mayor for the period ending on the date of the next Mayoral election.

### 2. Background and Options

The duties of the position of Deputy Mayor include performing role of Mayor, in accordance with section 21 of the Act.

The process for the election of the Deputy Mayor is prescribed in Section 6 of Council's Governance Rules.

#### Method of Voting

In accordance with Rule 6.2, the election of the Deputy Mayor must be carried out by a show of hands and made so that it enables those observing (in attendance and those watching a livestream broadcast) to see who a Councillor has voted for at the time the vote is taken.

#### Determining the Election of Deputy Mayor

- (1) The Mayor will preside during the election of the Deputy Mayor.
- (2) The Mayor must invite nominations for the office of Deputy Mayor and confirm acceptance of the nomination with the nominee. Councillors cannot self-nominate and a nomination does not require a Councillor to second the nomination.
- (3) Where in an election for the Deputy Mayor:
  - (a) only one candidate has been nominated, that candidate must be declared elected;
  - (b) two candidates have been nominated, a vote must be taken and the candidate who receives a majority must be declared elected.
  - (c) two candidates have been nominated and no candidate receives a majority, the vote will be determined by lot.
  - (d) more than two candidates have been nominated and no candidate receives a majority vote from the Councillors present:
    - I. the candidate with the fewest number of votes cast must be eliminated;
    - II. the names of the remaining candidates must be put to the vote again; and
    - III. the procedure in I and II above must be continued until there remain only two candidates, at which point the candidate to be declared elected is to be determined by the procedures outlined in sub-clause (b) of this Clause.
    - IV. in the event of two or more candidates having an equality of votes the elected candidate shall be determined by lot.

FILE NO:  
5. TRANSPARENT AND ACCOUNTABLE  
GOVERNANCE

ITEM NO: 7.3

## ELECTION OF THE DEPUTY MAYOR (cont'd)

### 2. Council Plan Strategy

This aligns with Council Plan Strategic Pillar 5 – Accountable and Transparent Governance.

### 3. Legislative / Policy Implications

The election of the Deputy Mayor is in accordance with the *Local Government Act 2020* and Moira Shire Council Governance Rules adopted 24 August 2022.

### 4. Conflict of Interest Considerations

There are no officer conflict of interest issues to consider within this report.

### 5. Conclusion

Moira Shire Council will elect a Deputy Mayor in accordance with the *Local Government Act 2020* and Moira Shire Governance Rules.

### Attachments

Nil