



44 Station Street
Cobram Vic 3644

AGENDA
SPECIAL MEETING OF COUNCIL
FOR
MONDAY 9 NOVEMBER 2015
TO BE HELD AT YARROWEYAH HALL, MURRAY VALLEY HIGHWAY YARROWEYAH
COMMENCING AT 6:00 PM

1. 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 COUNTRY

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 & REQUESTS FOR LEAVE OF ABSENCE

5. DECLARATION OF ANY INTEREST OR CONFLICT OF INTEREST

6. ELECTION

7 CORPORATE

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8. CLOSE OF MEETING

FILE NO: 120.02.0010
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 7.1
(EXECUTIVE ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ELECTION OF 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 Council's Meeting Procedures Local Law 2007. At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council. The Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year.

2. Background and Options

Under section 71(3)(a) of the *Local Government Act 1989* (the Act), the Mayor is to be elected after the fourth Saturday in October but not later than 30 November in each year. Any Councillor is eligible for election or re-election to the office of Mayor.

Before a Mayor is elected under section 71, the Council may resolve to elect a Mayor for a term of two years. It has been Council's practice to elect a Mayor for a one year term and with one year remaining in the current Council's term a 12 month term is appropriate.

"71. Election of Mayor

- (1) At a meeting of the Council that is open to the public, the Councillors must elect a Councillor to be the Mayor of the Council.
- (2) Before a Mayor is elected under this section, the Council may resolve to elect a Mayor for a term of 2 years.
- (3) The Mayor is to be elected—
 - (a) after the fourth Saturday in October but not later than 30 November in each year; or
 - (ab) if under subsection (2), the Mayor is elected for a term of 2 years, the next election of Mayor is 2 years after the fourth Saturday in October but not later than 30 November in the second year after the election; or
 - (b) as soon as possible after any vacancy in the office of Mayor occurs.
- (4) The election of a Mayor after the period specified in this section does not invalidate the election.

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ELECTION OF MAYOR (cont'd)

- (6) The Mayor of a Shire Council may be titled the President.
- (7) Any reference to "Mayor" includes a reference to "Lord Mayor" or "President" as the case may be.

72. Term of office

- (1) The office of Mayor becomes vacant—
- (a) at 6 a.m. on the day of the election of the Mayor; or
 - (b) if he or she dies or ceases to be a Councillor; or
 - (ba) if his or her office as a Councillor is suspended for any period under this Act; or
 - (c) if he or she resigns in writing which is given at a Council meeting or to the Chief Executive Officer; or
 - (ca) if he or she becomes ineligible to hold office under section 81K; or
 - (d) if he or she is ousted from office.
- (2) For the avoidance of doubt, the office of Mayor becomes vacant under subsection (1)(b) at 6.00 am on the day of a general election whether or not the Mayor has completed his or her term of office as resolved by the Council under section 71(1).
- (3) Any Councillor is eligible for election or re-election to the office of Mayor.

The process for the election of the Mayor is prescribed in Part 2, Clause 7, of Council's Meeting Procedures Local Law 2007 (No.1 of 2007), as amended 22 July 2008. * Note: Section 90(1)(ca) of the Act requires that "voting at a meeting that is open to members of the public must not be in secret". This takes precedence over clause 7(2) below and prevents Council using secret ballots.

PART 2 - ELECTION OF MAYOR AND OTHER CHAIRPERSONS

7. Election of Mayor

- (1) At any meeting to elect the Mayor, the Chief Executive Officer or delegate may act as a temporary chair to deal with the receipt of nominations for the election to the position of Mayor and to conduct the election of the Mayor in accordance with the provisions of this Local Law;
- (2) The election of the Mayor will be carried out by a show of hands unless the Council resolves that it be carried out by secret ballot. [* no longer possible, see note above]
- (3) In determining the election of the Mayor, the following process will apply:
- (a) where only one nomination is received, that Councillor must be declared elected; or
 - (b) where two nominations are received, the Councillor with the majority of votes cast will be declared elected; or

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ELECTION OF MAYOR (cont'd)

- (c) where there are two or more nominations and all votes cast are equally divided between two or more nominees, the election must be determined by lot; or
 - (d) where there are more than two nominations received and the result has not been determined under paragraphs (b) or (c), the nominee with fewest number of votes cast must be eliminated (and if there is more than one nominee with an equal number of the fewest votes then a lot will determine the successful nominee in this instance) and the names of the remaining nominees must be put to the vote again; and
 - (e) the procedure in paragraph (d) must be repeated until the circumstances in Paragraph (c) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with the majority will be declared elected or if there is an equal division of votes, the election must be determined by lot.
- (4) If the Mayor is unable to attend a Council meeting for any reason the Council must appoint an acting Chairperson.
- (5) Any election for the appointment of an acting Chairperson of a meeting of the Council or of a special committee will follow the same procedure as that for an election of Mayor.
- (6) The provisions applying to voting by secret ballot in this Local Law also apply to voting under this Part.

3. Financial Implications

There are no financial costs outside the adopted budget to consider within this report.

4 Risk Management

There are no risk management issues to consider within the report.

5 Internal and External Consultation

The election of Mayor is required to be held in a meeting open to the public.

6 Regional Context

All Victorian Councils will be notified of the outcome of the Mayoral Election.

7 Council Plan Strategy

Governance: Moira will meet governance, communication, compliance and regulatory standards through its commitment to advocacy and effective decision making and demonstrate good governance by being consensus orientated, equitable, effective and efficient

8. Legislative / Policy Implications

The advice provided within this report complies with the *Local Government Act 1989*.

9 Environmental Impact

There are no environmental implications to consider within this report.

10 Conflict of Interest Considerations

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

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3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 7.1
(EXECUTIVE ASSISTANT TO CEO, ROBYN
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ELECTION OF MAYOR (cont'd)

11 Conclusion

Moira Shire Council is required to elect a Mayor in accordance with sections 71 and 72 of the *Local Government Act 1989* and Part 2, clause 7 of Council's Meeting Procedures Local Law 2007. It is recommended that Council elect a Mayor to serve for a one year term until the date of the next general election.

Attachments

Nil

FILE NO: 100.01.001
6. GOVERNANCE

ITEM NO: 7.2
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

INCOMING MAYORAL STATEMENT

1. Executive Summary

The Mayor of the Moira Shire (2015/2016) will present an incoming statement to the Council and members of the public gallery.

Attachments

Nil

FILE NO: 120.02.0010
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 7.3
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

STATEMENT FROM OUTGOING MAYOR

1. Executive Summary

The outgoing Mayor will make an outgoing speech to Council and the public gallery reflecting on their term (2014/15) as Mayor of the Moira Shire Council.

Attachments

Nil

FILE NO: 120.02.0010
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 7.4
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ELECTION OF DEPUTY MAYOR

1. Executive Summary

In accordance with Part 2, clause 7 (5) of Council's Meeting Procedures Local Law 2007 (No.1 of 2007) the election of the Deputy Mayor follows the same procedure as that for the election of the Mayor.

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

2. Background and Options

The duties of the position of Deputy Mayor include taking on the role of acting Mayor in accordance with section 73 of the *Local Government Act 1989*, as follows:

"73. Precedence of Mayor

- (1) The Mayor of a Council takes precedence at all municipal proceedings within the municipal district.
- (2) The Mayor must take the chair at all meetings of the Council at which he or she is present.
- (3) If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- (4) An acting Mayor may perform any function or exercise any power conferred on the Mayor.

The Mayor may call for nominations for the position of Deputy Mayor.

3. Financial Implications

There are no financial costs outside the adopted budget to consider within this report.

4. Risk Management

There are no risk management issues to consider within the report.

5. Internal and External Consultation

The election of Deputy Mayor is required to be held in a meeting open to the public.

6. Regional Context

All Victorian Councils will be notified of the outcome of the Mayoral Election.

7. Council Plan Strategy

Governance: Moira will meet governance, communication, compliance and regulatory standards through its commitment to advocacy and effective decision making and demonstrate good governance by being consensus orientated, equitable, effective and efficient

FILE NO: 120.02.0010
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 7.4
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

ELECTION OF DEPUTY MAYOR (cont'd)

8. Legislative / Policy Implications

The advice provided within this report complies with the *Local Government Act 1989*.

9. Environmental Impact

There are no environmental implications to consider within this report.

10. Conflict of Interest Considerations

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

11. Conclusion

That Council determine whether to elect a Deputy Mayor and if so, elect a Deputy Mayor to serve until the day of the next general election.

Attachments

Nil

FILE NO: 100.01.001
6. GOVERNANCE

ITEM NO: 7.5
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

INCOMING DEPUTY MAYOR STATEMENT

1. Executive Summary

The Deputy Mayor of the Moira Shire (2015/2016) will present an incoming statement to the Council and members of the public gallery.

Attachments

Nil

FILE NO: 120.02.0010
3. OUR COMMUNICATIONS AND PROCESSES

ITEM NO: 7.6
(PERSONAL ASSISTANT TO CEO, ROBYN
BONADDIO)
(CHIEF EXECUTIVE OFFICER, MARK
HENDERSON)

STATEMENT FROM OUTGOING DEPUTY MAYOR

1. Executive Summary

The outgoing Deputy Mayor will make an outgoing speech to Council and the public gallery reflecting on their term (2014/15) as Deputy Mayor of the Moira Shire Council.

Attachments

Nil