



**Bass Coast Shire Council
Agenda for Special Meeting
Wednesday 16 November 2016
Council Chamber, Bass Coast Civic Centre,
Baillieu Street East, Wonthaggi
5.00pm.**

NOTE:

Meeting open to the public from 5.00pm

Notice of Meeting

Notice is hereby given that the next **Special Meeting** of the Bass Coast Shire Council will be held at the Council Chamber, Bass Coast Civic Centre, Baillieu Street East, Wonthaggi on 16 November 2016 at **5.00pm**

Date of Notice - 3 November 2016
Paul Buckley PSM
Chief Executive Officer

Agenda

Mobile Telephone Reminder

Please turn off all mobile telephones or in the case of an emergency, please advise the Chair and switch to silent mode.

Statement of Acknowledgement

Bass Coast Shire Council acknowledges Aboriginal and Torres Strait Islander as the first Australians and recognises that they have a unique relationship with the land and water.

Council also recognises that we are situated on the traditional lands of the Bunurong/Boonwurrung, members of the Kulin Nation who have lived here for thousands of years.

We offer our respect to their elders past and present and through them, all Aboriginal and Torres Strait Islander people.

Notes:

Temporary Chair

Part B, Section 9.1 of the Bass Coast Shire Council Meeting Procedure Local Law 2009 states that the Chief Executive Officer must open the meeting at which the Mayor is to be elected and preside until the meeting elects a Mayor.

Once the Mayor has been elected, they will take the position of Chair.

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A Present and Apologies

Reports Requiring Council Decision

B Reports Requiring Council Decision

B.1 Election of Mayor

File No:	CMI6/770
Department:	Healthy Communities and Governance
Council Plan Strategic Objective:	Effective Governance
	Our leadership will be achieved through good governance, community engagement and excellence in service delivery.

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The *Local Government Act 1989* requires Council to elect a Mayor after the fourth Saturday in October but not later than 30 November on each year. All Councillors are eligible for election or re-election as Mayor.

The Mayor can be elected for a one year or two year term, however this decision must be made before the Mayor is elected. If no decision is made, the term of the Mayor remains at one year.

Where two or more nominations are received an election will be held. Voting will be by show of hands in accordance with Section 90 of the *Local Government Act 1989*.

The election will be conducted by the Chief Executive Officer. Once the Mayor has been elected, he or she will Chair the remainder of the meeting.

Background

Section 73 of the *Local Government Act 1989* (Act) specifies that the Mayor must take precedence at all municipal proceedings within the municipal district and must chair all meetings at which he/she is present. If there is a vacancy in the position of Mayor, or the Mayor is absent from a meeting, Council must appoint another Councillor to be the acting Mayor. If Council chooses to appoint a Deputy Mayor, then the acting Mayor role will usually be filled by the Deputy Mayor. An acting Mayor may perform any function or exercise any power conferred on the Mayor.

Under s73AA of the Act the functions of the Mayor of a Council include:

- (a) providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor under section 65, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors under sections 76B, 76BA and 76C; and
- (b) acting as the principal spokesperson for the Council; and

- (c) supporting good working relations between Councillors; and
- (d) carrying out the civic and ceremonial duties of office of Mayor.

Under Section 90 (1) (e) the Mayor receives a casting vote where necessary.

Strategic Basis

This report meets the objective of Effective Governance from the Council Plan 2013-2017 which states that 'Our leadership will be achieved through good governance, community engagement and excellence in service delivery'.

Council Plan Principles

This report supports the principle of:

- Transparent evidence-based and inclusive decision making.

Finances

The *Local Government Act 1989* requires Council to determine the level of Councillor and Mayoral allowance within six months of a general election. A report will be presented to the Ordinary Meeting of Council on 21 December 2016 to determine this allowance. Until a new allowance is set, the current allowance remains in place. The Mayoral Allowance is currently valued at \$74,655 per annum with a 9.5% superannuation guarantee.

All Councillors are entitled to resources and support as outlined in the Provision of Resources to Councillors Policy, Councillor IT Equipment Policy and Councillor Travel Policy. In addition to this the Mayor is provided with high level administration support, a furnished Mayoral office with a desktop computer, and private use of a medium sized executive vehicle.

Stakeholders

All residents, ratepayers and visitors are stakeholders in the decision to elect the Mayor.

Statutory Requirements/Codes/Standards/Policies

Under s.71(2) of the *Local Government Act 1989* Council must elect a Mayor, but first determine whether the term of Mayor will be for one year or two years.

Traditionally Council has decided on a one year term.

The election of the Mayor is conducted in accordance with Part 9 of Bass Coast Shire Council's Meeting Procedure Local Law 2009.

Other Options

There are no other options as it is a requirement under the Act to elect a Mayor.

Recommendation

- 1. That Council determine the term of office for the Mayor as being for either one year or two years.**
- 2. That the term of office for the Mayor commence immediately following the election and conclude at 6am on the date of the Statutory Meeting in one year, or two years, subject to the outcome of recommendation one.**
- 3. That nominations be invited for the election of the Mayor.**

Attachments

There are no attachments for this report

B.2 Election of the Deputy Mayor

File No:	CMI6/776
Department:	Healthy Communities and Governance
Council Plan Strategic Objective:	Effective Governance

Our leadership will be achieved through good governance, community engagement and excellence in service delivery.

Declaration

The author has no direct or indirect interests in relation to this report.

Summary

The *Local Government Act 1989* does not recognise the role of Deputy Mayor other than the need to appoint an acting Mayor in the event of the Mayor being absent, incapable of acting, or resigning in accordance with Section 73 of the *Local Government Act 1989*.

The Council may agree to appoint to the position of Deputy Mayor and undertake an election in line with Bass Coast Shire Council's Meeting Procedure Local Law 2009.

Background

The role of Deputy Mayor in the past has included:

- Deputising for the Mayor at civic functions, Mayoral engagements and other meetings at which the Mayor is required to represent Council.
- Being nominated to chair Council Meetings in the absence of the Mayor
- Acting as Council spokesperson under Council's Communication and Engagement Strategy in the absence of the Mayor.

Strategic Basis

This report meet the objective of Effective Governance from the Council Plan 2013-2017 which states that 'Our leadership will be achieved through good governance, community engagement and excellence in service delivery'.

Council Plan Principles

This report supports the principle of:

- Transparent evidence-based and inclusive decision making.

Finances

The *Local Government Act 1989* (Act) requires Council to determine the level of Councillor and Mayoral allowance within six months of a general election. A report will be presented to the Ordinary Meeting of Council on 21 December 2016 to determine this allowance. The Deputy Mayor receives the same allowance as a

Councillor. Until a new allowance is set, the current allowance remains in place. The Councillor Allowance is currently valued at \$24,127 per annum with a 9.5% superannuation guarantee.

All Councillors are entitled to resources and support as outlined in the Provision of Resources to Councillors Policy, Councillor IT Equipment Policy and Councillor Travel Policy.

Stakeholders

All residents, ratepayers and visitors are stakeholders in the decision to elect the Deputy Mayor.

Statutory Requirements/Codes/Standards/Policies

The Bass Coast Shire Council Meeting Procedure Local Law 2009 does set out the procedure used for electing a Deputy Mayor if Council determines the position of Deputy Mayor is required.

Other Options

The Council could decide not to create a position of Deputy Mayor.

Recommendation

- 1. That Council determine if the position of Deputy Mayor is to be continued.**
- 2. That subject to the outcome of Recommendation 1, Council determine the term of office for the Deputy Mayor as being for either one year or two years.**
- 3. That the term of office for the Deputy Mayor commence immediately following the election and conclude at 6am on the date of the Statutory Meeting in one year, or in two years, subject to the outcome of Recommendations 1 and 2.**
- 4. That subject to the outcome of Recommendation 1, nominations be invited for the election of the Deputy Mayor.**

Attachments

There are no attachments for this report.

Mayoral Announcement Of Next Meeting Of Council

The next **Ordinary Council Meeting** will be held on Wednesday, 23 November 2016 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 5.00pm.

The next **Community Engagement Session** will held on Wednesday, 7 December 2016 in the Bass Coast Civic Centre Council Chamber, Baillieu Street East, Wonthaggi commencing at 3.00pm.