

## **SPECIAL COUNCIL MEETING**

**Wednesday 7 November, 2018**

**6.30pm**

**Council Chamber**

**Level 1**

**Maribyrnong Council Offices**

**Corner Hyde and Napier Streets, Footscray**

### **AGENDA**

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**Agenda Item 5.1**

**CONFIRMATION OF THE MAYORAL TERM**

**Director:** Celia Haddock  
Director Corporate Services

**Author:** Lisa King  
Manager Governance and Commercial Services

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**PURPOSE**

To confirm that the next Mayoral term will be for a period of one year.

**ISSUES SUMMARY**

- The *Local Government Act 1989* (*'the Act'*) establishes the role of Mayor, and provides that the Mayor takes precedence at all municipal proceedings within the municipal district, and must take the Chair at all meetings of the Council at which he or she is present.
- Section 71 of *the Act* provides that Council may elect a Mayor for a two year period. Historically, Council has elected a Mayor for a one year term only.
- The Office of Mayor becomes vacant at 6am on the day of the election of the Mayor.

**ATTACHMENTS**

Not applicable

**OFFICER RECOMMENDATION**

**That Council confirms that the Mayoral term be for a period of one year commencing from the declaration of the election result of the Mayoral election by the Chief Executive Officer.**

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**Agenda Item 5.1****BACKGROUND**

Section 71 of the Act provides for the Election of the Mayor.

**DISCUSSION/KEY ISSUES****1. Key Issues**

Section 71(2) of the Act provides that before a Mayor is elected the Council may resolve to elect a Mayor for a term of two years. Historically, Council has elected a Mayor for a one year term.

**2. Council Policy/Legislation****Council Plan 2017-2021/Municipal Public Health and Wellbeing Plan**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, and the wellbeing priorities contained in the Municipal Public Health and Wellbeing Plan by considering:

- Strategic Objective:
  - Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.
- Wellbeing Priority:
  - Strong leadership - Advocacy and engagement on key health and wellbeing issues.

**Legislation**

- *Local Government Act 1989*
- Governance Local Law 2011.

**Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

**Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

**3. Engagement**

Not applicable.

**4. Resources**

Not applicable.

**Agenda Item 5.1**

**5. Environment**

Not applicable.

**CONCLUSION**

The Act provides that Council may resolve to elect a Mayor for a term of two years before a Mayor is elected. This report recommends that the term for the next Mayor be confirmed for a period of one year.

**Agenda Item 5.2**

**ELECTION OF THE MAYOR**

**Director:** Celia Haddock  
Director Corporate Services

**Author:** Lisa King  
Manager Governance and Commercial Services

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**PURPOSE**

To elect a Mayor of Maribyrnong City Council.

**ISSUES SUMMARY**

- The *Local Government Act 1989* ('the Act') defines the role of Mayor. The Mayor takes precedence at all municipal proceedings within the municipal district and must take the Chair at all meetings of the Council at which he or she is present.
- The election of the Mayor is conducted by the Chief Executive Officer in accordance with section 71 of the Act and the procedure as set out in clause 8 of Council's Governance Local Law 2011 ('the Local Law')

**ATTACHMENTS**

Not applicable

**OFFICER RECOMMENDATION**

**That Chief Executive Officer to declare a Councillor as the elected Mayor of Maribyrnong City Council.**

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**Agenda Item 5.2****BACKGROUND**

In accordance with section 71 of the Act, at a meeting of the Council open to the public, the Councillors must elect a Councillor to be Mayor. Clause 8 of the Local Law details the procedure for the Election of Mayor.

**DISCUSSION/KEY ISSUES****1. Key Issues**

In accordance with clause 8.1.2 of the Local Law, the Chief Executive Officer must conduct the election of the Mayor.

The election of the Mayor must be carried out by a show of hands and all Councillors must vote as required by clause 8.2.1 of the Local Law.

The Local Law also includes that:

- Until the Mayor is elected the Chief Executive Officer is to be temporary Chair of the meeting and returning officer for the election of the Mayor (clause 8.3.2)
- The Chief Executive Officer must open the meeting at which the Mayor is to be elected and invite nominations for the office of Mayor (clause 8.3.3)
- A Councillor may nominate another Councillor or themselves as a candidate (clause 8.3.4)
- Nominations do not require seconding (clause 8.3.5).

Once nominations have been received the Local Law includes the following provisions to govern the election of the Mayor:

- If only one candidate is nominated the Chief Executive Officer must declare the candidate elected as Mayor (clause 8.3.6)
- If more than one candidate is nominated, Councillors must vote for their preferred candidate (clause 8.3.7)
- Where two candidates have been nominated the candidate with the absolute majority of votes cast (half plus one) must be declared elected as Mayor (clause 8.3.8)
- Where more than two candidates have been nominated, the candidate that has received an absolute majority of votes cast will be declared elected as Mayor (clause 8.3.10).

The procedure for electing a Mayor where more than two candidates have been nominated and no candidate receives an absolute majority of votes cast is also provided for in the Local Law (refer clauses 8.3.11 to 8.3.13).

**2. Council Policy/Legislation****Council Plan 2017-2021/Municipal Public Health and Wellbeing Plan**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, and the wellbeing priorities contained in the Municipal Public Health and Wellbeing Plan by considering:

**Agenda Item 5.2**

- Strategic Objective:
  - Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.
- Wellbeing Priority:
  - Strong leadership - Advocacy and engagement on key health and wellbeing issues.

**Legislation**

- *Local Government Act 1989.*
- Governance Local Law 2011.

**Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

In accordance with section 79C of the Act, a Councillor is not taken to have a conflict of interest in the election of the Mayor.

**Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

**3. Engagement**

Not applicable.

**4. Resources**

Not applicable.

**5. Environment**

Not applicable.

**CONCLUSION**

The election of a Mayor is a requirement of the Act, and is to be conducted by Council's Chief Executive Officer in accordance with the Act and the Local Law.



**Agenda Item 5.3**

**ELECTION OF THE DEPUTY MAYOR**

**Director:** Celia Haddock  
Director Corporate Services

**Author:** Lisa King  
Manager Governance and Commercial Services

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**PURPOSE**

To elect a Deputy Mayor for a period of one year to coincide with the Mayoral term.

**ISSUES SUMMARY**

- The role of Deputy Mayor is not a legislative requirement and can be created by a resolution of Council.
- Historically, Council has elected a Deputy Mayor for a period of one year, to coincide with the Mayoral term.
- Council's Governance Local Law 2011 (the Local Law) at clause 9 provides for the election of a Deputy Mayor.
- The Local Law provides at clause 9.6 when acting in the position of Mayor, the Deputy Mayor may perform any function or exercise any power conferred on the Mayor.
- Nominations for the position of Deputy Mayor will be sought by the Chair and an election held, in accordance with the Local Law.
- The Local Law, at clause 9.3, provides that the Mayor will conduct the election process for the Deputy Mayor.

**ATTACHMENTS**

Not applicable

**OFFICER RECOMMENDATION**

**The Mayor as the Chair of the Meeting to declare the successful candidate as the Deputy Mayor of Maribyrnong City Council for a term of one year to coincide with the Mayoral term.**

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**Agenda Item 5.3****BACKGROUND**

The role of Deputy Mayor is not a legislative requirement and can be created by a resolution of Council.

Historically, the role of Deputy Mayor has been created to coincide with the Mayoral term. In accordance with the Local Law, the Deputy Mayor will be given preference as acting Mayor on each occasion where there is a vacancy in the Office of the Mayor, or the Mayor is absent, incapable of acting, or refusing to act.

The Local Law, at clause 9.6, provides that when acting in the position of Mayor, the Deputy Mayor may perform any function or exercise any power conferred on the Mayor.

Council's Meeting Procedure (which is incorporated by reference in the Local Law), at clause 7.1, provides that if the Mayor is absent from a Council meeting, the Deputy Mayor must take the Chair.

The Local Law provides at clause 9.2 that any election for the position of Deputy Mayor will follow the same process as the election of the Mayor.

**DISCUSSION/KEY ISSUES****1. Key Issues**

The Local Law (clause 9) provides that the Mayor will conduct the election process and that any election for the position of Deputy Mayor will follow the same process as the election of the Mayor.

Nominations for Deputy Mayor will be sought by the Mayor and an election held in accordance with the Local Law.

**2. Council Policy/Legislation****Council Plan 2017-2021/Municipal Public Health and Wellbeing Plan**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, and the wellbeing priorities contained in the Municipal Public Health and Wellbeing Plan by considering:

- Strategic Objective:
  - Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.
- Wellbeing Priority:
  - Strong leadership - Advocacy and engagement on key health and wellbeing issues.

**Legislation**

- *Local Government Act 1989.*
- *Governance Local Law 2011.*

## **Agenda Item 5.3**

### **Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

### **Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

### **3. Engagement**

Not applicable.

### **4. Resources**

Not applicable.

### **5. Environment**

Not applicable.

### **CONCLUSION**

The election of a Deputy Mayor is conducted in accordance with Council's Governance Local Law 2011 (clause 9), and will be conducted by the Mayor.

**Agenda Item 5.4****APPOINTMENTS TO COUNCIL'S AUDIT COMMITTEE AND SPECIAL COMMITTEES ESTABLISHED UNDER SECTION 86 OF THE LOCAL GOVERNMENT ACT 1989**

**Director:** Celia Haddock  
Director Corporate Services

**Author:** Lisa King  
Manager Governance and Commercial Services

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**PURPOSE**

To appoint Chairs of the City Development Special Committee (CDSC), the Enterprise Maribyrnong Special Committee, and members of the Audit Committee for a period of one year to coincide with the terms of Mayor and Deputy Mayor, and to note representation on the Inner Melbourne Action Plan Implementation Committee.

**ISSUES SUMMARY**

- In February 2012, Council established the CDSC, and in May 2015 established the Enterprise Maribyrnong Special Committee (the Committees), both in accordance with section 86 of the *Local Government Act 1989 (the Act)*.
- Each Special Committee has a delegation incorporating terms of reference, as determined by Council, which provides the delegated authority of the Special Committees, and the scope of decisions that may be made.
- In June 2013, Council established the Inner Melbourne Action Plan Implementation Committee (IMAP), and appointed the persons from time to time holding the position of Mayor and the Chief Executive Officer as Council's representatives.
- The membership of IMAP comprises representatives from the Cities of Maribyrnong, Melbourne, Port Phillip, Stonnington and Yarra.
- The Audit Committee is an Advisory Committee of Council and reports directly to Council on matters concerning accountable financial management, good corporate governance, maintaining a system of internal control and risk management and fostering an ethical environment.

**ATTACHMENTS**

Not applicable

**Agenda Item 5.4**

**OFFICER RECOMMENDATION**

**That Council:**

- 1. Appoints Councillor \_\_\_\_\_ as Chair of the City Development Special Committee for a one year term, to coincide with the Mayoral/Deputy Mayor term.**
  - 2. Appoints the Mayor (ex-officio) and Councillors \_\_\_\_\_ and \_\_\_\_\_ as members of the Enterprise Maribyrnong Special Committee for a one year term, to coincide with the Mayoral/Deputy Mayor term.**
  - 3. Appoints the Mayor (ex-officio) and Councillors \_\_\_\_\_ and \_\_\_\_\_ as representatives to the Audit Committee.**
  - 4. Notes the appointment of the Mayor and the Chief Executive Officer to the Inner Melbourne Action Plan Implementation Committee.**
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**Agenda Item 5.4****BACKGROUND**

In February 2012, Council established the City Development Special Committee, and in May 2015 established the Enterprise Maribyrnong Special Committee. The delegation incorporating terms of reference of each special committee outlines the powers and limitations of the committees, and defines the matters the special committee, may make decisions in relation to:

Section 139 of the *Local Government Act 1989* requires that Council must establish an Audit Committee which is to be considered an advisory committee.

**DISCUSSION/KEY ISSUES****1. Key Issues**

The City Development Special Committee membership comprises all Councillors.

The Enterprise Maribyrnong Special Committee is independently Chaired and comprises three Councillors (Mayor ex-officio and two others), and members from the industries of Transport and Logistics, Local Retail, Manufacturing, Regional Retail, Education and University Town and Creative Industries.

In June 2013 Council joined the IMAP Committee. The Mayor of the day and the Chief Executive Officer are appointed as Council's representatives as per the instrument of delegation. Membership of IMAP comprises representatives from the Cities of Maribyrnong, Melbourne, Port Phillip, Stonnington and Yarra.

The Audit Committee consists of two independent members, including the Chair, and three Councillors.

**2. Council Policy/Legislation****Council Plan 2017-2021/Municipal Public Health and Wellbeing Plan**

This report contributes to Council's strategic objectives contained in the Council Plan 2017-2021, and the wellbeing priorities contained in the Municipal Public Health and Wellbeing Plan by considering:

- Strategic Objective:
  - Strong leadership - lead our changing city using strategic foresight, innovation, transparent decision making and well-planned, effective collaboration.
- Wellbeing Priority:
  - Strong leadership - Advocacy and engagement on key health and wellbeing issues.

**Legislation**

- *Local Government Act 1989*
- Maribyrnong City Council Governance Local Law 2011.

## **Agenda Item 5.4**

### **Conflicts of Interest**

No officer responsible for, or contributing to, this report has declared a direct or indirect interest in relation to this report.

### **Human Rights Consideration**

This report complies with the rights listed in the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

### **3. Engagement**

Not applicable.

### **4. Resources**

Not applicable.

### **5. Environment**

Not applicable.

### **CONCLUSION**

The appointment of Chairs to the Special Committees and Audit Committee is required to coincide with the Mayoral term. Representation on the Inner Melbourne Action Plan Implementation Committee remains as the Mayor and Chief Executive Officer.