

MINUTES

**ADDITIONAL COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 4 APRIL 2022**



VENUE:

**Lighthouse Theatre Studio
Lighthouse Theatre
Timor Street
Warrnambool**

COUNCILLORS

**Cr. Vicki Jellie AM (Mayor)
Cr. Otha Akoch
Cr. Debbie Arnott
Cr. Ben Blain
Cr. Angie Paspaliaris
Cr. Max Taylor
Cr. Richard Ziegeler**

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can be obtained online at www.warrnambool.vic.gov.au

**Peter B. Schneider
CHIEF EXECUTIVE OFFICER**

AUDIO RECORDING OF COUNCIL MEETINGS

All Open and Special Council Meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Audio recordings of meetings will be made available for download on the internet via the Council's website by noon the day following the meeting and will be retained and publicly available on the website for 12 months following the meeting date. The recordings will be retained for the term of the current Council, after which time the recordings will be archived and destroyed in accordance with applicable public record standards. By participating in Open and Special Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions.

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MINUTES OF THE ADDITIONAL COUNCIL MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE LIGHTHOUSE THEATRE STUDIO, LIGHTHOUSE THEATRE, TIMOR STREET, WARRNAMBOOL ON MONDAY 4 APRIL 2022 COMMENCING AT 5:45 PM

PRESENT: Cr. Vicki Jellie AM, Mayor/Chairman
Cr. Otha Akoch
Cr. Debbie Arnott
Cr. Ben Blain
Cr. Angie Paspaliaris
Cr. Max Taylor
Cr. Richard Ziegeler

IN ATTENDANCE: Mr Peter Schneider, Chief Executive Officer
Mr Peter Utri, Director Corporate Strategies
Mr David Leahy, Director City Infrastructure
Ms Jodie McNamara, Acting Director Community Development
Mr Andrew Paton, Director City Growth
Ms Julie Anderson, Manager Governance Property, Projects & Legal

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

Almighty God
Grant to this Council
Wisdom, understanding and Sincerity of purpose
For the Good Governance of this City
Amen.

ORIGINAL CUSTODIANS STATEMENT

I wish to acknowledge the traditional owners of the land on which we stand and pay my respects to their Elders past and present.

2. APOLOGIES

Nil.

3. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act. A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

4. REPORTS

4.1. PROCEDURE FOR ELECTION OF MAYOR

PURPOSE:

This report is to give information regarding the procedure for Election of the Mayor.

EXECUTIVE SUMMARY

1. The election of the Mayor will be conducted in accordance with the provisions of the *Act* and the Governance Rules of Warrnambool City Council.
2. The Chief Executive Officer will open this Council Meeting at which the Mayor is to be elected.
3. In accordance with section 26(8) of the Local Government Act 2020, a Councillor elected to fill a vacancy in the office of Mayor caused other than by the expiration of a one year term will serve only the remaining period of the previous Mayor's term.
4. Any nominations for the office of Mayor must be made verbally by Councillors present at this Meeting.
5. A nomination for Mayor does not require a seconder.
6. If there is only one nomination, the Councillor nominated is deemed to be elected.
7. If there is more than one nomination:
 - (a) each of the candidates shall be invited to speak for no more than three (3) minutes to their nomination in alphabetical order of their surnames and, where two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
 - (b) after each of the candidates has been given an opportunity to speak, a vote must be taken to elect one of the candidates nominated, where:
 - (i) a candidate receiving an Absolute Majority of the votes is declared elected;
 - (ii) if no candidate receives an Absolute Majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate (and, where more than one of them has the same fewest number of votes, the candidate to be eliminated is to be determined by lot);
 - (iii) a further vote will then be taken for the remaining candidates;
 - (iv) where one of the remaining candidates receives an Absolute Majority of the votes, he or she shall be declared elected;
 - (v) where none of the remaining candidates receives an Absolute Majority of the votes, the procedure described in rule 5(7)(b)(ii) is repeated;
 - (vi) this process shall continue until one of the candidates has received an Absolute Majority of the votes, or the final two candidates have an equal number of votes;
 - (vii) where one of the candidates has received an Absolute Majority of the votes, that candidate is declared elected; and
 - (viii) where the remaining candidates have an equal number of votes and one of them needing to be declared elected, the defeated candidate shall be determined by lot.
- (8) The following provisions apply to the conduct of the lot:
 - (a) each candidate will draw one (1) lot;
 - (b) the order of drawing lots will be determined by the alphabetical order of the surnames of the candidates who received an equal number of votes and, where two or more such candidates' surnames are identical, the order will be determined by the alphabetical order of the candidates' first names;
 - (c) as many identical pieces of paper as there are candidates who received an equal number of votes must be placed in a receptacle. The word "Defeated" shall be Written on one (1) of the pieces of paper, and the candidate who draws the paper with the word "Defeated" Written on it must be declared the defeated candidate;

- (d) if only one candidate remains, that candidate is deemed to be elected; and
 - (e) if more than one candidate remains, a further vote must be taken on the remaining candidates and the above process repeated if necessary, in which case that candidate will be declared duly elected.
- (9) The Chief Executive Officer will declare the result of the election and the successful candidate.

4.2. NOMINATIONS TO BE CALLED FOR THE POSITION OF MAYOR

The Chief Executive Officer called for nominations for the position of Mayor for the remaining Mayoral term to the 24 October 2022.

- Cr Debbie Arnott nominated Cr Vicki Jellie AM for the position of Mayor for the remaining Mayoral term to the 24 October 2022.
- Cr. Jellie accepted the nomination.

4.3. ELECTION OF MAYOR

As there were no further nominations for the position of Mayor, Cr Vicki Jellie AM was duly declared elected as Mayor for the remaining Mayoral term to the 24 October 2022.

4.4. PRESENTATION TO INCOMING MAYOR

1. Presentation of Mayoral Pendant and Gavel were presented to the Mayor by the Chief Executive Officer

The Mayoral Pendant is a Badge of the Office of Mayor and is a token of the Mayor's authority in the Civic life of the community. May it remind you, and all who wear it, of the solemn duties, obligations and responsibilities of the Office of Mayor.

- 2. The Mayor, Cr. Vicki Jellie AM addressed the meeting.
- 3. Congratulations and support were conveyed from the Chief Executive Officer.

5. CLOSE OF MEETING

The meeting closed at 5.52.pm.

CHAIRMAN