

AGENDA

**ANNUAL (STATUTORY) MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 23 NOVEMBER 2020**



VENUE:

**Reception Room
25 Liebig Street
Warrnambool**

PLEASE NOTE:

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**Vikki King
ACTING CHIEF EXECUTIVE OFFICER**

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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

3. REPORTS

3.1. WARRNAMBOOL CITY COUNCIL GENERAL ELECTION REPORT

- The 2020 Warrnambool City Council General Election was conducted by the Victorian Electoral Commission.
- At the close of nominations, 24 candidates nominated for the 7 vacant positions.
- There were **27,279** people eligible to vote at the election.
- **23,473** ballot papers were returned (86.05%).
- **2,063** of the ballot papers were **informal** (8.79%).
- **21,410** ballot papers were **formal votes** received.
- The quota to be elected was **2,677**.
- Two candidates reached quota on the first preference – Vicki Jellie and Otha Akoch.
- Following the allocation of preferences, the following candidates were elected as Councillors for Warrnambool City Council:-

JELLIE, Vicki (*1st elected*)

AKOCH, Otha (*2nd elected*)

PASPALIARIS, Angie (*3rd elected*)

ARNOTT, Debbie (*4th elected*)

BLAIN, Ben (*5th elected*)

TAYLOR, Max (*6th elected*)

ZIEGELER, Richard (*7th elected*)

The poll was declared on Tuesday 10 November 2020. The distribution of first preferences for the 24 candidates is as follows:-

Candidate	First preference votes	Percentage
JELLIE, Vicki	6,526	30.48%
AKOCH, Otha Thon	2,771	12.94%
PASPALIARIS, Angie	1,534	7.16%
ARNOTT, Debbie	578	2.70%
BLAIN, Ben	1,288	6.02%
TAYLOR, Max	619	2.89%
ZIEGELER, Richard	750	3.50%
SYCOPOULIS, Peter	813	3.80%
HUDSON, Lynn	691	3.23%
NEOH, Michael	683	3.19%
BURKE, Jim	622	2.91%
CASSIDY, Sue	561	2.62%
WALSH, Matthew	532	2.48%
TOGNI, Tracey	517	2.41%
CAMPBELL, Bruce	501	2.34%
GASTON, Kylie	402	1.88%
McCluskey, Michael	386	1.80%
OWEN, David	344	1.61%
MOORE, Steve	297	1.39%
CAMPBELL, Thomas Edwin	254	1.19%
EARNSHAW, Anthony	228	1.06%
PRIGG, Cassandra	200	0.93%
ANDERSON, Jacinta	159	0.74%
SQUIRES, Matthew	154	0.72%

For information.

3.2. DECLARATION OF COUNCILLOR OATHS & AFFIRMATIONS OF OFFICE

PURPOSE:

The purpose of this report is to receive and document the Oaths and Affirmations of Office of Warrnambool City Council's newly elected Councillors.

EXECUTIVE SUMMARY

Under the provisions of the *Local Government Act 2020*, each elected Councillor is required to take the Oath or Affirmation of Office. This is required before a person elected to Council is capable of acting as a Councillor.

As required by Section 30 of the *Local Government Act 2020*, the Oath or Affirmation of Office must be made before the Chief Executive Officer, dated and signed before the Chief Executive Officer and be recorded in the Minutes of Council.

The Oath or Affirmation of Office will be administered in order of election:-

1. Vicki Jellie AM
2. Otha Akoch
3. Angie Paspaliaris
4. Debbie Arnott
5. Ben Blain
6. Max Taylor
7. Richard Ziegeler

3.3. TERM OF OFFICE OF MAYOR

PURPOSE:

To determine the Term of Office of the Mayor of Warrnambool City Council.

EXECUTIVE SUMMARY

Section 26(3) of the *Local Government Act 2020* requires Council to determine the length of the Mayoral term prior to the election of the Mayor. The term decided will apply to the Deputy Mayor, if one is also elected. The term of office of the Mayor and Deputy Mayor may be a 1 year term or a 2 year term.

Under the Act, where the Mayor is elected for a 1 year term, the next election of the Mayor is must be held on a day to be determined by Council that is as close to the end of the 1 year term as is reasonably practicable.

Where the Mayor is elected for a 2 year term, the next election of the Mayor must be held on a day to be determined by Council that is as close to the end of the 2 year term as is reasonably practicable.

RECOMMENDATION

That Council determines that the Term of Office of the Mayor for Warrnambool City Council be a period of 1 year.

3.4. 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 must open the Annual (Statutory) Meeting at which the Mayor is to be elected.
3. Before nominations for the office of Mayor are invited by the Chief Executive Officer, the Council must resolve if the term of the Mayor is to be for one (1) year or two (2) years.
4. Any nominations for the office of Mayor must be made verbally by Councillors present at the Annual (Statutory) 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.
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RECOMMENDATION

That this report be received.

3.5. NOMINATIONS TO BE CALLED FOR THE POSITION OF MAYOR

The Acting Chief Executive Officer to call for nominations for the position of Mayor.

If more than one candidate is nominated, before a vote is conducted, each of the candidates shall be invited to speak to their nomination in alphabetical order for no more than three (3) minutes.

3.6. ELECTION OF MAYOR

The Acting Chief Executive Officer advises that the Mayoral nominations will be placed before the Council in alphabetical order.

If only one nomination is received, the Acting Chief Executive Officer will declare that candidate duly elected as Mayor

3.7. PRESENTATION TO INCOMING MAYOR

1. Presentation of Mayoral Pendant and Gavel 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 will now take the Chair of the Meeting.

3. Congratulations and support from Councillors and Acting Chief Executive Officer.

4. Mayor's response.

3.8. ELECTION OF DEPUTY MAYOR

PURPOSE:

This report provides advice on the process for the election of Deputy Mayor of Warrnambool City Council.

EXECUTIVE SUMMARY

The *Local Government Act 2020* (the Act) states Council may establish an office of Deputy Mayor. Council's Governance Rules outlines the process for the election of a Deputy Mayor.

Under the Act, the Deputy Mayor must perform the role of Mayor and may exercise any powers of the Mayor if the Mayor is unable to attend a meeting (or part thereof), or if the Mayor is incapable of performing the duties of the office of Mayor for any reason (including illness), or if the office of Mayor is vacant. The Deputy Mayor does not hold any other additional powers or functions.

The process for the election of a Deputy Mayor is the same process for the election of Mayor.

Should Council determine to appoint a Deputy Mayor, the Mayor will conduct the election.

3.9. CEREMONIAL MOTIONS

PURPOSE:

This report lists various ceremonial motions to be considered at the Council's Annual Meeting on 23 November 2020.

a) MOTION OF LOYALTY

RECOMMENDATION

That Warrnambool City Council declare its loyalty and allegiance to Australia, the State of Victoria and the citizens of Warrnambool.

b) MOTION TO PREVIOUS MAYOR & COUNCILLORS

RECOMMENDATION

That Warrnambool City Council places on record its appreciation to past Mayors and Councillors who have served on the Warrnambool City Council.

c) MOTION TO PARLIAMENTARIANS

RECOMMENDATION

That Warrnambool City Council places on record its appreciation to the Federal and State Members of Parliament who represent the Warrnambool area and who have willingly contributed to the governance and well being of the City and its services through their roles as Members of Parliament.

d) MOTION TO COMMUNITY MEMBERS OF ADVISORY COMMITTEES AND VOLUNTEERS

RECOMMENDATION

That Warrnambool City Council places on record its appreciation to the Citizens of this City and district who have willingly contributed to the governance and well being of the City and its services through their service as community members of advisory committees and as volunteers, assisting in many Council and community activities.

e) MOTION TO RECOGNISE THE SISTER CITY RELATINSHIP WITH MIURA, JAPAN & CHANGCHUN, CHINA

RECOMMENDATION

That Warrnambool City Council places on record its commitment to international peace and understanding by its participation in the Sister City Relationship with Miura, Japan and Changchun, China.

f) MOTION OF RECOGNITION OF WORKING RELATIONSHIPS WITH COUNCILS OF THE GREAT SOUTH COAST REGION

RECOMMENDATION

That Warrnambool City Council places on record its desire to work for the well being of the region through co-operation with councils of the Great South Coast region.

4. CLOSE OF MEETING

The Mayor to declare the meeting closed.