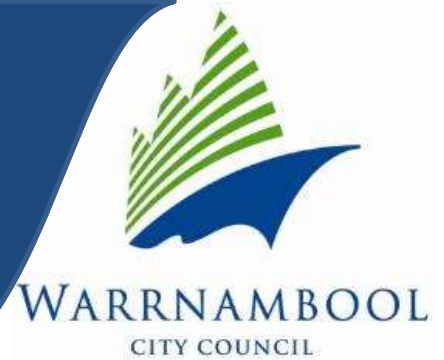


AGENDA

Annual (Statutory) Meeting
Warrnambool City Council
5.45pm - Monday 14 November 2016



VENUE:

Reception Room
25 Liebig Street
Warrnambool

COUNCILLORS

Cr. Robert Anderson
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Tony Herbert
Cr. Peter Hulin
Cr. Michael Neoh
Cr. David Owen

Copies of the Warrnambool City Council's Agendas & Minutes
can be obtained online at www.warrnambool.vic.gov.au

Bruce Anson
CHIEF EXECUTIVE

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.



WARRNAMBOOL CITY COUNCIL

The Annual (Statutory) Meeting of Council will be held in the Reception Room at the Warrnambool Civic Centre on Monday 14 November 2016 commencing at 5.45pm

MEMBERS:

Cr. Robert Anderson
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Tony Herbert
Cr. Peter Hulin
Cr. Michael Neoh
Cr. David Owen

OFFICERS:

Mr Bruce Anson, Chief Executive

ORDER OF BUSINESS

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1. OPENING AND WELCOME

2. OPENING PRAYER AND ORIGINAL CUSTODIANS STATEMENT

OPENING PRAYER

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.

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4. DECLARATION OF COUNCILLOR OATH OFFICE AND COUNCILLOR CODE OF CONDUCT TO BE MADE BEFORE THE CHIEF EXECUTIVE BY PERSONS ELECTED TO BE A COUNCILLOR 8

Oath of Office

Under the provisions of the *Local Government Act 1989*, each elected Councillor is required to take the Oath of Office. This is required before a person elected to Council is capable of acting as a Councillor. As required by section 63(2) of the *Local Government Act*, the Oath of Office must be made before the Chief Executive, signed before the Chief Executive and be recorded in the Minutes of Council.

Councillor Code of Conduct

The *Local Government Act 1989* (the Act) requires persons elected to Council to read the Councillor Code of Conduct (the Code) and make a declaration to abide by the Code before becoming a councillor. The declaration must be in writing and in the presence of the Chief Executive, as prescribed by section 63(3) of the Act.

Cr. Michael Neoh
Cr. Kylie Gaston
Cr. Sue Cassidy
Cr. David Owen
Cr. Peter Hulin
Cr. Tony Herbert
Cr. Robert Anderson

5. ELECTION OF TEMPORARY CHAIRPERSON 8
▪ *All Councillors nominating chairpersons or moving/seconding motions to stand.*

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11. PRESENTATION TO INCOMING MAYOR 11

- a) Presentation of Mayoral Pendant and Gavel to the Mayor.
- b) Congratulations and support from Council and Chief Executive.
- c) Mayor's response.

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- a) Motion to previous Mayors and Councillors.
- b) Motion of loyalty.
- c) Motion to Parliamentarians, community members of advisory committees and volunteers.
- d) Motion to recognise Sister City Relationship with Miura, Japan and Changchun, China.
- e) Motion of recognition of working relationship with councils of the Great South Coast region.

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Councillors, senior officers, special guests and members of the community in the public gallery are warmly invited to join the Mayor and Councillors for light refreshments at the conclusion of the Annual Meeting in the foyer of the Lighthouse Theatre.

3. WARRNAMBOOL CITY COUNCIL GENERAL ELECTION REPORT

- The 2016 Warrnambool City Council General Election was conducted by the Victorian Electoral Commission.
- At the close of nominations, 25 candidates who nominated for the 7 vacant positions.
- There were **26,655** people eligible to vote at the election.
- **22,177** ballot papers were returned.
- **2,045** of the ballot papers were **informal** (9.2%).
- **20,132** ballot papers **formal votes** received.
- The quota to be elected was **2,517**.
- No candidate reached quota on the first preference.
- Following the allocation of preferences, the following candidates were elected as Councillors for Warrnambool City Council:-

NEOH, Michael (*1st elected*)

GASTON, Kylie (*2nd elected*)

CASSIDY, Sue (*3rd elected*)

OWEN, David (*4th elected*)

HULIN, Peter (*5th elected*)

HERBERT, Tony (*6th elected*)

ANDERSON, Robert (*7th elected*)

The poll was declared on Monday 31 October 2016. The distribution of first preferences for the 25 candidates is as follows:-

Candidate	First preference votes
NEOH, Michael	2003
GASTON, Kylie	1800
CASSIDY, Sue	1766
HULIN, Peter	1519
HERBERT, Tony	1456
OWEN, David	1206
ANDERSON, Robert	1058
KELSON, Brian	1046
LOWE, Jennifer	817
SYCOPOULIS, Peter	765
MACPHAIL, Dave	763
HARRIS, John	759

Candidate	First preference votes
ZIEGELER, Richard	717
ASKEW, Robert	661
CALDERWOOD, Adrian	547
CAMPBELL, Thomas	506
BLAKESLEE, Tricia	451
POHLNER, Ben	441
JACOBS, Adrian	432
WOOD, Allan	384
McCLUSKEY, Michael	330
TAMPION, Troy Alan	313
THOMPSON, Christine	195
ANDERSON, Jacinta Catherine	133
WITHAM, Barb	64

4. DECLARATION OF COUNCILLOR OATH OFFICE AND COUNCILLOR CODE OF CONDUCT TO BE MADE BEFORE THE CHIEF EXECUTIVE BY PERSONS ELECTED TO BE A COUNCILLOR

Oath of Office

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Cr. Michael Neoh
Cr. Kylie Gaston
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Cr. Peter Hulin
Cr. Tony Herbert
Cr. Robert Anderson

5. ELECTION OF TEMPORARY CHAIRPERSON

- *All Councillors nominating chairpersons or moving/seconding motions to stand.*

6. APOLOGIES

7. DECLARATION BY COUNCILLORS OF ANY CONFLICT OF INTEREST (INCLUDING DIRECT OR INDIRECT PECUNIARY INTEREST IN ANY ITEM ON THE AGENDA)

8. TERM OF OFFICE OF MAYOR

PURPOSE

To determine the Term of Office of the Mayor.

Section 71(2) of the *Local Government Act 1989* provides that councils may determine the term of the position of Mayor (one or two years) before they elect a councillor as Mayor. It is necessary to determine the term before the election of the Mayor can occur.

Where the Mayor is elected for a 2 year term, the next election of the Mayor is 2 years after the last Saturday in October but not later than 30 November in the second year after the election.

ACTION TO BE TAKEN

That the Term of Office of the Mayor be for Warrnambool City Council be

9. PROCEDURE FOR ELECTION OF MAYOR

PURPOSE

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

INTRODUCTION

- 1) The election of the *Mayor* will be conducted in accordance with the provisions of *the Act* and Governance (Meting Procedures) Local Law No. 1 – 2016.
- 2) The *Chief Executive* must open the meeting at which the *Mayor* is to be elected.
- 3) Before nominations for the office of *Mayor* are invited by the *Chief Executive*, 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 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 vote must be taken to elect one of the candidates nominated.
- 8) Before a vote is conducted, each of the candidates shall be invited to speak to their nomination in alphabetical order of their surnames. No candidate may speak for more than three (3) minutes.
- 9) If a candidate receives a *Majority of the votes*, that candidate is declared to have been elected.
- 10) If no candidate receives a *Majority of the votes*, the candidate with the fewest number of votes is declared to be a defeated candidate. A further vote will then be taken for the remaining candidates. This process shall continue until one of the candidates has received a *Majority of the votes*. That candidate is then declared elected.
- 11) In the event of two (2) or more candidates having an equality of votes and one (1) of them having to be declared a defeated candidate, the result must be determined by lot.
- 12) 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 *Councillors* who received an equal number of votes except that if two (2) or more such *Councillors'* surnames are identical, the order will be determined by the alphabetical order of the *Councillors'* first names;
 - c) as many identical pieces of paper as there are *Councillors* 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 *Councillor* 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.
- 13) The *Chief Executive* will declare the result of the election and the successful candidate.

RECOMMENDATION

I move that this report be received.

10. NOMINATIONS TO BE CALLED FOR THE POSITION OF MAYOR

The Acting Chairman to call for nominations for the position of Mayor.

11. PRESENTATION TO INCOMING MAYOR

- a) Presentation of Mayoral Pendant and Gavel to the Mayor.

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.

- b) Congratulations and support from Council and Chief Executive.
c) Mayor's response.

12. CEREMONIAL MOTIONS

PURPOSE

This report lists various ceremonial motions to be considered at the Council's Annual Meeting on 14 November 2016.

- 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 MAYORS & 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 the 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.

c) **MOTION COMMUNITY MEMBERS OF ADVISORY COMMITTEES AND VOLUNTEERS**

RECOMMENDATION

That the 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.

d) **MOTION TO RECOGNISE THE SISTER CITY RELATIONSHIP WITH MIURA, JAPAN & CHANGCHUN**

RECOMMENDATION

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

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

RECOMMENDATION

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

13. CLOSE OF MEETING

Councillors, senior officers, special guests and members of the community in the public gallery are warmly invited to join the Mayor and Councillors for light refreshments at the conclusion of the Annual Meeting in the foyer of the Lighthouse Theatre.