

# MINUTES



Special Meeting of Council

Held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 10 December 2018

The meeting commenced at 7.15pm.

**PRESENT:**

*Cr J Keogh (Mayor)*

*Cr P Lockwood*

*Cr J Mortimore*

*Cr A Gill*

*Cr T Holland*

*Cr L Cooper*

*Cr D Pearce*

*Cr N Seymour*

*Dobson Ward*

*Baird Ward*

*Chandler Ward*

*Dinsdale Ward*

*Friberg Ward*

*Scott Ward*

*Taylor Ward*

*Tirhatuan Ward*

*Mr T Doyle*

*Chief Executive Officer*

*Dr I Bell*

*Director – Engineering & Infrastructure*

*Mr S Dickson*

*Acting Director - City Development*

*Mr M Fromberg*

*Director – Corporate Services*

*Ms T Clark*

*Director – Community Services*

*Mr P McQue*

*Manager, Governance and Strategy*

**Order of Business**

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1 Apologies and Requests for Leave of Absence

Nil.

2 Declarations of Conflict of Interest

Nil.

### 3 Reports for consideration

#### 3.1 Election of Deputy Mayor

**SUMMARY: Manager Governance and Strategy, Phil McQue**

**This report considers the recent resignation of Deputy Mayor Cr Jackson Taylor from Knox City Council and recommends that Council appoint a new Councillor to the Office of Deputy Mayor for the remainder of the 2018/19 period.**

#### **RECOMMENDATION**

That the Mayor call for nominations to the Office of Deputy Mayor for the remainder of the 2018/19 period, in accordance with Part 3 of the *Meeting Procedure and Use of Common Seal Local Law 2018*.

#### **1. INTRODUCTION**

Cr Jackson Taylor advised the Chief Executive Officer in writing of his resignation from Knox City Council, following being declared the Member for Bayswater on 6 December 2018. Cr Jackson Taylor was appointed to the Office of Deputy Mayor at the 31 October 2018 Statutory Meeting.

Council has a Deputy Mayor Policy to support the role of Mayor and to represent Council when the Mayor is absent. With Cr Jackson Taylor's resignation, it is recommended that Council appoint a Councillor to the Office of Deputy Mayor.

#### **2. DISCUSSION**

The election of the Deputy Mayor is governed by Part 3 of the *Meeting Procedure and Use of Common Seal Local Law 2018*. The Mayor will invite nominations. If only one nomination is received, that candidate is deemed to be duly elected. If there is more than one nomination, then Councillors present at that meeting must vote for one of the candidates by show of hands. In the event of a candidate receiving a majority of votes, that candidate must be declared to have been duly elected. The Local Law also contains provisions that must be followed in the event of equal votes being received by candidates.

#### **3. CONSULTATION**

Nil.

#### **4. ENVIRONMENTAL/AMENITY ISSUES**

Nil.

#### **5. FINANCIAL & ECONOMIC IMPLICATIONS**

There is no additional allowance payable for the Office of Deputy Mayor.

**6. SOCIAL IMPLICATIONS**

Nil.

**7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

**Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

**8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Manager Governance and Strategy, Phil McQue - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

**9. CONCLUSION**

It is recommended that Council appoint a Councillor to the Office of Deputy Mayor in accordance with Part 3 of the *Meeting Procedure and Use of Common Seal Local Law 2018*.

**10. CONFIDENTIALITY**

There are no items of a confidential nature in this report

**Report Prepared By:                   Manager Governance and Strategy, Phil McQue**

**Report Authorised By:               Director Corporate Services, Michael Fromberg**

**Attachments**

Nil

**RESOLUTION**

**MOVED:     Councillor Pearce**

**SECONDED: Councillor Mortimore**

**That the Mayor call for nominations to the Office of Deputy Mayor for the remainder of the 2018/19 period, in accordance with Part 3 of the *Meeting Procedure and Use of Common Seal Local Law 2018*.**

**CARRIED**

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In accordance with Knox City Council's Deputy Mayor Policy, the Mayor invited nominations for the office of Deputy Mayor 2018/19.

**NOMINEE: Cr Lockwood**

**NOMINATOR: Cr Pearce**

**SECONDED: Cr Mortimore**

There being no further nominations, the Mayor declared Councillor Peter Lockwood elected as Deputy Mayor of Knox City Council for 2018/19.

## 3.2 Extraordinary Vacancy - Collier Ward By-Election

**SUMMARY: Governance Advisor, Paige Kennett**

**This report considers the recent resignation of Cr Jackson Taylor from Knox City Council and the process for the by-election for the Collier Ward.**

### **RECOMMENDATION**

That Council:

1. Note the extraordinary vacancy for the Collier Ward following Councillor Jackson Taylor's resignation from Knox City Council; and
2. Determine the method of voting for the Collier Ward by-election is via \_\_\_\_\_.

### **1. INTRODUCTION**

Councillor Jackson Taylor advised the Chief Executive Officer in writing of his resignation from Knox City Council, following being declared the Member for Bayswater on 6 December 2018.

In accordance with Section 38 of the *Local Government Act 1989* (the Act), a by-election must be held to fill the seat of Collier Ward, with Council required to consider this matter no later than seven days following the extraordinary vacancy occurring.

### **2. DISCUSSION**

Section 38 of the Act stipulates that a by-election for an extraordinary vacancy be held on a Saturday which is not later than the 100<sup>th</sup> day after the extraordinary vacancy occurs. The polling date is determined by the Victorian Electoral Commissioner, who also has the discretion to determine that the polling date is not later than 150 days after the extraordinary vacancy occurs.

Section 41 of the Act states that the voting method for the by-election must be conducted by the same means as the previous general election (which was by attendance), unless the Council determines not later than seven days after the extraordinary vacancy occurred, to change the method.

The two previous by-elections for Knox City Council in 2015 and 2004 were both conducted by postal vote.

### **3. CONSULTATION**

The City has had preliminary discussions with the Victorian Electoral Commission about the process for the by-election.

### **4. ENVIRONMENTAL/AMENITY ISSUES**

Nil



## **5. FINANCIAL & ECONOMIC IMPLICATIONS**

There is no specific budget allocation for the Collier Ward by-election, and it will therefore be funded via efficiency savings from the Corporate Services budget. Based on previous by-election costs which were conducted by postal vote, it is estimated to cost \$60,000, which is a significant cost saving on an attendance vote. An attendance vote is dependent on a number of factors including voting facilities, but is expected to be in the vicinity of \$80,000 - \$100,000.

## **6. SOCIAL IMPLICATIONS**

Participation, integrity and electoral representation underpin the fabric of local democracy. The community will be afforded an opportunity to participate in local democracy with the conduct of the Collier Ward by-election.

## **7. RELEVANCE TO KNOX COMMUNITY AND COUNCIL PLAN 2017-2021**

### **Goal 8 - We have confidence in decision making**

Strategy 8.1 - Build, strengthen and promote good governance practices across government and community organisations

## **8. CONFLICT OF INTEREST**

Under section 80c of the Local Government Act 1989 officers providing advice to Council must disclose any interests, including the type of interest.

Author – Governance Advisor, Paige Kennett - In providing this advice as the Author, I have no disclosable interests in this report.

Officer Responsible – Director Corporate Services, Michael Fromberg - In providing this advice as the Officer Responsible, I have no disclosable interests in this report.

## **9. CONCLUSION**

It is recommended that Council note the resignation of Councillor Jackson Taylor from Knox City Council and determine the method of voting for the Collier Ward by-election.

## **10. CONFIDENTIALITY**

There are no items of a confidential nature in this report

**Report Prepared By:** Governance Advisor, Paige Kennett

**Report Authorised By:** Director Corporate Services, Michael Fromberg

## **Attachments**

Nil

**RESOLUTION**

**MOVED:** Councillor Holland

**SECONDED:** Councillor Mortimore

**That Council:**

- 1. Note the extraordinary vacancy for the Collier Ward following Councillor Jackson Taylor's resignation from Knox City Council; and**
- 2. Determine the method of voting for the Collier Ward by-election is via attendance.**

**CARRIED**

**RESOLUTION**

**MOVED:** Councillor Seymour

**SECONDED:** Councillor Gill

**That Council allow an item of additional business during this meeting to enable Councillor Seymour to have noted in the Minutes of the meeting that she did not support the election of Councillor Lockwood as Deputy Mayor.**

**LOST**

A Division was called by Councillor Seymour

For the motion: Councillor Gill, Councillor Cooper, Councillor Seymour

Against the motion: Councillor Mortimore, Councillor Lockwood, Councillor Holland, Councillor Pearce

Abstained: Councillor Keogh

**LOST 4:3**

**MEETING CLOSED AT 7.22pm**

Minutes of Meeting confirmed at the  
Ordinary Meeting of Council  
held on Monday, 17 December 2018

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Chairperson