

AGENDA



Special Meeting of Council

To be held at the

Civic Centre

511 Burwood Highway

Wantirna South

On

Monday 10 December 2018 at 7:15 pm

Notice is given that a Special Meeting of the Knox City Council will be held at the Civic Centre, 511 Burwood Highway, Wantirna South at 7.15pm on Monday 10 December 2018.

The Council will consider the following matters at this meeting:

1. The extraordinary vacancy for the Collier Ward following Councillor Jackson Taylor's resignation from Knox City Council and determining the method of voting for the Collier Ward by-election; and
2. Appointing a Councillor to the Office of Deputy Mayor for the remainder of the 2018/19 period.

This meeting is held in accordance with Section 84 of the *Local Government Act 1989*. The 10 December 2018 Special Council Meeting agenda is available at knox.vic.gov.au.

Note Regarding Public Notice

Section 89 of the Local Government Act 1989 requires Council to give public notice of a meeting at least 7 days beforehand unless prevented from doing so by urgent or extraordinary circumstances, in which case Council must give such public notice as is practicable and specify the urgent or extraordinary circumstances which applied.

On 6 December 2018, Deputy Mayor and Collier Ward Councillor Jackson Taylor submitted his resignation from Council, following his election as the Member for Bayswater in the Victorian Government Election. This Special Council Meeting was called immediately following receipt of that resignation, in order to enable Council to commence as soon as practicable the statutory processes to fill an extraordinary vacancy on Council, and to elect a new Deputy Mayor.

TONY DOYLE
CHIEF EXECUTIVE OFFICER

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Tony Doyle
Chief Executive Officer

1 Apologies and Requests for Leave of Absence

2 Declarations of Conflict of Interest

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

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 100th 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