



Minutes

Special Council Meeting

Thursday 22 October 2015

Special Council Meeting – 22 October 2015

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Minutes of the Special Meeting of Council held at the Murray Shire Council, 1915 Pinjarra Road, Pinjarra on Thursday 22 October 2015.

The Chief Executive Officer declared the meeting open at this point the time being 8.30am. He welcomed re-elected Councillor Stephen Lee, new Councillors Angela Rogers, David Bolt and Casey Rose and Mrs Jean Beard JP to the meeting, who was present to conduct the Declaration of Office for the elected Councillors, Shire President and Deputy Shire President.

There were six members of staff and five members of the public in attendance at this time.

1. ATTENDANCES

Cr W Barrett	Councillor
Cr C Thompson	Councillor
Cr M Reid	Councillor
Cr D Bolt	Councillor
Cr C Rose	Councillor
Cr P Briggs	Councillor
Cr A Rogers	Councillor
Cr S Lee	Councillor

Mr D Unsworth	Chief Executive Officer
Mr R Peake	Director Planning and Sustainability
Mr A Smith	Director Technical Services
Mrs J Burton	Director Corporate and Community Development
Ms J Spence	Administration Support Officer (Executive)

2. ABSENT

Cr Alan Black (apology)

3. PURPOSE OF MEETING

Oath/Affirmation of Allegiance and Declaration of Office of newly elected Councillors

4. PUBLIC QUESTION TIME

Nil

5. OATH OR AFFIRMATION OF ALLEGIANCE AND DELCARATION OF OFFICE TO BE TAKEN BY ELECTED COUNCILLORS

The Chief Executive Officer requested the newly Elected Members of Council to take the **DECLARATION OF OFFICE** in accordance with Section 2.29 of the Local Government Act, after which the Declaration documents were signed:

Mrs Jean Beard, JP, conducted the Oath or Affirmation of Allegiance and Declaration of Office for the elected Councillors.

- 5.1 Councillor Elect Casey Rose made the Declaration of Office and was sworn in as Councillor until 21 October 2019.
- 5.2 Councillor Elect David Bolt made the Declaration of Office and was sworn in as Councillor until 21 October 2019.
- 5.3 Councillor Elect Angela Rogers made the Declaration of Office and was sworn in as Councillor until 21 October 2019.
- 5.4 Councillor Elect Stephen Lee made the Declaration of Office and was sworn in as Councillor until 21 October 2019.

6. PRESIDENT AND DEPUTY PRESIDENT

File Ref: 1051
 Author and Title: Dean Unsworth, Chief Executive Officer

Introduction

Under the *Local Government Act (1995) (as amended)* for the election of President, when elected by the Council, nominations are to be given to the CEO in writing at a time announced by the CEO.

If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office. Voting is by secret ballot as if they were electors voting at an election.

If, when the votes are counted there is an equality of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days.

Background/Proposal

As the election for President is to be conducted as if they were electors voting at an election, it is requested that all nominations be received by 8.00am on Thursday 22 October 2015. This will then give officers time to have election papers printed prior to the 8.30 am commencement of the meeting.

In regards to the election of the Deputy President, Schedule 2.3 (2) of the *Local Government Act (1995)* states that this election is to be conducted in accordance with the procedure prescribed by the president, or if he or she is not present, by the CEO. Nominations are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations. Council members are to vote on the matter by way of secret ballot.

Statutory Environment

Schedule 2.3 – When and how mayors, presidents, deputy mayors and deputy presidents are elected by council

[Sections 2.11(1)(b) and 2.15]

Division 1 – Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

- (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled —
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

6.1 Election of Shire President

Nominations for Shire President may be made prior to, or at the time of dealing with Item 6.1 of this Agenda. Nominations will then close and ballot papers will be immediately printed and then the ballot held. A short adjournment will occur while ballot papers are printed.

For the purpose of having ballot papers printed, it is suggested that nominations be provided to the Returning Officer (CEO) prior to this meeting. This may alleviate the need for an adjournment.

Subject to the permission of the Council, each Candidate will have five (5) minutes in which to present their credentials to the Council.

OFFICER RECOMMENDATION:

That the Chief Executive Officer reads aloud nominations for the position of Shire President and requests those nominated to state verbally if they are willing to accept that nomination, and that votes are cast accordingly as per the *Local Government Act (1995)*.

The Chief Executive Officer conducted the Election for President in accordance with the provisions of the Local Government Act.

The following nominations for the position of President were received in writing, these being for:

Cr W Barrett; and
Cr M Reid

A draw for the order of nominees was held, as per the Electoral Act with the positions on the ballot being

Cr W Barrett
Cr M Reid

The secret ballot commenced and the Chief Executive Officer declared Cr M Reid elected to the position of President expiring on 21 October 2017 winning the ballot 6 - 2.

DECLARATION

The Chief Executive Officer requested Cr M Reid, the newly elected President, to make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the Local Government Act 1995, which was duly signed.

Cr M Reid assumed the Chair at this point.

6.2 Election of Deputy President

OFFICER RECOMMENDATION:

That the elected President calls for nominations for the position of Deputy President from the members.

The Chief Executive Officer called for nominations for the position of Deputy President.

The following nominations for the position of Deputy President were received in writing, these being for:

Cr S Lee; and
Cr C Thompson

A draw for the order of nominees on the ballot paper as per the Electoral Act was undertaken, with the order of nominees being;

Cr S Lee
Cr C Thompson

The secret ballot commenced and the Chief Executive Officer declared Cr S Lee elected to the position of Deputy President expiring on 21 October 2017 winning the ballot 6 - 2.

DECLARATION

The Chief Executive Officer requested Cr S Lee, the newly elected Deputy President, to make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the Local Government Act 1995, which was duly signed.

7. SEATING ALLOCATION FOR COUNCILLORS

In accordance with Clause 8.2 of Council's Standing Orders Local Law (below mentioned) a draw for seating allocation for Councillors will be conducted.

"8.2 Members to Occupy Own Seats

At the first meeting held after each ordinary elections day, the CEO is to allot by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions."

The Chief Executive Officer advised that in accordance with Clause 8.2 of Council's Standing Orders Local Law that a draw for seating allocation for Councillors be conducted.

Ballots were drawn and the following seating was allocated:

Position 1:	Cr P Briggs
Position 2:	Cr D Bolt
Position 3:	Cr A Black
Position 4:	Cr S Lee
Position 5:	Cr M Reid
Position 6:	Cr A Rogers
Position 7:	Cr C Rose
Position 8:	Cr C Thompson
Position 9:	Cr W Barrett

8. CLOSE

There being no further business, the Presiding Member declared the meeting closed the time being 8.53am.