

**MINUTES FOR
SPECIAL MEETING OF COUNCIL**

TUESDAY, 19 JULY 2016

**Council Chambers
6177 Great Northern Highway
Bindoon**

Commencement: 5.40pm

Closure: 6.05pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 August 2016.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

TABLE OF CONTENTS

| | | |
|-----------|---|----------|
| 1. | DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS..... | 1 |
| 2. | RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE..... | 1 |
| | 2.1 Attendance..... | 1 |
| | 2.2 Apologies..... | 1 |
| | 2.3 Approved leave of absence..... | 1 |
| 3. | DISCLOSURE OF INTEREST..... | 2 |
| 4. | PUBLIC QUESTION TIME | 2 |
| | 4.1 Public question time | 2 |
| 5. | PRESENTATIONS / PETITIONS / DEPUTATIONS | 2 |
| | 5.1 Petitions | 2 |
| | 5.2 Presentations | 2 |
| | 5.3 Deputations..... | 2 |
| 6. | APPLICATIONS FOR LEAVE OF ABSENCE | 2 |
| 7. | ANNOUNCEMENT FROM THE PRESIDING MEMBER | 2 |
| 8. | PURPOSE OF MEETING | 3 |
| | 8.1 Election of Deputy Shire President | 3 |
| 9. | CLOSURE..... | 6 |

* indicates separate attachments

Notice is hereby given that a Special Council meeting of the **Shire of Chittering** was called by Cr Aaron King and Cr George Tilbury to be held on **Tuesday, 19 July 2016** in the Council Chambers, Bindoon commencing at **5.40pm**. The **purpose** of this Special Council Meeting is to elect the Deputy President.

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 5.40pm.

The Presiding Member welcomed the Hon Martin Aldridge MLC to the meeting, who will accept the oath from the newly elected Deputy President.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following Elected Members were in attendance:

Cr Gordon Houston President (Presiding Member)
Cr Michelle Rossouw
Cr George Tilbury
Cr Aaron King
Cr Peter Osborn
Cr Don Gibson

The following staff were in attendance:

Alan Sheridan Chief Executive Officer
Jean Sutherland Executive Manager Corporate Services
Bronwyn Southee Executive Manager Development Services
Jim Garrett Executive Manager Technical Services
Karen Parker Manager Human Resources
Natasha Mossman Executive Support Officer (Minute Secretary)

There were two members of the public in attendance

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Public question time

Nil

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil

8. PURPOSE OF MEETING

8.1 Election of Deputy Shire President

| | |
|---------------------|--|
| Report date | 19 July 2016 |
| Applicant | Shire of Chittering |
| File ref | 13/02/34 |
| Prepared by | Natasha Mossman, Executive Support Officer |
| Supervised by | Alan Sheridan, Chief Executive Officer |
| Voting requirements | Simple Majority |
| Documents tabled | Nil |
| Attachments | Nil |

Executive Summary

As a result of the extraordinary vacancy which has occurred, Council is required to elect a Deputy Shire President to remain in office until the next local government elections in October 2017.

Background

In accordance with the *Local Government Act 1995, Schedule 2.3*, the office of Shire President was filled as the first matter dealt with at the Special Council Meeting held on 19 July 2016.

Nominations are to be provided to the Chief Executive Officer in writing before the meeting or during the meeting before the close of nominations. The votes are to be a secret ballot. The votes will be counted and the position declared.

If the vote is a tie, the Special Council meeting needs to be closed and another Special Council meeting called for the re-vote. This can be as soon as ten (10) minutes after the closure of the first Special Council meeting.

When the meeting resumes, Councillors are to cast their vote again. A second tied vote leads to the drawing of lots to elect the Deputy President, noting that the *Local Government (Elections) Regulations 1997, Regulation 77A* applies to this process.

Consultation

Executive Manager Corporate Services
James McGovern, Manager Governance (WALGA)
Councillors

Statutory Environment

Local: *Local Government Act 1995*
Local Government (Elections) Regulations 1997
Local Government (Constitution) Regulations 1998
Local Government (Rules of Conduct) Regulations 2007

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

Nominations for the position of Deputy Shire President are to be made in writing before the meeting, or during the meeting prior to the close of nominations. 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, verbally or in writing, that he or she is willing to be nominated.

The Council members are to vote on the matter by secret ballot as if they were voting at an election. The President is to declare the result and the elected Deputy Shire President is to make a declaration pursuant to the *Local Government (Constitution) Regulations 1998, Regulation 13(3)*:

13. Oaths, affirmations and declarations (s 2.29, 2.42)

- (3) *A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before and authorised person.*

The declaration of elected Deputy Shire President is as follows:

I <name> of <residential address> having been elected to the office of Deputy Shire President of the Shire of Chittering declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the Local Government (Rules of Conduct) Regulations 2007.

The declaration was witnessed by the Hon Martin Aldridge MLC; Member for the Agricultural Region; Secretary to the Parliamentary National Party.

The election of the Shire of Chittering Deputy Shire President was held in accordance with the *Local Government Act 1995, Schedule 2.3* in the presence of:

1. Cr Gordon Houston
2. Cr Don Gibson
3. Cr Aaron King
4. Cr Peter Osborn
5. Cr Michelle Rossouw
6. Cr George Tilbury

The President called for nominations. Two nominations were received. The President declared that:

- The candidates were Crs King and Osborn
- The order of the election on the ballot paper was:
 - Cr King
 - Cr Osborn

The councillors voted on the matter by secret ballot and the votes cast were counted by the President and the result declared a draw.

The count was discontinued as per *Local Government Act 1995, Schedule 2.3, subclause 5(1)* and the President adjourned the meeting at 5.43pm.

The President reconvened the meeting at 5.57pm in the presence of:

1. Cr Gordon Houston
2. Cr Don Gibson
3. Cr Aaron King
4. Cr Peter Osborn
5. Cr Michelle Rossouw
6. Cr George Tilbury

The President called for nominations. Two nominations were received. The President declared that:

- The candidates were Crs King and Osborn
- The order of the election on the ballot paper was:
 - Cr King
 - Cr Osborn

The councillors voted on the matter by secret ballot and the votes cast were counted by the President and the result declared a draw.

As per the *Local Government (Election) Regulations, Regulation 77A* a second tied vote leads to the drawing of lots to elect the Deputy President. Accordingly, two slips of paper with each candidate's names were put into two voting spheres (as per *Local Government (Election) Regulations, Regulation 77A, Clause (3)*). The President, Cr Osborn and Cr King rotated and shook the container. The Hon Marty Aldridge MLC held the container and the President drew out one sphere. This was carried out in front of all present.

The name in the sphere drawn by the President was Cr Peter Osborn who was therefore declared the elected Deputy Shire President for the period to the next ordinary local government elections in October 2017. Cr Osborn made the following declaration which was witnessed by the Hon Marty Aldridge MLC:

I, **Peter James Bentley Osborn** of **164 Wells Glover Road, Bindoon** having been elected to the office of Deputy Shire President of the **Shire of Chittering** declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgement and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

8.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 020716

Moved Cr Rossouw / Seconded Cr Tilbury

That Council authorise the Chief Executive Officer to notify the relevant agencies of the newly elected Deputy Shire President.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9. CLOSURE

The Presiding Member declared the meeting closed at 6.05pm.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8.30am - 4.30pm