

**MINUTES FOR  
SPECIAL MEETING OF COUNCIL**

**TUESDAY, 19 JULY 2016**

**Council Chambers  
6177 Great Northern Highway  
Bindoon**

**Commencement: 5.00pm  
Closure: 5.07pm**

**Reconvened: 5.25pm  
Closure: 5.36pm**



**Shire of  
Chittering**

**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

<b>1.</b>	<b>DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS.....</b>	<b>1</b>
<b>2.</b>	<b>MOMENT OF SILENCE .....</b>	<b>1</b>
<b>3.</b>	<b>RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE.....</b>	<b>1</b>
	3.1 Attendance.....	1
	3.2 Apologies.....	1
	3.3 Approved leave of absence .....	1
<b>4.</b>	<b>DISCLOSURE OF INTEREST.....</b>	<b>2</b>
<b>5.</b>	<b>PUBLIC QUESTION TIME .....</b>	<b>2</b>
	5.1 Public question time .....	2
<b>6.</b>	<b>PRESENTATIONS / PETITIONS / DEPUTATIONS .....</b>	<b>2</b>
	6.1 Petitions .....	2
	6.2 Presentations .....	2
	6.3 Deputations.....	2
<b>7.</b>	<b>APPLICATIONS FOR LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>8.</b>	<b>ANNOUNCEMENT FROM THE PRESIDING MEMBER .....</b>	<b>2</b>
<b>9.</b>	<b>PURPOSE OF MEETING .....</b>	<b>3</b>
	9.1 Election of Shire President .....	3
<b>10.</b>	<b>CLOSURE.....</b>	<b>6</b>

\* indicates separate attachments

## 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Chief Executive Officer declared the meeting open at 5pm.

The Chief Executive Officer welcomed the Hon Martin Aldridge MLC to the meeting, who will accept the oath from the newly elected Shire President.

## 2. MOMENT OF SILENCE

The Presiding Member asked all present to stand and observe a moment of silence as a mark of respect to our former Shire President Cr Steve Vallance.

## 3. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

### 3.1 Attendance

The following Elected Members were in attendance:

Cr Gordon Houston  
Cr Michelle Rossouw  
Cr George Tilbury  
Cr Aaron King  
Cr Peter Osborn  
Cr Don Gibson

*took the chair at 5.35pm*

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)

*vacated the chair at 5.34pm*

There were two members of the public in attendance

### 3.2 Apologies

Nil

### 3.3 Approved leave of absence

Nil

**4. DISCLOSURE OF INTEREST**

Nil

**5. PUBLIC QUESTION TIME**

**5.1 Public question time**

Nil

**6. PRESENTATIONS / PETITIONS / DEPUTATIONS**

**6.1 Petitions**

Nil

**6.2 Presentations**

Nil

**6.3 Deputations**

Nil

**7. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**8. ANNOUNCEMENT FROM THE PRESIDING MEMBER**

Nil

## 9. PURPOSE OF MEETING

### 9.1 Election of Shire President

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

#### Executive Summary

As a result of the extraordinary vacancy which has occurred, Council is required to elect a 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 is to be filled as the first matter dealt with at the first meeting of Council after the vacancy occurs.

In accordance with the provisions of *Schedule 2.3*, the Chief Executive Officer is to preside at the meeting until the office of President is filled. Council is required to elect a Councillor to fill the role of President and the election is to be conducted by the Chief Executive Officer.

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 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 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 Chief Executive Officer is to declare the result and the elected 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 Shire President is as follows:

*I <name> of <residential address> having been elected to the office of Shire President of the Shire of Chittering declare that I take the office upon myself and will duly, faithfully, honestly and with integrity, fulfill 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 will be 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 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 Chief Executive Officer called for nominations. Three nominations were received. The Chief Executive Officer declared that:

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

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

The count was discontinued as per *Local Government Act 1995, Schedule 2.3, subclause 5(1)* and the Chief Executive Officer adjourned the meeting at 5.07pm.

The Chief Executive Officer reconvened the meeting at 5.25pm 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 Chief Executive Officer called for nominations. Two nominations were received. The Chief Executive Officer declared that:

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

The councillors voted on the matter by secret ballot and the votes cast were counted by the Chief Executive Officer 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 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 Chief Executive Officer, Cr Houston and Cr Rossouw rotated and shook the container. The Hon Marty Aldridge MLC held the container and the Chief Executive Officer drew out one sphere. This was carried out in front of all present.



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

I, **Gordon Bruce Houston** of **122 Patersonia Road, Chittering** having been elected to the office of 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 Chief Executive Officer vacated the chair at 5.34pm.

Cr Houston (Presiding Member) took the chair at 5.35pm and continued the meeting.

**9.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010716**

**Moved Cr Rossouw / Seconded Cr King**

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

**THE MOTION WAS PUT AND DECLARED CARRIED 6/0**

**10. CLOSURE**

The Presiding Member declared the meeting closed at 5.36pm.



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