



MINUTES OF THE  
SPECIAL COUNCIL MEETING  
HELD ON  
THURSDAY  
7<sup>TH</sup> NOVEMBER 2019 @ 6.30PM



WILDFLOWER COUNTRY

**SHIRE OF THREE SPRINGS**

**AGENDA FOR SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL  
CHAMBERS ON 7<sup>th</sup> NOVEMBER 2019 COMMENCING AT 6.30 PM.**

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## 1. DECLARATION OF OPENING

The Presiding Member, Cr. Chris Lane declared the meeting open at 6.14pm and welcomed the New Councillors: Zac Mills, Julia Ennor and Nadine Eva.

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

### 2.1. PRESENT

Chris Lane	President
Chris Connaughton	Deputy President
Jim Heal	Councillor
Jenny Mutter	Councillor
Zac Mills	Councillor
Nadine Eva	Councillor
Julia Ennor	Councillor

### STAFF

Keith Woodward	Chief Executive Officer
Marc Bennett	Manages of Works
Patricia McKeon	Minute Taker

### PUBLIC

Kylie Mutter	Justice of the Peace
Anthony Thomas	Former Councillor
Geraldine Thomas	
Anne Marie Connaughton	
Julie Baine	
Rebecca Mills	

### 2.2 APOLOGIES

Nil

### 2.3 The Shire President calls for applications for leave of absence

Nil

## 3. ELECTION OF PRESIDENT and DEPUTY PRESIDENT

The President vacates the Chair, the CEO assumes it is for the purposes of conducting an election for Shire President

### BACKGROUND

Pursuant to clause 4 of Division 1 of Schedule 2.3 of the Local Government Act 1995, the Council is required to appoint a President at its first meeting following an election day. The Chief Executive Officer is to preside at the meeting until the office is filled and the election is to be conducted by the CEO in accordance with the procedure prescribed in the Act. Accordingly, the CEO will call for Councillors to nominate candidates at the meeting. All Councillors including newly elected Councillors, are eligible to nominate.

**STATUTORY ENVIRONMENT**  
**Local Government Act 1995:**

**2.8. Role of mayor or president**

- (1) *The mayor or president —*
- (a) *presides at meetings in accordance with this Act; and*
  - (b) *provides leadership and guidance to the community in the district; and*
  - (c) *carries out civic and ceremonial duties on behalf of the local government; and*
  - (d) *speaks on behalf of the local government; and*
  - (e) *performs such other functions as are given to the mayor or president by this Act or any other written law; and*
  - (f) *liaises with the CEO on the local government's affairs and the performance of its functions.*
- (2) *Section 2.10 applies to a councillor who is also the mayor or president and extends to a mayor or president who is not a councillor.*

**2.9. Role of deputy mayor or deputy president**

*The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.*

**2.10. Role of councillors**

*A councillor —*

- (a) *represents the interests of electors, ratepayers and residents of the district; and*
- (b) *provides leadership and guidance to the community in the district; and*
- (c) *facilitates communication between the community and the council; and*
- (d) *participates in the local government's decision-making processes at council and committee meetings; and*
- (e) *performs such other functions as are given to a councillor by this Act or any other written law.*

**Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the 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.*

*[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]*

**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 council elects 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.*

*[Clause 8 amended: No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]*

**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.*

***Schedule 4.1 — How to count votes and ascertain the result of an election***

[s. 4.74]

*[Heading inserted: No. 15 of 2009 s. 5.]*

- 1. *The number of votes given for each candidate is to be ascertained.*
- 2. *If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.*
- 3. *If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.*
- 4. *If the election is to fill 2 or more offices of councillor, the candidates elected are —*
  - (a) the candidate who receives the greatest number of votes; and*
  - (b) the candidate who receives the next highest number of votes; and*
  - (c) the candidate who receives the next highest number of votes,**and so on up to the number of offices to be filled.*
- 5. *If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.*

**ELECTION OF SHIRE PRESIDENT**

The CEO calls for nominations for the position of Shire President.

**IF** only one nomination is received the CEO will declare that nominee elected.  
**IF** more than one nomination is received the CEO will conduct a secret ballot then declare the nominee with the highest number of votes elected.

NOMINATION FROM Cr Connaughton

**There being only one nomination for the position of Shire President the CEO declared Cr Lane elected.**

**OR**

**The CEO conducted a secret ballot for the position of Shire President. The result of the ballot was: N/A**

Cr \_\_\_\_\_ Votes \_\_\_\_  
Cr \_\_\_\_\_ Votes \_\_\_\_  
Cr \_\_\_\_\_ Votes \_\_\_\_

**Following a secret ballot the CEO declared Cr \_\_\_\_\_ elected to the position of Shire President**

Newly elected Shire President to make declaration of office.

Shire President assumes the chair and calls for nominations for the position of Deputy Shire President

**VOTING REQUIREMENT**

Simply

Majority

**191101 COUNCIL RESOLUTION – Item 3**

**MOVED: Cr Connaughton**  
**SECONDED: Cr Ennor**

The Chief Executive Officer Mr Keith Woodward called for nominations for President.

The Chief Executive Officer closed the nomination period.

The Chief Executive Officer advised that written and verbal nomination for Cr Chris Lane had been received for the position of President. Cr Lane accepted the nomination.

The Chief Executive Officer declared Cr Lane duly elected to the position of President unopposed.

In accordance with the Local Government Act 1995 Schedule 2.3 and the Part 2, Division 6 s. 2.29 (Oath of affirmation of allegiance and declaration) Cr Lane made the Declaration of Office as President for the term of two years (to 2021) in the presents of the Justice of the Peace, Kylie Mutter.

**CARRIED:**  
**Voted: 7/0**



## ELECTION OF DEPUTY SHIRE PRESIDENT

The President Cr Lane to call for nominations for the position of Deputy Shire President.

**IF** only one nomination is received the Shire President will declare that nominee elected.

**IF** more than one nomination is received the CEO will conduct a secret ballot then declare the nominee with the highest number of votes elected.

NOMINATION FROM Cr Heal

**There being only one nomination for the position of Deputy Shire President the Shire President declared Cr Connaughton elected.**

**OR**

**The CEO conducted a secret ballot for the position of Deputy Shire President.**

**The result of the ballot was: N/A**

Cr \_\_\_\_\_ Votes \_\_\_\_\_

Cr \_\_\_\_\_ Votes \_\_\_\_\_

Cr \_\_\_\_\_ Votes \_\_\_\_\_

**Following a secret ballot the Shire President declared Cr \_\_\_\_\_ elected to the position of Deputy Shire President**

Newly elected Deputy Shire President to make declaration of office.

### VOTING REQUIREMENT

Simply Majority

#### **191102 COUNCIL RESOLUTION – Item 3**

**MOVED: Cr Lane**

**SECONDED: Cr Heal**

The Shire President Cr Lane called for nominations for Deputy President.

The Shire President closed the nomination period.

The Shire President advised that a verbal nomination for Cr Connaughton had been received for the position of Deputy President. Cr Connaughton accepted the nomination.

The Shire President declared Cr Connaughton duly elected to the position of Deputy President unopposed.

In accordance with the Local Government Act 1995 Schedule 2.3 and the Part 2, Division 6 s. 2.29 (Oath of affirmation of allegiance and declaration) Cr Lane made the Declaration of Office as President for the term of two years (to 2021) in the presents of the Justice of the Peace, Kylie Mutter.

**CARRIED:**

**Voted: 7/0**

#### 4. APPOINTMENT OF COMMITTEES AND DELEGATES

This item is included because the Acting CEO advised that it would be.

At its November 2017 ordinary meeting Council formed the following committees and appointed delegates to the following organisations:

***That Council appoints the following representatives:-***

- |  |   |
|--|---|
| <b><i>a) Northern Country Zone of WALGA:</i></b>         | <b><i>Cr Lane and Cr Connaughton</i></b>    |
| <b><i>b) WALGA Conference Delegates:</i></b>             | <b><i>Cr Lane and Cr Thomas</i></b>         |
| <b><i>c) Wildflower Country Inc Committee:</i></b>       | <b><i>Cr Lake and Cr Mutter (Proxy)</i></b> |
| <b><i>d) North Midlands Medical Practice:</i></b>        | <b><i>All Councillors</i></b>               |
| <b><i>e) MRWA Regional Road Group:<br/>(Proxy)</i></b>   | <b><i>Cr Connaughton and Cr Heal</i></b>    |
| <b><i>f) Three Springs LEMC:</i></b>                     | <b><i>Cr Heal and Cr Thorpe (Proxy)</i></b> |
| <b><i>g) Community Action Group:</i></b>                 | <b><i>Cr Mutter and Cr Lane (Proxy)</i></b> |
| <b><i>h) Shire of Three Springs Audit Committee:</i></b> | <b><i>All Councilors</i></b>                |

#### VOTING REQUIREMENTS

Simple Majority

#### **191103 COUNCIL RESOLUTION – Item 3**

**MOVED: Cr Lane**  
**SECONDED: Cr Connaughton**

Whilst this is an appropriate time to deal with committees and delegates it may be best to postpone all or some of this for a future Council meeting. Council has a new CEO and three new Councillors and so it may wish to workshop the options and expand the purpose of the Audit Committee to include financial matters and the like. The suggested workshop would allow the new CEO to work with Council on ensuring it has the appropriate committee's in place at that required matters, such as the purpose of the committee, are fully addressed opportunities before making appointments

This would also allow newly elected Councillors to become more familiar with the operation of Council, committees and entities they may wish to represent Council on. Before appointments are dealt with.

That Council consider holding over all or some of the appointments of committees and delegates until a later date to allow the new CEO and new Councillors more time for input into this important function of Council.

**CARRIED:**  
**Voted: 7/0**

## 5. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting at 6.22pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_

Presiding Officer

Date: 20<sup>th</sup> November 2019