



Shire of
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Agenda

Special Council Meeting to be held
on Monday, 21 October 2019
Commencing at 4.30pm

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Agenda

Agenda Paper for the Special Meeting of the Shire of Nannup to be held on Monday, 21 October 2019 commencing at 4.30pm in the Council Chambers, Adam Street, Nannup for the purpose of the Swearing-In of Newly Elected and Returned Councillors and Elections of Shire President, Deputy Shire President and appointment of Councillor representatives on Committees.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

As this meeting is the first official meeting following the Council Elections on Saturday, 19 October 2019, the CEO will open the meeting and Chair the process of the Swearing-In of newly elected Councillors and the election of the Shire President and Swearing-In of this position.

Mr Norman Steer JP, will be in attendance to witness the Swearing-In process.

Following the election of the Shire President, the CEO will vacate the Chair and the newly elected Shire President will undertake the election process for the Deputy Shire President position.

2. RECORD OF ATTENDANCE

3. APOLOGIES

4. LEAVE OF ABSENCE (Previously Approved)

5. PUBLIC QUESTION TIME

6. SWEARING-IN OF NEWLY ELECTED COUNCILLORS

Following the Council Elections on Saturday, 19 October 2019, returned and newly elected Councillors will be individually called upon to make the Declaration of Elected Member in the presence of Mr Norman Steer JP.

7. ELECTION OF SHIRE PRESIDENT

In accordance with Schedule 2.3 of the *Local Government Act 1995*, the following process applies to the election of the Shire 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 by 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.

Tied vote after second election

If a tied vote occurs at the resumed meeting, in accordance with Schedule 4.1 of the Act, the CEO is to draw lots to decide the matter. The draw should also be conducted by two persons and if available, verified by an independent person. Although not prescribed, it is appropriate to use the same method as drawing for positions on the ballot paper for candidates at an election.

Following the election, the Shire President will make the Declaration of the position before Mr Norman Steer JP.

ELECTION OF DEPUTY SHIRE PRESIDENT

Note: *The process for the election of the Deputy Shire President is the same as above however, the Shire President carries out the election process.*

Following the election, the Deputy Shire President will make the Declaration of the position before Mr Norman Steer JP.

8. ELECTION OF COUNCILLORS TO VARIOUS ADVISORY COMMITTEES

• AUDIT ADVISORY COMMITTEE

Section 7.1A of the *Local Government Act* states the following in respect to the appointment of an Audit Committee:-

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

Previous Representation of the Audit Advisory Committee consisted of the whole of Council.

RECOMMENDATION:

That the Shire of Nannup Audit Advisory Committee be comprised of all Councillors.

VOTING REQUIREMENTS:

Absolute Majority

- **RISK MANAGEMENT ADVISORY COMMITTEE**

Councillors **Longmore** and **Steer** were Council's previous representatives on the Risk Management Advisory Committee

RECOMMENDATION:

That Council appoints Cr _____ and Cr _____ as its representatives on the Risk Management Advisory Committee.

VOTING REQUIREMENTS:

Simple Majority

- **BUSH FIRE ADVISORY COMMITTEE**

Crs **Stevenson** and **Fraser** were Council's previous representatives on the Bush Fire Advisory Committee.

Cr Mellema attends the BFAC meetings in his capacity of Chief Bush Fire Control Officer for the Shire of Nannup.

RECOMMENDATION:

That Council appoints Cr _____ and Cr _____ as its representatives on the Bush Fire Advisory Committee.

VOTING REQUIREMENTS:

Simple Majority

- **LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE**

Crs **Dean and Longmore** were Council's previous representatives on the Local Emergency Management Advisory Committee.

RECOMMENDATION:

That Council appoints Cr _____ and Cr _____ as its representatives on the Local Emergency Management Advisory Committee.

VOTING REQUIREMENTS:

Simple Majority

- **LOCAL DRUG ACTION GROUP COMMITTEE**

Cr **Stevenson** was Council's previous representatives on the Bush Fire Advisory Committee.

RECOMMENDATION:

That Council appoints Cr _____ as its representatives on the Local Drug Action Group Committee.

VOTING REQUIREMENTS:

Simple Majority

- **AUSTRALIA DAY ADVISORY COMMITTEE**

Crs **Buckland, Fraser, Hansen and Stevenson** were Council's previous representatives on the Australia Day Advisory Committee.

The purpose of this Committee is to assess the Nominations for the Citizen of the Year Awards.

For Councillors information, Policy No ADM 16 states the following in respect to the process for selection of the Awards:-

The Australia Day Advisory Committee will select recipients of awards in each category with assistance from the Economic and Community Development Officer. The Australia Day Advisory Committee's decision on the successful recipients is final and the decisions will be kept in confidence until the Australia Day ceremony.

RECOMMENDATION:

That Council appoints Crs _____ to the Australia Day Advisory Committee.

VOTING REQUIREMENTS:

Simple Majority.

ELECTION OF COUNCILLORS TO OCCASIONAL AND OTHER COMMITTEES

• **WARREN BLACKWOOD ALLIANCE OF COUNCILS**

Crs **Dean and Longmore** were previously elected as Council's representatives with **Cr Hansen as a Deputy**.

The CEO attends these meetings with the represented Councillors.

The Alliance Constitution, Clause 11.2, relating to Composition of the Board, states the following:-

11.2 Composition of Board

- (a) The management and control of the Alliance and its affairs and property shall be vested in the Board of persons comprised of;*
 - (i) Two nominated delegates from each of the participating Warren Blackwood Municipalities,*
 - (b) Each Municipal Member may nominate a permanent deputy to their Board delegate. In addition, the Chief Executive Officer shall act as deputy if the permanent deputy is not in attendance at a Board meeting.*

One would assume that the Shire President is automatically nominated by Council as one of its representatives on the Warren Blackwood Alliance of Councils with an additional Councillor to be appointed. Clause 11.2 of the Alliance Constitution indicates that Council may nominate a Deputy to attend meetings in the absence of the appointed representatives. The CEO can also act in the deputy capacity.

RECOMMENDATION:

That Council appoints the Shire President and Cr _____ as its representatives on the Warren Blackwood Alliance of Councils.

Council nominates Cr _____ as a deputy to the above appointments as per the Alliance Constitution.

VOTING REQUIREMENTS:

Simple Majority.

- **REGIONAL ROAD GROUP**

The Shire President was Council's previous representative on the Regional Road Group.

Attendance at any of the Regional Group Meetings would be accompanied by the Manager of Infrastructure.

RECOMMENDATION:

That Council appoints the Shire President as its representative on the Regional Road Group together with the Manager Infrastructure.

VOTING REQUIREMENTS:

Simple Majority.

- **SOUTH WEST EMERGENCY MANAGEMENT ALLIANCE (SWEMA)**

Cr **Stevenson** together with the **Community Emergency Services Officer (CESO) and the Economic and Community Development Officer (ECDO)** were Council's previous representative on SWEMA.

Cr **Steer** was appointed as Cr Stevenson's deputy.

RECOMMENDATION:

That Council appoints Cr _____ and the CESO and ECDO as its representatives on the South West Local Government Emergency Management Alliance with Cr _____ appointed as the deputy representative.

VOTING REQUIREMENTS:

Simple Majority

- **LOWER BLACKWOOD VERTEBRATE PEST MANAGEMENT GROUP**

Cr **Fraser** was Council's previous representative on the Lower Blackwood Vertebrate Pest Management Group.

RECOMMENDATION:

That Council appoints Cr _____ as its representative on the Lower Blackwood Vertebrate Pest Management Group.

VOTING REQUIREMENTS:

Simple Majority.

- **BLACKWOOD BASIN GROUP MANAGEMENT COMMITTEE**

Cr **Longmore** was Council's previous representative on the Blackwood Basin Group Management Committee

RECOMMENDATION:

That Council appoints Cr _____ as its representative on the Blackwood Basin Group Management Committee.

VOTING REQUIREMENTS:

Simple Majority

- **LOWER BLACKWOOD LAND CONSERVATION DISTRICT COMMITTEE**

Cr **Fraser** was Council's previous representative on the Lower Blackwood Land Conservation District Committee.

RECOMMENDATION:

That Council appoints Cr_____ as its representative on the Lower Blackwood Land Conservation District Committee.

VOTING REQUIREMENTS:

Simple Majority.

- **WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) SOUTH WEST ZONE REPRESENTATIVE**

The Shire President is normally the Shire of Nannup's WALGA South West Zone representative and the CEO accompanies the President to these meetings.

Cr **Steer** was appointed as the deputy to the Shire President.

RECOMMENDATION:

That Council appoints the Shire President as its representative on the WALGA South West Zone and that Cr_____ be appointed as a deputy if the Shire President is unavailable to attend meetings.

VOTING REQUIREMENTS:

Simple Majority

- **BUSINESS INITIATIVE GROUP OF NANNUP (BIGN)**

There has not been a Councillor representative appointed to the BigN however, it is considered appropriate for a Councillor to represent the Shire of Nannup on this Group.

Cr **Buckland** was Council's previous representative on the Business Initiative Group Nannup.

Cr **Stevenson** was appointed as the deputy to Cr Buckland.

RECOMMENDATION:

That Council appoints Cr _____ as its representative on the Business Initiative Group Nannup.

VOTING REQUIREMENTS:

Simple Majority.

- **BLACKWOOD BIO-SECURITY GROUP**

Cr **Fraser** was Council's previous representative on the Blackwood Bio-Security Group.

RECOMMENDATION:

That Council appoints Cr _____ as its representative on the Blackwood Bio-Security Group.

VOTING REQUIREMENTS:

Simple Majority

- **QUANNUP WORKING PARTY**

All Councillors together with designated Council Staff were appointed to the Quannup Working Party.

RECOMMENDATION:

That all Councillors be appointed as representatives of the Quannup Working Party together with appropriate staff.

- **DEVELOPMENT ASSESSMENT PANELS (DAPs) – LOCAL GOVERNMENT NOMINATIONS**

Council's current DAP members were as follows: -

Crs **Dean and Steer** were the Shire of Nannup's appointed DAP Members, with Crs **Buckland & Hansen** as alternative Members.

The current appointment of Cr Dean can remain however, Council will need to re-assess the remaining Member and Alternative members, dependent upon the outcome of the Council Elections, as the Department of Planning needs to be advised of the new Members and Alternative Members.

RECOMMENDATION:

That Council re-affirms Cr Dean as a current DAP member with Cr _____ being appointed as the new Member with Cr _____ and Cr _____ being appointed as Alternative Members.

VOTING REQUIREMENTS:

Simple Majority

9. ELECTED MEMBERS SEATING ARRANGEMENTS

The Shire of Nannup's Local Laws relating to Standing Orders 2010, clause 7.2 states, the following in respect to Elected Member Seating Arrangements:-

"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"

Council needs to determine whether it wishes to impose clause 7.2 or alternatively, retain the status quo in respect to seating arrangements.

10. CLOSURE OF MEETING.