



SPECIAL MEETING OF COUNCIL

AGENDA

19 OCTOBER 2015

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CITY OF GREATER GERALDTON
SPECIAL MEETING OF COUNCIL
TO BE HELD ON MONDAY, 19 OCTOBER 2015 AT 5.30PM
CHAMBERS, CATHEDRAL AVENUE

A G E N D A

DISCLAIMER:

The Chairman advises that 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)) and Council's Standing Orders Local Laws 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 City of Greater Geraldton 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.

1 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamaji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamaji people.

2 OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION

Chief Executive Officer to introduce Honorary Freeman of the City of Greater Geraldton and *former* Mayor of the City of Geraldton, Mr P Cooper JP, to undertake the Oath or Affirmation of Allegiance and Declarations pursuant to S.2.29 of the Local Government Act 1995 (as amended) of all new elected members.

3 MAKING OF DECLARATION BY NEW COUNCILLORS

Order of Swearing in:

Newly elected Mayor.

_____ declared into office as Mayor for 4 Year term
(expiring 19 October 2019)

Newly elected members will be listed in alphabetical order.

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

_____ declared into office as a Councillor 4 Year term
(expiring 19 October 2019)

4 BALLOT FOR SEATING

A ballot will be conducted by the Chief Executive Officer for seating of Councillors in Chambers.

Mayor will ask Councillors to take their seats *after* the ballot.

5 DECLARATION OF OPENING

6 ATTENDANCE

Present:

Officers:

Others:

Members of Public:

Members of Press:

Apologies:

Melissa Price MP, Federal Member for Durack

Hon Brian Ellis MLC, Member for the Agricultural Region

Leave of Absence:

7 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)
Nil.		

Any prior approved leave for Councillors up for election will be noted in the Minutes, if re-elected.

8 ELECTION OF DEPUTY MAYOR

The Mayor will call for nominations.

The Mayor declares nominations closed.

The Mayor to call nominees in alphabetical order to present their case
If more than one candidate, presentation is limited to a maximum of 5 minutes.

Mayor to call for a ballot (if more than one candidate).

9 MAKING OF DECLARATION OF DEPUTY MAYOR

The Chief Executive Officer to be the returning officer and Director of Corporate and Commercial Services the scrutineer.

The Chief Executive Officer announces that following a secret ballot
Cr _____ was elected as Deputy Mayor for the ensuing two-year period.

Mr P Cooper JP to conduct the declaration of Deputy Mayor

_____ declared into office as Deputy Mayor 2 Year term
(expiring 21 October 2017)

10 CORPORATE & COMMERCIAL SERVICES

CCS135 THE ELECTION OF THE DEPUTY MAYOR AND THE SWEARING IN OF THE NEW MAYOR AND COUNCILLORS
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AGENDA REFERENCE:	D-15-58443
AUTHOR:	M Adam, Executive Assistant
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	29 September 2015
FILE REFERENCE:	GO/6/0002
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

When the term of office of Mayor or Councillor expires, an election to fill the vacant office is to be held. Such an election is called an Ordinary election.

The Ordinary Elections for the City of Greater Geraldton were held on 17 October 2015 and the newly elected Mayor and councillors are required to take the oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office to which they have been elected.

The Deputy Mayor is required to be elected for a term of two years and is also required to make a declaration in the prescribed form before acting in the office of Deputy Mayor.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, in relation to the Ordinary election, as carried out under Local Government Act 1995 Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and Schedule 4.1 (How to count votes and ascertain the result of an election) RESOLVES to:

1. AFFIRM that the requirement set under Section 2.29 (Oath or affirmation of allegiance and declaration) of the elected Mayor _____ has been done:
2. AFFIRM that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of all new councillors has been done:
 - a. District Ward - Mayor: _____
For 4 year term (expiring 2019)
 - b. Hills Ward Cr _____
for 4 year term (expiring 2019);
 - c. Port Ward Cr _____
for 4 year term (expiring 2019);
 - d. Tarcoola Ward Cr N McIlwaine
for 4 year term (expiring 2019);
 - e. Champion Bay Ward Cr _____
for 4 year term (expiring 2019);

- f. Chapman Ward Cr _____
for 4 year term (expiring 2019) ;
 - g. Willcock Ward Cr _____
for 4 year term (expiring 2019); and
 - h. Mullewa Ward Cr T Thomas
for 4 year term (expiring 2019).
3. AFFIRM the election of the Deputy mayor has been carried out in terms of Local Government Act 1995 Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and Schedule 4.1 (How to count votes and ascertain the result of an election):
 - a. The Deputy Mayor Cr _____ for a period of (2) two years terminating on or before the 21 October 2017.
4. AFFIRM that the requirement set under s 2.29 (Oath or affirmation of allegiance and declaration) of the new office bearer Deputy Mayor has been done:
 - a. The Deputy Mayor Cr _____
5. APPROVE the destruction of any and all ballot papers associated with the election by Council of the Deputy Mayor, in 4 years from date of election.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

This report outlines the statutory processes required for the swearing in of the Mayor and councillors and election of the Deputy Mayor.

The Chief Executive Officer (CEO) will also conduct a ballot to allocate seating arrangements in the Chamber.

Election of Deputy Mayor:

The CEO will conduct the election of the Deputy Mayor. Written nominations can be received by the CEO prior to the meeting or written nominations will be invited at the meeting. Once nominations are declared closed, no further nominations will be received. If there are more than two nominations the Mayor will conduct the election on the proportional preferential system as required by Schedule 4.1 of the Local Government Act 1995. The CEO will assist the Mayor if there is a need for an election.

If an election is necessary, the CEO is to be the returning officer and Director of Corporate and Commercial Services the scrutineer. The voting will be conducted in confidence. When the successful nominee is declared elected by the Mayor, approval of Council is required for the associated ballot papers to be destroyed in 4 years.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

There are no economic impacts.

Social:

Electors exercise their democratic right to vote in ordinary elections of Council, conducted in accordance with the Local Government Act 1995, to appoint a Mayor and Councillors for a 4 year term. Ordinary elections are conducted every two years, with half of the elected Councillor positions open for election of Councillors and, when the 4 year term of the Mayor expires, election by the community of a Mayor.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Ordinary elections of Council are conducted in accordance with the Local Government Act 1995, and newly elected representatives are required to undertake an oath or affirmation of allegiance, and make a declaration.

COMMUNITY/COUNCILLOR CONSULTATION:

The ordinary election has been filled through the electoral process run by the Electoral Commission of WA on the 17 October 2015.

LEGISLATIVE/POLICY IMPLICATIONS:

The Election of the Mayor and Deputy Mayor is covered in the Local Government Act 1995 under Schedule 2.3 – *When and how Mayors, Presidents, Deputy Mayors and Deputy Presidents are elected by the Council:*

Division 1 — Mayors and presidents**1. *Terms used in this Division***

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);
the office means the office of councillor mayor or president.

4. *How mayor or president is elected*

- (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.*

Division 2 — Deputy mayors and deputy presidents

6. Terms used in this Division

In this Division —

the 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 the 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 by 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.*
[Clause 9 amended by No. 49 of 2004 s. 69(10).]

The new councillors and incoming Mayor and Deputy Mayor are required to make a declaration as prescribed by s2.29 Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
 - (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
 - (3) *A declaration required by this section is to be taken or made before a prescribed person.*
 - (4) *A person who acts in an office contrary to this section commits an offence.*
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*Penalty: \$5 000 or imprisonment for one year.
[Section 2.29 amended by No. 24 of 2005 s. 57.]*

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or budget implications

INTEGRATED PLANNING LINKS:

Title: Governance	Policy and Planning
Strategy 5.2.7	Ensuring efficient and effective delivery of service

REGIONAL OUTCOMES:

The Mayor and Councillors are required to work for the good of the region.

RISK MANAGEMENT:

It is a statutory requirement under section 2.29 Local Government Act 1992 for councillors to take the oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office. Election of the deputy mayor is prescribed under Schedule 2.3 Division 8, clause 8 and clause 9.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

Ordinary elections must be conducted in accord with the Local Government Act 1995. There were no alternative options considered.

11 CLOSURE