



SPECIAL MEETING OF COUNCIL

18 OCTOBER 2011

TABLE OF CONTENTS

1	WELCOME TO COUNTRY	2
2	ACKNOWLEDGEMENT TO COUNTRY	2
3	OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION.....	2
4	ATTENDANCE.....	2
5	MAKING OF DECLARATION BY NEW MAYOR.....	2
6	MAKING OF DECLARATION BY NEW COUNCILLORS.....	2
7	ELECTION OF DEPUTY MAYOR	2
8	MAKING OF DECLARATION OF DEPUTY MAYOR.....	2
9	CEO REPORT	4
	<i>CS208 THE ELECTION OF THE DEPUTY MAYOR AND THE SWEARING IN OF THE MAYOR AND NEW COUNCILLORS.....</i>	<i>4</i>
10	CLOSURE	10

CITY OF GREATER GERALDTON
SPECIAL MEETING OF COUNCIL
BEING HELD ON TUESDAY 18 OCTOBER 2011 AT 5.30PM
AT CHAMBERS, EDWARD ROAD

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 WELCOME TO COUNTRY

2 ACKNOWLEDGEMENT TO COUNTRY

3 OATH OR AFFIRMATION OF ALLEGIANCE AND DECLARATION

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.

Order of swearing in:

Mayor followed by newly elected Councillors in alphabetical order.

4 ATTENDANCE

5 MAKING OF DECLARATION BY NEW MAYOR

6 MAKING OF DECLARATION BY NEW COUNCILLORS

7 ELECTION OF DEPUTY MAYOR

Nominations to be made
Presentations by nominees (max 5 mins)

8 MAKING OF DECLARATION OF DEPUTY MAYOR

The Mayor will call for nominations.

The Mayor to call nominees in alphabetical order to present their case (if more than one candidate with presentation limited to a maximum of 5 minutes),

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

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

Following a secret ballot Cr. _____ was elected as Deputy Mayor for the ensuing two-year period.

9 CEO REPORT

CS208 THE ELECTION OF THE DEPUTY MAYOR AND THE SWEARING IN OF THE MAYOR AND NEW COUNCILLORS

AGENDA REFERENCE:	D-11-17935
AUTHOR:	C Wood, Director of Corporate Services
EXECUTIVE:	T Brun, Chief Executive Officer
DATE OF REPORT:	4 October 2011
FILE REFERENCE:	GO/8//0008
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	No

SUMMARY:

The amalgamation of the Shire of Mullewa and the City of Geraldton-Greenough occurred on 1 July 2011 to form the City of Greater Geraldton. The inaugural election for the new Council were held on 15 October 2011 and the new Mayor and councillors are now required to take the oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office.

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

BACKGROUND:

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

The CEO will also conduct a ballot to allocate seating arrangements in the Chamber.

Election of Deputy Mayor:

The Mayor 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 declare 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. The CEO will assist the Mayor if there is a need for an election.

If an election is necessary the Mayor will count the votes. The voting will be conducted in confidence. When the successful nominee is declared elected by the Mayor, a request will be made for approval for the ballot papers to be destroyed.

COMMUNITY CONSULTATION:

The inaugural election has been filled through the election process run by the Electoral Commission of WA on the 15 October 2011.

COUNCILLOR CONSULTATION:

There has been no councillor consultation.

STATUTORY IMPLICATIONS:

The Election of the Mayor and Deputy Mayor is covered under 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**

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.

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.
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[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.

Penalty: \$5 000 or imprisonment for one year.

[Section 2.29 amended by No. 24 of 2005 s. 57.]

POLICY IMPLICATIONS:

There are no policy implications.

FINANCIAL AND BUDGET IMPLICATIONS:

There are no financial or budget implications.

REGIONAL OUTCOMES:

Regional Outcomes:

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

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

There are no economic issues.

Social:

It is important to show the electors that their say in local government and management of the City's affairs are been carried out by the nominated officials who represent them in the management and affairs of the City Council. This also gives effect and in compliance to Local Government Act 1995.

Environmental:

There are no environmental issues.

Cultural & Heritage:

There are no cultural or heritage issues.

RELEVANT PRECEDENTS:

There are no relevant precedents.

DELEGATED AUTHORITY:

As per Schedule 2.3, 4.1 and section 2.29 of the Local Government Act 1995

VOTING REQUIREMENTS:

Simple majority is required, as prescribed under Schedule 2.3 of the Local Government Act 1995.

OPTIONS:

As this is a mandatory requirement in terms of the Local Government Act as prescribed by Schedule 2.1, there are no options available to the nomination of the Mayor and deputy mayor, and the taking of the declaration as prescribed by s2.29 of the Act by the councillors taking office.

CONCLUSION:

The inaugural meeting of the Mayor and councillors has been conducted and election of the Deputy Mayor is an auspicious event for the City.

EXECUTIVE RECOMMENDATION:

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

1. AFFIRM that the requirement set under S 2.29 (Oath or affirmation of allegiance and declaration) of the 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. Hills Ward Cr. _____
for 4 year term (expiring 2015)
 - b. Hills Ward Cr. _____
for 2 year term (expiring 2013)
 - c. Port Ward Cr. _____
for 4 year term (expiring 2015)
 - d. Port Ward Cr. _____
for 2 year term (expiring 2013)
 - e. Tarcoola Ward Cr. _____
for 4 year term (expiring 2015)
 - f. Tarcoola Ward Cr. _____
for 2 year term (expiring 2013)
 - g. Willcock Ward Cr. _____
for 4 year term (expiring 2015)
 - h. Willcock Ward Cr. _____
for 2 year term (expiring 2013)
 - i. Champion Bay Ward Cr. _____
for 4 year term (expiring 2015)
 - j. Champion Bay Ward Cr. _____
for 2 year term (expiring 2013)
 - k. Chapman Ward Cr. _____
for 4 year term (expiring 2015)
 - l. Chapman Ward Cr. _____
for 2 year term (expiring 2013)
 - m. Mullewa Ward Cr. _____
for 4 year term (expiring 2015)
 - n. Mullewa Ward Cr. _____
for 2 year term (expiring 2013)
3. AFFIRM the election of the Deputy mayor has been carried out in terms of Schedule 2.3 (When and How mayors, presidents, deputy mayors and deputy presidents are elected by the council) and 4.1 (How to count votes and ascertain the result of an election) of the Local Government Act:
 - a. The Deputy Mayor Cr. _____ for a period of (2) two years termination on or before the 15 October 2013.
4. AFFIRM that the requirement set under s 2.29 (Oath or affirmation of allegiance and declaration) of the new office bearers Deputy Mayor has been done:
 - a. The Deputy Mayor Cr. _____

10 CLOSURE