



Special Council Meeting
Minutes
29 September 2014

CONFIRMATION OF MINUTES

These minutes were confirmed by the Council on 23 October 2014 as a true and accurate record of the Special Council Meeting held on 29 September 2014.

.....
C (Turk) Shales
Shire President

All attachment items referred to in these minutes are available for public perusal at the Shire office

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations which have not yet been adopted by Council.

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Signed at Exmouth  (B Price), Chief Executive Officer Shire of Exmouth

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SPECIAL COUNCIL MEETING MINUTES

Our Vision

To support and develop a vibrant, welcoming community that embraces its past, values its present and plans for a sustainable future

Our Purpose

To responsibly provide governance for the whole community in the best interest of current and future generations

Our Strategic Objectives

- ❖ **To provide sustainable management of the organisation**
- ❖ **To consistently apply the principles of Good Governance**
 - ❖ **To communicate effectively**
 - ❖ **To promote socioeconomic development**
 - ❖ **To value our environment and heritage**

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President welcomed everyone present and declared the meeting open at 4.00pm.

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

Councillor C (Turk) Shales	Shire President
Councillor M Hood	Deputy Shire President
Councillor R Winzer	
Councillor R (Bob) Todd	
Mr B Price	Chief Executive Officer

GALLERY

Visitors: 1

APOLOGIES

Councillor S McHutchison

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTIONS TIME

In accordance with section 5.24 of the Local Government Act 1995, a 15 minute public question time is made available to allow members of the public the opportunity of questioning Council on matters concerning them.

Council Consideration Towards Public

When public questions necessitate resolutions of Council, out of courtesy and at the President discretion the matter is to be dealt with immediately to allow the public to observe the determination of the matter (obviates the need for the public to wait an undetermined period of time).

When a matter is listed on the Agenda and member/s of the public are in attendance to observe the determination of the matter, out of courtesy and at the discretion of the President the matter is to be brought forward on the agenda and dealt with immediately to allow the public to observe the determination of the matter (again this obviates the need for the public to wait an indeterminate period of time).

Nil.

5. DECLARATIONS OF INTEREST

Nil.

6. APPLICATIONS FOR LEAVE OF ABSENCE

The Local Government Act 1995 (Section 2.25) provides that a Council may, by resolution, grant leave of absence to a member for Ordinary Council Meetings. A member who is absent, without first obtaining leave of the Council, throughout three consecutive Ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.

Disqualification from membership of the Council for failure to attend Ordinary Meetings of the Council will be avoided so long as the Council grants leave prior to the member being absent. The leave cannot be granted retrospectively. An apology for non-attendance at a meeting is not an application for leave of absence.

Nil.

7. REPORTS OF OFFICERS

7.1 Chief Executive Officer

7.1.1 Resignation as Elected Member– Graeme Thompson

Location: Exmouth
Applicant: Graeme Thompson
File Reference: GV.CO.2.10
Disclosure of Interest: Nil
Date: 18 September 2014
Author: Chief Executive Officer, Bill Price
Signature of Author: 

SUMMARY

This report recommends that Council formally accept the resignation of Graeme Thompson as Councillor effective from 18 September 2014 and request approval from the Electoral Commissioner as per S 4.17(3) of the *Local Government Act* to postpone the extraordinary election until the ordinary election day on Saturday 17 October 2015.

BACKGROUND

Cr Thompson was elected to Council in 2011 and his term would have ordinarily expired in 2015. He formally tendered his resignation effective immediately (18 September 2014).

Council has two (2) options regarding the vacancy as provided by the Western Australian Electoral Commission.

Option 1: Extraordinary Election

The Western Australian Electoral Commission is required by the Local Government Act 1995 to conduct local government elections on a full cost recovery basis. The estimated cost to conduct an extraordinary election would be \$10,500 including GST which has been based on the following assumptions:

- 1,620 electors;
- response rate of approximately 50%;
- appointment of a local Returning Officer; and
- count to be conducted in Exmouth.

In accordance with section 4.20(4) of the Local Government Act 1995, the Commission agrees to be responsible for the conduct of the extraordinary election on the proviso that the election is conducted as a postal election on a day to be determined by Council.

If Council wishes to have the election conducted as a postal election, council will need to pass the following two motions by absolute majority:

1. declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election
2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.

Option 2: Defer Filling the Vacancy

The Local Government Act 1995 allows council the option to defer filling the vacancy. If council wishes to have the vacancy remain unfilled, separate application to the Electoral Commissioner, would need be made under section 4.17(3) of the Local Government Act 1995 to defer filling this vacancy until the next ordinary local government elections.

It is my recommendation that Council apply to the Electoral Commissioner to defer filling the vacancy and avoid the need and unnecessary costs of conducting an extraordinary election.

COMMENT

Nil

CONSULTATION

Nil

STATUTORY ENVIRONMENT

S 4.17(3) of the *Local Government Act*

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The estimated cost to conduct the extraordinary election would be \$10,500 including GST which has been based on the following assumptions:

- 1,620 electors;
- response rate of approximately 50%;
- appointment of a local Returning Officer; and
- count to be conducted in Exmouth.

STRATEGIC IMPLICATIONS

Civic Leadership

Objective 4: To work together as custodians of now and the future.

- Outcome: 4.1: To be a collaborative community with the capacity to manage the current and future direction of Exmouth
- Outcome: 4.2: A local government that is respected, professional, trustworthy and accountable
- Outcome: 4.3: To be strong advocates representing the region's interests

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION – 7.1.1

That Council accept the resignation of Graeme Thompson as Councillor effective from 18 September 2014 and request approval from the Electoral Commissioner as per S 4.17(3) of the Local Government Act to defer filling the vacancy until the ordinary election day on Saturday 17 October 2015.

COUNCIL DECISION – 25-0914 – 7.1.1

Moved Councillor Todd, Seconded Councillor Hood.

That Council accept the resignation of Graeme Thompson as Councillor effective from 18 September 2014 and request approval from the Electoral Commissioner as per S 4.17(3) of the Local Government Act to defer filling the vacancy until the ordinary election day on Saturday 17 October 2015.

CARRIED By ABSOLUTE MAJORITY 4/0

8. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

9. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

10. MATTERS TO BE CONSIDERED BEHIND CLOSED DOORS

Nil

11. CLOSURE OF MEETING

There being no further business the Shire President thanked everyone for their attendance and closed the meeting at 4.06pm.