



AGENDA

Special Council Meeting Tuesday, 7 January 2025

Notice of a Special Council Meeting:

A Special Council Meeting will be held in Council Chambers on Tuesday, 7 January 2025 commencing at 5.30 pm; for the purpose of:

1. Electing a Shire President
2. Determining how the vacancy left by the resignation of Councillor Jenny Mountford will be dealt with.

Arthur Kyron
Acting Chief Executive Officer
24 December 2024

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ITEM 1 OPENING OF MEETING

Meeting to be opened by the Presiding Member.

ITEM 2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the cultural custodians of the land on which we gather, the Kanaeng, Pibelmen-Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

ITEM 3 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Councillors

Councillor S Mahoney Deputy President
Councillor J Boyle
Councillor M Christensen
Councillor M Fletcher
Councillor T Lansdell
Councillor L Pearce
Councillor T Pratico
Councillor R Redman

Council Officers

Acting Chief Executive Officer – A Kyron
Executive Officer – S Dean

Observers/Visitor

Apologies

Leave of Absence Previously Granted

ITEM 4 ATTENDANCE OF GALLERY

ITEM 5 PUBLIC QUESTION TIME

ITEM 6 ELECTION OF SHIRE PRESIDENT

Attachment 1 – Policy G16 Election of President & Deputy President

Nominations for Shire President are to be submitted to the CEO in accordance with Schedule 2.3, Division 2 of the Local Government Act 1996. Written nominations will be accepted prior to the meeting or during the meeting before the closure of nominations has been declared by the CEO.

The CEO will call for any further nominations for President before advising of the close of nominations.

The CEO will read aloud the names of nominations received.

The CEO will call upon all candidates to make a presentation of not more than five (5) minutes duration in accordance with Policy G 16 - Election of President & Deputy President. Candidates will remain in the room and make their presentation when called upon. The order of candidate presentations will be determined by ballot.

If more than one nomination is received to fill the vacancy of the President, a secret ballot will take place. Ballot papers will be distributed to all elected members present and at the conclusion of the count the CEO will declare the election of the President for the two year term of Office expiring 18 October 2025.

The newly elected President will be called upon to make the *Declaration by Shire President* in the presence of a Justice of the Peace.

ITEM 7 COMMENTS ON AGENDA ITEMS BY PARTIES WITH AN INTEREST

ITEM 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

ITEM 9 NOTIFICATION OF DISCLOSURE OF INTEREST

Part 5, Division 6 of the *Local Government Act 1995* requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

ITEM 10 BUSINESS ITEMS

ITEM NUMBER & SUBJECT:	10.1 – Filling of a Elected Member Vacancy
Responsible Officer	Athanasios (Arthur) Kyron
Reporting Officer	Athanasios (Arthur) Kyron
Attachments	Nil
Voting Requirements	Simple Majority

OFFICER RECOMMENDATION:

Council resolves to seek the WA Electoral Commissioner’s permission to postpone any poll needed to fill the vacancy caused by Councillor Jenny Mountford’s resignation, to the next ordinary election day of 18 October 2025.

In Brief

The CEO received Shire President Jenny Mountford’s resignation on 20 December 2024 which was effective immediately. The CEO recommends that, to avoid unnecessary cost and inconvenience, Council resolves to postpone any election to fill the vacancy until the ordinary election day of 18 October 2025, in accordance with section 4.17(2) of the *Local Government Act 1995*.

Council may alternatively resolve to hold an extraordinary election, in accordance with sections 4.8 and 4.9 of the Act.

Matter for Consideration

The Local Government Act 1995 sets out the circumstances for the filling of casual Elected Members vacancies that may arise from time to time.

Local Government Act 1995

4.16(4) Postponement of elections to allow consolidation

(1) *This section modified the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.*

...

(4) *If a member’s office becomes vacant under section 2.32 –*

(a) After the third Saturday in October in the year before an election year; but

(b) Before the third Saturday in July in that election year,

The council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

Background

On Early morning on 20 December 2024 the Elected Members and CEO (Temp) received an email from President Cr Jenny Mountford, stating she is resigning from the position of Shire President and from Council effective immediately.

Cr Mountford cited personal reasons for her resignation from Shire President and Council. In resigning Cr Mountford's email stated "...This is an opportunity...for Council going forward to re-assess the important criteria for the role of Shire President...The role of Shire President is increasingly complex and demanding...Thank you... for the support I have received over the past 2^{1/2} years as President...I wish you all the very best...".

I have spoken with the Deputy Shire President who has indicated he cannot assume the long-term role of Shire President due to his significant work and personal commitments. The decision of who will fill the role of Shire President will be decided at the commencement of 6 January 2025 Special Council Meeting. Deputy Shire President, Cr Mahoney, wishes to retain the role of Deputy Shire President.

It is proposed to leave unfilled the vacancy left by the resignation of Cr Mountford. This will mean the Shire will be governed by eight Elected Members. One of the eight Elected Members will be voted Shire President.

The proposal to not fill the vacancy will have minimal impact on the governance of the Shire and will save the costs of the WAEC conducting an extra-ordinary election. If Council resolves to hold an election for the casual vacancy, costs will be incurred again at the October 2025 Local Government Elections. The cost will be in accordance with the fee structure of the WAEC. This is not an efficient use of the limited finances of Council.

Statutory Environment

<i>Local</i>	<i>Government</i>	<i>Act</i>	<i>1995</i>
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4.16(4) Postponement of elections to allow consolidation

(2) This section modified the operation of sections 4.8, 4.9 and 4.10 in relation to the holding of extraordinary elections.

...

(5) If a member's office becomes vacant under section 2.32 –

(c) After the third Saturday in October in the year before an election year; but

(d) Before the third Saturday in July in that election year,

The council may, with the approval of the Electoral Commissioner, fix the ordinary elections day in that election year as the day for holding any poll needed for the extraordinary election to fill that vacancy.

Policy Implications

Nil

Financial Implications

Holding an extraordinary election to fill the current vacancy would have an impact on the budget as in striking the budget for 2025/25 the budget made no provision for an extraordinary election. The Shire is awaiting a quote from the Western Australian Electoral Commission to conduct an extraordinary election if necessary.

If the position remains unfilled, the Shire would save approximately these funds.

Strategic Community Plan

13. Proactive, visionary leaders who respond to community needs.

14. Effective governance and financial management.

Corporate Business Plan

Nil

Long Term Financial Plan

If an extra-ordinary election is held there will be an additional cost not accounted for in the LTFP. However, the costs will be smoothed out over the length of the plan.

Asset Management Plan

Nil

Workforce Plan

Nil

Risk Management

Reputational risks:

- holding an election to fill one vacancy may be viewed as an unnecessary use of funds.

Governance risk:

- fewer Councillors may mean less oversight of the Shire's affairs.
- Remaining Councillors bare increased workload.
- Community may feel underrepresented.

ITEM 11 MATTERS BEHIND CLOSED DOORS (CONFIDENTIAL ITEMS)

Nil.

ITEM 12 CLOSURE

The Presiding Member to close the meeting.