



Shire of

Bridgetown-Greenbushes

The heart and soul of the South West

Special Council Minutes

SPECIAL COUNCIL MEETING

TUESDAY, 7 JANUARY 2025; COMMENCING AT 5.30 PM

Council Chambers, 1 Steere Street, Bridgetown

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.

Athanasios (Arthur) Kyron

Chief Executive Officer (Temporary)

7 January 2025

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UNCONFIRMED

MINUTES

ITEM 1 OPENING OF MEETING

The Shire President declared the meeting open at 5.32pm.

ITEM 2 ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the cultural custodians of the land on which we gather, the Kaneang, Pibelmen and 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 T Lansdell
Councillor J Boyle
Councillor M Christensen
Councillor M Fletcher
Councillor L Pearce
Councillor T Pratico
Councillor R Redman– attended via Zoom

Council Officers

Temp Chief Executive Officer, A Kyron
Manager Human Resources, S Alexander
Executive Assistant, E Reynolds

Observers/Visitor

Nil

Apologies

Nil

Leave of Absence Previously Granted

Nil.

ATTENDANCE OF GALLERY

J Moore, B Moore, M Sandburg, U Smith, L Randle, G Randle, D Hockiner, N Maxfield, D Temby,

J Temby, N Bellugue, T Clothier JP, J Wittenoom, T Mayhew, D Mackman

ITEM 4 PUBLIC QUESTION TIME

Brian Moore

Question 1

Would councillors consider a review of the number of elected members?

Response Temp CEO Arthur Kyron:

Yes, we can consider it. That would require a discussion with elected members in a forum where the pros and cons of what you are proposing would be considered. Then if the council was to consider a change in the representation there would have to have a electorate review. That would result in a report that would have to be provided to the Dept of local government the WA Electoral Commission. I am not sure the time would allow for a thorough examination between now and the next local government elections. But we will have a look into it.

ITEM 5 ELECTION OF SHIRE PRESIDENT*Attachment 1 – Policy G7 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 7 - 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.

The CEO advised that he had received one nomination for the position of Shire President from Cr Lansdell. The CEO then called for any further nominations, of which none were received, prior to declaring the nomination period closed.

The CEO declared Cr Lansdell the Shire President unopposed for the term of office expiring 18 October 2025.

Cr Lansdell made the Declaration by Shire President in the presence of Justice of the Peace, Trudy Clothier.

Cr Lansdell took up the position of Shire President and assumed the Chair for the remainder of the meeting

ITEM 7 COMMENTS ON AGENDA ITEMS BY PARTIES WITH AN INTEREST

Nil.

ITEM 8 ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

ITEM 9 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 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.

The 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 21/2 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

Local Government Act 1995

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 extra-ordinary 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.

Measures of Likelihood			
Rating	Description	Frequency	Probability
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Matrix					
Consequence Likelihood	1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

DESISION: SCM 296-24/25

Moved: Cr M Fletcher

Seconded: Cr T Partico

The 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.

FOR: Crs S Mahoney, J Boyle, M Christensen, M Fletcher, T Lansdell, L Pearce, T Pratico and R Redman.

AGAINST: Nil.

CARRIED BY 8/0

ITEM 61 MATTERS BEHIND CLOSED DOORS (CONFIDENTIAL ITEMS)

Nil

ITEM 72 CLOSURE

The Shire President closed the meeting at 5.46 pm.