



Shire of
YILGARN

“good country for hardy people”

*Special Meeting
of Council*

22nd October

2019



NOTICE OF SPECIAL MEETING

Councillors:

Please be advised that a

Special Meeting of Council

**Will be held in the Council Chambers on
Tuesday, 22nd October 2019
Commencing at 5pm**

Peter Clarke
Chief Executive Officer

16/10/2019

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Agenda Paper for the Special Meeting of Council to be held on Tuesday, 22 October 2019 commencing at 5.00pm in the Council Chambers, Antares Street, Southern Cross, for the purpose of Swearing-In Newly Elected and Returned Councillors, election of the Shire President and Deputy Shire President positions and appointments of Councillors to Council Committees and representatives to external community committees.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

As this meeting is the first official meeting of Council following the Council Elections on Saturday, 19 October 2019, the CEO will open the meeting and Chair the process of the Swearing-In of newly elected and returned Councillors and the election of the Shire President and Swearing-In of this position.

The CEO declared the meeting open at ____pm

Mrs Susann Bosenberg JP, will be in attendance to officially witness the Swearing-In process.

Following the election of the Shire President, the CEO will vacate the Chair and the newly elected Shire President will take the Chair and undertake the election process for the Deputy Shire President position.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Council Officers	P Clarke	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	R Bosenberg	Executive Manager Infrastructure
	N Warren	Executive Manager Regulatory Services
	Laura Della Bosca	Minute Taker

Justice of the Peace Susann Bosenberg

Apologies:

Observers:

4. APPLICATION FOR LEAVE OF ABSENCE

5. DECLARATION OF INTEREST

6. PUBLIC QUESTION TIME

7. SWEARING-IN OF NEWLY ELECTED AND RETURNED COUNCILLORS

Following the Council Elections on Saturday, 19 October 2019, newly elected and returned Councillors will be individually called upon to make the Declaration of Elected Member in the presence of Mrs Susann Bosenberg JP.

8. ELECTION OF SHIRE PRESIDENT POSITION

In accordance with Schedule 2.3 of the *Local Government Act 1995*, the following process applies to the election of Shire President:-

2. When council elects mayor or president

- (1) The office 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 first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO 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 CEO, which is to be a sufficient time after the announcement by the CEO 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 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: 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.

Tied Vote after Second Election

If a tied vote occurs at the resumed meeting, in accordance with Schedule 4.1 of the *Act*, the CEO is to draw lots to decide the matter. The draw should also be conducted by two persons and if available, verified by an independent person.

Following the election, the Shire President will make the Declaration of Office before Mrs Susann Bosenberg JP.

CEO to vacate the Chair with the newly elected Shire President taking the Chair.

9. ELECTION OF DEPUTY SHIRE PRESIDENT POSITION

The process for the election of the Deputy Shire President is the same as for the Shire President however, the Shire President is the returning officer for this process.

Following the election, the Deputy Shire President will make the Declaration of Office before Mrs Susann Bosenberg JP.

10. ELECTION OF COUNCILLORS TO VARIOUS ADVISORY COMMITTEES OF COUNCIL

10.1 SHIRE OF YILGARN AUDIT COMMITTEE

Section 7.1A of the *Local Government Act 1995* states the following in respect to the appointment of an Audit Committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

** Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

Previous representation of the Shire of Yilgarn Audit Committee consisted of the whole of Council.

A recommendation that arose from a report issued by the Office of Auditor General on 15 March 2019 indicated that as far as practicable, the Audit Committee should include a few Council members rather than the entire Council.

Recommendation

That Council appoints Crs....., and to the Shire of Yilgarn Audit Committee and reconfirms Mrs Julie Della Bosca as the Community representative on the Audit Committee.

10.2 SHIRE OF YILGARN BUSH FIRE ADVISORY COMMITTEE

Crs Della Bosca and Guerini were Council's previous representatives on Bush Fire Advisory Committee.

The Executive Manager Regulatory Services also attends the meetings and undertakes the secretarial work of the Committee

Recommendation

That Council appoints Cr and Cr..... as its representatives on the Shire of Yilgarn Bush Fire Advisory Committee with the Executive Manager Regulatory Services being responsible for secretarial duties associated with the Committee.

10.3 SHIRE OF YILGARN LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

The Shire President (by virtue of the position) together with Crs Della Bosca and Pasini were Council's previous representatives on the Local Emergency Management Advisory Committee.

The CEO and Executive Manager Regulatory Services also attend the meetings.

Recommendation

That Council appoints the Shire President together with Crs and as its representatives on the Shire of Yilgarn Local Emergency Management Advisory Committee with the CEO and Executive Manager Regulatory Services attending and being responsible for secretarial duties associated with the Committee.

10.4 SHIRE OF YILGARN HISTORY MUSEUM ADVISORY COMMITTEE

Crs Truran and Pasini were Council's previous representatives on the History Museum Advisory Committee.

It should be noted that the Yilgarn Historical Society became an Advisory Committee of the Shire in December 2018 following a request to Council as it was not meeting its obligations under its incorporated status.

Recommendation

That Council appoints Crs and as its representatives on the Shire of Yilgarn History Museum Advisory Committee.

11. ELECTION OF COUNCILLORS TO VARIOUS COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES

11.1 HEALTH AGENCIES OF THE YILGARN

Crs Nolan, Shaw and the CEO were Council's previous representatives on the Health Agencies of the Yilgarn (HAY) Committee.

Since the CEO's appointment he has never received advice on scheduling of meetings and has not attended any HAY Committee meetings.

In speaking with the Secretary/Treasurer of the HAY Committee she was unaware of Council's representatives and therefore no advice was made to them of scheduled meetings. The CEO questioned the above office holder whether they required Council representation to which she indicated that it would be preferable but only one representative was necessary.

Recommendation

That Council appoints Cr as its representative on the Health Agencies of Yilgarn Committee.

11.2 LOCAL ACTION GROUP SKELETON WEED COMMITTEE

Crs Della Bosca and Guerini were Council's previous representatives on the Local Action Group Skeleton Weed Committee.

Recommendation

That Council appoints Crs and as its representatives on the Local Action Group Skeleton Weed Committee.

11.3 WINDARLING/MT. JACKSON COMMUNITY REFERENCE GROUP

Crs Close, Guerini and Nolan were Council's previous representatives on the Windarling/Mt.Jackson Community Reference Group.

It is understood that these Reference Groups are no longer operational and therefore Council representation is no longer required

11.4 YILGARN OCCASIONAL CHILD CARE MANAGEMENT COMMITTEE

Crs Shaw, Pasini and Truran were Council's previous representatives on the Yilgarn Occasional Child Care Management Committee.

As this Committee is no longer operational, with REED Child Care taking over these services, Council representation is no longer required.

11.5 WHEATBELT EAST REGIONAL ORGANISATION OF COUNCILS (WEROC)

The Shire President and CEO were Council's previous representatives on the Wheatbelt East Regional Organisation of Councils.

With WEROC proposing to become an Incorporated body, the Draft Constitution indicates that two (2) representatives from participating Councils are eligible to be on the Board. Therefore, if two (2) Councillors are interested in being members of the WEROC Board, the CEO would accompany the Councillors to meetings and would only have observer status.

Recommendation

That Council appoints Crs and (or the CEO) as its representatives on the Wheatbelt East Regional Organisation of Councils.

11.6 GREAT EASTERN COUNTRY ZONE (GECZ) OF WALGA

The Shire President and Deputy Shire President were Council's previous representatives on the GECZ with the CEO accompanying them to these meetings.

Recommendation

That Council appoints the Shire President and Deputy Shire President as its representatives on the Great Eastern Country Zone of WALGA with the CEO accompanying the above representatives to these meetings.

**11.7 MT. WALTON INTRACTABLE WASTE DISPOSAL FACILITY
COMMUNITY LIAISON COMMITTEE**

Cr Truran was the appointed Member to the above Committee, with Cr Nolan as Deputy Member along with the Executive Manager Regulatory Services.

Recommendation

That Council appoints the Cr as its appointed representative on the Mt. Walton Intractable Waste Disposal Facility Community Liaison Committee with Cr..... and the Executive Manager Regulatory Services as Deputy Members.

11.8 GREAT WESTERN WOODLANDS REFERENCE GROUP

Cr Pasini was Council's previous representative on the Great Western Woodlands Reference Group.

Recommendation

That Council appoints the Cr as its representative on the Great Western Woodlands Reference Group.

11.9 WHEATBELT NORTH REGIONAL ROAD GROUP AND SUB-GROUP

Crs Della Bosca and Close were Council's previous representatives on the Wheatbelt North Regional Road Group and Sub-Group.

The Executive Manager Infrastructure accompanied the above Councillors to these meetings.

Recommendation

That Council appoints the Crs and as its representatives on the Wheatbelt North regional Road group and Sub-Group.

11.10 EASTERN WHEATBELT DECLARED SPECIES GROUP

Cr Della Bosca was Council's previous representative on the Eastern Wheatbelt Declared Species Group.

Recommendation

That Council appoints the Cr as its representative on the Eastern Wheatbelt Declared Species Group.

11.11 RURAL HEALTH WEST

Crs Truran and Shaw were Council's previous representative on Rural Health West.

Recommendation

That Council appoints Crs and as its representatives on Rural Health West.

11.12 DISTRICT HEALTH ADVISORY COMMITTEE - LOCAL HEALTH ADVISORY COMMITTEE

Cr Truran was Council's previous representative on the District Health Advisory Committee. It is understood that Ms Truran will be continuing her role on this Committee as she is also the Chair of DHAC.

It would be more preferable for the Shire to have a representative on the Local Health Advisory Committee, a community based Committee.

Recommendation

That Council appoints Cr as its representative on the Local Health Advisory Committee.

11.13 WHEATBELT AGCARE COMMITTEE

Cr Nolan was Council's previous representative on Wheatbelt AgCare.

Recommendation

That Council appoints Cr as its representative on the Wheatbelt AgCare Committee.

11.14 CENTRAL EAST AGED CARE ALLIANCE INC. (CEACA)

The Deputy Shire President (Cr Della Bosca) was Council's appointed representative on CEACA with the CEO as Deputy Member.

CEACA adopted a new Constitution which now only allows Council to appoint a Member and does not provide for Deputy Members to be appointed although the CEO would always accompany Council's representatives to CEACA meetings.

Recommendation

That Council appoints Cr as its Member on the Central East Aged Care Alliance (CEACA) Inc.

11.15 WHEATBELT COMMUNITIES INC.

The Shire President was Council's appointed Member to Wheatbelt Communities Inc. with the Deputy Shire President as the Deputy Member.

WEROC will soon become the Incorporated body and Wheatbelt Communities Inc. will cease to exist however, until the process has been completed, it will be necessary to make appointments as previously undertaken.

Recommendation

That Council appoints Cr as its representative on Wheatbelt Communities Inc., with Cr as the Deputy Member.

11.16 SHIRE OF YILGARN ROADS COMMITTEE

At the Ordinary meeting of Council held on Thursday, 17 May 2019 Council established a Roads Committee, consisting of Crs Pasini, Close and Della Bosca together with the CEO and Executive Manager Infrastructure.

Whilst this Committee was primarily established to work with Covalent Lithium regarding transportation routes associated with its operations at Mt. Holland, the need for this Committee is ongoing as other road issues relating to mining operations within the district has increased considerably.

Recommendation

*That Council appoints Crs, and
..... as its representatives on the Shire of Yilgarn Roads Committee.*

12 APPLICATION FOR LEAVE OF ABSENCE

13 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF THE MEETING**

15 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

16 CLOSURE

As there was no further business to discuss, the Shire President declared the meeting closed at ____pm.