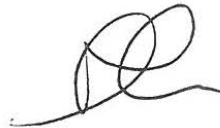


**NOTICE OF A SPECIAL MEETING OF COUNCIL**

Dear Council Member

A Special Meeting of Council is to be held at **5.30pm, Monday 7 February 2022** in the Council Chambers for the purpose of setting a new date for the holding of the Annual General Meeting of Electors

Signed by T P Clynych:



Date:

4 February 2022

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## **AGENDA**

For the Special Meeting of Council to be held in the Council Chambers on **Monday 7 February 2022 commencing at 5.30pm**, called for the purpose of setting a revised date for the holding of the Annual General Meeting of Electors.

### **Acknowledgment of Country – Presiding Member**

*On behalf of the Councillors, staff and gallery, I acknowledge the Noongar People, the Traditional Custodians of the land on which we are gathered, and pay my respects to their Elders past, present and emerging.*

### **Attendance & Apologies**

President	- Cr J Bookless
Councillors	- J Boyle
	- B Johnson
	- T Lansdell
	- S Mahoney
	- J Mountford
	- A Pratico
	- P Quinby
	- A Rose
Officer	- T Clynch, Chief Executive Officer
	- M Larkworthy, Executive Manager Corporate Services
	- E Denniss, Executive Manager Community Services
	- E Matthews, Executive Assistant

### **Attendance of Gallery**

### **Public Question Time**

Note: At Special Council Meetings questions must relate to the items on the Agenda.

### **Petitions/Deputations/Presentations**

### **Comments on Agenda Items by Parties with an Interest**

### **Notification of Disclosures of Interest**

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

**SpC.01/0222 Suspension of Standing Orders**

At its December 2021 meeting Council resolved:

*That Council:*

- 1. That at an appropriate period after the commencement of each ordinary and special council meetings Council is to consider suspending Clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.*
- 2. That this procedure be conducted as a trial to determine whether a permanent change in the Standing Orders should be sought.*

Clause 18.1 of the Standing Orders states:

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily one of more of these Standing Orders.
- (2) The mover of a motion to suspend temporarily any one or more of these Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension

The key words in clause 18.1 are “suspend temporarily” meaning that Council must resolve at each Council Meeting to suspend clause 9.1 of the Standing Orders for the duration of the meeting.

**Motion**

*That Council suspend clause 9.1 of its Standing Orders Local Law to allow Council Members to remain seated whilst addressing Council, either in speaking to a motion or the asking of a question.*

**Business Items**

<b>ITEM NO.</b>	SpC.02/0222	<b>FILE REF.</b>	208
<b>SUBJECT</b>	Setting Revised Date for Holding of the Annual General Meeting of Electors		
<b>PROPONENT</b>	Council		
<b>OFFICER</b>	Chief Executive Officer		
<b>DATE OF REPORT</b>	4 February 2022		

**OFFICER RECOMMENDATION**

*That Council:*

- 1. Endorse the decision made by the CEO in consultation with the Shire President and councillors to, at late notice, postpone the holding of the Annual General Meeting (AGM) of Electors on Thursday 3 February 2022 due to the discovery of administrative errors in providing public notice of that proposed meeting.*

2. *Set a revised date for the holding of the Annual General Meeting (AGM) of Electors as 5.30pm, Thursday 24 February 2022 in the Council Chambers.*
3. *Note that due to an administrative error in the public notice process for the originally scheduled date for holding of the AGM of Electors this meeting will now be held more than 56 days after it accepted the annual report for the 2020/21 financial year. This will represent a technical breach of section 5.27 of the Local Government Act.*

#### Summary/Purpose

Due to an administrative error public notice of the Annual General Meeting (AGM) of Electors originally proposed to be held on 3 February 2022 wasn't properly given and this caused councillors to informally agree with the CEO's recommendation to postpone the meeting to another date so that proper public notice could be given. Due to the short time period (1 day) between this issue becoming apparent and the original meeting date a Special Council meeting couldn't be held to change the meeting date prior to the originally scheduled date.

#### Background

Council, at its December 2021 meeting resolved:

*C.06/1221 That Council:*

1. *Accepts the Annual Report including the Annual Financial Report and Audit Report for the 2020/21 financial year and gives local public notice of its availability.*
2. *Schedules the Annual General Meeting of Electors to be held on Thursday, 3 February 2022 in the Council Chambers, commencing at 5:30pm.*
3. *Note the Auditor's report includes a 'significant adverse trend in the financial position of the Shire as the Asset Sustainability Ratio and Operating Surplus Ratio have been below the industry benchmark and OAG threshold for the past 3 years'.*

#### Officer Comment

The administrative errors made in giving public notice of the AGM were:

- Due to the notice missing the newspaper deadline it wasn't published until 26 January 2022 which was only 8 days prior to the scheduled AGM date instead of the statutory 14 day notice period.
- The public notice wasn't uploaded to the Shire website and the page on the website relating to the AGM and Annual Report didn't give details of the meeting date (it actually still said a meeting date hadn't been set).
- There were delays in placing the public notices on Shire notice boards.
- Public notice of the AGM date and the availability of the annual report were intended to be done on the same notice. A review of this process has determined that the notices need to be separated with the notice advising of the availability of the annual report to be done as soon as possible after the Council meeting at which the annual report is accepted, and that the notice giving details of the AGM date be released near the 14 day statutory notice period.

In response to these errors a revised administrative procedure has been created for ensuring public notification requirements are met in future.

Noting the requirement for a minimum 14 days' public notice, a revised AGM date of Thursday 24 February could be set, with public notice being given in the Manjimup Bridgetown Times on Wednesday 9 February 2022 and notices being placed on Shire notice boards. The advert for the AGM date will include advice that the annual report is available for viewing at the library and on the Shire website but a separate notice has been placed on Shire noticeboards, library noticeboard and sent to Greenbushes CRC for its noticeboard on 4 February 2022.

A news story (with related Facebook Post) will be uploaded to the Shire website in the week prior to the AGM explaining what the AGM is and the format of the AGM.

Thursday 24 February 2022 is also the meeting date for the February ordinary Council meeting and it is intended that that meeting would follow the conclusion of the AGM.

It is acknowledged that the holding of the meeting on 24 February 2022 will mean the AGM is held more than 56 days after Council accepted the annual report and annual financial statements for the year ending 30 June 2021. This will represent a technical breach of section 5.27 of the Local Government Act and may require self-reporting if a relevant question is contained in the Compliance Audit Return for 2022. The matter may also be formally noted by the auditor.

### Statutory Environment

#### *Local Government Act 1995*

#### **5.27. Electors' general meetings**

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

#### **5.55. Notice of annual reports**

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

### Integrated Planning

- Strategic Community Plan
  - Outcome 14 Effective governance and financial management
  - Objective 14.1 Achieve excellence in organisational performance and service delivery
- Corporate Business Plan - Nil
- Long Term Financial Plan – Not applicable
- Asset Management Plans – Not applicable
- Workforce Plan – Not applicable
- Other Integrated Planning – Nil

### Policy Implications - Nil

Budget Implications

Costs of approximately \$350 will be incurred for readvertising of the AGM and this can be met by existing budget allocations.

Whole of Life Accounting – Nil

Delegated Authority

Risk Management

There are no risk management implications associated with the officers recommendation as the financial and operational will be minimal and align with current risk management plans and practices.

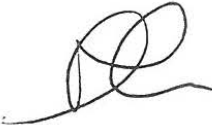
Voting Requirements – Simple Majority

**Matters Behind Closed Doors (Confidential Items)** – Nil

**Closure**

*The President to close the Meeting.*

**List of Attachments** – Nil

Agenda papers checked and authorised by CEO, Mr T P Clynych		04.02.2022
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