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AGENDA

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**
Chief Executive Officer

2. **DECLARATION OF OFFICE BY MAYOR AND COUNCILLORS**
To be made before the Acting Director General for the Department of Local Government and Regional Development, Quentin Harrington.

3. **COUNCIL BUSINESS**

3.1 Public Question Time (in relation to Agenda only items)
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3.2 Election of the Deputy Mayor

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	15 October 2007
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

This report outlines the statutory process for the election of the Deputy Mayor.

Background

At the first Council meeting held after the October 2007 Council election, the first item on the agenda, is the election of the Deputy Mayor. This report outlines the process for electing the Deputy Mayor in accordance with Section 2.15 and Schedule 2.3 of the *Local Government Act 1995* ("the Act"), of the Local Government (Constitution) Regulations.

Comment

Conduct of the Election

Under clause 7 of Schedule 2.3 of the Act, the election of the Deputy Mayor is the first matter to be dealt with at the first meeting of Council after an Ordinary Election. The election can be conducted by the Chief Executive Officer, in accordance with the procedure prescribed.

Nominations

Nominations are to be submitted to the person conducting the meeting in writing, either before the meeting or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the person conducting the election, which is a sufficient time after the opening of nominations to allow written nominations to be submitted. If a Councillor is nominated by another Councillor, then the Councillor nominated must consent to the nomination.

Ballot Papers

Once nominations have closed, the CEO prepares ballot papers in accordance with the prescribed form. The CEO must authenticate the ballot paper by initialling the back of the ballot paper. The order of names appearing on the ballot paper will be in alphabetical order.

The CEO may replace a ballot paper if the CEO is satisfied the ballot paper has been spoilt.

Voting

Councillor voting is conducted in secret and Councillors vote by placing a number in the box opposite the name of the candidate whom the Councillor wishes to be elected. A Councillor must vote in secret and must mark the ballot paper in a manner that it cannot be seen by anyone else. The CEO may assist Councillors to mark their ballot papers if they require assistance. The completed ballot papers are returned to the CEO.

Counting of Votes

The CEO is to count the votes on the basis of preferential voting. If votes are tied then the matter is referred to a Special Council meeting to be held not more than 7 days later.

Declaration of the Election

The person conducting the election is to declare the result of the election. This declaration is to include the name of the candidates and the name and term of office of the candidate elected. The person conducting the election must also give local public notice of the result.

Records of the Election

The CEO must retain records of the election for a period of at least four years following the election.

Disputed Election

Any Councillor who is dissatisfied with the result or the way in which the election was conducted may lodge an invalidity complaint with the Court of Disputed Returns.

Consultation

Nil

Policy and Legislative Implications

This report has been prepared in accordance with the *Local Government Act* and Local Government (Constitution) Regulations which effect the manner in which the Deputy Mayoral election is to be conducted.

Financial Implications

Nil

Strategic Implications

In line with Strategic Plan Goal 5: Organisational Effectiveness *“To be a professional, effective and efficient organisation.”*

OFFICER RECOMMENDATION ITEM 3.2
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That the election of the Deputy Mayor proceed in accordance with the *Local Government Act*.

3.3 Committees of Council

Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	15 October 2007
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Cliff Frewing, Chief Executive Officer

Summary

After each election, the Council must review the membership of each of its Committees. The purpose of this report is to recommend nomination of Council Members to sit on its internal Committees.

Council Delegates to the following external Committees are also required to be appointed:

- South East Metropolitan Regional Council;
- South East District Planning Committee;
- WALGA - South East Metropolitan Zone; and
- Perth Airport Municipalities Group

However, with the exception of the South East Metropolitan Regional Council, which is the subject of a separate report (Item 3.4) there are no scheduled meetings in the immediate future and therefore representation on these external committees will be the subject of a report to the November Ordinary meeting of Council.

Background

The City currently has two committees of Council. These are the Audit and Governance Committee and the CEO Evaluation Committee.

Section 5.11 of the *Local Government Act* prescribes that the tenure of a committee member ends at the next ordinary election day. As 20 October 2007 was an ordinary election day, the tenure of all committee members has ended and the committees have effectively been disbanded. As a result, Council must review the committee membership.

The *Local Government Act* at section 5.10(4) provides that the Council must appoint the Mayor to each Committee if he informs the City of his wish to be a Member of a particular Committee.

Comment

The Audit and Governance Committee

This Committee was formed in 2004 to oversee the City's audit process and deal with a range of governance issues. The terms of reference for the Audit and Governance Committee are:

The Audit and Governance Committee is responsible for auditing and reviewing the City processes and performance in relation to:

- (i) *the annual financial audit;*
- (ii) *the City's risk management framework;*
- (iii) *the annual Statutory Compliance Audit;*
- (iv) *the Code of Conduct;*
- (v) *complaint reviews;*
- (vi) *access to information;*
- (vii) *policy and delegation reviews;*
- (viii) *the Australian Business Excellence Framework; and*
- (ix) *the City's Local Laws.*

Section 7.1A of the *Local Government Act 1995* requires that each local government establish an audit committee consisting of at least 3 Members. The City's actions in establishing the Audit and Governance Committee in 2004 ensured the City was well prepared for this requirement. The terms of reference are always subject to review and it is suggested that the Terms of Reference be reviewed in 2008.

The Committee meets on a needs basis during the year with the timing of each meeting coinciding with the conduct of a particular aspect of the City's audit and governance cycle. The membership of the committee has previously been determined by Council as the Mayor, the Deputy Mayor and two Councillors, although Council is not bound by this. The CEO and relevant staff also attend the meeting to provide relevant information and advice.

The following are the current members of the Audit and Governance Committee:

- (i) Deputy Mayor Maddaford (Chair)
- (ii) Cr Ozsdolay
- (iii) Cr Jamieson; and
- (iv) Cr Wells (appointed November 2006 following the resignation of the Mayor)

Note: Cr Smith is the Deputy Member

The Audit and Governance Committee has no delegated power and all recommendations made are referred to Council for decision.

The Council needs to appoint the membership of the Audit and Governance Committee for the two year period ending October 2009.

CEO Evaluation Committee

This Committee oversees the quarterly review of the CEO's performance and conducts annual performance reviews for the CEO. The functions of the CEO Evaluation Committee are to:

- (i) *review and ratify agreed performance areas;*
- (ii) *establish timelines for quarterly review periods;*
- (iii) *establish timelines for achievement of Performance Focus Areas;*
- (iv) *conduct first quarterly Evaluation Committee meetings;*
- (v) *conduct Annual Performance Reviews;*
- (vi) *review the remuneration package of the CEO;*
- (vii) *discuss performance issues with the CEO; and*
- (viii) *make recommendations and establish outcomes.*

The following are the current members of the CEO Evaluation Committee:

- (i) Mayor Collins
- (ii) Cr Ozsdolay (Chair)
- (iii) Cr Maddaford
- (iv) Cr Best
- (v) Cr Doherty
- (vi) Cr Wells

Note: Cr Wells previously Deputy Member, appointed as Member December 2006.

The Committee also meets on a needs basis during year. The CEO Evaluation Committee has no delegated power and all recommendations made are referred to Council for decision.

Consultation

Nil

Policy and Legislative Implications

Establishment of Committees is in accordance with section 5.11 of the *Local Government Act 1995* which provides that the tenure of a committee member ceases at each ordinary election day.

Financial Implications

Nil

Strategic Implications

In line with Strategic Plan Goal 5: Organisational Effectiveness. *'To be a professional, effective and efficient organisation.'*

OFFICER RECOMMENDATION ITEM 3.3
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That Council appoints:

- (a) Members and a Deputy Member of the Audit and Governance Committee; and
- (b) Members and a Deputy Member of the CEO Evaluation Committee.

3.4 Delegates from Council to SEMRC
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	16 October 2007
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Chief Executive Officer

Summary

The purpose of this report is to provide a Delegate from Council to the South East Metropolitan Regional Council (SEMRC).

The Council is often invited to select a Member to be a delegate from the City on a committee of an external organisation. The purpose of this report is to nominate a Delegate from Council to the South East Metropolitan Regional Council (SEMRC).

Background

A number of community, regional and statewide organisations regularly request that Council provide a member to be a Delegate and sit on a management or consultation committee of the external organisation. Where Council provides a delegate they may wish to nominate a deputy delegate to act in the absence of the delegate.

Council has previously provided Delegates of the City to the following organisations:

ORGANISATIONS
South East Metropolitan Regional Council
South East District Planning Committee
Western Australian Local Government Association: South East Metropolitan Zone
Perth Airport Municipalities Group

Comment

With the exception of the South East Metropolitan Regional Council (SEMRC), the subject of this report, there are no scheduled meetings in the immediate future for the other external organisations listed above and therefore consideration of representation on these external committees will be the subject of a report to the November 2007 Ordinary meeting of Council.

The SEMRC is a Regional Council formed under the *Local Government Act* where membership consists of the Cities of Armadale, Gosnells and South Perth. Each Council nominates two Delegates to the Regional Council. the main purpose of the Council is to currently conduct research and investigations into future waste management options available to Member Councils. The Regional Council is also considering extending its membership to include Mandurah, Murray and Serpentine Jarrahdale local governments.

The current Delegates are Cr Trent (who is Chairman of the Regional Council) and Cr Cala, both of whom have considerable knowledge of the investigations conducted to date and have expressed an interest in continuing membership on the Regional Council.

In order to ensure that the City has a consistent approach to the provision of delegates to external organisations Policy P514 “Delegates from Council” was developed which sets out the criteria to be followed. **Attachment 3.4** refers. The South East Metropolitan Regional Council meets the selection criteria of: *Regional Council*.

Consultation

Council decision required to nominate Members to external groups/boards/committees.

Policy Implications

Policy P514 “Delegates from Council”.

Financial Implications

Minor representation costs.

Strategic Implications

In line with Strategic Plan Goal 5: Organisational Effectiveness *“To be a professional, effective and efficient organisation.”*

OFFICER RECOMMENDATION ITEM 3.4
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That Council appoint two Councillors as Delegates to the South East Metropolitan Regional Council (SEMRC) for the two year period ending October 2009.

4. CLOSURE