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Minutes of the Special Meeting of the City of South Perth Council called for the purpose of:

- **Declaration of Office for positions of Mayor and Councillors;**
- **Election of Deputy Mayor/Declaration of Office for position of Deputy Mayor;**
- **Membership of Council Committees; and**
- **Appointment of Delegates to SEMRC**

**held in the Council Chamber, Sandgate Street, South Perth
Tuesday 23 October 2007 commencing at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chief Executive Officer opened the meeting at 7.00pm and welcomed the Mayor and Councillors elect, Council Members, invited guests and members of the public. He then introduced Quentin Harrington, the Acting Director General for the Department of Local Government and Regional Development, who would be conducting the Declaration of Office Ceremony for the newly elected Mayor and Councillors. Also, Cr Bill Mitchell, President of the Western Australian Local Government Association and Ms Ricky Burges, CEO of WALGA and thanked them for attending the night's proceedings.

RECORD OF ATTENDANCE

Councillors:

G W Gleeson	Civic Ward (from 7.06pm)
B W Hearne	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
D S Smith	Mill Point Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Planning and Community Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mrs K Russell	Minute Secretary

Guests

Mr Q Harrington	Acting Director General, Department of Local Government and Regional Development
Cr W Mitchell	President Western Australian Local Government Association
Ms R Burges	CEO, Western Australian Local Government Association

Apologies

Cr elect Peter Best	Como Beach Ward
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Gallery

Mayor and Councillors elect, approximately 30 relatives, friends
and members of the public

2. DECLARATION OF OFFICE BY MAYOR AND COUNCILLORS

The Chief Executive Officer invited the Acting Director General of the Department of Local Government to come forward to witness the Declaration of the new Mayor of the City, James Best. Mr Harrington conducted the Declaration of Office ceremony for the position of Mayor. The Chief Executive Officer then invited Mayor Best to take control of the meeting.

Mayor Best took his position as Chairman.

Note: Cr Gleeson arrived at 7.06pm

The Acting Director General of the Department of Local Government conducted the Declaration of Office Ceremony for the following Elected Members:

Travis Burrows	Manning Ward
Sue Doherty	Moresby Ward
Rob Grayden	Mill Point Ward
Ian Hasleby	Civic Ward
Roy Wells, JP	McDougall Ward

They then took their places at the Council meeting table.

Mayor Best advised that Peter Best, Councillor elect for the Como Beach Ward, was currently overseas and had sent his apologies. He further stated that Peter Best was not related to him.

3. COUNCIL BUSINESS

3.1 Public Question Time (in relation to Agenda only items)

Note: There were no questions from the public gallery.

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 spoiled.

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 AND
COUNCIL DECISION ITEM 3.2**

Moved Cr Trent, Sec Cr Cala

That the election of the Deputy Mayor proceed in accordance with the *Local Government Act*.

CARRIED (12/0)

Mayor Best reported that nominations for the position of Deputy Mayor had been received from Crs Cala, Doherty and Hasleby. He called for any further nominations. There being no other nominations the Mayor declared nominations closed and requested the Chief Executive Officer, as Returning Officer, to conduct the ballot.

Mayor Best invited Quentin Harrington to address the meeting on behalf of the Department of Local Government, while the ballot papers were being prepared.

The Acting Director General of the Department of Local Government passed on his congratulations to the new Councillors and to James Best as Mayor. He said that in his role as Acting Director General of the Department of Local Government he has come to appreciate the time and effort people spend in local government as councillors and the enormous impact on people's lives which is a significant responsibility that should not be taken lightly. He said that recently he had been involved in the Inquiry into the City of South Perth and suggested that the newly elected Members read, in particular, Section 4 of the Inquiry Report as there are important lessons to be learned which he said he strongly recommended Members take notice of. The Inquiry made seven recommendations and the Minister and the Department has been satisfied of the progress made in relation to the recommendations particularly in relation to training and mediation. He said that the recommendations have been a catalyst in dealing with the relationship issues outlined in the report and that he was encouraged by the actions taken by the City. He concluded by stating that the Department, at this stage will continue to monitor the Council but that on a positive note he hoped that Council can continue to move on in a positive manner.

Mayor Best confirmed that Council is taking its responsibilities seriously and that significant efforts have been made in moving forward. He said that the Council will continue Member Training / Mediation and looks forward to open governance and ethical behaviour and welcomes the day when we can take the 'P' plates of this Council.

BALLOT FOR POSITION OF DEPUTY MAYOR

The Chief Executive Officer distributed and then collected and counted the ballot papers.

The Chief Executive Officer announced that as a result of the ballot that Cr Colin Cala was elected as Deputy Mayor.

DEPUTY MAYOR

The Acting Director General of the Department of Local Government conducted the Declaration of Office Ceremony for the position of Deputy Mayor.

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

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.

NOMINATIONS

The Mayor called for nominations for membership of the Audit and Governance Committee.

Cr Trent nominated	Cr Doherty	Cr Doherty accepted
Cr Smith nominated	Cr Grayden	Cr Grayden accepted
Cr Cala nominated	Cr Wells	Cr Wells accepted
Cr Hearne nominated	Mayor Best	Mayor Best accepted
Cr Gleeson nominated	Cr Ozsdolay	Cr Ozsdolay declined

COUNCIL DECISION ITEM 3.3(a)

Moved Cr Trent, Sec Cr Cala

That Council appoints:

- Mayor Best
- Cr Doherty
- Cr Grayden
- Cr Wells

as Members of the Audit and Governance Committee.

CARRIED (12/0)

NOMINATIONS

The Mayor called for nominations for membership of the CEO Evaluation Committee.

Cr Cala nominated	Cr Wells	Cr Wells accepted
Cr Trent nominated	Cr Doherty	Cr Doherty accepted
Cr Hearne nominated	Mayor Best	Mayor Best accepted
Cr Ozsdolay nominated	Cr Burrows	Cr Burrows accepted
Cr Hearne nominated	Cr Hasleby	Cr Hasleby accepted
Cr Grayden nominated	Cr Smith	Cr Smith accepted

COUNCIL DECISION ITEM 3.3(b)

Moved Cr Cala,. Sec Cr Grayden

That Council appoints:

- Mayor Best
- Cr Wells
- Cr Doherty
- Cr Burrows
- Cr Hasleby
- Cr Smith

as Members of the CEO Evaluation Committee.

CARRIED (12/0)

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

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

NOMINATIONS

The Mayor called for nominations for Delegates to the South East Metropolitan Regional Council.

Cr Trent nominated Cr Cala Cr Cala accepted
Cr Ozsdolay nominated Cr Trent Cr Trent accepted
Mayor Best nominated himself.

Cr Cala stated that as only two Delegates were required that he would withdraw his nomination. Mayor Best suggested Cr Cala act as the Deputy Delegate on occasions where the Mayor or Cr Trent were unable to attend. Cr Cala agreed.

COUNCIL DECISION ITEM 3.4

Moved Cr Smith, Sec Cr Doherty

That Mayor Best and Cr Trent be appointed as Council’s Delegates and Cr Cala as a Deputy Delegate, to the South East Metropolitan Regional Council (SEMRC) for the two year period ending October 2009.

CARRIED (12/0)

3.5 Applications for Leave of Absence
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3.5.1 Request for Leave of Absence : Cr Travis Burrows 31.10.2007 - 9.11.2007

Moved Cr Ozsdolay, Sec Cr Trent

That Cr Burrows be granted leave of absence from any meetings held between 31 October and 9 November 2007 inclusive.

CARRIED (12/0)

3.5.2 Request for Leave of Absence : Cr Peter Best 23.10.2007 - 11.11.2007

Moved Cr Smith, Sec Cr Trent

That Cr Best be granted leave of absence from any meetings held between 23 October and 11 November 2007 inclusive.

CARRIED (12/0)

4. CLOSURE

The Mayor thanked everyone for their attendance, especially visitors and invited guests and closed the meeting at 7.38pm.

<p>These Minutes were confirmed at a meeting on 27 November 2007</p>

<p>Signed _____ Chairperson at the meeting at which the Minutes were confirmed.</p>
