



**Special Council Meeting  
20 October 2009**

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AGENDA : SPECIAL SWEARING-IN COUNCIL MEETING 20 OCTOBER 2009

# AGENDA

1. **DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**  
*Chief Executive Officer*
  
2. **DECLARATION OF OFFICE OF COUNCILLORS**  
*Mayor James Best to conduct Swearing-In Ceremony*
  
3. **COUNCIL BUSINESS**

<b>3.1 Public Question Time</b> <i>(in relation to Agenda items only)</i>
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<b>3.2 Election of the Deputy Mayor</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	13 October 2009
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 2009 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").

### **Comment**

#### Conduct of the Election

Under clause 7 of Schedule 2.3 of the Act, where the position of Mayor is not the subject of an election, 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 if the Mayor is not present at the meeting. in accordance with the procedure prescribed.

#### Nominations

Nominations, in writing, are to be submitted to the person conducting the meeting 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 tick 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 'first past the post' 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 provisions of Clause 2.15 and schedule 2.3 of the *Local Government Act* 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.”*

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

<b>3.3 Committees of Council</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/108
Date:	13 October 2009
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:

- WALGA - South East Metropolitan Zone;
- Rivers Regional Council (*previously South East Metropolitan Regional Council*)
- South East District Planning Committee;
- Perth Airport Municipalities Group
- Two Rivers Catchment Group
- Local Emergency Management Committee

Appointment of Delegates are required to be made to the South East Metropolitan Zone and Rivers Regional Council, which are the subject of a separate report at Item 3.4. There are no scheduled meetings of the other committees 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 17 October 2009 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. The committees then select the Chair.

### 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 by the Committee in 2010.

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, and three Councillors, although Council is not bound by this. The CEO and relevant staff and advisors also attend the meeting to provide relevant information and advice.

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

- (i) Mayor Best (Chair)
- (ii) Cr Doherty
- (iii) Cr Grayden; and
- (iv) Cr Wells

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 2011.

#### **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 Best (Chair)
- (ii) Cr Burrows
- (iii) Cr Doherty
- (iv) Cr Hasleby
- (v) Cr Smith
- (vi) Cr Wells

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.'*

<b>OFFICER RECOMMENDATION ITEM 3.3</b>
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That Council appoints Members and Deputy Members to the:

- (a) Audit and Governance Committee; and
- (b) the CEO Evaluation Committee.

<b>3.4 Delegates from Council to WALGA South East Metropolitan Zone and Rivers Regional Council</b>
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Location:	City of South Perth
Applicant:	Council
File Ref:	GO/109
Date:	14 October 2009
Author:	Kay Russell, Executive Support Officer
Reporting Officer:	Chief Executive Officer

#### **Summary**

The purpose of this report is to provide Delegates from Council to the WALGA South-East Metropolitan Zone and Rivers Regional Council (*previously South East Metropolitan Regional Council*)

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 Delegates from Council to the WALGA South-East Metropolitan Zone and the Rivers Regional Council.

### **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.

### **Comment**

A Special Council Meeting of the Rivers Regional Council has been called for Thursday 29 October and the next ordinary meeting of the South East Metropolitan Zone Committee of WALGA is scheduled to be held on Wednesday 25 November 2009 only one day after the November Ordinary Council Meeting. For this reason, it is appropriate for Council to make the nominations at this meeting.

### ***South East Metropolitan Zone - Western Australian Local Government Association (WALGA)***

The South East Metropolitan Zone Committee provides input to the West Australian Local Government Association State Council on issues relating to Local Government affecting members of the Local Government Association.

A paper providing information on WALGA, the role of State Councillors and what makes an effective State Councillor is at **Attachment 3.4**. Terms of office for elected representatives and deputy representatives will be two years.

The current Council representatives are the Mayor James Best and Cr Trent with the CEO as the nominated Deputy Delegate. Mayor James Best has indicated his willingness to represent the City on this Committee. Meetings are held every two months on a Wednesday evening and the City is entitled to nominate two members and a deputy to the Zone Committee. The next meeting of this Committee is scheduled to be on Wednesday 25 November 2009 at the City of Gosnells.

The WALGA South East Metropolitan Zone is comprised of representatives of the following Local Governments:

- City of Armadale
- City of Canning
- City of Gosnells
- Shire of Serpentine Jarrahdale
- City of South Perth
- Town of Victoria Park

### ***Rivers Regional Council***

The Rivers Regional Council (*previously South East Metropolitan Regional Council*) is a Regional Council formed under the *Local Government Act* where membership consists of the Cities of Armadale, Gosnells, Mandurah and South Perth and the Shires of Murray, Serpentine Jarrahdale and Waroona. 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 current Council representatives are the Mayor James Best and Cr Trent with Cr Cala as the nominated Deputy Delegate (there is not provision for a formal deputy delegate). Mayor James Best has indicated his willingness to represent the City on this Committee. Meetings are held every two months and the City is entitled to nominate two members and a deputy. The next Special Meeting of the Rivers Regional Council is scheduled to be held on Thursday 29 October 2009 at the City of Armadale.



**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.”*

<b>OFFICER RECOMMENDATION ITEM 3.4</b>
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That Council appoint two Councillors as Delegates and a nominated Deputy Delegate to:

- the WALGA South East Metropolitan Zone; and
- the Rivers Regional Council

for the two year period ending October 2011.

**4. CLOSURE**

