



**Special Council Meeting
20 October 2009**

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SPECIAL COUNCIL MEETING

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

- Swearing-In / Declaration of Office for position of Councillors;
- Election of Deputy Mayor / Declaration of Office for position of Deputy Mayor;
- Membership of Council Committees; and
- Appointment of Delegates

**held in the Council Chamber, Sandgate Street, South Perth
Tuesday 20 October 2009 commencing at 7.00pm**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor opened the meeting at 7.00pm and welcomed visitors in the public gallery. He paid respect to the Noongar peoples, the traditional custodians, whose ancestral lands we are meeting upon here today and then invited Noongar Elder, Kerry Anne Winmar to extend the 'welcome to country'.

Kerry Anne Winmar acknowledged first and foremost the Noongar peoples deep feelings of attachment and relationship of the Aboriginal peoples to country and welcomed everyone to Noongar country.

James Webb of the Wadumbah Aboriginal Dance Group performed a musical 'introduction to country' on his didgeridoo.

CONGRATULATIONS

Mayor James Best extended congratulations to councillors elect Betty Skinner, Glenn Cridland and Veronica Lawrance and to returning councillors Colin Cala, Kevin Trent and Les Ozsdolay. He also extended thanks to those who nominated in the local government elections but were unsuccessful.

STATEMENT BY THE MAYOR

The Mayor said that it is a privilege to be chosen as a representative of the people for the City of South Perth and this Council can assure residents that Elected Members will work hard to maintain an open, honest and trusting partnership. Local government is the sector of government that has the most direct influence of the everyday aspect of people's lives.

The community of South Perth, Kensington, Como, Karawara, Waterford, Manning, Salter Point, Como Beach and Mill Point have given this Council the opportunity to protect and improve our great City in partnership with residents, and this responsibility is taken very seriously by the Elected Members and city officers. With the calibre, experience and qualifications of the leadership team -- Elected Members and officers -- working together I am very confident that we will build on the past and make some significant achievements during the next four years.

RECORD OF ATTENDANCE

Mayor J Best

Councillors:

I Hasleby	Civic Ward
T Burrows	Manning Ward
R Wells, JP	McDougall Ward
R Grayden	Mill Point Ward
S Doherty	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Bell	Director Infrastructure Services
Mr M J Kent	Director Financial and Information Services
Ms V Lummer	Director Development and Community Services
Ms D Gray	Manager Financial Services
Mr R Bercov	Strategic Urban Planning Adviser
Mrs K Russell	Minute Secretary

Apologies

Cr P Best	Como Beach Ward - Approved Leave of Absence
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Gallery

Councillors elect and approximately 35 relatives, friends and members of the public.

2. DECLARATION OF OFFICE OF COUNCILLORS

The Mayor conducted the Declaration of Office Ceremony for the following Elected Members:

Glenn Cridland	Como Beach Ward
Betty Skinner	Mill Point Ward
Veronica Lawrance	Civic Ward
Kevin Trent	Moresby Ward
Colin Cala	McDougall Ward
Les Ozsdolay	Manning Ward

They then took their places at the Council meeting table.

PRESENTATIONS

The Mayor presented medallions recognising the City's 50th Anniversary together with 'office keys' to the three new Councillors. He then invited Kerry Anne Winmar to present a token gift to each Elected Member from the Noongar peoples.

Kerry Anne Winmar presented to each Member a 'message stick' which symbolises embracing, listening and understanding all elements of Noongar country.

The Mayor then presented a small 'welcome' gift to the new Director of Development and Community Services, Vicki Lummer.

3. COUNCIL BUSINESS

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

Opening of Public Question Time

The Mayor called for any questions from the public galley. He stated that questions were required to be in writing and to relate to the Agenda Items only. He then opened Public Question Time at 7.31pm.

Mr Geoff Defrenne of 24 Kennard Street, Kensington indicated that he had questions he wanted to ask however stated that he would not respect the Council decision to put questions in writing.

Close of Public Question Time

There being no written questions from the public gallery the Mayor closed Public Question Time at 7.33pm.

3.2 Election of the Deputy Mayor

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."*

OFFICER RECOMMENDATION ITEM 3.2

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

ELECTION OF DEPUTY MAYOR

The Chief Executive Officer reported that nominations for the position of Deputy Mayor had been received from Cr Burrows, who nominated himself, Cr Doherty who was nominated by Cr Trent and Cr Cala who was nominated by Cr Wells. He stated that all the nominations received were valid and as a result of there being three nominations that a ballot would be conducted.

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 Sue Doherty was elected as Deputy Mayor.

The Mayor congratulated Cr Doherty on her appointment. Cr Doherty responded accordingly.

(Note...For information only...Vote = Burrows 4, Cala 2 and Doherty 6)

DECLARATION OF OFFICE OF DEPUTY MAYOR

The Mayor 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:	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.'*

OFFICER RECOMMENDATION ITEM 3.3
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That Council appoints Members and Deputy Members to the:

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

NOMINATION TO COMMITTEE

The Mayor called for nominations from Elected Members for membership of the Audit and Governance and CEO Evaluation Committees. The Elected Members present indicated their preference.

COUNCIL DECISION ITEM 3.3

Moved Cr Trent, Sec Cr Grayden

That

(a) Council appoints:

- Mayor Best
- Cr Cridland
- Cr Lawrance
- Cr Cala
- Cr Grayden
- Cr Skinner;
- Cr Doherty

as Members of the Audit and Governance Committee; and

(b) Council appoints:

- Mayor Best
- Cr Grayden
- Cr Skinner
- Cr Trent
- Cr Hasleby
- Cr Burrows

as Members of the CEO Evaluation Committee.

CARRIED (12/0)

3.4 Delegates from Council to WALGA South East Metropolitan Zone and Rivers Regional Council

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.”*

OFFICER RECOMMENDATION ITEM 3.4

That Council appoint two Councillors as Delegates and a nominated Deputy Delegate to:

- (a) the WALGA South East Metropolitan Zone; and
- (b) the Rivers Regional Council

for the two year period ending October 2011.

NOMINATIONS

The Mayor called for nominations for Delegates to the WALGA South East Metropolitan Zone.

Cr Doherty nominated Cr Trent. Cr Trent accepted.
Cr Trent nominated Mayor Best. Mayor Best accepted.

The Mayor declared the two positions filled. Following discussion, with no further nominations it was agreed the CEO act as the Deputy Delegate.

NOMINATIONS FOR DELEGATES TO RIVERS REGIONAL COUNCIL

The Mayor called for nominations for Delegates to the Rivers Regional Council.

Cr Cala, Cr Trent and Mayor Best nominated themselves as Delegates. Cr Ozsdolay advised that he would be happy to nominate as the Deputy Delegate in the event one of the two elected Delegates were unavailable at any time. There being three nominations and only two positions as Delegates to the RRC a Ballot was conducted by the CEO.

BALLOT FOR DELEGATES TO RIVERS REGIONAL COUNCIL

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 Crs Cala and Trent will represent Council as its Delegates on the Rivers Regional Council with Cr Ozsdolay as the Deputy Delegate.

COUNCIL DECISION ITEM 3.4

Moved Cr Cala, Sec Cr Burrows

That....

- (a) Mayor Best and Cr Trent be appointed as Council’s Delegates and the CEO as a Deputy Delegate, to the WALGA South East Metropolitan Zone for the two year period ending October 2011; and
- (b) Crs Cala and Trent be appointed as Council’s Delegates on the Rivers Regional Council with Cr Ozsdolay as the Deputy Delegate for the two year period ending October 2011.

CARRIED (12/0)

4. CLOSURE

The Mayor thanked everyone for their attendance, especially visitors and invited guests and closed the meeting at 7.55pm.

These Minutes were confirmed at a meeting on 24 November 2009

Signed _____
Chairperson at the meeting at which the Minutes were confirmed.