



CITY OF VINCENT

AGENDA

Special Council Meeting

24 October 2017

Time: 18:30
Location: Administration and Civic Centre
244 Vincent Street, Leederville

Len Kosova
Chief Executive Officer

Order Of Business

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1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

4 CORPORATE SERVICES

4.1 ELECTION OF DEPUTY MAYOR

TRIM Ref: D17/138589

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. **Nomination Form - Deputy Mayor** 
2. **Swearing in Declaration for Deputy Mayor** 

RECOMMENDATION:

That Council elects Cr _____ as Deputy Mayor for the ensuing two years.

PURPOSE OF REPORT:

For Council to elect a Deputy Mayor.

BACKGROUND:

Schedule 2.3, Division 2 of the *Local Government Act 1995* (the Act), requires the office of Deputy Mayor to be filled as the first item of business dealt with at the first meeting of the Council following an ordinary local government election. The position is for a two year term, with the position being considered following every local government election. Council is required to elect the Deputy Mayor from among the Council Members. Should there be more than one nomination, it will be necessary for a secret ballot to be held, as required by Section 8 of Schedule 2.3 of the Act (refer to Legal section of this report).

DETAILS:

Nomination forms (see **Attachment 1**) are to be submitted to the Mayor. If a candidate is being nominated by another Council Member, the nominee must consent to the nomination. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a further declaration for that office. The position of Deputy Mayor has no specific statutory role or responsibility beyond those of a Councillor. However, the Deputy Mayor performs the functions of the Mayor when authorised to do so under section 5.34 of the Act, as follows:

5.34. When deputy mayors and deputy presidents can act

If —

- (a) *the office of mayor or president is vacant; or*
- (b) *the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,*

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

The Act outlines the role of the Mayor as:

- (a) presides at meetings in accordance with this Act; and
- (b) provides leadership and guidance to the community in the district; and
- (c) carries out civic and ceremonial duties on behalf of the local government; and
- (d) speaks on behalf of the local government; and
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:Local Government Act 1995**Section 2.15 Filling the office of deputy mayor or deputy president**

The deputy mayor or deputy president is to be elected by the council under Schedule 2.3 of Division 2.

Section 2.29 Declaration

- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*

Schedule 2.3, Division 2 Deputy mayors and deputy presidents**Section 7 When the council elects the deputy mayor or deputy president**

- (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with –*
- (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
- (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*

Section 8 How deputy mayor or deputy president is elected

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

Section 9 Votes may be cast a second time

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

Policy 4.2.7 - Council Members – Allowances, Fees and Reimbursements of Expenses:

1.3 Deputy Mayoral Allowance

The City will pay the Deputy Mayor an Annual Local Government Allowance equivalent to **25%** (maximum allowed is 25%) of the Mayoral Allowance, in addition to their ordinary Council Member allowance. (*Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996*).

RISK MANAGEMENT IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

The Deputy Mayor is paid an Annual Local Government Allowance equivalent to 25% of the Mayoral Allowance. For 2017/18, this equates to \$15,682. This amount is already included within the 2017/18 operating budget.

COMMENTS:

The term of office for the position of Deputy Mayor is two years. The term will end at the start of the first meeting of Council after the next ordinary elections or until such time as the office holder ceases to be a Council Member. The next ordinary elections will be held on the 19th October 2019.

A person elected by the Council as Deputy Mayor has to make a declaration in the prescribed form (included as **Attachment 2**) before acting in the office. Following the announcement of the result of the election of the Deputy Mayor, the successful nominee will be invited to make a declaration before the Mayor.

4.2 APPOINTMENT OF COUNCIL MEMBERS TO REGIONAL COUNCILS AND THE METRO WEST JOINT DEVELOPMENT ASSESSMENT PANEL

TRIM Ref: D17/138796
 Author: Tim Evans, Manager Governance and Risk
 Authoriser: John Paton, Director Corporate Services
 Attachments: Nil

RECOMMENDATION:

That Council:

1. **APPOINTS** the following Council Members to represent the City of Vincent on the below Regional Councils:

1.1. Mindarie Regional Council (1 Council Member) for the term 24 October 2017 to 18 October 2019

Member:

1. Cr

1.2. Tamala Park Regional Council (1 Council Member) for the term 24 October 2017 to 18 October 2019

Member:

1. Cr

Alternative Member:

1. Cr

2. **APPOINTS** the following Council Members to represent the City of Vincent on the Metro West Joint Development Assessment Panel (DAP) until 26 April 2020:

Member:

1. Cr Loden*;

2. Cr Topelberg*^;

Alternate Members:

1. Cr

2. Mayor Cole*

Note:

* Already appointed until 26 April 2020, pursuant to Council's resolution on 7 February 2017.

^ Membership subject to re-election at the 21 October 2017 election.

PURPOSE OF REPORT:

To appoint Council Members to the Mindarie Regional Council, Tamala Park Regional Council and the Metro West Joint Development Assessment Panel.

BACKGROUND:

As part of the Council's role in governing for the City, Council Members represent the Council on a range of Regional Councils and External Bodies. This report is seeking Council Members to be appointed to the following:

- Mindarie Regional Council (MRC),
- Tamala Park Regional Council (TPRC),
- Metro West Joint Development Assessment Panel (MWJDAP),

Membership to the MRC and TPRC is aligned to the election cycle and it is therefore necessary to appoint a City of Vincent representative for the next two years. The term of membership to the MWJDAP does not align to the local government election cycle. The current term for the nominated Council Members is from 26 April 2017 to 26 April 2020. Vacancies therefore only arise if the nominated Council Members are not re-elected in the 21 October 2017 local government election. In this instance, there will be at least one vacancy as a result of Cr Matt Buckels' decision not to stand in the election.

DETAILS:**1. Mindarie Regional Council (MRC) (1 Council Member)**

Meeting Occurrence:	Monthly
Date of Meeting:	Third Thursday of Month (approx.)
Time of Meeting:	5.30pm
Location of Meeting:	Member Councils on a rotation basis
No. of Meetings held in 2015-2017 Period:	13 Meetings

Responsible Liaison Officer: Chief Executive Officer

Purpose of Council: To make decisions concerning Waste Management, including the landfill disposal site at Tamala Park.

Member Sitting Fees:

- \$10,300 per annum
- \$1,000 for Information Technology allowance
- \$140 per meeting for Alternate Member

Note: Child Care and Travel costs will be reimbursed in accordance with Reg. 31 and 32 of the Local Government (Administration) Regulations 1996

Previous Council Member

Mayor Emma Cole

Note: It is a requirement of the Mindarie Regional Council Establishment Agreement that Council carries a specific resolution to nominate an Alternate Member for each occasion that the approved Member is unable to act.

More detailed information about [Mindarie Regional Council](#) can be found on its website.

2. Tamala Park Regional Council (TPRC) (1 Council Member)

Meeting Occurrence:	Bi-Monthly
Date of Meeting:	Thursday
Time of Meeting:	6.00pm
Location of Meeting:	Member Councils on a rotation basis
No. of Meetings held in 2015-2017 Period:	13 Meetings

Responsible Liaison Officer: Chief Executive Officer

Purpose of Council: To make decisions concerning the Tamala Park land and its redevelopment.

Member Sitting Fees:

- \$10,300 per annum
- \$140 per meeting for Alternate Member

Previous Council Member

Mayor Emma Cole

Previous Alternate Member

- Cr Murphy

More detailed information about [Tamala Park Regional Council](#) can be found on their website.

3. Development Assessment Panels (DAPs) - Local Government Metro West (2 Council Members, 2 Alternate Members)

Meeting Occurrence:	When required	
Date of Meeting:	When suitable	
Time of Meeting:	When suitable	
Location of Meeting:	City of Vincent Administration and Civic Centre; or Department of Planning; or Other Local Government	
No. of Meetings held in 2015-2017 Period:	40 Meetings	
Responsible Liaison Officer:	Director Development Services	
Purpose of Appointment:	<i>DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value For the City of Vincent, any proposal over \$7 million in value would be determined by the DAP.</i>	
Fees for DAP Members:	1. Fee for presiding member per meeting to determine development applications	\$500
	2. Fee for any other member per meeting to determine development applications	\$400
	3. Fee per meeting for presiding member to determine applications to amend or cancel determination	\$100
	4. Fee per meeting for any other member to determine applications to amend or cancel determination	\$50
	5. Fee for presiding member attending proceeding in State Administrative Tribunal	\$500
	6. Fee for any other member attending proceeding in State Administrative Tribunal	\$400
	7. Fee for Training	\$400
Other Membership:	<ul style="list-style-type: none"> • Please note that eligibility for payment of DAPs sitting fees is guided by Premier's Circular 2010-02 • Three (3) members with specialist knowledge in the areas of town planning, architecture, or other related disciplines. • Director Planning Services • Manager Planning and Building Services • Other City Officers (<i>as required</i>) 	
<u>Current Council Members</u>	<u>Alternate Members</u>	
1. Cr Dan Loden	1. Cr Matt Buckels**	
2. Cr Joshua Topelberg*	2. Mayor Emma Cole	

*subject to re-election

** Retiring therefore vacancy arising

The City received a letter from the Department of Planning, Lands and Heritage requesting that the City confirm its DAP membership by Friday 10 November 2017.

More detailed information about [Development Assessment Panels](#) and the [Metro West JDAP](#) can be found on the website of the Department of Planning, Lands and Heritage.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Division 4 of the *Local Government Act 1995* sets out provisions dealing with Regional Local Governments.

It is a requirement of the Mindarie Regional Council Establishment Agreement that Council carries a specific resolution to nominate an Alternate Member for each occasion that the approved Member is unable to act.

RISK MANAGEMENT IMPLICATIONS:

Low There are considered to be minimal risks associated with the appointment of Council Members to these groups.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023 - Key Result Area Four –

"Leadership, Governance and Management" and, in particular:

"4.1 - Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no budget implications for the City in respect to appointing members to Regional Councils and to the MWJDAP. Council members receive allowances which are detailed in the report.

COMMENTS:

The timely appointment of the City of Vincent representatives to Regional Councils, and External Bodies will ensure the City is represented on these organisations, enabling them to participate in decision-making that may impact the City.

Administration has recently advertised for community members to nominate for membership of its Advisory and Working Groups and a separate report dealing with membership to those groups will be presented at a later Ordinary Council Meeting.

4.3 APPOINTMENTS TO THE CITY'S AUDIT COMMITTEE

TRIM Ref: D17/139809

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Confidential Assessment of Submissions for External Independent Membership of the City's Audit Committee - Confidential

RECOMMENDATION:

That Council, in accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, APPROVES BY ABSOLUTE MAJORITY:

1. the appointment of the following Council Members to the Audit Committee for the term 24 October 2017 to 18 October 2019:

1. _____;
2. _____;
3. _____;
4. _____.

2. the appointment of the external independent members to Audit Committee for the term 24 October 2017 to 18 October 2019:

1. _____;
2. _____.

PURPOSE OF REPORT:

To appoint members to the City's Audit Committee.

BACKGROUND:

The membership term of the City's Audit Committee came to an end on 21 October 2017 and it is therefore necessary to appoint new members to the Audit Committee.

At its Ordinary Meeting of 13 December 2016, Council revised the membership of the Audit Committee to six members with up to two of those members being independent external members. The membership of the audit committee for the period between 7 February 2017 and 20 October 2017 was as follows:

- Cr Dan Loden (Chair)
- Ms Elizabeth Hunt (Deputy Chair) (independent external member)
- Mayor Emma Cole
- Cr Josh Topelberg
- Cr Susan Gontaszewski
- Mr Conley Manifis (independent external member)

DETAILS:

Council will now need to appoint nominees to the six position on the Audit Committee. Council has the option of appointing four, five or six Council Members with the balance (zero, one or two) being made up of external independent members.

Administration has called for expressions of interest for suitably qualified persons to nominate for external independent membership of the City's Audit Committee. An advertisement was placed in The Perth Voice and the Guardian Express newspapers in addition to being advertised on the City's website and on social media.

Nominees were requested to provide a current resume and a covering letter to their applications and were asked to demonstrate their knowledge and experience of:

- business or financial management/reporting;
- risk management systems and procedures;
- internal business controls;
- legislative compliance programs.

A total of 4 submissions were received. Details of the nominations have been included in **Confidential Attachment 1**.

CONSULTATION/ADVERTISING:

Administration recently advertised for community members to nominate for membership to the City's Audit Committee. Advertisements were placed in the Guardian Express and Perth Voice in the week commencing 2 October 2017 in addition to being placed on the City's website and via the City's social media page.

LEGAL/POLICY:

Division 7.1A of the *Local Government Act 1995* sets out the requirement for Local Governments to establish an Audit Committee and sets out a range of requirements applicable to Audit Committees.

The *Local Government (Audit) Regulations 1996* further prescribe the functions of an Audit Committee.

The City of Vincent's *Audit Committee Terms of Reference* sets out in detail how the City's Audit Committee will function.

RISK MANAGEMENT IMPLICATIONS:

Low / Medium: An effective Audit Committee has a role in addressing risk at the City and therefore the selection of appropriately skilled and qualified members of the Audit Committee is a relevant factor in addressing organisational risk.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Plan 2013-2023 - Key Result Area Four – "Leadership, Governance and Management" and, in particular, "4.1.2 - *Manage the organisation in a responsible, efficient and accountable manner*".

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The timely appointment of the City of Vincent representatives to the City's Audit Committee is necessary to allow the committee to consider the City's financial statements prior to their adoption by Council within the timeframes required by the *Local Government Act 1995*. It is therefore recommended that Council appoints members to the Audit Committee as detailed in this report and in line with the adopted terms of reference.

Administration considers that the Audit Committee has been functioning very well since the revised terms of reference came into effect. The external independent members, both of whom have demonstrated considerable skills and experience in relation to good governance, audit and financial management, have complemented the skills and experience of the Council Members on the committee. The Audit Committee meets every two months and during 2017, meetings have taken place at 1pm on Tuesdays. The committee is next scheduled to meet at 1pm on Tuesday 21 November 2017, however the times and dates for future meetings are to be determined by the Chairperson.

Administrations assessment of nominations received for external independent membership to the committee is included as **Confidential Attachment 2**. In general, Administration considers that the calibre of the nominees is strong and has confidence that the appointment of external independent members from the submitted nominations will continue to contribute positively to the effectiveness of the City's Audit Committee.

5 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

5.1 CONFIDENTIAL REPORT: APPOINTMENT OF DIRECTOR ENGINEERING

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

Local Government Act 1995 - Section 5.23(2):

- (a) a matter affecting an employee or employees
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

6 CLOSURE