



CITY OF VINCENT

AGENDA

Special Council Meeting

22 October 2019

Time: 6.30pm
Location: Administration and Civic Centre
244 Vincent Street, Leederville

David MacLennan
Chief Executive Officer

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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

Cr Jonathan Hallett on approved leave of absence from 20 October 2019 to 25 October 2019.

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

4 DECLARATION OF INTEREST

5 CHIEF EXECUTIVE OFFICER**5.1 ELECTION OF DEPUTY MAYOR**

TRIM Ref: D19/131252

Author: Sharron Kent, Governance and Council Liaison Officer

Authoriser: Meluka Bancroft, Manager Governance, Property and Contracts

Attachments:

1. **Nomination Form - Deputy Mayor** [↓](#) 
2. **Form 7 - Declaration by Elected Member of Council** [↓](#) 

RECOMMENDATION:

That Council elects Cr _____ as Deputy Mayor for a term expiring at the start of the first meeting of Council following the next ordinary local government election, which will be on 16 October 2021.

PURPOSE OF REPORT:

To elect a Deputy Mayor.

BACKGROUND:

Schedule 2.3, Division 2 of the *Local Government Act 1995* (Act) requires the office of Deputy Mayor to be filled as the first item of business at the first Council meeting following an ordinary local government election. The appointment is for a two year term, expiring at the start of the first meeting of Council following the next ordinary local government election, which will be on 16 October 2021.

DETAILS:

In accordance with schedule 2.3 of the Act the Mayor has determined that the following procedures will apply to the election of the Deputy Mayor:

1. The Mayor will invite nominations from the Councillors for the position of Deputy Mayor.
2. Nominations must be in writing, in the form at **Attachment 1** (CI 8 (3)).
3. If a Councillor is nominated by another Councillor the Mayor will not accept the nomination unless the nominee has advised the Mayor, orally or in writing, that he or she is willing to be nominated for the office (CI 8 (4)).
4. The Mayor will declare nominations closed after a reasonable period of time for such nominations to be made, and accepted (where relevant) (CI 8 (3a)).
5. Where there is more than 1 nomination, the Mayor will invite each candidate to address Council in support of their nomination, for a maximum of 3 minutes.
6. Where there is more than 1 nomination, the Mayor will direct the CEO to conduct the secret ballot in accordance with Sch 4.1 of the Act - this means that ballots will be cast in secret but the result disclosed by the CEO.
7. The CEO will draw lots to determine positions on the ballot paper.
8. The CEO and Manager Governance, Property and Contracts will count the ballot papers to determine the result.
9. In the event of a tied vote the Meeting will be adjourned for 15 minutes (CI 9).

10. When the meeting resumes the Mayor will call for fresh nominations and the process set out in 1. – 8. above will be repeated.
11. In the event of a further tied vote then pursuant to clause 5 of schedule 4.1, the CEO will place the names of the tied candidates in a receptacle and draw out a name which is to be declared elected to the position of Deputy Mayor.

The position of Deputy Mayor has no specific statutory role or responsibility beyond those of a Councillor. Section 5.34 of the Act provides that the Deputy Mayor is to perform the functions of the Mayor when the office of the Mayor is vacant or the Mayor is unable or unwilling to perform the function of the Mayor.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Section 2.15 of the Act sets out the process for filling the office of Deputy Mayor or Deputy President

Section 2.29 of the Act requires the 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.

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.

The City's Policy 4.2.7 – 'Council Members – Allowances, Fees and Reimbursements of Expenses' provides that the City will pay the Deputy Mayor an annual 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 the Local Government (Administration) Regulations 1996).

RISK MANAGEMENT IMPLICATIONS:

Low: Electing a Deputy Mayor is in accordance with the Act.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Deputy Mayor is paid an allowance of \$15,838.50. This amount is included within the 2019/20 operating budget.

COMMENTS:

A person elected by the Council as Deputy Mayor has to make a declaration in the prescribed form pursuant to sections 2.29(1) and (3) of the Act (at **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.



CITY OF VINCENT

NOMINATION FORM

I hereby nominate _____

for the position of Deputy Mayor.

Name: _____

Signature: _____

Date: _____

ACCEPTANCE OF NOMINATION

Name of nominee: _____

I hereby accept the nomination made by: _____

for the position of Deputy Mayor.

Signature: _____

Date: _____



CITY OF VINCENT
CITY OF VINCENT

Form 7

Declaration by Elected Member of Council [reg. 13(1)(c)]

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER

I, _____

of _____

having been elected to the Deputy Mayor of the City of Vincent, declare that I take the office upon myself, and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at 244 Vincent Street, Leederville on 22 October 2019

by

Before me.....

D17/138576

5.2 APPOINTMENT OF MINDARIE REGIONAL COUNCIL AND TAMALA PARK REGIONAL COUNCIL REPRESENTATIVES

TRIM Ref: D19/131355
Author: Sharron Kent, Governance and Council Liaison Officer
Authoriser: Meluka Bancroft, Manager Governance, Property and Contracts
Attachments: Nil

RECOMMENDATION:

That Council:

1. **APPOINTS** the following Elected Member to represent the City of Vincent on the Mindarie Regional Council for the term 22 October 2019 to the next ordinary local government election, being 16 October 2021:

Member:

1.;

2. **APPOINTS** the following Elected Members to represent the City of Vincent on the Tamala Park Regional Council for the term 22 October 2019 to the next ordinary local government election, being 16 October 2021:

Member:

1.;

Alternative Member:

1.;

PURPOSE OF REPORT:

To appoint the City's representatives on the Mindarie Regional Council (MRC) and Tamala Park Regional Council (TPRC).

BACKGROUND:

The MRC and TPRC comprise of representatives of the seven local government owner Councils. The establishment agreements of the MRC and TPRC provide that the membership is to align with the local government election cycle. The City's current representative for both the MRC and TPRC is Mayor Cole. The Mayor's term on these Regional Councils will expire at the 19 October 2019 election.

The establishment agreement for the TPRC allows an alternative member to also be appointed. Former Cr Murphy has been appointed as the alternative member and his term as City of Vincent Elected Member expired on 19 October 2019.

The establishment agreement for the MRC requires Council to appoint an alternative member each time the representative is unable to attend.

DETAILS:

The key details of the MRC are as follows:

Location of Meetings:	Member Councils on a rotation basis
Time of Meetings:	6.30pm
Meeting Occurrence:	Bi-monthly
Day of Meetings:	Last Thursday of Month (approx.):

Dates of Meetings for 2020:	27 February, 30 April, 25 June, 30 July, 27 August, 29 October, 17 December (third Thursday)
No. of Meetings held in 2018-2019 Period:	8 Meetings (including 2 Special 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:	<ul style="list-style-type: none"> • \$10,300 per annum • \$1,000 for Information Technology allowance • \$140 per meeting for Alternate Member <p><i>Note: Child Care and Travel costs will be reimbursed in accordance with Reg. 31 and 32 of the Local Government (Administration) Regulations 1996</i></p>

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

The key details of the TPRC are as follows:

Location of Meetings:	Member Councils on a rotation basis
Time of Meetings:	6.00pm
Meeting Occurrence:	Bi-monthly
Day of Meetings:	Thursday
Dates of Meetings for 2020:	<p><u>Council Meetings:</u></p> <p>20 February, 16 April, 18 June, 20 August, 15 October, 10 December</p> <p><u>Committee Meetings:</u></p> <ul style="list-style-type: none"> • <i>Management Committee:</i> alternate bi-monthly (5 per year): 19 March, 21 May, 16 July, 17 September, 12 November • <i>Audit Committee Meetings:</i> ad hoc (approximately 3-4 per year) • <i>CEO Performance Review Committee:</i> ad hoc (approximately 3-4 per year) <p><i>Note: the Member is encouraged to nominate for at least one Committee</i></p>
No. of Meetings held in 2018-2019 Period:	6 Meetings
Responsible Liaison Officer:	Chief Executive Officer
Purpose of Council:	To make decisions concerning the Tamala Park land and its redevelopment.
Member Sitting Fees:	<ul style="list-style-type: none"> • \$10,455 per annum • \$0 per meeting for Alternate Member (as per SAT decision)

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

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Division 4 of the *Local Government Act 1995* sets out the requirements for forming a regional Council.

It is a requirement of the MRC 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 Appointing representatives to the MRC and TPRC is in accordance with their respective establishment agreements and allows the City to participate in the regional council's decision making.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no budget implications for the City in respect to appointing members to Regional Councils. Council members receive allowances as detailed above, paid by the respective regional council.

5.3	APPOINTMENT OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) - CENTRAL METROPOLITAN ZONE - COUNCIL REPRESENTATIVES
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TRIM Ref: D19/156863

Author: Sharron Kent, Governance and Council Liaison Officer

Authoriser: Meluka Bancroft, Manager Governance, Property and Contracts

Attachments:

1. Letter from WALGA CEO regarding election of Zone delegates and State Councillors - October 2019 [↓](#) 
2. WALGA Elected Member Prospectus [↓](#) 

RECOMMENDATION:

That Council:

1. **APPOINTS** the following Elected Members to represent the City of Vincent on the Western Australian Local Government Association (WALGA) – Central Metropolitan Zone for the term 22 October 2019 to the next ordinary local government election, being 16 October 2021:

Members:

1.;
2.;

Deputies:

1.;
2.;

PURPOSE OF REPORT:

To appoint the City's representatives on the Western Australian Local Government Association (WALGA) – Central Metropolitan Zone (Zone).

BACKGROUND:

Part of the Council's role is to represent the City on the Zone. WALGA has requested that the City's delegates and deputy delegates be appointed by 8 November 2019. The role of the City's delegates is to ensure the City's strategic position and policies are reflected at the Zone meetings, and report back to Council on decisions made by the Zone.

Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government. WALGA's Constitution outlines that the functions of Zones are to:

- Elect one or more State Councillors;
- Consider the State Council agenda;
- Provide direction and feedback to their State Councillor; and
- Any other function deemed appropriate by the Zone.

Additional activities undertaken by Zones include:

- Developing and advocating on positions on regional issues affecting Local Government;
- Progressing regional Local Government initiatives;
- Identifying relevant issues for action by WALGA;
- Networking and information sharing; and,
- Contributing to policy development through policy forums and other channels.

Zones provide input into State Council's advocacy agenda by passing resolutions on items contained in the State Council agenda and by generating new agenda items for consideration by State Council.

The process for appointing new State Councillors is as follows:

- Member Councils to elect their Zone Delegates and to advise WALGA by 8 November 2019.
- Zones hold meetings in November 2019 to elect State Council representatives.
- A State Councillor Induction Session is held on 4 December 2019.
- New State Councillors will take office at the Ordinary Meeting of State Council on 4 December 2019.
- The position of President and Deputy President of WALGA will be elected at the March 2020 State Council Meeting.

DETAILS:

The Central Metropolitan WALGA Zone comprises Perth, Vincent, Subiaco, Nedlands, Cambridge, Claremont, Cottesloe, Peppermint Grove and Mosman Park.

Key details are listed below.

Location of Meetings:	Local Governments in the Central Metropolitan Zone on a rotation basis
Time of Meetings:	6pm
Meeting Occurrence:	Bi-monthly (or six weekly)
Day of Meetings:	Thursday
No. of Meetings held in 2017-2019 period:	10 meetings
Responsible Liaison Officer:	Chief Executive Officer
Purpose of Appointment:	To represent the City on the Western Australian Local Government Association – Central Metropolitan Zone
Other Membership:	Representatives from Central Metropolitan Zone Councils Chief Executive Officer (non-voting)
Previous Council Members	Members: Cr Harley and Cr Castle Deputy Members: Cr Murphy and Cr Fotakis
Member Sitting Fees:	Nil.

Information regarding timelines and important dates are at **Attachment 1**. The Elected Member Prospectus provides information on the role of Zones and State Council at **Attachment 2**.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

WALGA's constitution outlines the role of the Zones and State Council.

RISK MANAGEMENT IMPLICATIONS:

Low Appointing delegates to the Zone allows the City of Vincent to participate in decision making at the regional and state level.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Innovative and Accountable

We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no budget implications for the City in respect to appointing members to the Zone.

10 October 2019

Our Ref: 02-002-05-0001 NS:CO

Attention: Chief Executive Officer

Election of Zone Delegates and State Councillors

The Local Government elections, to be held on Saturday 19 October 2019, will affect Council appointments to external committees including the WALGA Zone.

As a consequence, Councils are requested to elect / appoint Elected Member delegates and deputy delegates to the Zone and notify WALGA by no later than Friday 8 November 2019.

WALGA's Zones, as the first item of business at the November meeting, will elect State Councillors, Deputy State Councillors, Zone Chair and Zone Deputy Chair.

A Chronological overview of the process is detailed below:

- Local Government elections occur on 19 October 2019.
- Member Councils to elect / appoint their Zone Delegates and to advise WALGA as soon as possible but preferably by 9am, Friday 8 November 2019.
- For the purpose of electing their representatives and deputy representatives to the WALGA State Council, Zones are required to hold these elections at their November 2019 meeting.
- Zones to advise WALGA, in writing, of their elected State Council representative and deputy representative immediately following the 2019 November Zone meeting.
- State Councillor Induction Session – morning of 4 December 2019.
- New State Council will take office at the Ordinary Meeting of State Council on 4 December 2019.
- The position of President and Deputy President of WALGA, will be elected at the March 2020 State Council Meeting.

Further information regarding the nomination and election process to State Council will be provided before the November Zone meeting.

Please find attached WALGA's Elected Member Prospectus. This document will assist in providing further information on becoming a Zone Delegate or State Councillor. If you can please distribute to your Elected Members for their information that would be much appreciated.

For further information and to provide details of your Zone Delegates by Friday 8 November 2019, please contact Chantelle O'Brien on (08) 9213 2013 or cobrien@walga.asn.au.

Yours sincerely



Nick Sloan
Chief Executive Officer



Elected Member Prospectus

Becoming a Zone Delegate or State Councillor



About WALGA

WALGA is the Western Australian Local Government Association, formed in 2001 with the merging of the WA Municipal Association, Local Government Association of WA, Country Urban Councils Association, and Country Shire Councils Association.

WALGA is not a government department or agency; WALGA exists to advocate and negotiate on behalf of the WA Local Government sector in the best interests of its Member Councils.

What Does WALGA Do

WALGA aims to provide value to Member Local Governments by:

- Enhancing the capacity of Local Governments to deliver services;
- Building a positive profile for Local Government;
- Providing effective advocacy and leadership on behalf of the sector; and,
- Ensuring representation in the interests of Local Government in WA.

How Does WALGA Work

WALGA employs approximately 100 staff across the areas of:

- Policy portfolios including asset management, community, emergency management, environment, infrastructure, planning, roads and waste;
- Services and advice including governance, industrial relations, procurement, recruitment, supplier panels, tender management, and training for officers and Elected Members; and,
- Operational functions including events, finance, human resources, information technology, marketing and media management.

How is WALGA Funded

A number of components contribute to the WALGA operational budget. As with most member-based organisations, WALGA has an annual Membership fee paid by all Member Councils. To ensure fairness, the annual Membership fee is indexed to the size and capacity of each Local Government. It contributes less than 10 per cent of WALGA total turnover.

WALGA secures additional funding through: charges to State and Federal departments and agencies for the administration of grants; fee-for-services selected for use by Member Local Governments; and returns from supplier contracts as part of group buying arrangements that guarantee lowest market rates for Members.



Role of Zones

State Councillors are elected to State Council from one of 17 Zones, which are groupings of Local Governments convened together on the basis of population, commonalities of interest and geographical alignment.

The relationship between State Council and Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels.

Zones have an integral role in shaping the political and strategic direction of WALGA. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in developing policy and legislative initiatives for Local Government.

WALGA's Constitution outlines that the functions of Zones are to:

- Elect one or more State Councillors;
- Consider the State Council agenda;
- Provide direction and feedback to their State Councillor; and,
- Any other function deemed appropriate by the Zone.

Additional activities undertaken by Zones include:

- Developing and advocating on positions on regional issues affecting Local Government;
- Progressing regional Local Government initiatives;
- Identifying relevant issues for action by WALGA;
- Networking and information sharing; and,
- Contributing to policy development through policy forums and other channels.

Zones provide input into State Council's advocacy agenda in two critical ways: by passing resolutions on items contained in the State Council agenda, and by generating new agenda items for consideration by State Council.

Zone Motions

To generate new agenda items for consideration by State Council, a Zone may pass a resolution requesting that WALGA take action. For example, a Zone motion may request WALGA to investigate an issue, undertake advocacy, or develop policy.



It is best practice that Zone motions are submitted with the backing of a resolution of Council; however, as Zones are self-governing and autonomous, individual Zone delegates may submit motions for the Zone to consider.

It is recommended that the Zone be advised whether a motion to be considered has been endorsed by Council, or has been submitted by an individual Zone delegate.

Role of Zone Delegates

Zone delegates are elected or appointed to represent their Council on the Zone and make decisions on their Council's behalf at the regional level.

In fulfilling their role as Council's delegate, the Zone delegate should give regard to their Council's positions on policy issues.

There is also an expectation that Zone delegates will report back to their Council about decisions made by the Zone.

Role of State Council

WALGA is governed by a President and a 24 member State Council, elected from the Local Government sector.

Each State Councillor represents a WALGA Zone. There are 12 metropolitan zones and 12 regional zones. All 139 WA Local Governments are invited to be Members of WALGA and a zone.

Elected Members are able to nominate to represent their Local Government on their zone and in turn, through the zone election process, to represent the zone on State Council.

State Council's primary role is to govern the successful operation of WALGA and broadly includes:

- i. Strategy formulation and policy making;
- ii. Development, evaluation and succession of the Chief Executive Officer;
- iii. Monitoring financial management and performance, including the annual budget;
- iv. Monitoring and controlling compliance and organisational performance;
- v. Ensuring effective identification, assessment and management of risk;
- vi. Promoting ethical and responsible decision making;



-
- vii. Ensuring effective communication and liaison with members and stakeholders; and;
 - viii. Ensuring an effective governance framework and culture.

Role of State Councillor

State Councillors have ultimate responsibility for the overall successful operations of WALGA.

The principal roles of State Councillors relate to:

- Policy positions and issues;
- The strategic direction of WALGA;
- Financial operations and solvency; and,
- All matters as prescribed by law.

State Councillors, as directors of a board, are required to act consistently in the “best interests of the organisation as a whole”. This effectively means that the duties of a State Councillor are owed to all Member Local Governments.

State Councillors are also expected to be ‘champions’ for WALGA and for the Local Government sector.

Commitment of the Role of State Councillor

State Councillors are expected to attend State Council meetings, of which there are six per year. As State Councillors are elected to State Council by their Zone, State Councillors would also be expected to attend and play a prominent role in Zone meetings, including reporting back to their Zone about WALGA’s activities and advocacy.

State Councillors are also expected to attend WALGA events and functions and play an active role in representing the Local Government sector, and contributing to policy debates and other forums.

State Council operates a number of internal and external committees and policy forums. There is an expectation that State Councillors play a leading role in serving on State Council’s committees on behalf of WALGA and the Local Government sector.

State Councillors are paid a sitting fee of \$3,500 per annum and expenses incurred to attend State Council meetings are reimbursable.



Opportunities for State Councillors

State Councillors, as board members of WALGA, are key leaders in the Local Government sector in Western Australia. Not only do State Councillors represent their community on their Council, they also have the opportunity to represent their region (Zone) and the Local Government sector at the state level.

All State Councillors will be appointed to a Policy Team or the Finance and Services Committee. Policy Teams provide State Councillors with hands-on exposure to development of policy positions and submissions to Government on behalf of the Local Government sector in WA. The Chair of the relevant Policy Team will also have the opportunity to attend meetings with Government Ministers to advocate on behalf of Local Government.

There is also the potential for State Councillors, as Local Government leaders in WA, to play a role in supporting and mentoring other Elected Members, either informally or through WALGA's Member Advisor Program.

Become Involved

We hope that involvement in your Association – by representing your Council on the Zone, or representing your Zone on State Council – will be an enriching and rewarding experience.

Consider nominating for a position on the Zone or State Council and you play a role in shaping policy and advocacy on behalf of Local Government in Western Australia!

Contacts

For more information contact:

Chantelle O'Brien, Governance Support Officer – (Zones)
(08) 9213 2013 cobrien@walga.asn.au

Margaret Degebrodt, Executive Officer Governance – (State Council)
(08) 9213 2036 mdegebrodt@walga.asn.au

Tim Lane, Manager Strategy and Association Governance
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6 CLOSURE