

# Special Council Meeting

Agenda for 21 October 2019



## NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 21 October 2019 at 6.30pm.**

Rhonda Hardy  
**Chief Executive Officer**  
16 October 2019

### Our Vision and Our Values

**Our Vision**

Connected Communities, Valuing Nature and Creating our Future Together

**Our Core Values**

**Service:** We deliver excellent service by actively engaging and listening to each other.

**Respect:** We trust and respect each other by valuing our differences, communicating openly and showing integrity in all we do.

**Diversity:** We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

**Ethics:** We provide honest, open, equitable and responsive leadership by demonstrating high standards of ethical behaviour.

**Our Aspirational Values**


**Creativity:** We create and innovate to improve all we do.

**Courage:** We make brave decisions and take calculated risks to lead us to a bold and bright future.

**Prosperity:** We will ensure our District has a robust economy through a mixture of industrial, commercial, service and home based enterprises

**Harmony:** We will retain our natural assets in balance with our built environment

*Our simple guiding principle will be to ensure everything we do will make Kalamunda socially, environmentally and economically sustainable.*

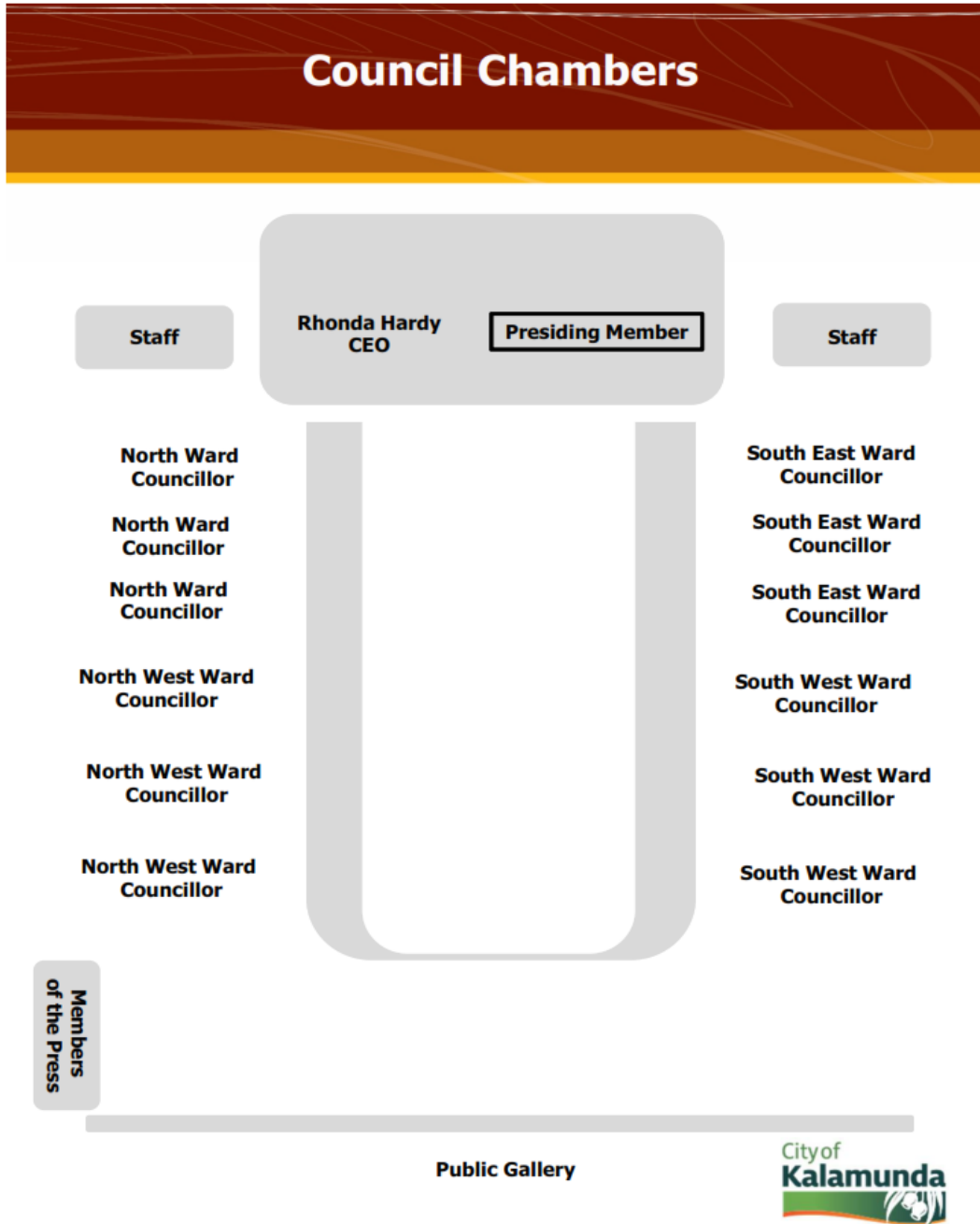


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### Council Chambers – Seating Layout



## **Special Council Meetings – Procedures**

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

## **Acknowledgement of Traditional Owners**

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

## **Emergency Procedures**

**Please view the position of the Exits, Fire Extinguishers and Outdoor Assembly Area as displayed on the wall of Council Chambers.**

**In case of an emergency follow the instructions given by City Personnel.**

**We ask that you do not move your vehicle as this could potentially block access for emergency services vehicles.**

**Please remain at the assembly point until advised it is safe to leave.**

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**1. Official Opening**

Welcome by the Chief Executive Officer, Rhonda Hardy and introduction of The Hon. Michael Murray, AM QC attending for the swearing in of Councillors and swearing in of the Councillor elected to the office of Mayor and the Councillor elected to the office of Deputy Mayor.

The Chief Executive Officer is to preside until the office of Mayor is filled.

**2. Attendance, Apologies and Leave of Absence Previously Approved**

**3. Elected Members**

**3.1. Swearing in of Newly Elected Councillors**

Section 2.29 of the *Local Government Act 1995* requires a person who has been elected as a Councillor to make a declaration in the prescribed form before acting in the office. The declaration is to be made before a person before whom a statutory declaration can be made under the *Oaths, Affidavits and Statutory Declarations Act 2005*. The Hon. Michael Murray officiates for this purpose.

**3.2. Election of Mayor**

The procedure for electing a Mayor is set out in Schedule 2.3, Division 1, of the *Local Government Act 1995* (Attachment 1). The election is to be conducted as the first matter at the first meeting of the Council following an ordinary election.

Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1 (Attachment 2).

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the councillors are to vote again.

The Chief Executive Officer is to declare and give notice of the result in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998* (Attachment 3).

### **3.3. Swearing in of Mayor**

The same procedure as for Item 3.0 applies. The Hon. Michael Murray to officiate.

The Mayor will now take up the position of presiding member for the meeting.

### **3.4. Election of Deputy Mayor**

The Mayor is to determine the procedure for electing the Deputy Mayor. However, Schedule 2.3, Division 2 of the *Local Government Act 1995* (Attachment 4) sets out a procedure, which is essentially the same as that for electing the Mayor. The election is to be conducted as the next matter following the election of the Mayor, at the first meeting of the Council after an ordinary election.

The Chief Executive Officer will act as the Returning Officer for this election. Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

### **3.5. Swearing in of Deputy Mayor**

The same procedure as for Item 3.0 applies. The Hon. Michael Murray to officiate.

## **4. Public Question Time**

*A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of Council. For the purposes of Minuting, these questions and answers will be summarised.*

## **5. Matters for Which the Meeting may be Closed**

### **6. Disclosure of Interest**

#### **6.1. Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

#### **6.2. Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

**7. Petitions/Deputations**

**8. Councillor Appointments on Committees**

**8.1 Eastern Metropolitan Regional Council**

The appointment of Council delegates to Regional Groups and Management/Advisory Committees is to ensure Council is fully and formally represented at all times.

The Eastern Metropolitan Regional Council meets the fourth Thursday of each month. The City will appoint two Councillors and a Deputy. The Chief Executive Officer is a member of an Advisory Committee and appoints a Director as a member of a Technical Advisory Committee.

<b>Voting Requirements: Absolute Majority</b>
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**RECOMMENDATION**

That Council:

1. APPOINT Cr \_\_\_\_\_ and Cr \_\_\_\_\_ as representatives on the East Metropolitan Regional Council for the period 22 October 2019 to 15 October 2021.
2. APPOINT Cr \_\_\_\_\_ as deputy representatives on the East Metropolitan Regional Council for the period 22 October 2019 to 15 October 2021.

Moved:

Seconded:

Vote:

**9. Attachments**



## Attachment 1

*Local Government Act 1995*  
**Schedule 2.3**  
 When and how mayors, presidents, deputy mayors and deputy  
 presidents are elected by the council  
 Mayors and presidents **Division 1**  
 cl. 1

**Schedule 2.3 — When and how mayors, presidents, deputy  
 mayors and deputy presidents are elected by the council**

[Sections 2.11(1)(b) and 2.15]

**Division 1 — Mayors and presidents**

**1. Terms used**

In this Division —

*extraordinary vacancy* means a vacancy that occurs under  
 section 2.34(1);

*the office* means the office of councillor mayor or president.

**2. When council elects mayor or president**

- (1) The office 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.
- (2) If the first ordinary meeting of the council is more than 3 weeks after  
 an extraordinary vacancy occurs in the office, a special meeting of the  
 council is to be held within that period for the purpose of filling the  
 office.

**3. CEO to preside**

The CEO is to preside at the meeting until the office is filled.

**4. How mayor or president is elected**

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the  
 procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing  
 before the meeting or during the meeting before the close of  
 nominations.

As at 11 Jul 2011                      Version 05-10-00                      page 345  
 Extract from [www.slp.wa.gov.au](http://www.slp.wa.gov.au), see that website for further information

**Local Government Act 1995**

**Schedule 2.3** When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

**Division 2** Deputy mayors and deputy presidents

**cl. 5**

- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO 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 CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) 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 CEO is to declare and give notice of the result in accordance with regulations, if any.

*[Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]*

**5. Votes may be cast a second time**

- (1) If when the votes cast under clause 4(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 the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) 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.

**Attachment 2****Local Government Act 1995****Schedule 4.1** How to count votes and ascertain the result of an election

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**Schedule 4.1 — How to count votes and ascertain the result of an election**

[s. 4.74]

*[Heading inserted by No. 15 of 2009 s. 5.]*

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
  - (a) the candidate who receives the greatest number of votes; and
  - (b) the candidate who receives the next highest number of votes; and
  - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

*[Schedule 4.1 inserted by No. 15 of 2009 s. 5.]*

## Attachment 3

**Local Government (Constitution) Regulations 1998****Part 3** Offices on councils**r. 11F**

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**11F. Declaration and notice of result of election — (Sch. 2.3 cl. 4 and 8)**

- (1) The person conducting the election is to declare the result of the election to the council members at the meeting at which the election was held.
- (2) The declaration is to include —
  - (a) the names of the candidates; and
  - [(aa) deleted]*
  - (b) the name and term of office of the candidate declared elected.
- (3) The declaration may include the number of votes received by each candidate.
- (4) The person conducting the election is also to give local public notice of the result of the election in the form of Form 19 of the *Local Government (Elections) Regulations 1997*, modified as is necessary for the purposes of this regulation.

*[Regulation 11F inserted in Gazette 31 Mar 2005 p. 1046; amended in Gazette 21 Aug 2007 p. 4186 and 4188; 28 Aug 2009 p. 3372.]*

**10. Closure**