Minutes of the Special Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 10 May 2005, commencing at 6.03pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.03pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward

John Giorgi, JP Chief Executive Officer

Rob Boardman Executive Manager, Environmental and

Development Services

Rick Lotznicher Executive Manager Technical Services
Mike Rootsey Executive Manager, Corporate Services
Annie Smith Executive Assistant (Minutes Secretary)

Mark Fletcher Journalist – Voice News

Approximately 19 Members of the Public

(c) Members on Leave of Absence:

 Cr Maddalena Torre for the period 26 April to 14 June 2005 (inclusive) for personal reasons.

3. DECLARATIONS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

The Presiding Member advised that:

"Council at a Special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the Agenda be asked."

There were no speakers from the public gallery.

5. Swearing in of Elected Members

Ward:	-	Date:		3 May 2005
Precinct:	-	File Ref	:	ADM0030
Attachments:	-			
Reporting Officer(s):	John Giorgi			
Checked/Endorsed by:	-	Amended by:	-	

Affirmation or Oath of Allegiance and Declaration of Office

Each newly elected person is required to make an affirmation or oath of allegiance and a declaration before they can act in the capacity of a Councillor or Mayor. The choice between and affirmation and an oath is personal to each Elected Member.

The affirmation or oath is made verbally and document signed in front of a Justice of the Peace who will witness the signature of the Elected Member.

The declaration of office is a separate document that states the Elected Member will faithfully perform their duties and will obey the Council's Code of Conduct.

The declaration is also made verbally and document signed in front of a Justice of the Peace who will witness the signature of the Elected Member.

Code of Conduct

This Code of Conduct sets out the principles of good conduct, obligations and standards of behaviour, which are expected of Elected Members and employees. Elected Members and employees of the Town of Vincent are expected to behave in a way, which confirms, to the highest standards of integrity, responsibility and fair dealing in the workplace, the Council, and in relations with the community and with one another.

The Code establishes a guide to best practice for Elected Members and employees in the performance of their duties and responsibilities and prescribes conduct for Elected Members and employees to deliver the high ethical and moral standards in government expected by the Vincent community.

ITEM 5

The Chief Executive Officer advised that there were four (4) Councillors to be sworn in.

- 1. Cr Helen Doran-Wu undertook an Oath of Allegiance and a Declaration by Elected Member, before Justice of the Peace, Nick Catania, JP.
- 2. Cr Ian Ker undertook an Affirmation of Allegiance and a Declaration by Elected Member, before Justice of the Peace, Nick Catania, JP.
- 3. Cr Douglas (Dudley) Maier undertook an Affirmation of Allegiance and a Declaration by Elected Member, before Justice of the Peace, Nick Catania, JP.
- 4. Cr Isidoro (Izzi) Messina undertook an Oath of Allegiance and a Declaration by Elected Member, before Justice of the Peace, Nick Catania, JP.

The Mayor congratulated all newly elected Councillors and indicated that he was looking forward to working with the Council.

Received with acclamation.

6. Election of Deputy Mayor by Secret Ballot

Ward:	-	Date:	3 May 2005
Precinct:	-	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by: -	

BACKGROUND:

The Council is required to elect the Deputy Mayor from amongst the Councillors, by secret ballot, as required in Section 2.15 of the Local Government Act 1995 and as detailed in Schedule 2.3 of Division 2 of the Act.

LEGAL:

Filling the office of deputy mayor or deputy president

"Section 2.15 The deputy mayor or deputy president is to be elected by the council from amongst the councillors under Schedule 2.3 of Division 2."

The relevant sections of the Act are:

How the deputy mayor or deputy president is elected

"Schedule 2.3, Section 8

- (1) The council is to elect a councillors (other than the mayor or president) to fill the office.
- (2) The mayor or president is to conduct the election.
- (3) Nominations for the office are to be given to the mayor or president in writing.
- (4) If a councillor is nominated by another councillor, the mayor or president is not to accept the nomination unless the nominee has advised the mayor or president, 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 in 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 cast at an election."

Votes may be cast a second time.

"Section 9.

(1) If, when the votes cast under subclause (2) 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 discounted and not more than 7 days later, a special meeting of the Council is to be held.

ITEM 6

The Presiding Member advised that he had received nominations from Crs Steed Farrell and Ian Ker for the Office of Deputy Mayor.

The Presiding Member asked Councillors if there were any further nominations. There were no further nominations made.

The Chief Executive Officer advised Elected Members as there had been two nominations received a Secret Ballot would be required to be carried out.

Ballot Papers were issued to all Elected Members.

Presiding Member advised the results as follows:

Cr Steet Farrell 4 votes Cr Ian Ker 4 votes

(Cr Torre on approved leave of absence.)

The Presiding Member advised that as there were an equal number of votes for each candidate, a Special Meeting of Council would need to be held within seven (7) days in order that another secret ballot can be held. In the event that the votes were tied again then the returning officer is to draw lots.

He announced that a Special Council Meeting will be held on Tuesday 17 May 2005 at 5.30pm to elect a Deputy Mayor.

7. Appointment of Elected Members to various Statutory Authorities, Committees, Advisory and Working Groups

Ward:	-	Date:	3 May 2005
Precinct:	-	File Ref:	ADM0030
Attachments:	<u>001</u>		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by: -	

AMENDED OFFICER RECOMMENDATION

That the Council;

- (i) APPOINTS BY AN ABSOLUTE MAJORITY Elected Members to the Council's Audit Committee; and
- (ii) APPOINTS delegates to the various Statutory Authorities, Committees, Advisory and Working Groups;

as contained in Appendix 7 as attached to this report.

COUNCIL DECISION ITEM 7

Cr Torre was on approved leave of absence and was not present at the meeting.

OCCASIONAL COMMITTEES

The Presiding Member called for nominations to the Town's Occasional Committees.

Audit Committee

Moved Cr Chester, Seconded Cr Farrell

That the Mayor be elected as Chair of the Town of Vincent Audit Committee.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Crs Doran-Wu and Farrell nominated.

Moved Cr Chester, Seconded Cr Messina

That Crs Doran-Wu and Farrell be elected as representatives on the Town's Audit Committee.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Moved Cr Ker, Seconded Cr Doran-Wu

That the Deputies for the Audit Committee be as follows;

- 1. Cr Chester (Chair);
- 2. Cr Ker; and
- 3. Cr Messina.

Leederville Gardens Inc Board - Representatives

Moved Cr Farrell, Seconded Cr Maier

That the Mayor be elected as Chair of the Leederville Gardens Inc Board.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Crs Chester, Maier and Farrell nominated. As there were three nominations for two positions, a ballot was carried out. The CEO advised that the result of the ballot was:

Cr Chester – 8 votes Cr Farrell – 5 votes Cr Maier – 3 votes

The Presiding Member declared that Crs Chester and Farrell are elected as representatives on the Leederville Gardens Inc Board.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Leederville Gardens Inc Board - Deputy

Moved Cr Ker Seconded Cr Doran-Wu

That the Deputies for the Leederville Gardens Inc Board be as follows;

- 1. Deputy Mayor (Chair);
- 2. Cr Doran-Wu;
- 3. Cr Maier.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

<u>Local Government Association – Central Metropolitan Zone</u>

Crs Ker and Lake nominated.

The Presiding Member declared that Crs Ker and Lake are elected as representatives on the Local Government Association – Central Metropolitan Zone.

Members Equity Stadium Management Committee

The Heads of Agreement prescribe the Mayor as the Chair and the CEO as a Member.

Moved Cr Ker, Seconded Cr Chester

That the Deputy Mayor be elected as Deputy for the Members Equity Stadium Management Committee.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

At 6.40pm Moved Cr Maier, Seconded Cr Ker

That due to the time and the number of members of the public waiting for the Ordinary Meeting to commence, the Special Meeting be adjourned until the conclusion of the Ordinary Meeting.

CARRIED (8-0)

At 9.20pm the Special Meeting of Council resumed with Mayor Catania, Crs Chester, Doran-Wu, Farrell, Ker, Lake, Maier and Messina, Chief Executive Officer – John Giorgi, Executive Manager Environmental & Development Services – Rob Boardman, Executive Manager Corporate Services – Mike Rootsey, Executive Manager Technical Services – Rick Lotznicher and Minutes Secretary – Annie Smith in attendance

Metropolitan Regional Recreation Advisory Committee (NMRRAC) - Representative

Cr Doran-Wu nominated. Cr Farrell nominated as Deputy.

Moved Cr Farrell, Seconded Cr Messina

That Cr Doran-Wu be elected as the representative on the Metropolitan Regional Recreation Advisory Committee (NMRRAC).

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Metropolitan Regional Recreation Advisory Committee (NMRRAC) - Deputy

Cr Farrell nominated.

The Presiding Member declared that Cr Farrell is elected as Deputy for the Metropolitan Regional Recreation Advisory Committee (NMRRAC).

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Mindarie Regional Council

Moved Cr Farrell, Seconded Cr Messina

That the Mayor be elected as the representative on the Mindarie Regional Council and the Deputy Mayor elected as the Deputy.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

North West District Planning Committee - Representative

Cr Chester nominated.

Moved Cr Ker, Seconded Cr Lake

That Cr Chester be elected as representative on the North West District Planning Committee.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

North West District Planning Committee - Deputy

Cr Ker nominated.

Moved Cr Chester, **Seconded** Cr Farrell

That Cr Ker be elected as Deputy for the North West District Planning Committee.

Swan River Trust - Representative

Crs Maier and Messina nominated. . As there were two nominations for one position, a ballot was carried out. The CEO advised that the result of the ballot was:

Cr Maier – 5 votes Cr Messina – 3 votes

The Presiding Member declared that Cr Maier is elected as the representative for the Swan River Trust.

Swan River Trust - Deputy

Moved Cr Ker, Seconded Cr Lake

That Cr Messina be elected as Deputy for the Swan River Trust.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Tamala Park Regional Council

Moved Cr Lake, Seconded Cr Ker

That the Mayor be elected as the representative on the Tamala Park Regional Council and the Deputy Mayor elected as the Deputy.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Vincent Community Recreation Association (VCRA) Inc – Representative & Deputy

Cr Lake nominated as representative and Cr Maier nominated as Deputy.

Moved Cr Messina, Seconded Cr Farrell

That Cr Lake be elected as the representative together with the CEO and Executive Manager Corporate Services on the Vincent Community Recreation Association (VCRA) Inc and Cr Maier be elected as Deputy.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Youth Council

Cr Messina nominated. As Cr Torre was previously the representative she was nominated as Deputy in her absence.

Moved Cr Lake, Seconded Cr Maier

That Cr Messina be elected as the representative on the Youth Council and Cr Torre be elected as Deputy.

ADVISORY AND WORKING GROUPS/PARTNERSHIPS

The Presiding Member called for nominations to the Town's Advisory and Working Groups/Partnerships.

Aboriginal Liaison Occasional Advisory Group

Moved Cr Ker, Seconded Cr Doran-Wu

That the Mayor be elected as Chair of the Aboriginal Liaison Occasional Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Art Advisory Group

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Mayor be elected as Chair of the Art Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Messina nominated and as Cr Torre was previously a representative she was renominated.

Moved Cr Doran-Wu, Seconded Cr Farrell

That Crs Messina and Torre be elected as representatives on the Art Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Heritage Advisory Group

Moved Cr Chester, Seconded Cr Farrell

That the Mayor be elected as Chair of the Heritage Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Doran-Wu nominated.

Moved Cr Messina, Seconded Cr Farrell

That Cr Doran-Wu be elected as a representative on the Heritage Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Chester also nominated.

Moved Cr Ker, Seconded Cr Messina

That Cr Chester be elected as a representative on the Heritage Advisory Group.

Local Area Traffic Management Advisory Group

Cr Farrell nominated for the position of Chair.

Moved Cr Messina, Seconded Cr Doran-Wu

That Cr Farrell be elected as Chair of the Local Area Traffic Management Advisory Group.

Cr Ker also nominated for the position of Chair.

Moved Cr Lake, Seconded Cr

That Cr Ker be elected as Chair of the Local Area Traffic Management Advisory Group.

<u>CR KER'S NOMINATION</u> LAPSED FOR WANT OF A SECONDER

The Presiding Member declared that Cr Farrell is elected as Chair of the Local Area Traffic Management Advisory Group.

The CEO advised that the Local Area Traffic Management Advisory Committee had previously been operating with three Elected Members.

Moved Cr Maier, Seconded Cr Chester

That the Terms of Reference for the Local Area Traffic Management Advisory Group under the heading "Membership" be amended to read "three (3) Elected Members".

CARRIED (5-3)

For Against

Cr Chester Mayor Catania
Cr Doran-Wu Cr Farrell
Cr Ker Cr Messina

Cr Lake Cr Maier

Crs Ker and Lake nominated as representatives.

Moved Cr Chester, Seconded Cr Lake

That Cr Ker be elected as a representative on the Local Area Traffic Management Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Moved Cr Ker, Seconded Cr Maier

That Cr Lake be elected as a representative on the Local Area Traffic Management Advisory Group.

Safer Vincent Crime Prevention Partnership

Moved Cr Farrell, Seconded Cr Messina

That the Mayor be elected as Chair of the Safer Vincent Crime Prevention Partnership.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Doran-Wu nominated.

Moved Cr Farrell, Seconded Cr Messina

That Cr Doran-Wu be elected as a representative on the Safer Vincent Crime Prevention Partnership.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Messina nominated

Moved Cr Farrell, Seconded Cr Doran-Wu

That Cr Messina be elected as a representative on the Safer Vincent Crime Prevention Partnership.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Seniors Advisory Group

Moved Cr Messina, Seconded Cr Doran-Wu

That the Mayor be elected as Chair of the Seniors Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Crs Doran-Wu, Farrell and Maier nominated. Cr Torre was previously the representative, accordingly she was nominated in her absence. As there were four nominations for three positions a ballot was carried out. The CEO advised that the result of the ballot was:

Cr Doran-Wu - 7 votes

Cr Torre – 6 votes

Cr Farrell – 5 votes

Cr Maier - 4 votes

The Presiding Member declared that Crs Doran-Wu, Torre and Farrell are elected as the representative on the Seniors Advisory Group.

Sustainability Advisory Group

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Mayor be elected as Chair on the Sustainability Advisory Group.

MINUTES

Crs Ker, Lake and Maier nominated.

Moved Cr Lake, Seconded Cr Messina

That Cr Ker be elected as a representative on the Sustainability Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Moved Cr Messina, Seconded Cr Doran-Wu

That Cr Lake be elected as a representative on the Sustainability Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Moved Cr Farrell, Seconded Cr Messina

That Cr Maier be elected as a representative on the Sustainability Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Town of Vincent Garden Awards Occasional Advisory Group

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Mayor be elected as Chair on the Town of Vincent Garden Awards Occasional Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Lake nominated.

Moved Cr Messina, Seconded Cr Ker

That Cr Lake be elected as a representative on the Town of Vincent Garden Awards Occasional Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Cr Chester nominated.

Moved Cr Maier, Seconded Cr Ker

That Cr Chester be elected as a representative on the Town of Vincent Garden Awards Occasional Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Universal Access Advisory Group

Cr Ker nominated for the position of Chair.

Moved Cr Lake, Seconded Cr Messina

That Cr Ker be elected as Chair on the Universal Access Advisory Group.

Cr Maier nominated.

Moved Cr Ker, Seconded Cr Lake

That Cr Maier be elected as a representative on the Universal Access Advisory Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Park People Project - Working Group

Cr Doran-Wu nominated.

Moved Cr Farrell, Seconded Cr Chester

That Cr Doran-Wu be elected as representative on the Park People Project Working Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Hyde Park Lakes Restoration Working Group

Moved Cr Farrell, Seconded Cr Messina

That the Mayor be elected as Chair of the Hyde Park Lakes Restoration Working Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Crs Ker, Lake and Messina nominated. As there were three nominations for two positions a ballot was carried out. The CEO advised that the result of the ballot was:

Cr Lake – 6 votes Cr Ker – 4 votes Cr Messina – 4 votes

As the votes were tie for Crs Ker and Messina the Presiding Member had the casting vote. The Presiding Member voted in accordance with his original vote for Cr Messina

The Presiding Member declared that Crs Lake and Messina are elected as the representatives on the Hyde Park Restoration Working Group.

Moved Cr Maier, Seconded Cr Ker

That the number of Elected Members as representatives on the Hyde Park Lakes Restoration Working Group be increased to four (4) Elected Members (Mayor and three Councillors).

Debate ensued.

CARRIED (6-2)

For Against

Cr Chester Mayor Catania
Cr Doran-Wu Cr Farrell

Cr Ker

Cr Lake

Cr Maier

Cr Messina

Cr Ker nominated

Moved Cr Ker, Seconded Cr Lake

That Cr Ker also be elected as a representative on the Hyde Park Lakes Restoration Working Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Leederville Masterplan Working Group

Moved Cr Farrell, Seconded Cr Chester

That the representatives (Mayor – Chair, Crs Chester, Doran-Wu, Farrell, Ker and Torre) elected at the Ordinary Meeting of Council held on 26 April 2005 be re-elected.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

Leederville Oval Public Open Space Working Group

Crs Chester and Lake nominated.

Moved Cr Doran-Wu, Seconded Cr Messina

That Crs Chester and Lake be elected as representatives on the Leederville Oval Public Open Space Working Group.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

ADMINSTRATIVE POSITIONS ON GROUPS

Moved Cr Farrell, Seconded Cr Lake

That all administrative positions on the various Groups be approved.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

PURPOSE OF REPORT:

The purpose of the report is to appoint Elected Members (and officers where appropriate) to the various Statutory Authorities, Committees, Advisory and Working Groups.

DETAILS:

As part of the Council's role in governing for the Town, Elected Members and/or Council Officers represent the Council on a wide range of Statutory Authorities, Committees, Advisory and Working Groups.

These are shown in the attached Appendix and it is necessary that the Council determine its delegates to these positions.

LEGAL/POLICY IMPLICATIONS:

Audit Committee

The Council currently has an Audit Committee and its members were Mayor Catania (Chair), Crs Doran-Wu and Ker, CEO and Town's Auditor. (Executive Manager Corporate Services was ex-officio.)

Recent amendments to the Local Government Act 1995 now specify that each Council shall appoint, by absolute majority, at least three (3) Elected Members to the Audit Committee. Furthermore, a CEO cannot be a member of an Audit Committee and cannot appoint a person to represent the CEO on the Committee. The Act also requires local governments to assist the Auditor with audits.

The purpose of the amendments are to ensure that Audit Committees maintain independence from the Council and Town's administration.

Statutory Authorities/Committees/Working Groups/Advisory Groups

The Town of Vincent does not have any Statutory Committees (other than the Audit Committee) with delegated authority, as prescribed by the Local Government Act 1995. All "Committees", Working Groups/Advisory Groups have Terms of Reference and can only deal with matters referred to them by the Council. These groups can only make recommendations which are reported to the Council for its consideration.

As such, a "Simple Majority" decision is required to appoint delegates to "Committees" (which do not have delegated authority from the Council), Working Groups/Advisory Groups (and not an absolute majority).

Indigenous Issues Working Group

This Group was previously known as the Birdwood Square Working Group. The name has been changed by the Group to "Park People Project Working Group" to reflect that the Group has a wider jurisdiction than just Birdwood Square. The Council's previous Elected Member was Cr Doran-Wu.

Accordingly, the Schedule has been amended to reflect the changes.

COMMENTS:

In view of the amendments, the Officer Recommendation has been amended.

8. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.57pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward

John Giorgi, JP Chief Executive Officer

Rob Boardman Executive Manager, Environmental and

Development Services

Rick Lotznicher Executive Manager Technical Services
Mike Rootsey Executive Manager, Corporate Services
Annie Smith Executive Assistant (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 10 May 2005.

Signed:		Presiding Member
		Mayor Nick Catania, JF
Dated this	dav of	