



CITY OF VINCENT

AGENDA

Special Council Meeting

19 October 2021

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

David MacLennan
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 DECLARATION OF INTEREST

5 CHIEF EXECUTIVE OFFICER

5.1 ELECTION OF DEPUTY MAYOR

- 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.

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 held on Saturday 21 October 2023.

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 Executive Manager Corporate Strategy and Governance will count the ballot papers to determine the result.
9. If 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. (CI 9).
10. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held. When the meeting resumes 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.
12. The Mayor is to declare the result of the election at the meeting, which is to include the names of the candidates, the number of votes received by each candidate, and the name and term of office of the candidate declared elected. (r. 11F *Local Government (Constitution) Regulations 1996*).
13. Local public notice of the result of the election is to be given and the result provided to the Minister for Local Government. (r. 11F and 11FA).

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 provides that the Deputy Mayor is to be elected by the Council under Schedule 2.3, Division 2.

Section 2.28 of the Act provides the term of office for Deputy Mayor.

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.

Part 3 of the Local Government (Constitution) Regulations 1996 provides the procedure to be undertaken when conducting an election for the officer of Deputy Mayor.

The Act outlines the role of the Mayor as:

- (a) presides at meetings in accordance with this Act;
- (b) provides leadership and guidance to the community in the district;
- (c) carries out civic and ceremonial duties on behalf of the local government;
- (d) speaks on behalf of the local government;
- (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 percent (maximum allowed is 25 percent) 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:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

The Deputy Mayor is paid an allowance of \$15,838.50. This amount is included within the 2021/22 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
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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 office of 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 code of conduct adopted by the City of Vincent under section 5.104 of the *Local Government Act 1995*.

Declared at 244 Vincent Street, Leederville on 19 October 2021

by

Before me.....

D17/138576

5.2	APPOINTMENT OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) - CENTRAL METROPOLITAN ZONE - COUNCIL REPRESENTATIVES
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Attachments: Nil

RECOMMENDATION:

That Council **APPOINTS** the following Elected Members to represent the City of Vincent on the Western Australian Local Government Association (WALGA) – Central Metropolitan Zone and as voting delegates/proxy delegates for WALGA Annual General Meetings for the term 19 October 2021 to the next ordinary local government election, being 21 October 2023:

Members/Voting Delegate:	Deputies/Proxies:
1.;	1.;
2.;	2.;

PURPOSE OF REPORT:

To appoint the City's representatives on the Western Australian Local Government Association (WALGA) – Central Metropolitan Zone (Zone) and as voting delegate and proxy delegates for the WALGA Annual General Meetings.

BACKGROUND:

Part of the Council's role is to represent the City on the Zone. WALGA, at its meeting on [19 August 2021](#), resolved that Member Council's delegates and deputy delegates are to be appointed and confirmed with the Zone Executive Officer by 5 November 2021. 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 the 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.

To represent the City at WALGA's Annual General Meeting in August each year the City of Vincent is to nominate two voting delegates and two proxy delegates (should a voting delegate be unavailable). It is recommended that the Zone delegates (and deputies) be appointed as the voting delegates accordingly.

The process for appointing new State Councillors is as follows:

- Member Councils to elect their Zone Delegates and to advise WALGA by 5 November 2021.
- Zones hold meetings in November 2021 to elect State Council representatives.

- A State Councillor Induction Session is held on 1 December 2021.
- New State Councillors will take office at the Ordinary Meeting of State Council on 1 December 2021.
- The position of President and Deputy President of WALGA will be elected at the March 2022 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:	6:00pm
Meeting Occurrence:	Bi-monthly (or six weekly)
Day of Meetings:	Thursday
No. of Meetings held in 2010-2021 period:	5 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 Fotakis and Cr Wallace
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.

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:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

FINANCIAL/BUDGET IMPLICATIONS:

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

5.3	APPOINTMENT OF MINDARIE REGIONAL COUNCIL AND TAMALA PARK REGIONAL COUNCIL REPRESENTATIVES
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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 19 October 2021 to the next ordinary local government election, being 21 October 2023:

Member:

1.;

2. **APPOINTS** the following Elected Members to represent the City of Vincent on the Tamala Park Regional Council for the term 19 October 2021 to the next ordinary local government election, being 21 October 2023:

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. Mayor Cole was the City's representative until July 2021, when she resigned. The City's current representative for the MRC is Cr Castle and the representative on the TPRC is Cr Fotakis.

The establishment agreement for the TPRC allows an alternative member to also be appointed. Cr Castle has been appointed as the alternative member.

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 2022:	27 January, 24 March, 26 May, 7 July 25 August, 29 September, 24 November, 15 December (third Thursday)
No. of Meetings held in 2021:	11 Meetings (including 4 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 • \$0 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 2022 (tbc):	<p><u>Council Meetings:</u></p> <p>17 February, 14 April, 16 June, 18 August, 20 October, 8 December</p> <p><u>Management Committee Meetings:</u></p> <ul style="list-style-type: none"> • <i>Management Committee:</i> alternate bi-monthly (5 per year): 17 March, 19 May, 21 July, 15 September, 17 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 2021 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*:

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We are open and accountable to an engaged community.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This does not contribute to any public health outcomes in the *City's Public Health Plan 2020-2025*.

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.

6 CLOSURE