



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

SPECIAL COUNCIL MEETING

<p>20 OCTOBER 2009</p>

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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 20 October 2009, commencing at 5.30pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 5.37pm.

The Chief Executive Officer advised that it is necessary that the elected Council Members make a Declaration of Office. He advised that this would be made before him, in his capacity as a Justice of the Peace (an Authorised Person).

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Director Technical Services, Rick Lotznicker – apology due to annual leave.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Jeremy van den Bok	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ” (from 6.58pm)

Approximately 24 Members of the Public

(c) Members on Leave of Absence:

Nil.

The Presiding Member advised that the one (1) re-elected Councillor and four (4) new Councillors are required to make a Declaration of Office and would call them forward in alphabetical order.

1. Cr Matt Buckels came forward and made a Declaration by Council Member, before Justice of the Peace, John Giorgi, JP.

Received with acclamation!

2. Cr Taryn Harvey came forward and made a Declaration by Council Member, before Justice of the Peace, John Giorgi, JP.

Received with acclamation!

3. Cr Warren McGrath came forward and made a Declaration by Council Member, before Justice of the Peace, John Giorgi, JP.

Received with acclamation!

4. Cr Dudley Maier came forward and made a Declaration by Council Member, before Justice of the Peace, John Giorgi, JP.

Received with acclamation!

5. Cr Joshua Topelberg came forward and made a Declaration by Council Member, before Justice of the Peace, John Giorgi, JP.

Received with acclamation!

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

Received with acclamation!

3. **DECLARATION OF INTEREST**

Nil.

4. (a) **PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS**

The Mayor advised that the 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 Council Members

Ward:	-	Date:	18 October 2007
Precinct:	-	File Ref:	ADM0030
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

Declaration of Office

Each newly elected person is required to make a declaration before they can act in the capacity of a Councillor or Mayor.

The declaration of office that states the Council Member will faithfully perform their duties and will obey the Council's Code of Conduct and observe the Local Government (Rules of Conduct) Regulations 2007.

The declaration is also made verbally and document signed in front of an Authorised Person as prescribed by the Oaths, Affidavits and Statutory Declarations Act 2005 (e.g. Justice of the Peace) who will witness the signature of the Council Member.

Code of Conduct/Local Government (Rules of Conduct) Regulations 2007

This Code of Conduct sets out the principles of good conduct, obligations and standards of behaviour, which are expected of Council Members and employees. Council 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 Council Members and employees in the performance of their duties and responsibilities and prescribes conduct for Council Members and employees to deliver the high ethical and moral standards in government expected by the Vincent community.

The Local Government (Rules of Conduct) Regulations 2007 came into effect on 21 October 2007 and are applicable to Council Members.

The Local Government (Rules of Conduct) Regulations 2007 cover the following key areas:

- *"Principles of general behaviour;*
- *Local Law as to conduct at meetings;*
- *Use of information;*
- *Securing unauthorised advantages or disadvantages;*
- *Misuse of Council resources;*
- *Prohibition against involvement in administration;*
- *Relations with local government employees;*
- *Disclosure of interest adversely affecting impartiality; and*
- *Restriction on receiving, and disclosure of, certain gifts."*

(Local Government (Official Conduct) Amendment Act 2007 (Explanatory Notes)

6. Election of Deputy Mayor by Secret Ballot

Ward:	-	Date:	18 October 2007
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 Mayor conducted the election for the Deputy Mayor in accordance with the Local Government Act and Regulations.

The Mayor advised that he had received nominations from Crs Steed Farrell and Sally Lake for the Office of Deputy Mayor.

The Mayor asked Councillors if there were any further nominations. There were no further nominations.

The Presiding Member advised Council Members as two nominations had been received, a Secret Ballot would be required to be carried out. He requested the Chief Executive Officer to conduct the election and issue the necessary ballot papers.

Ballot Papers were issued to all Council Members.

The Ballot Papers were collected by the Chief Executive Officer and counted in the presence of the Director Corporate Services, Mike Rootsey.

The Presiding Member advised the results of the Ballot, as follows:

Cr Sally Lake	5 votes
Cr Steed Farrell	4 votes

The Mayor advised that Cr Sally Lake is elected to the Office of Deputy Mayor until October 2011.

Cr Sally Lake came forward and made the Declaration of Office for the Office of Deputy Mayor before Justice of the Peace, John Giorgi.

Received with acclamation!

7. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 6.01pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Steed Farrell	North Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Jeremy van den Bok	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”

Approximately 24 Members of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 20 October 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009