



City of Cockburn
Special Council Meeting
Minutes

For Thursday, 21 October 2021

These Minutes are subject to confirmation

Presiding Member's signature

Date: 11 November 2021

CITY OF COCKBURN

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CITY OF COCKBURN

Minutes Of Special Council Meeting Thursday, 21 October 2021

PRESENT

ELECTED MEMBERS

Mr L Howlett	-	Mayor (Presiding Member)
Mr K Allen	-	Councillor
Ms P Corke	-	Councillor
Mr T Dewan	-	Councillor
Mr P Eva	-	Councillor
Ms L Kirkwood	-	Councillor
Mr M Separovich	-	Councillor
Ms C Stone	-	Councillor
Dr C Terblanche	-	Councillor
Mr T Widenbar	-	Councillor

IN ATTENDANCE

Mr T Brun	-	Chief Executive Officer
Mr D Arndt	-	Chief of Built and Natural Environment
Mrs G Bowman	-	Chief of Community Services
Mr S Downing	-	Chief Financial Officer
Mr A Lees	-	Chief of Operations
Mr D Green	-	Executive Governance and Strategy
Ms V Green	-	Executive Corporate Affairs
Ms J Iles	-	Executive People Experience and Transformation
Ms E Milne	-	Executive Governance and Strategy
Ms M Nugent	-	Media and Communications Officer
Mrs B Pinto	-	Governance Officer

1. Declaration of Meeting

The Presiding Member declared the meeting open at 7.00pm.

“Kaya, Wanju Wadjuk Budjar” which means “Hello, Welcome to Wadjuk Land”

The Presiding Member acknowledged the Nyungar People who are the traditional custodians of the land on which the meeting is being held and pay respect to the Elders of the Nyungar Nation, both past and present and extend that respect to Indigenous Australians who are with us tonight.



Mayor Howlett advised that, given the COVID-19 pandemic is still with us, physical distancing and the following of hygiene requirements regarding hand washing etc. is still applicable. Accordingly, seating in the Council Chamber and the public gallery has been set out to ensure physical distancing requirements are met. Members of the gallery were requested to follow the physical distancing requirements during the meeting and particularly when leaving the meeting.

Mayor Howlett advised that the meeting would be electronically recorded and live streamed on the City's website, except where Council resolves to go behind closed doors. All recordings are retained in accordance with the General Disposal Authority for Local Government Records, produced by the State Records Office.

A copy of the recorded proceedings of the whole Council Meeting will be available on the website within two business days of this Council meeting.

Images of the public gallery will not be included in the webcast, however voices will be captured and streamed. Everybody present should be mindful of their conduct during the recorded meeting.

Live streaming meetings is a Council initiative aimed at increasing the City's transparency and openness, as well as making Council meetings more accessible to our community and those beyond.

Elected Members at the meeting will be voting on agenda items using an electronic system that will display the vote of each member and allow the votes to be recorded in the minutes of the meeting.

Mayor Howlett made the following announcements:

1. Following the Local Government Elections held on Saturday, 16 October 2021, I advise I am very happy to have been re-elected to the role of Mayor of our great City.

I welcome back the re-elected Councillors in Kevin Allen, Philip Eva JP, Chontelle Stone, Michael Separovich and extend congratulations to newly elected Councillor Tarun Dewan and welcome him to his first meeting.

2. I also formally welcome Ms Emma Milne, Executive Governance and Strategy, who commenced with the City on Monday, 18 October 2021.

2. Appointment of Presiding Member (If required)

Nil



3. Disclaimer (Read aloud by Presiding Member)

Members of the public, who attend Council Meetings, should not act immediately on anything they hear at the Meetings, without first seeking clarification of Council's position. Persons are advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

4. Acknowledgement of Receipt of Written Declarations of Financial Interests and Conflict of Interest (by Presiding Member)

Nil

5. Apologies and Leave of Absence

Ms Gail Bowman, Chief of Community Development - Apology

6. Public Question Time

Nil

7. Deputations

Nil

8. Declaration by Members Who have Not Given Due Consideration to Matters Contained in the Business Paper Presented before the Meeting

Nil

9. Purpose of Meeting

- Election of the Deputy Mayor
- Setting of Meeting Fees and Mayoral/Deputy Mayoral Allowance
- Appointment of Membership of Committees (on an interim basis pending Council consideration of the Governance Review Report)
- Appointment of Delegates to the WA Local Government (South Metropolitan Zone).



10. Governance and Strategy

10.1 Election of Deputy Mayor

Author D Green

Attachments N/A

RECOMMENDATION

That Council conduct an election for the position of Deputy Mayor, pursuant to Schedule 2.3 Clause 7(1) of the *Local Government Act 1995*.

In accordance with the provisions of the *Local Government Act 1995*, Mayor Howlett requested that the Chief Executive Officer conduct an election for Deputy Mayor.

The Chief Executive Officer advised he had received four written nominations from: Cr Corke, Cr Widenbar, Cr Eva and Cr Terblanche.

The Chief Executive Officer invited all nominees to address the meeting in support of their nomination. All nominees addressed the meeting.

In accordance with Regulations to conduct a secret vote, the Chief Executive Officer advised individual Elected Members would be required to cast their vote.

The Chief Executive Officer issued an initialled ballot paper to each Elected Member, and requested they cast their vote, one at a time, by placing their Ballot Paper in the Ballot Box on the nominated ballot table.

On completion of voting, the Chief Executive Officer and the Executives Governance and Strategy counted the votes, in accordance with the voting provisions in Schedule 4.1 of the *Local Government Act 1995*.

The Chief Executive Officer advised the meeting the election had resulted in a tied vote.

Background

The *Local Government Act 1995* (Schedule 2.3 Clause 7(1)) provides that the office of the Deputy Mayor is to be filled as the first matter dealt with after the election of Council.

Submission

N/A



Report

The election is to be conducted in accordance with the procedure prescribed by the Mayor. The Mayor has appointed the Chief Executive Officer (CEO) to conduct the election and has informed all Councillors that they may nominate themselves for the position, in writing, prior to the meeting.

The election is to be conducted in accordance with the *Local Government Act 1995*.

If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election (orally or in writing) that he/she is willing to be nominated for the office.

The Council Members are to vote on the matter by secret ballot as if they were voting at an election.

The votes are to be counted and the successful candidate is the candidate who receives the greater or greatest number of votes in accordance with Schedule 4.1, Division 2 of the *Local Government Act 1995* (i.e. "first past the post" system).

If a Deputy Mayor is not elected due to equity of votes, that count is to be discontinued and, not more than seven (7) days later, a Special Meeting of Council is to be held.

Any nominations may be withdrawn and further nominations may be made before or when the Special Meeting is held.

If, at the Special Council Meeting, an equal number of votes exist after the count, the person conducting the election is to draw lots to determine which candidate is to be declared the Deputy Mayor.

The appointment will be in place for two years until October 2023.

The person elected by Council as Deputy Mayor has to make a declaration on the prescribed form before acting in the office.

The declaration is to be made in the presence of an authorised person, before whom a statutory declaration may be made, pursuant to Schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act, 2005*.

Strategic Plans/Policy Implications

Listening and Leading

A community focused, sustainable, accountable and progressive organisation.

- Best practice Governance, partnerships and value for money.



Budget/Financial Implications

Council may provide a Deputy Mayor's Allowance.

Legal Implications

Schedule 2.3 Clause 7(1) and Schedule 4.1 Division 2 of the Local Government Act, 1995 refer.

Community Consultation

N/A

Risk Management Implications

Failure to elect a Deputy Mayor would be in breach of the *Local Government Act 1995*.

Advice to Proponent(s)/Submitters

Elected Members were provided advice on 18 October 2021

Implications of Section 3.18(3) *Local Government Act 1995*

Nil

11. Closure of Meeting

7.26pm The Presiding Member closed the meeting and notified all Elected Members a Special Council Meeting would be convened to commence at 7.40pm, 21 October 2021.

