

# CITY OF COCKBURN

## SUMMARY OF MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY, 26 OCTOBER 2009 AT 7:00 PM

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## CITY OF COCKBURN

### MINUTES OF SPECIAL COUNCIL MEETING HELD ON MONDAY, 26 OCTOBER 2009 AT 7:00 PM

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#### PRESENT:

##### ELECTED MEMBERS

Mr L Howlett	-	Mayor
Mr K Allen	-	Deputy Mayor
Ms L Smith	-	Councillor
Ms H Attrill	-	Councillor
Mr I Whitfield	-	Councillor
Mrs C Reeve-Fowkes	-	Councillor
Mr T Romano	-	Councillor
Mrs S Limbert	-	Councillor
Mrs V Oliver	-	Councillor

##### IN ATTENDANCE

Mr S. Cain	-	Chief Executive Officer
Mr D. Green	-	Director, Administration & Community Services
Mr S. Downing	-	Director, Finance & Corporate Services
Mr M. Littleton	-	Director, Engineering & Works
Mr D. Arndt	-	Director, Planning & Development
Ms V. Viljoen	-	PA to Chief Executive Officer

#### 1. DECLARATION OF MEETING

The Presiding Member declared the meeting open at 7.02pm.

#### 2. APPOINTMENT OF PRESIDING MEMBER (If required)

N/A

#### 3. DISCLAIMER (To be 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 (SCM 26/10/2009) - APOLOGIES & LEAVE OF ABSENCE**

Clr Elect Robyn O'Brien - Apology

**6 (SCM 26/10/2009) - PUBLIC QUESTION TIME**

There were no questions from the public.

**7. DECLARATION BY COUNCILLORS WHO HAVE NOT GIVEN DUE CONSIDERATION TO MATTERS CONTAINED IN THE BUSINESS**

Nil

**8 (SCM 26/10/2009) - PURPOSE OF MEETING**

The purpose of the meeting is to consider:

1. The election of the Deputy Mayor;
2. Payment of Elected Members allowances, as follows:
  - Mayoral and Deputy Mayoral Allowances as per Policy SC14;
  - Meeting Attendance Fees – Elected Members as per Policy SC1;
  - Elected Members Communication Allowance as per Policy SC15;
  - Elected Members Information Technology Allowance as per Policy SC32; and
3. November 2009 Agenda Briefing Session.



## 9. COUNCIL MATTERS

### 9.1 (SCM 26/10/2009) - ELECTION OF DEPUTY MAYOR (1701) (D GREEN)

#### **RECOMMENDATION**

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

At this point of the meeting Mayor Howlett advised that, in accordance with the provisions of the Local Government Act, he had requested that the Chief Executive Officer (CEO) conduct the election. The CEO advised that he had received written nominations for the position of Deputy Mayor from Clr Kevin Allen, Clr Sue Limbert and Clr Ian Whitfield.

For the purpose of adhering to the Regulations in regard to secret voting, the CEO advised that individual Elected Members would be required to cast their vote for this purpose. The CEO would provide the ballot paper for each Elected Member to complete privately, following which the ballot paper would be delivered to the nominated desk and placed in the ballot box.

The Chief Executive Officer and the Director Administration and Community Services then counted the votes, in accordance with the voting provisions of the Act.

The Chief Executive Officer then advised the meeting that the result of the secret ballot determined that the necessary number of votes was achieved in favour of Clr Kevin Allen.

The CEO declared Clr Allen elected Deputy Mayor for the period to 16 October 2011. Clr Allen made the Declaration for the office of Deputy Mayor in accordance with the requirements of the Local Government Act 1995.

#### **Background**

The Local Government Act 1995 (Schedule 2.3 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 given notice that he 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 Act.

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 an 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 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 2011.

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 Plan/Policy Implications

### Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

## Budget/Financial Implications

Council may provide a Deputy Mayor's Allowance.

## Legal Implications

Schedule 2.3.7(1) and Schedule 4.1 Division 2 of the Local Government Act, 1995 refer.

## Community Consultation

Nil

## Attachment(s)

Nil

## Advice to Proponent(s)/Submissioners

Nil

## Implications of Section 3.18(3) Local Government Act, 1995

Nil

## 9.2 **(MINUTE NO 4076) (SCM 26/10/2009) - REVIEW OF MAYORAL AND DEPUTY MAYORAL ALLOWANCE (1335; 1701) (S DOWNING)**

### RECOMMENDATION

That Council:

- (1) set the Mayoral Allowance of \$60,000 per year, payable monthly in arrears; and
- (2) set the Deputy Mayoral Allowance of \$8,000 per year, payable monthly in arrears.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

MOVED Clr C Reeve-Fowkes SECONDED Clr T Romano that Council adopt the recommendation with the following amendment:

- (1) as recommended; and
- (2) in accordance with the provisions of the Local Government Act, Regulations and Council Policies SC1 and SC14, set the Deputy Mayoral Allowance at 25% of the Mayoral Allowance, being the maximum allowance payable.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Reason for Decision**

Council has a policy (SC1) that states the maximum meeting allowances be paid to all Elected Members. Council, through WALGA, has consistently lobbied the Minister for Local Government to increase Elected Members' sitting fees to an amount more in keeping with the roles and responsibilities of a modern day Elected Member.

Given that the Deputy Mayor is often called upon to officiate at functions, either assisting the Mayor or deputising for the Mayor in his absence, it would be more than appropriate to reimburse the Deputy Mayor to the full extent of the allowance permissible by the Act. Given that Council believes maximum allowances should be paid at all times, it would be wrong for Council to pay the Mayor and Councillors the maximum amount payable and not the Deputy Mayor. This alternative recommendation passes both tests of reasonableness and consistency.

**Background**

Policy SC14 – “Mayoral and Deputy Mayoral Allowance” states that:

*In accordance with the provisions of Section 5.98(5) and 5.98A(1) of the Local Government Act, an “allowance” determined by Council at a meeting following the Elections each ordinary election year, shall be paid to the Mayor and Deputy Mayor payable in arrears each month.*

**Submission**

N/A





## Report

In October 2007 Council decided that the Mayoral Allowance should remain at \$60,000, payable monthly in arrears. This is the maximum amount allowed under the provisions of the Local Government Act 1995. There have been no recent amendments to the Local Government (Administration) Regulations 1996 to provide for any change to this amount.

Council Policy SC14, states that this allowance should be paid as a reimbursement of the time commitment to the position by the Mayor of the day.

As there are no known changes to the circumstance under which the allowance is provided, it is proposed that the Mayoral allowance be \$60,000.

In October 2007, Council decided that the Deputy Mayoral Allowance would remain at \$8,000 per year, paid monthly in arrears.

Council Policy SC14 states, that this allowance should be paid as a reimbursement of the time commitment to the position by the Mayor of the day.

As there are no known changes to the circumstance under which the allowance is provided, it is proposed that the Mayoral allowance be \$60,000 and the Deputy Mayoral allowance remain at \$8,000.

## Strategic Plan/Policy Implications

Council Policy SC14 - "Mayoral and Deputy Mayoral Allowance" and Local Government (Administration) Regulations 1996 refers.

### Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

## Budget/Financial Implications

Funds are provided in the Council Budget for these payments.  
GL 110-6812 (Mayoral Allowance)  
GL 110-6822 (Deputy Mayoral Allowance)

## Legal Implications

Local Government Regulations (Administration) 1996 are relevant.



**Community Consultation**

N/A

**Attachment(s)**

N/A

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil

**9.3 (MINUTE NO 4077) (SCM 26/10/2009) - COUNCILLORS - MEETING/ANNUAL FEE (1701) (S DOWNING)**

**RECOMMENDATION**

That Council pay an Annual Fee to Councillors, in-lieu of a meeting fee, of \$7,000 Per annum payable monthly in arrears.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

The Local Government Act 1995 provides that the Council may pay to Elected Members, a meeting fee or an annual amount.

**Submission**

N/A



## Report

Council Policy SC1 – *Meeting Attendance Fees* provides for Elected Members to be paid the maximum annual fee prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) in-lieu of fees for attending meetings.

The Regulations were amended on 31 March 2005 and increased the maximum annual meeting attendance fee for an Elected Member to \$7,000 per year.

For voting purposes, Elected Members do not have a financial interest in the decision.

Elected Members affected by this item are Councillors only, as the Mayor's Meeting Fee is the subject of a separate Council resolution.

## Strategic Plan/Policy Implications

Council Policy SC1 – *Meeting Attendance Fees – Elected Members*.

### Governance Excellence

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

## Budget/Financial Implications

Funds are provided in the Council Budget for these payments GL 110-6247 (Councillor meeting allowances)

## Legal Implications

Local Government Regulations (Administration) 1996 are relevant.

## Community Consultation

N/A

## Attachment(s)

N/A

## Advice to Proponent(s)/Submissioners

N/A



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

Nil

**9.4 (MINUTE NO 4078) (SCM 26/10/2009) - MAYORAL MEETING/ANNUAL FEE (1701) (S DOWNING)**

**RECOMMENDATION**

That Council pay an annual Fee to the Mayor, in-lieu of a meeting fee of \$14,000 pa., payable monthly in arrears.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Deputy Mayor K Allen SECONDED Cllr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

The Local Government Act 1995 provides that Council may pay to the Mayor, a meeting fee or an annual amount.

**Submission**

N/A

**Report**

Council Policy SC1 – *Meeting Attendance Fees* provides for Elected members to be paid the maximum annual fee prescribed by the Local Government (Administration) Regulations 1996 (WA) (as amended) in-lieu of fees for attending meetings.

The Regulations were amended on 31 March 2005 and increased the maximum annual meeting attendance fee for an Elected Member other than the Mayor to \$14,000 per year.

For voting purposes, Elected Members do not have a financial interest in the decision.



**Strategic Plan/Policy Implications**

Council Policy SC1 – Meeting Attendance Fees - Elected Members.

**Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

**Budget/Financial Implications**

Funds are provided in the Council Budget for these payments GL 110-6247 (Councillor meeting allowances)

**Legal Implications**

Local Government Regulations (Administration) 1996 are relevant.

**Community Consultation**

N/A

**Attachment(s)**

N/A

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil

**9.5 (MINUTE NO 4079) (SCM 26/10/2009) - INFORMATION TECHNOLOGY ALLOWANCE (1055) (S DOWNING)**

**RECOMMENDATION**

That Council pay an Information Technology Allowance of \$1000 per year, payable in advance, to those Elected Members opting not to be provided with Council issued Information Technology items.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**



**COUNCIL DECISION**

MOVED Cllr S Limbert SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

The Local Government Act 1995 provides that the Council may pay to Elected Members, an allowance in lieu of reimbursement of Information Technology Expenses.

**Submission**

N/A

**Report**

Policy SC 32 – *Elected Members Information Technology Allowance* states that:

1. Elected Members may be provided by Council with the following information technology items for use in their duties as an Elected Member:
  - Laptop or desktop computer with monitor
  - Appropriate software
  - Printer/scanner/photocopier unit
  - Broadband Internet Access and router
  - Minor associated items such as ink cartridges
2. These items will be supplied in-lieu of payment of an Information Technology Allowance as provided for under Section 34A of the Local Government (Administration) Regulations 1996.
3. Should Elected Members opt not to receive all items currently supplied then they may be paid an Information Technology Allowance equivalent to the value of the items not required of up to the maximum allowance provided for under Section 34AA of the Local Government (Administration) Regulations 1996.
4. Should Elected Members opt not to be provided with all items listed in Clause 1, they will be provided with a Council email address, which is to forward email to a personal email address and also be accessible via Microsoft Office Outlook Web Access.



In July 2005 Council decided that:

*The Local Government (Administration) Regulations were amended on 31 March 2005 to include provision for payment of an Information Technology Allowance to a maximum of \$1,000 p.a. to Elected Members to cover information technology expenses incurred.*

For voting purposes, Elected Members do not have a financial interest in the decision

### **Strategic Plan/Policy Implications**

Council Policy SC32 – Elected Members Information Technology Allowance.

### **Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

### **Budget/Financial Implications**

Funds are provided in the Council Budget for these payments GL 110-6246 (Councillor Communication expenses)

### **Legal Implications**

N/A

### **Community Consultation**

N/A

### **Attachment(s)**

N/A

### **Advice to Proponent(s)/Submissioners**

N/A

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

Nil



**9.6 (MINUTE NO 4080) (SCM 26/10/2009) - ELECTED MEMBERS COMMUNICATION ALLOWANCE (1055) (S DOWNING)**

**RECOMMENDATION**

That Council pay a Communications Allowance of \$2400 per year to Elected Members, payable in advance.

**TO BE CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**

**COUNCIL DECISION**

MOVED Clr H Attrill SECONDED Clr C Reeve-Fowkes that the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY OF COUNCIL 9/0**

**Background**

The Local Government Act 1995 (Section 5.99A) provides for payments of an annual allowance instead of reimbursing Elected Members for particular types of expenses.

**Submission**

N/A

**Report**

Policy SC 15 – *Elected Members Communication Allowance* states that:

1. The Elected Members will be paid an annual amount at the rate of the maximum total annual allowance prescribed by S.34A of the Local Government (Administration) Regulations 1996 (as amended) to cover the following communication expenses:-
  - (a) telephone rental at the Members' private residences;
  - (b) Telephone line rental in respect of answering/fax machines installed at the Mayor's and Members' private residences;
  - (c) Council related charges for telephone calls made from telephones located at the Members' residences; and





- (d) Mobile telephone rental and call charge plans.
2. Prior to receiving the communications allowance each year, and on a standard form, Elected Members must provide the following contact details to Council's Customer Services Unit for advertising in appropriate Council related publications:
  - (a) Landline telephone number;
  - (b) Mobile telephone number; and
  - (c) Facsimile number
3. Council will pay the allowance annually in advance, calculated from each ordinary election and the full amount will be provided for in each annual budget.
4. That Elected Members are to be paid the maximum amount that was allowed to be paid for the entire period.

Regulation 34A states that the maximum allowance that can be paid is \$2400. For voting purposes, Elected Members do not have a financial interest in the decision

### **Strategic Plan/Policy Implications**

Council Policy SC15 – Elected Members Communication Allowance.

### **Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

### **Budget/Financial Implications**

Funds are provided in the Council Budget for these payments  
GL 110-6246 (Councillor Communication expenses)

### **Legal Implications**

N/A

### **Community Consultation**

N/A



**Attachment(s)**

N/A

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil

**9.7 (MINUTE NO 4081) (SCM 26/10/2009) - AGENDA BRIEFING SESSION - NOVEMBER 2009 (1713) (D GREEN)**

**RECOMMENDATION**

That Council:

- (1) conduct the Agenda Briefing session scheduled for 5 November 2009 as an open forum; and
- (2) considers the format of all future Council Agenda Briefing Sessions at the Ordinary Council Meeting scheduled for 12 November 2009.

**COUNCIL DECISION**

MOVED Clr S Limbert SECONDED Clr I Whitfield that the recommendation be adopted.

**CARRIED 9/0**

**Background**

At the April 2009 Ordinary Council Meeting it was resolved to trial Agenda Briefing Sessions in an open forum for the period May to October 2009.

**Submission**

To conduct the November 2009 Agenda Briefing Session as an open forum.



**Report**

The intent of the April 2009 Council resolution was to trial open Agenda Briefings for the Council of the day and have the matter reconsidered by Council following the elections. However, the resolution did not consider the November Council meeting at which the matter was to be reviewed. Hence, a further Council resolution to this effect is now required. A full report on the trial period is proposed to be submitted to the November 2009 Ordinary council Meeting.

**Strategic Plan/Policy Implications****Governance Excellence**

- To conduct Council business in open public forums and to manage Council affairs by employing publicly accountable practices.

**Budget/Financial Implications**

N/A

**Legal Implications**

There are no statutory provisions relative to Local Government briefing procedures.

**Community Consultation**

N/A

**Attachment(s)**

Nil

**Advice to Proponent(s)/Submissioners**

N/A

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

Nil



**10. (MINUTE NO 4082) (SCM 26/10/2009) - RESOLUTION OF COMPLIANCE (SECTION 3.18(3), LOCAL GOVERNMENT ACT 1995)**

**RECOMMENDATION**

That Council is satisfied that resolutions carried at this Meeting and applicable to items concerning Council provided services and facilities, are:-

- (1) integrated and co-ordinated, so far as practicable, with any provided by the Commonwealth, the State or any public body;
- (2) not duplicated, to an extent Council considers inappropriate, services or facilities as provided by the Commonwealth, the State or any other body or person, whether public or private; and
- (3) managed efficiently and effectively.

**COUNCIL DECISION**

MOVED Cllr V Oliver SECONDED Deputy Mayor K Allen that the recommendation be adopted.

**CARRIED 9/0**

**11 (SCM 26/10/2009) - CLOSURE OF MEETING**

THE MEETING CLOSED AT 7.22PM.

**CONFIRMATION OF MINUTES**

I, ..... (Presiding Member) declare that these minutes have been confirmed as a true and accurate record of the meeting.

Signed: ..... Date: ...../...../.....

