

TOWN OF COTTESLOE



SPECIAL COUNCIL MEETING MINUTES

**SPECIAL MEETING OF COUNCIL,
HELD IN THE COUNCIL CHAMBERS,
COTTESLOE CIVIC CENTRE,
7.00PM, MONDAY, 9 MAY, 2005**

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1 DECLARATION OF MEETING OPENING

The Mayor declared the meeting open at 7.04pm.

Oaths or Affirmations of Allegiance and Declarations

Section 2.29 of the Local Government Act (1995) provides that

A person elected as an elector mayor ... or as a councillor has to take an oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office.

An oath, affirmation or declaration required by section 2.29 is to be taken or made before —

- (a) the immediate predecessor of the person in the office of mayor; or
- (b) an authorised person.

As the Mayor had already taken an oath of allegiance and made a declaration on the preceding Saturday night before the CEO, the Mayor witnessed the oaths and affirmations of allegiance and declarations of Councillors Miller, Utting, Dawkins, Carmichael and Woodhill.

Election of the Deputy Mayor

Section 2.15 of the Local Government Act (1995) provides that the Deputy Mayor is to be elected by the Council.

The election is to be conducted by the Mayor, or if he is not present, by the CEO.

Nominations for the office are to be given to the person conducting the election in writing.

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 or 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 electors voting at an election.

The votes cast are to be counted and the successful candidate determined, as if those votes were votes cast at an election – provided there is not an equality of votes.

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.

Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.

The Mayor accepted nominations in writing for the position of Deputy Mayor for:

Cr Bryan Miller
Cr John Utting

A secret ballot was held and Cr Bryan Miller was duly elected as Deputy Mayor.

Cr Miller made a declaration in the prescribed form before the Mayor.

2 RECORD OF ATTENDANCE/APOLOGIES

Mayor Morgan
Cr Patricia Carmichael
Cr Daniel Cunningham (arrived 7.07pm)
Cr Jo Dawkins
Cr Arthur Furlong
Cr Peter Jeanes
Cr Bryan Miller
Cr Jack Walsh
Cr Ian Woodhill

Mr Stephen Tindale Chief Executive Officer
Mrs Jodie Peers Executive Assistant

Apologies

Cr Victor Strzina

3 PUBLIC QUESTION TIME.

Nil.

4 BUSINESS

4.1 COUNCILLOR SEATING ARRANGEMENTS

Council's Standing Orders (Local Law No. 1), clause 11.2.1 provides that:

At the first meeting attended by a councillor after election, the chief executive officer shall allot by random draw, a position at the council table to each councillor and the councillor shall, until such time as there is a call by a majority of councillors for a re-allotment of positions, occupy that position when present at meetings of the council.

The CEO undertook a draw for seating in the Council Chamber.

<i>Seat Number:</i>	<i>Councillor:</i>
1	Bryan Miller
2	Ian Woodhill
3	Jo Dawkins
4	Jack Walsh
5	John Utting
6	Patricia Carmichael
7	Arthur Furlong
8	Victor Strzina
9	Dan Cunningham
10	Peter Jeanes

4.2 STANDING COMMITTEE MEMBERSHIP

Council has three standing committees namely:

- Development Services Committee;
- Works and Corporate Services Committee; and
- Strategic Planning Committee.

Each committee must be comprised of at least three elected members and can consist of as many as eleven elected members (i.e. Council).

In terms of meeting efficiency and effectiveness, a committee of five to six elected members seems to work well. These numbers also facilitate the pairing of deputies from other committees so that quorums can be easily maintained.

Each elected member is entitled to be a member of at least one standing committee.

As of right, the Mayor can be a member of any Council appointed committee (Sec 5.10.(3)).

At the time of this report, the Development Services Committee is currently comprised of six elected members while the Works and Corporate Services Committee is comprised of nine elected members.

In July 2003, Council determined that the Strategic Planning Committee should be comprised of the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee, Presiding Member of the Works and Corporate Services Committee and one other Councillor (i.e. six elected members).

This arrangement (along with any other committee arrangements) can be changed at any time by absolute majority decision – subject to the requirements of the Local Government Act.

By convention, at least one deputy member is required to assist each committee where there may not be enough elected members to form a quorum. However (and as alluded to above), Council may wish to consider the pairing of deputies.

As a matter of policy, all elected members are "...allowed to participate in the debate and discussion of any Council Standing Committee but only to the extent that elected members who have not specifically been elected by Council to a Standing Committee shall not vote on any matter immediately before that particular Standing Committee meeting."

VOTING

Absolute Majority.

OFFICER RECOMMENDATION

- (1) That Crs be appointed members and Crs as deputy members of the Development Services Committee;
- (2) That the Mayor and Crs be appointed members and Crs as deputy members of the Works & Corporate Services Committee; and
- (3) That the Mayor, Deputy Mayor, Presiding Member of the Development Services Committee, Presiding Member of the Works and Corporate Services Committee and Cr..... be appointed members and Crs as deputy members of the Strategic Planning Committee.

AMENDMENT

Moved Mayor Morgan, seconded Cr Utting

- (1) That the Strategic Planning Committee be disbanded and that matters relating to the review of the town planning scheme be included into the Development Services Committee's agenda; and
- (2) That a panel be formed to undertake the CEO's Performance Review, with the membership of the Mayor, the Chair of the Development Services Committee, the Chair of the Works & Corporate Services Committee, the Deputy Mayor and one other Elected Member.

After some discussion the amendment was withdrawn.

4.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

- (1) **That Crs Carmichael, Dawkins, Furlong, Jeanes, Strzina, Walsh and Woodhill be appointed members and Mayor Morgan, Crs Miller, Cunningham and Utting as deputy members of the Development Services Committee; and**

Carried by Absolute Majority 10/0

Moved Mayor Morgan, seconded Cr Miller

- (2) **That the Mayor and Crs Cunningham, Furlong, Miller, Strzina and Utting be appointed members and Crs Carmichael, Dawkins, Jeanes, Walsh and Woodhill as deputy members of the Works & Corporate Services Committee; and**

Carried by Absolute Majority 10/0

Moved Mayor Morgan, seconded Cr Utting

- (3) **That the matter of the Strategic Planning Committee be deferred for consideration at the next ordinary Council meeting.**

Carried 9/1

4.3 ADVISORY COMMITTEE MEMBERSHIP

4.3.1 DESIGN ADVISORY PANEL

The Design Advisory Panel consists of six community members (with four deputies) and the Mayor (or his/her nominee) and advises Council on matters of architecture, building, town planning, landscape architecture, environment and urban design.

A draft Design Advisory Panel policy to be presented to Council's next ordinary meeting envisages that only one elected member of Council (which may or may not be the Mayor) is to be appointed to the Design Advisory Panel.

Further, that the appointee is to preside over meetings of the panel.

As is the case with all Council-sponsored meetings it is open to all elected members to attend meetings of the Design Advisory Panel.

VOTING

Absolute Majority.

4.3.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

- (1) **That Council appoint the Chair of the Development Services Committee as Presiding Member of the Design Advisory Panel.**

Carried by Absolute Majority 9/1

Moved Mayor Morgan, seconded Cr Walsh

- (2) **That appointment of deputy member of the Design Advisory Panel be deferred until the next ordinary full Council meeting**

Carried 10/0

4.3.2 AUDIT COMMITTEE

A recent amendment to the Local Government Act (1995) requires Council to appoint an Audit Committee. The relevant amendment reads as follows:

7.1A. Audit committee

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

VOTING

Absolute Majority.

4.3.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Crs Carmichael, Jeanes and Miller be appointed members and Crs Cunningham and Dawkins as deputy members of the Audit Committee.

Carried by Absolute Majority 10/0

4.3.3 PUBLIC EVENTS COMMITTEE

At the March meeting of Council it was resolved:

That Council:

- (1) *Consider the community concerts, festivals and events that are currently held in Cottesloe and identify:*
 - (a) *the aims, objectives and target audience for each event,*
 - (b) *whether any event(s) should no longer continue,*
 - (c) *improvements that could be made to any event(s), and*
 - (d) *any new event(s) that could be held; and*
- (2) *Provide feedback to the CEO, Community Development Officer and Executive Assistant in relation to community events in Cottesloe.*

To give effect to the above it is suggested that Council consider the appointment of a Public Events Committee comprised of perhaps 3 or 4 elected members to develop the March resolution of Council and make recommendations to Council on other event related matters.

VOTING

Absolute Majority.

4.3.3 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Walsh

That Crs Carmichael, Dawkins and Jeanes be appointed members and Crs Cunningham and Woodhill as deputy members of the Public Events Committee.

Carried by Absolute Majority 10/0

4.3.4 MUSIC FOR PLEASURE - COORDINATOR

A liaison Councillor is required to help with coordination of the program for the winter series of family concerts (Music for Pleasure) held in the War Memorial Town Hall, to attend some of the concerts and to write a report for Council at the conclusion.

One delegate and a deputy delegate are required – assuming Council does not reassign the duties of the position to the proposed Public Events Committee.

VOTING

Simple Majority.

OFFICER RECOMMENDATION

That be appointed as Coordinator of the Music for Pleasure Concerts and as Deputy Coordinator.

4.3.4 COUNCIL DECISION

It was agreed to reassign the duties of the position to the Public Events Committee.

4.3.5 CARE FOR COTTESLOE COMMITTEE

This committee is currently in recess but is ordinarily comprised of six community members and two elected members.

The terms of reference for the committee provide that up to twelve members may be appointed by Council.

Two elected members are required.

VOTING

Absolute majority.

4.3.5 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Walsh and Cr Carmichael be appointed to the Care for Cottesloe Committee.

Carried by Absolute Majority 10/0

4.3.6 COTTESLOE COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE

This is a new committee created by Council at its April 2005 meeting whose purpose is to draft a *Community Safety and Crime Prevention Plan* for Cottesloe.

The committee is comprised of:

- one member of Council,
- the Manager Corporate Services,
- one delegate from the community,
- one delegate from the Cottesloe Business Association,
- one person from the Office of Crime Prevention, and
- one officer from the Cottesloe Police Station.

VOTING

Absolute Majority.

4.3.6 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Woodhill be appointed delegate and Cr Carmichael as deputy delegate to the Cottesloe Community Safety and Crime Prevention Committee.

Carried by Absolute Majority 10/0

4.4 APPOINTMENT OF COUNCIL DELEGATES TO EXTERNAL ORGANISATIONS

4.4.1 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) - CENTRAL METROPOLITAN ZONE

Western Australian Local Government Association zone meetings occur every two months. The Central Metropolitan Zone generally meets on the 4th Thursday every second month at 6.00pm.

Two delegates are required.

These delegates are also expected to attend the Annual State Conference of WALGA.

VOTING

Simple Majority.

4.4.1 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Furlong and Cr Walsh be appointed delegates to the Western Australian Local Government Association - Central Metropolitan Zone.

Carried 10/0

4.4.2 WESTERN METROPOLITAN REGIONAL COUNCIL

This organisation meets at 5.30pm on 1st Thursday every second month. It is usually attended by a Council delegate and a staff representative.

The issues associated with the regional council are related to waste removal and recycling and as such are referred through to the Works & Corporate Services Committee. It would therefore be advantageous if the delegate and deputy delegate were existing members of the Works & Corporate Services Committee.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.2 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Furlong

That Cr Strzina be appointed delegate and Cr Miller deputy delegate to the Western Metropolitan Regional Council.

Carried 10/0

4.4.3 COTTESLOE-PEPPERMINT GROVE-MOSMAN PARK LIBRARY COMMITTEE

Library meetings are usually held 3-4 times a year.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.3 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Utting be appointed delegate and Cr Jeanes deputy delegate to the Cottesloe-Peppermint Grove-Mosman Park Library Committee.

Carried 10/0

4.4.4 COMBINED COUNCILS AGED SUPPORT SERVICE COMMITTEE

This committee comprises representatives from Claremont, Cottesloe, Peppermint Grove and Mosman Park and usually meets as required. It oversees the formal agreement between the four Councils and the Aged Persons Support Service (TAPSS).

It meets at least once on an annual basis and on other occasions as required.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.4 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Walsh be appointed delegate and Cr Carmichael deputy delegate to the Combined Councils Aged Support Service Committee.

Carried 10/0

4.4.5 THE AGED PERSONS SUPPORT SERVICE (INC.)

This is an incorporated body which provides services to the frail aged and elderly disabled mainly through funding provided by the Home and Community Care Program (HACC).

The committee meets on the 2nd Monday of the month at 1.30 pm.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.5 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Walsh be appointed delegate and Cr Carmichael deputy delegate to the Aged Persons Support Service (Inc.).

Carried 10/0

4.4.6 CURTIN AGED PERSONS HOMES (INC.)

This organisation is an incorporated body which provides housing and accommodation for the aged in the community.

RiverSea and Wearne are both Curtin Aged Persons Homes (CAPH) developments.

Meetings are held on 2nd Thursday of the month at 7.30pm.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.6 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Furlong be appointed delegate and Cr Dawkins deputy delegate to the Curtin Aged Persons Homes (Inc.).

Carried 10/0

4.4.7 JOHN CURTIN HOUSE STEERING COMMITTEE

Meets on an ad-hoc basis under the auspices of the National Trust of Australia (Western Australia).

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.7 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Cr Utting be appointed delegate and Mayor Morgan deputy delegate to the John Curtin House Steering Committee.

Carried 10/0

4.4.8 COTTESLOE COAST CARE COMMITTEE

This group is an incorporated body and its constitution provides for a nominee of Council. Meets at 7.30pm on the 2nd Wednesday of the month.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.8 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Cunningham

That Cr Woodhill be appointed delegate and Cr Strzina deputy delegate to the South Cottesloe Coast Care Committee.

Carried 10/0

4.4.9 WESTERN SUBURBS REGIONAL ORGANISATION OF COUNCILS (WESROC) – BOARD OF MANAGEMENT

The agreement between the six local governments which are members of WESROC provides for the delegate and deputy delegate to be the Mayor and Deputy Mayor. The WESROC Board of Management meets quarterly at 12.30pm on the 3rd Monday.

VOTING

Simple Majority.

4.4.9 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That the Mayor and Deputy Mayor be appointed delegate and deputy delegate to the Western Suburbs Regional Organisation of Councils.

Carried 10/0

4.4.10 WESTERN SUBURBS DISTRICT PLANNING COMMITTEE

This Committee is established under the Town Planning & Development Act. It is resourced and coordinated by the Department of Planning and Infrastructure and focuses on regional planning issues. Meets 5.30pm, 3rd Thursday, every second month.

One delegate and a deputy delegate are required.

VOTING

Simple Majority.

4.4.10 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Cunningham be appointed delegate and Cr Furlong deputy delegate to the Western Suburbs District Planning Committee.

Carried 10/0

4.4.11 COTTESLOE BUSINESS ASSOCIATION (INC.)

This is an incorporated body representing the interests of the Cottesloe business community. Council played a substantial role in establishing the group in 1995. The Association has invited Council to have a representative on the executive committee. If Council's nominee is an officer, the position will retain a vote. If it is an elected member, the position will be as an observer.

One delegate and one deputy delegate are required.

VOTING

Simple Majority.

4.4.11 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Dawkins be appointed delegate and Cr Cunningham deputy delegate to the Cottesloe Business Association (Inc.)

Carried 10/0

4.4.12 PROCOTT (INC.)

This is an incorporated body promoting the interests of the Cottesloe business community in the town centre using specified area rates income provided by the Town of Cottesloe.

Under a specified area rate agreement (yet to be formalised) between ProCott Inc and the Town of Cottesloe, Procott Inc is required to give the Town of Cottesloe reasonable notice in writing of all proposed meetings of its directors and permit two elected members of the Town of Cottesloe to attend and participate in the discussions at all meetings of its directors.

Two delegates are required.

VOTING

Simple Majority.

4.4.12 COUNCIL RESOLUTION

Moved Mayor Morgan, seconded Cr Miller

That Cr Dawkins and Cr Cunningham be appointed as delegates to ProCott (Inc.)

Carried 10/0

5 MEETING CLOSURE

The Mayor announced the closure of the meeting at 8.13pm

CONFIRMED: MAYOR DATE:/...../.....