



Special Council Meeting

Minutes

Tuesday 19 October 2021

INDEX

1. Official Opening	3
2. Attendance, Apologies and Leave of Absence Previously Approved	3
3. Elected Members.....	4
3.1. Swearing in of Newly Elected Councillors	4
3.2. Election of Mayor.....	4
3.3. Swearing in of Mayor	4
3.4. Election of Deputy Mayor	5
3.5. Swearing in of Deputy Mayor	5
4. Public Question Time.....	5
5. Matters for Which the Meeting may be Closed.....	5
6. Disclosure of Interest	5
7. Petitions/Deputations.....	6
8. Council Appointment to Committees.....	6
8.1. Audit and Risk Committee.....	6
8.2. Behaviour Complaints Committee.....	7
8.3. Chief Executive Officer's Performance Review Committee.....	7
8.4. Eastern Metropolitan Regional Council	8
9. Attachments.....	10
9.1.1. Attachments.....	10
10. Closure	14

1. Official Opening

Welcome by the Chief Executive Officer, Rhonda Hardy and introduction of Mr Karl O'Callahan APM attending for the swearing in of Councillors and swearing in of the Councillor elected to the office of Mayor and the Councillor elected to the office of Deputy Mayor.

The Chief Executive Officer is to preside until the office of Mayor is filled.

2. Attendance, Apologies and Leave of Absence Previously Approved

Councillors

South East Ward

John Giardina
Janelle Sewell
Geoff Stallard

South West Ward

Mary Cannon
Kellie Miskiewicz
Brooke O'Donnell

North West Ward

Sue Bilich
Lisa Cooper
Dylan O'Connor

North Ward

Andrew Osenton
Kathy Ritchie
Margaret Thomas JP

Members of Staff

Chief Executive Officer

Rhonda Hardy

Executive Team

Gary Ticehurst - Director Corporate Services
Brett Jackson - Director Asset Services
Peter Varelis - Director Development Services

Administration Support

Darrell Forrest - Governance Advisor
Sarah Griffiths - Council Support Officer
Donna McPherson - Executive Assistant to the CEO

Members of the Public 25

Members of the Press 1.

Apologies Nil.

Leave of Absence Previously Approved Nil.

3. Elected Members

3.1. Swearing in of Newly Elected Councillors

In accordance with Section 2.29 of the *Local Government Act 1995* Councillors Lisa Cooper, Kellie Miskiewicz, Dylan O'Connor, Andrew Osenton, Geoff Stallard and Margaret Thomas made a declaration before acting in the office. The declaration was made before Dr Karl O'Callaghan APM and the Chief Executive Officer.

3.2. Election of Mayor

The election of the Mayor is undertaken in accordance with Schedule 2.3, Division 1, of the *Local Government Act 1995*.

The Chief Executive Officer received one nomination before the meeting from Cr Margaret Thomas. The Chief Executive Officer called for nominations from the floor for the position of Mayor. No nominations were received.

Cr Margaret Thomas was elected to the position of Mayor unopposed.

3.3. Swearing in of Mayor

In accordance with Section 2.29 of the *Local Government Act 1995* Councillor Margaret Thomas made a declaration before acting as the Mayor. The declaration was made before Dr Karl O'Callaghan APM and the Chief Executive Officer.

The Chief Executive Officer vacated the chair as the presiding member. Cr Thomas presided over the remainder of the meeting.

3.4. Election of Deputy Mayor

The election of the Deputy Mayor is undertaken in accordance with Schedule 2.3, Division 1, of the *Local Government Act 1995*.

The Chief Executive Officer called for nominations from the floor for the position of Deputy Mayor. Cr Brooke O'Donnell was nominated by Cr John Giardina. Cr O'Donnell accepted the nomination for the position of Deputy Mayor.

No other nominations were received.

Cr Brooke O'Donnell was elected to the position of Deputy Mayor unopposed.

3.5. Swearing in of Deputy Mayor

In accordance with Section 2.29 of the *Local Government Act 1995* Councillor Brooke O'Donnell made a declaration before acting as the Deputy Mayor. The declaration was made before Dr Karl O'Callaghan APM and the Chief Executive Officer.

4. Public Question Time

4.1 Nil.

5. Matters for Which the Meeting may be Closed

5.1 Nil.

6. Disclosure of Interest

6.1. Disclosure of Financial and Proximity Interests

a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)

b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

6.1.1 Nil.

6.2. Disclosure of Interest Affecting Impartiality

a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

6.2.1 Nil.

7. Petitions/Deputations

7.1 Nil.

8. Council Appointment to Committees

8.1. Audit and Risk Committee

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

The current practice of the City is that all Councillors are appointed as members of the Audit and Risk Committee.

Voting Requirements: Absolute Majority

RESOLVED SCM 310/2021

That Council APPOINT all twelve elected members as a member of the Audit and Risk Committee for a term of two years, expiring on the next ordinary election day.

Moved: **Cr John Giardina**

Seconded: **Cr Kathy Ritchie**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

8.2. Behaviour Complaints Committee

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

The Committee is currently nearing the end of considering a complaint and should be allowed to finish this process.

In addition, as a consequence of the process and some members views, the Committee needs to have a full debrief and provide advice on possible changes that may need to be considered.

Voting Requirements: Absolute Majority

RESOLVED SCM 311/2021

That Council REAPPOINT Cr Margaret Thomas, Cr John Giardina, Cr Sue Bilich and Cr Brooke O'Donnell to the Behaviour Complaints Committee.

Moved: **Cr Sue Bilich**

Seconded: **Cr Brooke O'Donnell**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

8.3. Chief Executive Officer's Performance Review Committee

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

The current practice of the City is that all Councillors are appointed as members of the Chief Executive Officer's Performance Review Committee.

Voting Requirements: Absolute Majority

RESOLVED OCM 312/2021

That Council APPOINT all twelve elected members as a member of the Chief Executive Officer's Performance Review Committee for a term of two years, expiring on the next ordinary election day.

Moved: **Cr Janelle Sewell**

Seconded: **Cr John Giardina**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

8.4. Eastern Metropolitan Regional Council

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

The appointment of Council delegates to Regional Groups and Management/Advisory Committees is to ensure Council is fully and formally represented at all times.

The Eastern Metropolitan Regional Council meets the fourth Thursday of each month. The City will appoint two Councillors and a Deputy. The Chief Executive Officer is a member of an Advisory Committee and appoints a Director as a member of a Technical Advisory Committee.

Voting Requirements: Absolute Majority

RESOLVED SCM 313/2021

That Council

1. APPOINT Cr Dylan O'Connor and Cr Geoff Stallard as representatives on the Eastern Metropolitan Regional Council for the period 19 October 2021 to 20 October 2023.

2. APPOINT Cr Janelle Sewell as deputy representative on the Eastern Metropolitan Regional Council for the period 19 October 2021 to 20 October 2023.

Moved: **Cr John Giardina**

Seconded: **Cr Lisa Cooper**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (12/0)**

9. Attachments

9.1.1. Attachments

Attachment 1

Local Government Act 1995
Schedule 2.3
 When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council
 Mayors and presidents **Division 1**
cl. 1

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

[Sections 2.11(1)(b) and 2.15]

Division 1 — Mayors and presidents

1. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

the office means the office of councillor mayor or president.

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
- (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.

As at 11 Jul 2011 Version 05-10-00 page 345
 Extract from www.slp.wa.gov.au, see that website for further information

Local Government Act 1995

Schedule 2.3 When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Division 2 Deputy mayors and deputy presidents

cl. 5

- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, 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 at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

[Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) 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 discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Attachment 2**Local Government Act 1995****Schedule 4.1** How to count votes and ascertain the result of an election

Schedule 4.1 — How to count votes and ascertain the result of an election

[s. 4.74]

[Heading inserted by No. 15 of 2009 s. 5.]

1. The number of votes given for each candidate is to be ascertained.
2. If the election is to fill the office of mayor or president, the candidate who receives the greater or greatest number of votes is elected.
3. If the election is to fill one office of councillor, the candidate who receives the greater or greatest number of votes is elected.
4. If the election is to fill 2 or more offices of councillor, the candidates elected are —
 - (a) the candidate who receives the greatest number of votes; and
 - (b) the candidate who receives the next highest number of votes; and
 - (c) the candidate who receives the next highest number of votes, and so on up to the number of offices to be filled.
5. If 2 or more candidates receive the same number of votes so that clause 2, 3 or 4 cannot be applied, the returning officer is to draw lots in accordance with regulations to determine which candidate is elected.

[Schedule 4.1 inserted by No. 15 of 2009 s. 5.]

10. Closure

There being no further business, the Presiding Member declared the Meeting closed at 6:51pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____

Presiding Member

Dated this _____ day of _____ 2021.