



# Special Council Meeting

# Minutes

1 March 2023

**BELMONT**  
CITY OF OPPORTUNITY



# CITY OF BELMONT

## Special Council Meeting

### Minutes

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# Minutes

## Present

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP (Deputy Mayor)	West Ward
Cr B Ryan	East Ward
Cr N Carter	South Ward
Cr J Davis	South Ward
Cr S Wolff	South Ward
Cr D Sessions	West Ward

## In attendance

Mr J Christie	Chief Executive Officer
Mr S Downing	Director Corporate and Governance
Ms A Bird	Manager Governance, Strategy and Risk
Ms G Carter-Nguyen	Manager PR and Stakeholder Engagement
Ms M Lymon	Governance and Compliance Adviser
Mrs J Cherry-Murphy	Senior Governance Officer

## Members of the gallery

There were no members of the public in the gallery and no press representatives.

# I Official Opening

**5.30pm The Presiding Member welcomed all those in attendance and declared the meeting open.**

The Presiding Member read aloud the Acknowledgement of Country.

## Acknowledgement of Country

Before I begin, I would like to acknowledge the Whadjuk Noongar people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging.

I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

The Presiding Member invited Cr Ryan to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Ryan read aloud the affirmation.

## Affirmation of Civic Duty and Responsibility

I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability.

I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

## 2 Apologies and leave of absence

Cr G Sekulla (leave of absence)

Cr M Bass (apology)

Ms J Gillan (apology)

Ms M Reid (apology)

Mr J Bidwell (apology)

West Ward

East Ward

Director Development and Communities

Director Infrastructure Services

A/Director Infrastructure Services

### **3 Declarations of interest that might cause a conflict**

#### **3.1 Financial Interests**

Nil.

#### **3.2 Disclosure of interest that may affect impartiality**

Nil.

### **4 Announcements by the Presiding Member (without discussion) and declarations by Members**

#### **4.1 Announcements**

Nil.

#### **4.2 Disclaimer**

**5.32pm The Presiding Member drew the public gallery's attention to the Disclaimer.**

The Presiding Member advised the following:

'I wish to draw attention to the Disclaimer Notice contained within the Agenda document and advise members of the public that any decisions made at the meeting tonight can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.'

#### **4.3 Declarations by Members who have not given due considerations to all matters contained in the business papers presently before the meeting**

Nil.

## 5 Public question time

### 5.1 Questions from members of the public

**Note:** As there were no members of the public present, the Presiding Member did not open public question time.

## 6 Reports of administration

### 6.1 Ward and Representation Review - Councillor Ward Allocation

Voting Requirement	:	Absolute Majority
Subject Index	:	111/009 Elections, Councillors and Wards Reform 2022 2023
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 6.2 SCM 8 February 2023
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

### Council role

<b>Executive</b>	The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
<b>Legislative</b>	Includes adopting local laws, local planning schemes and policies.

### Purpose of report

For Council to consider the allocation of elected members with terms expiring in 2025 across the proposed four ward structure submitted to the Local Government Advisory Board following the ward and representation review.

## Officer Recommendation

### Wolff moved, Carter seconded

Further to the resolution of Council at the 8 February 2023 Special Council Meeting, Council recommends to the Local Government Advisory Board that an order be made under s.2.18 of the *Local Government Act 1995* to designate the continuing five councillors across the new wards as outlined below, and to be taken as having been elected for those wards as at the 2023 local government election.

#### West Ward:

- Cr D Sessions

#### Central Ward:

- Cr G Sekulla

#### East Ward:

- Cr B Ryan

#### South Ward

- Cr N Carter
- Cr J Davis

**Carried by absolute majority 7 votes to 0**

## Summary and key issues

The Department of Local Government, Sport and Cultural Industries (the Department) has requested that the City inform the Department of the proposed allocation of sitting members to the new wards following the Ward and Representation Review adopted by Council at its Special Council Meeting held on 8 February 2023. As the Local Government Advisory Board (LGAB) is required to make a recommendation to the Minister that includes the relevant consequential matters such as the allocation of sitting members to new wards, Council is to consider the allocation and a resolved position is to be provided prior to the next meeting of the LGAB for consideration of the City's submission.

## Location

City of Belmont.

## Consultation

Councillors with terms expiring in 2025 have been consulted individually regarding their Ward allocation preference.

## Strategic Community Plan implications

In accordance with the 2020 – 2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

## Policy implications

There are no policy implications associated with this report.

## Statutory environment

Section 2.18 of the *Local Government Act 1995* states:

### 2.18. Fixing and changing number of councillors

- (1) When a local government is newly established the Governor, by order made on the recommendation of the Minister, is to —
  - (a) specify the number of offices of councillor on the council of the local government; and
  - (b) if the district is to have a ward system, specify the numbers of offices of councillor for the wards.
- (2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.
- (3) The Governor, on the recommendation of the Minister, may make an order —
  - (a) changing the number of offices of councillor on a council; or
  - (b) specifying or changing the number of offices of councillor for a ward; or
  - (c) as to a combination of those matters.
- (4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

Schedule 2.2 of the *Local Government Act 1995* includes:

### 5. Local government may propose ward changes or make minor proposals

A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or



- (b) propose\* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
  - (i) one of a minor nature; and
  - (ii) not one about which public submissions need be invited;or
- (c) propose\* to the Minister the making of an order changing the name of the district or a ward.

\* Absolute majority required.

## Background

Following the public consultation for the Ward and Representation Review a Special Council Meeting was held on 8 February 2023 and the following was resolved:

“That Council:

1. Receive and acknowledge all submissions made during the Ward and Representation Review consultation period. (Attachment 6.2.1)
2. Recommend that the City of Belmont change to a four ward system and reduce the number of councillors to eight; and
3. Authorises the Chief Executive Officer to prepare a report to be presented to the Local Government Advisory Board in accordance with Schedule 2.2(9) of the Local Government Act 1995 recommending that:
  - a. An order be made under s.2.2(1) to abolish the existing ward boundaries for the City of Belmont in 2023 and divide the district into four wards with boundaries as detailed in the map provided in Attachment 6.2.4; and
  - b. An order be made under s.2.3 to name the four wards as indicated on the map provided in Attachment 6.2.4:
    - West Ward
    - Central Ward
    - East Ward
    - South Ward
  - c. An order be made under s.2.18 to change the number of offices of council from nine to eight for the 2023 local government election.
4. Endorse the transition to a four ward and eight councillor structure through a Voluntary Allocation option for the five Councillors with terms expiring in 2025 to be allocated voluntarily, or through a ballot across the four wards.
5. Direct the Chief Executive Officer to arrange a Councillor Workshop within two weeks from the date the City receives approval from the Minister to determine the allocation of the five Councillors with terms expiring in 2025 across the

approved ward structure and formally notify the Minister of the outcome immediately.

6. Request that if the four ward and eight councillor option is not considered acceptable by the Local Government Advisory Board, or is rejected by the Minister, that a two ward and eight councillor structure is proposed as detailed in Option 4a within this report with a voluntary allocation of existing Councillors across the two wards to be implemented.”

The Executive Summary and relevant attachments including a copy of the Council reports and resolution for the proposed structure were provided to the LGAB on Friday, 10 February 2023 prior to the deadline of 14 February 2023.

City officers were contacted by a representative from the Department on Wednesday, 1 March 2023 notifying that the allocation of sitting members across the four ward structure proposed was required to be resolved and provided prior to the submission being put forward for consideration by the LGAB.

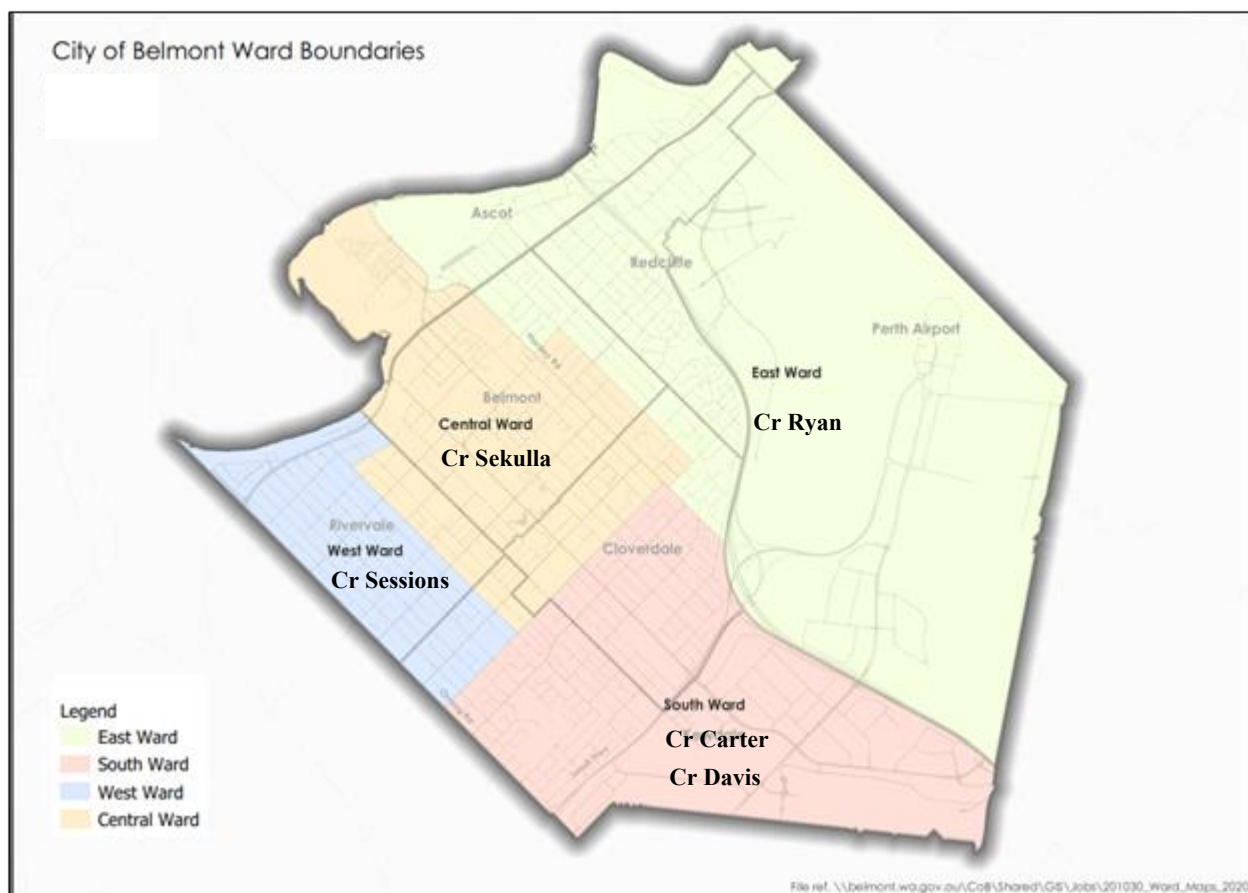
## Report

To transition to the proposed structure allocation of the existing councillors is necessary and the following approach was endorsed by Council as part 4 of the resolution of 8 February 2023.

Transition Option	2023 Local Government Election	2025 Local Government Election	2027 Local Government Election
Voluntary Allocation (At least one existing Councillor to each Ward)	Mayoral Election (4-year term)	No Mayoral Election	Mayoral Election (4-year term)
	3 Councillor Vacancies <ul style="list-style-type: none"> <li>1 Ward* – no vacancies</li> <li>Other 3 Wards – 1 vacancy each (4-year terms)</li> </ul>	5 Councillor Vacancies <ul style="list-style-type: none"> <li>1 Ward* - 2 vacancies (1 x 4-year term, 1 x 2-year term)</li> <li>Other 3 Wards – 1 vacancy each (4-year terms)</li> </ul>	4 Councillor Vacancies (half of the Council positions) <ul style="list-style-type: none"> <li>4 Wards - 1 vacancy each (4-year terms)</li> </ul>

The five sitting members with terms expiring in 2025 have been consulted regarding their preference and the proposed allocation, which is in accordance with the resolution of 8 February 2023, has been prepared.

The following allocation is proposed:



Any changes to the ward structure and allocation of existing councillors will be in effect for the 2023 local government elections.

## Financial implications

Costs may arise if an extraordinary election is required to fill a vacancy as a result of an existing councillor in the South Ward nominating and being the successful mayoral candidate in 2023 as there will be no councillor election in that ward. The cost associated with an extraordinary election would be approximately \$45,000 to \$60,000.

## Environmental implications

There are no environmental implications associated with this report.

## Social implications

There are no social implications associated with this report.

## Attachment details

Attachment No and title
Nil.

## 7 Matters for which the meeting may be closed


Nil.

## 8 Closure

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 5.36pm.

### Minutes confirmation certification

The undersigned certifies that these Minutes of the Special Council Meeting held on 1 March 2023 were confirmed as a true and accurate record at the Ordinary Council Meeting held 28 March 2023:

Signed by the Person Presiding: \_\_\_\_\_

PRINT name of the Person Presiding: **PHILIP MARKS**