



Special Council Meeting

Agenda

23 October 2023

BELMONT
CITY OF OPPORTUNITY



Notice of Meeting

A **Special Council Meeting** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Monday 23 October 2023**, commencing at 6.30pm.

John Christie
Chief Executive Officer

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CITY OF BELMONT

Special Council Meeting

Agenda

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Alternative Formats

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I Official Opening

The Presiding Member will 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 will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

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 Swearing in of newly Elected Mayor and Councillors

Swearing-in of the newly elected Mayor and Councillors in accordance with the *Local Government Act 1995*. The President of the Royal Association of Justices WA will officiate the Swearing-In of the newly elected Mayor and Councillors.

3 Apologies and leave of absence

4 Declarations of interest that might cause a conflict

Councillors/Staff are reminded of the requirements of s5.65 of the *Local Government Act 1995*, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct for Council Members, Committee Members and Candidates and the Code of Conduct for Employees.

4.1 Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

4.2 Disclosure of interest that may affect impartiality

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision-making process.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

5 Announcements by the Presiding Member (without discussion) and declarations by Members

5.1 Announcements

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

6 Public question time

6.1 Questions from members of the public

7 Election of Deputy Mayor

Election of an office bearer will be conducted in accordance with the *Local Government Act 1995*. In particular, Schedules 2.3 and 4.1 of the *Local Government Act 1995*, the *Local Government (Administration) 1996* and the *Local Government (Constitution) Regulations 1998* will be adhered to. Please note:

- The election of the Deputy Mayor will be conducted by the Mayor.
- Nominations for the office are to be emailed or given to the Chief Executive Officer prior to the close of nominations, using the appropriate [Nomination Form for Deputy Mayor](#). The close of nominations will be announced by the Chief Executive Officer at this point in the Special Council Meeting, giving sufficient time after the announcement and before the closure, for any final nominations to be made.
- If an Elected Member is nominated by another Elected Member, the Chief Executive Officer is not to accept the nomination unless the nominee has advised the Chief Executive Officer, orally or in writing, that they are willing to be nominated for the Office.
- If required, Elected Members are to vote on the matter by secret ballot, using optional preferential voting.
- Ballot papers will be prepared, with the order of the names being alphabetical (by surname). All ballot papers will be initialed (for authentication) by the Chief Executive Officer before being provided to Elected Members.
- Elected Members are to mark the ballot paper in such a manner that it cannot be seen by anyone else and return it to the Chief Executive Officer. Spoilt ballot papers can be replaced.
- The Chief Executive Officer will declare the result of the ballot to the meeting. The declaration will include the name of the candidate and the name and term of office of the candidate declared elected.
- All records (as defined by Regulation) of the election will be secured and retained for at least four years.

It should be noted that if after the count of the above mentioned votes there is an equality between two or more candidates, the matter is to be deferred to be dealt with at a future meeting, scheduled within the next seven days.

If an adjournment is required (as outlined above) any nomination for the office of Deputy Mayor may be withdrawn and further nominations may be made before or when the meeting resumes.

If at the conclusion of the second count an equality of votes still remains, the Mayor is to draw lots to determine which Councillor is to be elected Deputy Mayor.

7.1 Election of Deputy Mayor

The Mayor will conduct the Deputy Mayoral election as outlined above.

7.2 Declaration of Office by Newly Elected Deputy Mayor

The President of the Royal Association of Justices WA will officiate the Declaration of Office by the newly elected Deputy Mayor.

8 Reports of administration

NOTE: The Mayor to indicate if intending to exercise the right to Ex-Officio membership of Standing Committees.

Where the Mayor is elected (or has notified - as per s5.10 (4)) - of his/her desire to be an Ex-Officio Member) to a Committee, if the Mayor has been granted leave of absence by the Council, then the Deputy Mayor is expected (in accordance with s5.34) to perform the functions of the Mayor's Committee responsibilities, irrespective of any proxy that might be in place.

In accordance with Section 5.10 of the *Local Government Act 1995*, the following is relevant:

1. The Mayor is entitled to be a Member of any Committee which has a Councillor Representative on it; however, he/she must make his/her nomination at the Council meeting at which the Committee Membership is appointed.
2. Every Elected Member is entitled to be appointed to at least one of the Committees which is made up entirely of Elected Members only.

Section 5.8 states that Committees shall comprise at least three persons (with no maximum). The appointment of Committees must be by ABSOLUTE MAJORITY.

8.1 Appointment of Standing Committees

Voting Requirement	:	Absolute Majority
Subject Index	:	154/007
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

Council role

Executive The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

To appoint Elected Members to the Executive Committee and the Standing Committee (Audit and Risk).

Summary and key issues

The appointment of Elected Members to Committees takes place following the Local Government Elections every two years.

Officer Recommendation

That Council:

1. Receive nominations and appoint Members and Proxy Members as required to the Executive Committee.
2. Receive nominations and appoint Members and Proxy Members to the Standing Committee (Audit and Risk).
3. Endorse that at the first meeting of the Executive Committee and the Standing Committee (Audit and Risk) the Presiding Members and Deputy Presiding Members be elected and Terms of Reference be reviewed.

An absolute majority of Council is required

Location

Not applicable.

Consultation

There has been no specific consultation undertaken in respect to this matter.

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

s5.8 of the *Local Government Act 1995* states:

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

S5.9 of the *Local Government Act 1995* states:

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

s5.10 of the *Local Government Act 1995* states:

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Background

At the 25 July 2023 Ordinary Council Meeting, Council resolved:

“That Council, with effect from 21 October 2023:

1. Endorse the abolition of the Standing Committee (Community Vision) and Standing Committee (Environmental).
2. Endorse the revised Terms of Reference for the Standing Committee (Audit and Risk) (Attachment 12.8.1 refers).
3. Endorse the revised Terms of Reference for the Executive Committee (Attachment 12.8.2 refers).”

Report

Executive Committee

Per section 5.10(2) of the Act, all elected members are entitled to be on at least one committee that is made up of elected members only (s 5.9(a)) or elected members and employees (s 5.9(b)). As the City only has one committee that meets the requirements of 5.9 (a) or (b), the Mayor and all eight Councillors are entitled to be a member of the Executive Committee.

Standing Committee (Audit and Risk)

At the 25 July 2023 Ordinary Council Meeting, Council endorsed revised Terms of Reference for the Standing Committee (Audit and Risk) which states:

1. The membership of the Committee shall comprise the Mayor (Ex Officio) and an Elected Member from each of the four wards. The Elected Members being determined by nomination and if necessary, a ballot conducted at the Special Council Meeting following the City's ordinary election;
2. The membership of the Committee shall also comprise of an independent member who is to be appointed for a term of two years to expire immediately prior to the next City ordinary election. This independent member is not to be a staff member or Elected Member.
3. If a vacancy on the Committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment set out in 1 and (if considered appropriate) 2 above.

The Mayor is required to indicate if intending to exercise the right to Ex-Officio membership of the Standing Committee (Audit and Risk).

Where the Mayor is elected (or has notified - as per s5.10 (4) of the *Local Government Act 1995* - of their desire to be an Ex-Officio Member) to a Committee, if the Mayor has been

granted leave of absence by the Council, then the Deputy Mayor is expected (in accordance with s5.34 of the *Local Government Act 1995*) to perform the functions of the Mayor's Committee responsibilities, irrespective of any proxy that might be in place.

Appointment of Members and Proxy Members from each Ward is required, as per the Officer Recommendation above.

Financial implications

Sitting fees for Elected Members are included in the 2023-2024 budget.

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

9 Closure