



Special Meeting of Council

MINUTES

21 October 2019

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SHIRE OF BROOMEHILL - TAMBELLUP

Minutes of the Special Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on Monday 21 October 2019 commencing at 4.30pm

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chief Executive Officer took the chair and declared the meeting open at 4.30pm.
The Chief Executive Officer welcomed JP, Trevor Prout, to the meeting.

2. ATTENDANCE

Cr MC Paganoni

Cr ME White

Cr MC Nazzari

Cr CJ Letter

Cr D Barritt

Cr S Penny

KB Williams Chief Executive Officer (CEO)

KP O'Neill Manager Finance and Administration

PA Hull Strategic Support & Projects Officer

LK Cristinelli Executive Assistant

TW Prout Justice of the Peace (JP)

3.1 APOLOGIES

P Vlahov Manager Works

3.2 LEAVE OF ABSENCE

Cr Holzknicht has been approved a Leave of Absence from the 21 October 2019 Special Meeting of Council.

3. DECLARATION OF INTEREST

Nil

4. PUBLIC QUESTION TIME

Nil

5. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil

6. MATTERS FOR DECISION

6.1	SWEARING IN OF COUNCILLORS
Attachment:	Copy of Declaration by Elected Member of Council
File Ref:	ADM0109
Author:	KB Williams – Chief Executive Officer
Date:	16 October 2019
Disclosure of Interest:	Nil

SUMMARY

All newly elected Councillors must be sworn in.

BACKGROUND

Section 2.29 of the *Local Government Act 1995* requires that all Councillors have to make a declaration stating that they will undertake the duties of Councillors fairly and honestly before they can act in the office. Councillors must also agree to observe the *Local Government (Rules of Conduct) Regulations 2007*.

COMMENT

A copy of the declaration is included for Councillors information. A copy of the Rules of Conduct Regulations has previously been provided to each Councillor.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 sec 2.29

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

COUNCIL DECISION

Councillors White, Barritt and Penny read aloud the Declaration of Elected Member of Council before Trevor Prout JP.

Trevor Prout JP welcomed the new Councillors and congratulated them on their important role for the Shire of Broomehill-Tambellup.

6.2	ELECTION OF PRESIDENT
Attachment:	Copy of Nomination form for the position of President
File Ref:	ADM0109
Author:	KB Williams – Chief Executive Officer
Date:	16 October 2019
Disclosure of Interest:	Nil

SUMMARY

Members are required to elect a President from amongst themselves.

BACKGROUND

Schedule 2.3 of the *Local Government Act 1995* sets out the process for the election of President of the Council:

- The office is to be the first matter to be dealt with;
- The CEO is to preside until the office is filled and conduct the election;
- The Councillors elect the President;
- Nominations for the position are to be in writing and given to the CEO;
- If a Councillor is nominated by another Councillor, the CEO cannot accept the nomination unless the nominee has advised the CEO that they are willing to be nominated. This advice can be given in writing or orally;
- If there is more than one nomination, voting is by secret ballot;
- Under the current legislation, the count for such elections is to be conducted in accordance with Schedule 4.1 of the *Local Government Act 1995* (first past the post method);
- If there is a tied vote at the first ballot, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Any nomination for the office may be withdrawn and further nominations may be made, before or when the meeting resumes. When the meeting resumes, the Councillors are to vote again;
- If, when votes are cast a second time, there is an equality of votes between two candidates who are the only candidates in, or remaining in the count, lots are to be drawn to determine who is elected. The candidate whose name is drawn out is elected.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Schedules 2.3 & 4.1

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council

VOTING RESULTS

The Chief Executive Officer stated that one nomination had been received for the position of Shire President.

Cr White nominated Cr Paganoni, who accepted the nomination.

There being no further nominations, the Chief Executive Officer declared Cr Paganoni elected to the position of Shire President.

Cr Paganoni read aloud the Declaration by Elected Member of Council before Trevor Prout JP.

Cr Paganoni took the chair.

6.3	ELECTION OF DEPUTY PRESIDENT
Attachment:	Copy of Nomination form for the position of Deputy President
File Ref:	ADM0109
Author:	KB Williams – Chief Executive Officer
Date:	16 October 2019
Disclosure of Interest:	Nil

SUMMARY

Members are required to elect a Deputy President from amongst themselves.

BACKGROUND

Schedule 2.3 of the *Local Government Act 1995* sets out the process for the election of Deputy President of the Council:

- The office is to be the second matter to be dealt with;
- The President or CEO is to preside until the office is filled and conduct the election;
- The Councillors elect the Deputy President;
- Nominations for the position are to be in writing and given to the CEO;
- If a Councillor is nominated by another Councillor, the CEO cannot accept the nomination unless the nominee has advised the CEO that they are willing to be nominated. This advice can be given in writing or orally;
- If there is more than one nomination, voting is by secret ballot;
- Under the current legislation, the count for such elections is to be conducted in accordance with Schedule 4.1 of the *Local Government Act 1995* (first past the post method);
- If there is a tied vote at the first ballot, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Any nomination for the office may be withdrawn and further nominations may be made, before or when the meeting resumes. When the meeting resumes, the Councillors are to vote again;
- If, when votes are cast a second time, there is an equality of votes between two candidates who are the only candidates in, or remaining in the count, lots are to be drawn to determine who is elected. The candidate whose name is drawn out is elected.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 Schedule 2.3 and 4.1

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council

VOTING RESULTS

The Chief Executive Officer stated that there had been one nomination received for the position of Deputy Shire President.

Cr Paganoni nominated Cr White, who accepted the nomination.

There being no further nominations, Cr Paganoni declared Cr White elected to the position of Deputy Shire President.

Cr White read aloud the Declaration by Elected Member of Council before Trevor Prout JP.

Chief Executive Officer Keith Williams thanked Trevor Prout for his assistance in swearing in the Councillors and the positions of President and Deputy President.

Trevor Prout congratulated the members on becoming Councillors and to their commitment to the community and wished them every success for the coming years.

Trevor Prout retired from the meeting at 4.48pm.

6.4 ELECTION OF COMMITTEE MEMBERS

Attachment:	Nil
File Ref:	ADM0109
Author:	KB Williams – Chief Executive Officer
Date:	16 October 2019
Disclosure of Interest:	Nil

SUMMARY

Councillors to elect members to its Standing Committees.

BACKGROUND

Section 5.8 of the *Local Government Act 1995* states that Council, by an absolute majority decision, may establish Committees of three or more persons.

Council at present has the following Standing Committees. The Policy Manual lists the terms of reference for the committees as follows:

Audit Committee

1. Provide guidance and assistance to Council as to the carrying out of the functions of the local government in relation to audits;
2. Develop and recommend to Council an appropriate process for the selection and appointment of a person as the local government's auditor;
3. Develop and recommend to Council –
 - a list of those matters to be audited; and
 - the scope of the audit to be undertaken;
4. Recommend to Council the person or persons to be appointed as auditor;
5. Develop and recommend to Council a written agreement for the appointment of the external auditor. The agreement is to include–
 - the objectives of the audit;
 - the scope of the audit;
 - a plan of the audit;
 - details of the remuneration and expenses to be paid to the auditor; and
 - the method to be used by the local government to communicate with, and supply information to, the auditor;
6. Meet with the auditor once in each year and provide a report to Council on the matters discussed and outcome of those discussions;
7. Liaise with the CEO to ensure that the local government does everything in its power to –
 - assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - ensure that audits are conducted successfully and expeditiously;
8. Examine the reports of the auditor after receiving a report from the CEO on the matters to
 - determine if any matters raised require action to be taken by the local government; and
 - ensure that appropriate action is taken in respect of those matters;
9. Review the report prepared by the CEO on any actions taken in respect of any matters raised in the report of the auditor and presenting the report to Council for adoption prior to the end of the next financial year or 6 months after the last report prepared by the auditor is received, whichever is the latest in time;
10. Review the scope of the audit plan and program and its effectiveness;

11. Consider and recommend adoption of the annual financial report to Council. Review any significant changes that may arise subsequent to any such recommendation but before the annual financial report is signed;
12. Address issues brought to the attention of the Committee, including responding to requests from Council, for advice, that are within the parameters of the Committee's Terms of Reference;
13. Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's Terms of Reference following authorisation from the Council;
14. Review the annual Compliance Audit Return and report to the Council the results of that review, and
15. Consider the CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures in regard to risk management, internal control and legislative compliance, required to be provided to the Committee, and report to Council the results of those reviews.

Building, Planning and Economic Services Committee

The Building, Planning and Economic Services Committee will consist of four members with the quorum to be two members and will investigate and make recommendations, where appropriate on the following:

1. Building control
2. Land suitable for housing development
3. Planning, construction and maintenance of Councils housing and public buildings
4. Aged accommodation, other matters relating to Council owned and controlled buildings
5. Plan, develop and enhance the town, sport and recreation, youth, aged, health, heritage and arts matters towards the community vision
6. Economic Services
7. Town beautification
8. All matters relating to Recreation and Sport
9. Town planning and development
10. Cemeteries
11. Cultural development
12. Protection of heritage
13. Provision of youth services
14. Tourism
15. Health
16. Other community and cultural issues

Technical Services Committee

The Technical Services Committee will consist of a minimum of four members with the quorum to be two members and will plan for the future of Transport services while maintaining a quality standard that takes into account cost effectiveness and revenue raising opportunities.

To investigate and make recommendations, where appropriate on the following:

1. Fire control
2. Animal control
3. Waste management
4. Plant replacement
5. Road construction and maintenance
6. Maintenance and improvements to the Shire Works Depot
7. Private Works
8. Other matters relating to Council plant, works and transport services.

Independent Living Seniors Accommodation Committee

The Committee will consist of five members made up of three elected members and two community members. A quorum for the Committee shall be three members.

To investigate and make recommendations, where appropriate, on the following:

1. Review of the management structure and operating guidelines for the management of existing and future Council owned units within the Shire of Broomehill-Tambellup;
2. Make recommendations to Council on any matters relevant to existing and future Council owned accommodation for independently living seniors within the Shire of Broomehill-Tambellup, that may arise from time to time;
3. Management of the units as per operating guidelines determined by Council;
4. Community membership of the Committee will be reviewed to coincide with the Local Government ordinary election cycle. Nominations for community membership will be advertised with Council making the final selection.

The Committee shall meet as required.

Section 5.10 of the *Local Government Act 1995* states that at any given time each Council member is entitled to be a member of at least one committee. A Councillor can nominate themselves for a committee.

The President can exercise his/her right to be a member of a particular committee.

COMMENT

For Council action

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995 sec 5.8

POLICY IMPLICATIONS

Policy 1.21 – Standing Committees of Council – Terms of Reference

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

FINANCIAL IMPLICATIONS

Councillors are paid annual meeting attendance fees which includes committee meetings.

VOTING REQUIREMENTS

Absolute Majority if Council wishes to amend the committee structure.

OFFICER RECOMMENDATION

That Council elect members to the four standing committees of Council.

COUNCIL DECISION**191001*****Moved Cr Nazzari, seconded Cr Letter******That Council elect members to the four standing committees of Council.******CARRIED 6/0
By Absolute Majority*****Audit Committee**

Council Policy 1.21 Standing Committees of Council – Terms of Reference requires that membership of the Audit Committee shall consist of all Councillors, with the quorum to be four members; therefore the Audit Committee comprises the following Councillors -

***Cr Paganoni
Cr White
Cr Nazzari
Cr Holzknacht
Cr Letter
Cr Barritt
Cr Penny***

Building, Planning and Economic Services Committee***Cr Nazzari nominated herself.******Cr Penny nominated himself.******Cr Holzknacht nominated herself prior to the meeting, via Cr Paganoni.******Cr Letter nominated himself.******All were duly elected*****Independent Living Seniors Accommodation Committee*****Cr Nazzari nominated herself.******Cr Penny nominated himself.******Cr White nominated himself.******All were duly elected.******Advertising for nominations for the two community representatives will be carried out in November 2019.*****Technical Services Committee*****Cr Paganoni exercised his ex-officio right to sit on this Committee in accordance with Section 5.10(4) of the Local Government Act 1995.******Cr White nominated himself.******Cr Barritt nominated himself.******Cr Letter nominated himself.******All were duly elected.***

6.5 ELECTION OF COUNCILLORS TO ADVISORY AND OCCASIONAL COMMITTEES

Attachment:	Nil
File Ref:	ADM0109
Author:	KB Williams – Chief Executive Officer
Date:	16 October 2019
Disclosure of Interest:	Nil

SUMMARY

Council is required to elect members to Advisory and Occasional Committees.

BACKGROUND

There are a number of Advisory and Occasional Committees that the Council provide one or more delegates to.

Following is the list of committees that Council had delegates and proxies to:

- Bush Fire Advisory Committee
- Great Southern Regional Recreational Advisory Committee
- Great Southern Regional Road Group
- Great Southern Zone of WALGA (2 delegates and 1 proxy)
- Road Wise Committee
- Tambellup Community Resource Centre Management Committee
- Development Assessment Panel
- Broomehill Recreational Complex and Management Committee
- Local Emergency Management Committee (President and Deputy President)
- Southern Link VROC (President and Deputy President)
- Tambellup Community Pavilion Association Committee

Following is the list of committees that Council only had a delegate to:

- Nurse Turner / Snowy Wilson Awards Committee
- Tambellup Business Centre Committee
- Great Southern Treasures

In the past the delegate to the Great Southern Zone of WALGA has been the presiding member of Council and one other.

COMMENT

For Council action

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028
KRA One – Our People

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council nominates delegates and proxies for the Advisory and Occasional Committees.

COUNCIL DECISION

STATUTORY COMMITTEES OF COUNCIL

191002

Moved Cr Nazzari, seconded Cr Letter

That Council elect members to the two Statutory Committees of Council, being the Bushfire Advisory Committee under Section 67 of the Bush Fires Act and the Local Emergency Management Committee under Section 38 of the Emergency Management Act 2005.

***CARRIED 6/0
By Absolute Majority***

Bush Fire Advisory Committee

Cr Paganoni exercised his ex-officio right to sit on this Committee in accordance with Section 5.10(4) of the Local Government Act 1995.

Cr Letter nominated himself as Proxy.

Local Emergency Management Advisory Committee

Cr Paganoni exercised his ex-officio right to sit on this Committee in accordance with Section 5.10(4) of the Local Government Act 1995.

Cr White nominated himself as Proxy.

REASON FOR CHANGE TO RECOMMENDATION

To include the Bushfire Advisory Committee and Local Emergency Management Committee as Statutory Committees of Council as required under their respective Acts.

ADVISORY AND OCCASIONAL COMMITTEES

191003

Moved Cr White, seconded Cr Letter

That the following Councillors be elected as Council delegates and proxies to the following Advisory and Occasional Committee's.

CARRIED 6/0

Great Southern Regional Recreational Advisory Committee
Cr Holzkecht (Delegate) Cr Nazzari (Proxy)

Great Southern Regional Road Group
Cr Letter (Delegate) Cr Barritt (Proxy)

Great Southern Zone WALGA
Cr Paganoni and Cr White (Delegates) Cr Letter (Proxy)

Tambellup Community Resource Centre Management Committee
Cr Nazzari (Delegate) Cr Paganoni (Proxy)

Development Assessment Panel
Cr Paganoni and Cr White (Delegates)
Cr Barritt and Cr Penny (Proxies)

Broomehill Recreational Complex Management Committee
Cr Penny (Delegate) Cr Barritt (Proxy)

Tambellup Community Pavilion Association Committee
Cr Letter (Delegate) Cr Nazzari (Proxy)

Southern Link VROC
Cr Paganoni and Cr White (Delegates)

Nurse Turner / Snowy Wilson Awards Committee
Cr Nazzari (Delegate) CEO KB Williams (Proxy)

Tambellup Business Centre Committee
Cr White (Delegate) Cr Nazzari (Proxy)

Great Southern Treasures
Cr Holzkecht (Delegate) CEO KB Williams (Proxy)

REASON FOR CHANGE TO RECOMMENDATION

It was noted the Roadwise Committee had been in recess for some time and delegates/proxies were not required to be appointed.

KP O'Neill left the meeting at 5.57pm.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

KP O’Neill returned to the meeting at 5.58pm.

8. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

9. CLOSURE

Chief Executive Officer Keith Williams thanked the retiring Councillors and welcomed the new Councillors.

There being no further business, the President thanked Councillors and Staff and declared the meeting closed at 5.58pm.