

SHIRE OF BROOMEHILL-TAMBELLUP

Minutes of the Special Meeting of Council held in the Tambellup Council Chambers on Wednesday 22nd October 2008 commencing at 4.03pm.

1. ATTENDANCE AND APOLOGIES

1.1 Attendance

Barry Webster

Martin Sadler

Beth Schlueter

Scott Thompson

Garry Sheridan

Kym Crosby

Melanie Turner

David Kempin

Murray Bowman entered the meeting at 4.13pm

Joanne Trezona Chief Executive Officer

Peter Bentley Manager Administration and Customer Service

Kay O'Neill Finance Officer

Pam Hull Administration Officer

Phil Birt JP

Members of the Public

As this was the Inaugural Meeting of the newly elected Shire of Broomehill-Tambellup Council, the Chief Executive Officer took the chair and declared the meeting open at 4.03pm.

2. SWEARING IN OF COUNCILLORS

| | |
|--------------------------------|---|
| Program: | Governance |
| Attachment: | Copy of Declaration by Elected Member of Council |
| File Ref: | ADM0109 |
| Author: | JM Trezona Chief Executive Officer |
| Date: | 2nd October 2008 |
| Disclosure of Interest: | Nil |

Cr Bowman entered the meeting at 4.13pm

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 been provided to each Councillor.

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Strategic Plan.

Voting Requirements: Simple Majority

Officer Recommendation:

Councillors Crosby, Kempin, Sadler, Schlueter, Sheridan, Thompson, Turner, Webster and Bowman read aloud the Declaration by Elected Member of Council before Phil Birt JP.

Reason For Change to Recommendation:

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, ***Kymleigh William CROSBY***
of ***340 Pallinup Road, BROOMEHILL EAST WA 6318***

Having being elected to the office of Councillor of ***the Shire of Broomehill-Tambellup*** declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the ***Local Government (Rules of Conduct) Regulations 2007***.

Declared at ***Tambellup*** on ***22nd October 2008***

by 
Kymleigh William Crosby

Before me 
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **David Cleland Neate KEMPIN**

of **503 Pallinup Road, BROOMEHILL EAST WA 6318**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by


.....
David Cleland Neate Kempin

Before me


.....
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Martin SADLER**

of **403 Crosby Road, TAMBELLUP WA 6320**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by


.....
Martin Sadler

Before me


.....
Philip Howard-Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Elizabeth Karen SCHLUETER**

of **133 Johnston Road, TAMBELLUP WA 6320**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by 
.....
Elizabeth Karen Schlueter

Before me 
.....
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

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Local Government (Constitution) Regulations 1998

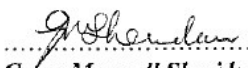
DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Garry Maxwell SHERIDAN**

of **994 Warrenup Road, TAMBELLUP WA 6320**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by 
Garry Maxwell Sheridan

Before me 
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998


DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Scott John Frank THOMPSON**
of **333 Nardlah Road, BROOMEHILL EAST WA 6318**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by 
Scott John Frank Thompson

Before me 
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

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Local Government Act 1995

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DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Melanie Ruth TURNER**

of **2 Janitor Street, BROOMEHILL WA 6318**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by 
Melanie Ruth Turner

Before me 
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

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Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Barry George WEBSTER**

of **359 Jam Creek Road, TAMBELLUP WA 6320**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by


.....
Barry George Webster

Before me


.....
Philip Howard Birt (JP)

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Murray John BOWMAN**
of **503 Beejenup Road, TAMBELLUP WA 6320**

Having being elected to the office of Councillor of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by


Murray John Bowman

Before me


Philip Howard Birt (JP)

3. ELECTION OF PRESIDENT

| | |
|--------------------------------|--|
| Program: | Governance |
| Attachment: | Copy of Nomination form for the position of President |
| File Ref: | ADM0109 |
| Author: | JM Trezona Chief Executive Officer |
| Date: | 2nd October 2008 |
| 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 a preferential basis;
- 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.

Comment:

Consultation: Nil

Statutory Environment: Local Government Act 1995 Schedule 2.3

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Strategic Plan.

Voting Requirements: Simple Majority

Officer Recommendation:

The CEO stated that one nomination in writing had been received. Cr Sadler nominated Cr Webster, who accepted the position.

There being no further nominations, the CEO declared Cr Webster elected to the position of Shire President.

Cr Webster read aloud the Declaration by Elected Member of Council before Phil Birt JP.

Reason For Change to Recommendation:

**NOMINATION FORM FOR THE POSITION OF PRESIDENT AND
DEPUTY PRESIDENT**

(SHIRE OF BROOMEHILL -TAMBELLUP)

I, MARTIN SASLER..... Hereby nominate BARRY WEBSTER.....

for the position of (~~President / Deputy President~~).

Signed M. Salsler.....

I, BARRY GEORGE WEBSTER..... accept the nomination of

..... (~~President / Deputy President~~).

Signed B. Webster.....

Date 21/10/08.....

SHIRE OF BROOMEHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, **Barry George WEBSTER**
of **359 Jam Creek Road, TAMBELLUP**

Having being elected to the office of President of *the Shire of Broomehill-Tambellup* declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at **Tambellup** on **22nd October 2008**

by 
.....
Barry George Webster

Before me 
.....
Philip Howard Birt (JP)

4. ELECTION OF DEPUTY PRESIDENT

| | |
|--------------------------------|---|
| Program: | Governance |
| Attachment: | Copy of nomination form for the position of Deputy President |
| File Ref: | ADM0109 |
| Author: | JM Trezona Chief Executive Officer |
| Date: | 2nd October 2008 |
| 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 first matter to be dealt with;
- The 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 a preferential basis;
- 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.

Comment:

Consultation: Nil

Statutory Environment: Local Government Act 1995 Schedule 2.3

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic Implications: This issue is not dealt with in the Strategic Plan.

Voting Requirements: Simple Majority

Officer Recommendation:

The CEO stated the one nomination in writing had been received. Cr Kempin nominated Cr Crosby, who accepted the position.

There being no further nomination, the CEO declared Cr Crosby elected to the position of Deputy President.

Cr Crosby read aloud the Declaration by Elected Member of Council before Phil Birt JP.

Cr Webster took the chair.

Reason For Change to Recommendation:

**NOMINATION FORM FOR THE POSITION OF PRESIDENT AND
DEPUTY PRESIDENT**

(SHIRE OF BROOMEHILL-TAMBELLUP)

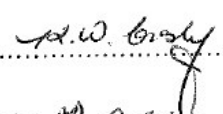
I, DAVID KEMPIN..... Hereby nominate KYM CROSBY.....

for the position of DEPUTY PRESIDENT.. (President / Deputy President).

Signed .....

I, KYM CROSBY..... accept the nomination of

DEPUTY PRESIDENT..... (President / Deputy President).

Signed .....

Date 22nd October 2008.....

SHIRE OF BROOMHILL-TAMBELLUP

Form 7

Local Government Act 1995

Local Government (Constitution) Regulations 1998

DECLARATION BY ELECTED MEMBER OF COUNCIL

I, ***Kymleigh William CROSBY***
of ***340 Pallinup Road, BROOMEHILL EAST***

Having being elected to the office of Deputy President of ***the Shire of Broomehill-Tambellup*** declare that I take office upon myself, and will duly, faithfully and honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of my judgment and ability and will observe the ***Local Government (Rules of Conduct) Regulations 2007***.

Declared at ***Tambellup*** on ***22nd October 2008***

by


.....
Kymleigh William Crosby

Before me


.....
Philip Howard Birt (JP)

5. ELECTION OF COMMITTEE MEMBERS

| | | |
|--------------------------------|------------------------------------|--------------------------------|
| Program: | Governance | |
| Attachment: | Nil | |
| File Ref: | ADM0109 | |
| Author: | JM Trezona | Chief Executive Officer |
| Date: | 2nd October 2008 | |
| Disclosure of Interest: | Nil | |

Summary: Council to elect members to the Audit Standing Committee and consider creation of other 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.

Under Section 7.1(A) of the Local Government Act 1995, Council must establish an audit committee, but other committees of Council are optional. Council will need to determine if other standing committees are to be established. The terms of reference for the Audit Committee is listed below:

Audit Committee

Investigate and make recommendations, where appropriate on the following;

1. To provide guidance and assistance to the local government in the carrying out of its functions in relation to audits carried out under Part 7 of the Act;
2. Develop a process to be used to select and appoint a person to be an auditor;
3. Provide guidance and assistance to the local government on
 - Matters to be audited
 - The scope of the audits
 - Its function under Part 7 of the Act
 - The carrying out of its functions relating to other audits and other matters related to financial management
 - Administrations corrective action on matters of non-compliance.

It is recommended that the audit committee has a membership of four (4) councillors and a quorum of two (2) members.

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.

Council may wish to establish additional standing committees.

Building Committee
Planning and Economic Services
Technical Services Committee

Comment: For Council discussion.

Consultation: Nil

**Statutory
Environment:** Nil

Policy Implications: Nil

**Financial
Implications:** Councillors are paid an annual allowance which includes committee meetings.

**Strategic
Implications:** This issue is not dealt with in the Strategic Plan.

Voting Requirements: Absolute Majority

**Officer / Council
Resolution:** *S081001*

Moved Cr Turner, seconded Cr Kempin

“That Council establish an Audit Committee with the following terms of reference

Investigate and make recommendations, where appropriate on the following;

- 1. To provide guidance and assistance to the local government in the carrying out of its functions in relation to audits carried out under Part 7 of the Act;*
- 2. Develop a process to be used to select and appoint a person to be an auditor;*
- 3. Provide guidance and assistance to the local government on*
 - Matters to be audited*
 - The scope of the audits*
 - Its function under Part 7 of the Act*
 - The carrying out of its functions relating to other audits and other matters related to financial management*
 - Administrations corrective action on matters of non-compliance.”*

***CARRIED 9/0
By Absolute Majority***

Council Resolution: **S081002**

Moved Cr Turner, seconded Cr Bowman

“That the Audit Committee comprise of four members with a quorum of two.”

CARRIED 9/0
By Absolute Majority

Audit Committee

Cr Webster, President exercised his right to sit on this Committee in accordance with Section 5.10(4) of the Local Government Act 1995.

Cr Sadler nominated himself.

Cr Kempin nominated himself.

Cr Bowman nominated himself.

**Officer / Council
Resolution:**

S081003

Moved Cr Turner, seconded Cr Thompson

“That the matter of establishing additional standing committees and their terms of reference be referred back to Council at the November ordinary meeting.”

CARRIED 9/0

**Reason For Change to
Recommendation:**

6. ELECTION OF COUNCILLORS TO ADVISORY AND OCCASIONAL COMMITTEES

| | | |
|--------------------------------|------------------------------------|--------------------------------|
| Program: | Governance | |
| Attachment: | Nil | |
| File Ref: | ADM0109 | |
| Author: | JM Trezona | Chief Executive Officer |
| Date: | 2nd October 2008 | |
| 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 two former Councils provided 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
- Hidden Treasures Committee
- Road Wise Committee
- Senior Citizens Unit Management Committee
- Tambellup Telecentre Management Committee

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

- Broomehill Community Liaison Group
- Broomehill Recreational Complex and Management Committee
- Crime Prevention Committee
- Local Emergency Management Committee
- Nurse Turner / Snowy Wilson Awards Committee

In the past the delegate to the Great Southern Regional Road Group and the Great Southern Zone of WALGA has been the presiding member of Council.

Comment:

Consultation: Nil

Statutory Environment: Nil

Policy Implications: Nil

Financial Implications: This issue has no financial implications for Council

Strategic

Implications: This issue is not dealt with in the Strategic Plan.

Voting Requirements: Simple Majority

Officer

Recommendation: *“That Council nominates delegates and proxies for the Advisory and Occasional Committees.”*

The following members were elected to the various Committees:

| Committee | Delegate | Proxy |
|--|-----------------|------------------------|
| Bush Fire Advisory Committee | Cr Sheridan | Cr Thompson |
| Great Southern Regional Recreation Advisory Group | Cr Kempin | Cr Sheridan |
| Great Southern Regional Road Group | Cr Webster | Cr Bowman |
| Great Southern Zone of WALGA | Cr Webster | Cr Crosby Cr Turner |
| Hidden Treasures Committee | | |
| Roadwise Committee | Cr Thompson | Cr Sadler |
| Senior Citizens Unit Management Committee | Cr Schlueter | Cr Sadler |
| Tambellup Telecentre Management Committee | Cr Webster | Cr Turner |
| Broomehill Community Liaison Group | | |
| Broomehill Recreational Complex and Management Committee | Cr Turner | Cr Crosby |
| Crime Prevention Committee | Cr Turner | Cr Schlueter |
| Local Emergency Management Committee | Cr Webster | Cr Crosby |
| Nurse Turner / Snowy Wilson Awards Committee | Cr Schlueter | |

Reason For Change to Recommendation:

The CEO advised that Councillor Induction Training will be held in the Tambellup Council Chambers on Thursday 30th October commencing at 3.00pm.

7. CLOSURE

There being no further business, the President thanked Councillors, visitors and staff for their attendance and declared the meeting closed at 4.57pm.

