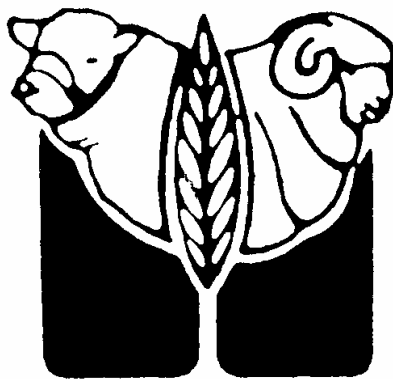


MINUTES



**SPECIAL MEETING
HELD**

**THURSDAY, 22 OCTOBER 2009
COMMENCED AT 7:41PM**

AT

**SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK**

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1. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr E Biddle
Cr T Doust
Cr R Downing
Cr M Giles
Cr T Ginnane
Cr K Lamshed
Cr P Marshall
Cr B O'Hare
Cr T Oversby

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr John Eddy (Manager of Works and Services)
Mr Keith Jones (Manager of Finance)

1.2 Apologies

Nil

1.3 Leave of Absence

Nil

1.4 Declaration of Office- Newly Elected Councillors

The newly elected persons are required to make a declaration before they can act in the capacity of a Councillor.

Prior to the meeting opening officially the following persons made a declaration and it was witnessed by Mr John Eddy J.P.:-

Thomas James Oversby
Terence James Ginnane
Eric Biddle
Anthony John Raymond Doust
Michael John Giles

Section 2.29 of the Local Government Act 1995, as amended, and part (3) section (13) of the Local Government (Constitution Regulations 1998) as amended, prescribes the format to be used.

Meeting opened at 7:41pm

1.1 Election of President

The Chief Executive Officer took the position of Presiding Person.

Council is required by the Local Government Act 1995 to elect a Councillor as President at the first meeting after the Bi Annual Elections. The term of office for the

President begins after this election and continues until the next Ordinary Councillor Elections – usually (2) years.

Nominations for the position of President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Chief Executive Officer calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared; two nominations had been received from Councillors Roger Downing and Terry Ginnane nominating themselves for the position of President.

It has been suggested that nominees be given the opportunity to speak before the election process commences and unless there is a call for this not to happen the intention is for this to occur after the call for nominations and before the ballot process begins.

As more than one nomination was received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post system. The Chief Executive Officer will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as President as per section 1.4 of this agenda.

Councillor Downing stated that he wished to withdraw his nomination.

In the absence of any further nominations the Chief Executive Officer declared Cr Ginnane elected Shire President unopposed.

Mr John Eddy J.P. then proceeded to perform the declaration of office for the newly elected Shire President Cr Ginnane.

Councillor Ginnane as the newly elected Shire President became the Presiding Person.

1.2 **Election of Deputy President**

Council is required by the Local Government Act 1995 to elect a Councillor as Deputy President at the first meeting after the Bi Annual Elections. The term of office for the Deputy President begins after this election and continues until the next Ordinary Councillor Elections – usually (2) years.

Nominations for the position of Deputy President must be in writing and given to the Chief Executive Officer before the meeting or at the meeting itself after the Shire President calls for nominations. Councillors may nominate themselves or be nominated by another Councillor, however when being nominated by someone else the Councillor nominated must accept the nomination either in writing or orally at the meeting.

At the time the agenda was prepared, no nominations had been received for the position of Deputy President.

If more than one nomination is received, ballot papers will be prepared and Councillors are to vote by secret ballot. The votes will be counted and the outcome will be decided on a first past the post/preferential system. The Chief Executive Officer will advise those present of the result of the election and declare the successful Councillor elected.

The person elected will be required to make a declaration of office as Deputy President as per section 1.4 of this agenda.

Cr Oversby nominated Cr Downing for Deputy Shire President however Cr Downing declined.

Cr Doust nominated himself for the position of Deputy Shire President.

In the absence of any further nominations the Presiding Person declared Cr Doust elected Deputy Shire President unopposed.

Mr John Eddy J.P. then proceeded to perform the declaration of office for the newly elected Deputy Shire President Cr Doust.

2. PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

Nil

3. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4. MATTERS REQUIRING A DECISION

4.1 Committees and Representatives

At the ordinary meeting held 15/11/2007 Council resolved that "All appointments to expire on the date of the next ordinary election of Councillors". Therefore all appointments ceased 17 October 2009. It is taken that the term "appoint" referred to committees and delegations and so all committees appointed by Council and all delegations have now ceased. Therefore Council may wish to review its committees and delegations to other committees/bodies.

There is no requirement for these matters to be dealt with at this time and Council may wish to either deal with all or some at this meeting or defer all or some till a future meeting of Council.

In dealing with the matter of committees, Council will need to determine if it requires committees, their role, responsibilities and delegation if any. Similarly, Council needs to consider what representatives are required for community organizations for the next two years. It is important that there is a clear understanding of the purpose and role of either committees or representatives.

There are several committees that Council is required by legislation to appoint, these including:-

- * Audit Committee
- * LEMC Committee

Council will also need to appoint (4) Councillors and the Chief Executive Officer in accordance with the Annual Awards process policy, to consider nominations for Citizen of the Year, Young Achiever of the Year and Sports Person of the Year. The policy provides the panel with the authority to make the selection without any further reference to Council.

It will be noted that the officer recommendation includes the name and functions of each committee. As stated at the start of this item, Council should consider the need, if any, for committees, what it wants them to do and what, if any, powers it want to give

them. The following recommendation is based on the current position, input from Councillors and others and it is important to note that this is a suggestion only for Council's consideration. There is no restriction on the timing of the appointment of committees or on the winding up of committees other than what Council sets and it is noted that the resolution that set many committees and appointed delegates made in 2007 provided that the term these be till the next ordinary election. The following recommendation includes a similar provision. The Heated Multi Purpose Therapeutic Pool Committee was appointed in July and it was assumed that this would be covered by the 2007 resolution that set the term of all appointments. The Heated Multi Purpose Therapeutic Pool Committee is therefore included in the recommendation so that Council had the opportunity to decide whether or not it needed to retain this committee. On the other hand, The Bush Fire Advisory Committee was appointed by Council at its 20 June 2009 meeting for the 2009/10 year and so the term of the committee was set and there is no reason to review its membership. However Council may wish to deal with this committee every two years in the same way it deals with all other appointments and so this committee is has been included in the recommendations to facilitate this. It should be noted that the recommended committee membership is taken directly from Council's resolution of 20 June 2009.

Councillors will note that the Strategic Planning Committee has been included as a new potential committee. It is suggested that with so many long range and big picture matters to be dealt with Council might benefit from having things looked at in more detail my a committee. It will also be noted that the recommendation is that all Councillors be members of this committee because of its importance. The recommendation is that it be given no powers other that to loo into matters and report back to Council. It is suggested that this committee meet at least every quarter and more often if need be. It may be an advantage if the quorum for this committee could be reduced to say four members rather than the five that would otherwise be required, however this is not possible as is explained in the following paragraph.

It should be noted that Council may set the quorum for committee meetings as provided for in the local Government Act as follows;

5.15. Reduction of quorum for committees

The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

However this option has been lost by the following clause in Council's Standing Orders Local Law;

3.1 Quorum at Meetings

In accordance with the Act, the quorum at all meetings of Council and its committees shall be a minimum of 50% of the total number of places whether vacant or not.

With respect to the Local Emergency Management Committee recommended membership that includes Council staff, it is noted that the Local Government Act (5.10) provides as follows;

- (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.

It is advised that the CEO endorses the staff members listed in the recommendation.

It should be noted that a similar provision exists for the President as is as follows (5.10);

- (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.

There are several industry organisations that Council will need to appoint delegates for. These include:-

- * South West Zone W A Local Government Association
- * Warren Blackwood Strategic Alliance
- * Main Roads Regional Road Group

OFFICER RECOMMENDATION

That the following Committee/Representatives be appointed:-

- 1. **Audit and Finance Committee – (3) Councillors.**
The function/role of the audit committee be as follows:-
 - a) **is to provide guidance and assistance to the Council-**
 - i. **as to the carrying out of its functions in relation to audits;**
 - ii. **as to the development of a process to be used to select and appoint a person to be the auditor; and**
 - b) **may provide guidance and assistance to the Council as to-**
 - i. **matters to be audited;**
 - ii. **the scope of the audit;**
 - iii. **its functions under Part 6 of the Local Government Act 1995 that relate to financial management; and**
 - iv. **the carrying out of its functions relating to other audits and other matters related to financial management.**
 - c) **is to conduct quarterly budget reviews and report to Council.**

That Cr.....

That Cr.....

That Cr.....

be appointed to Council’s Audit Committee.

- 2. **Citizen of the Year, Young Achiever of the Year and Sports Person of the Year Committee – 4 Councillors and the CEO, the function of the committee to be as setout in Council’s Annual Awards process policy.**

That Cr.....

That Cr.....

That Cr.....

and the Chief Executive Officer be appointed to Council’s Annual Awards Committee.

3. **Local Emergency Management Committee-**
The roles and reasonability's of this committee are to be as set out in the Emergency Management Act 2005
That Cr.....be appointed as the Council Representative on the LEMC Committee and that the following persons also be appointed to be members of the Committee:

Police

Sgt Jenny Sara
SC Wade

Fire & Rescue Services

Gyula Bogar (Captain)
David Millington

St John's Ambulance

Colin Barron

Boyup Brook Health Service

Carol Jones

Boyup Brook Medical Service

Linda Daleboudt

Boyup Brook Bush Fire Brigade

Kevin Henderson
Cr Terry Ginnane

Department of Agriculture

Evan Armstrong

Department for Child Protection – Collie

Anna Huxtable
Nicole Mitchell

FESA

Merv McNamara (Area Manager)
Vikram Cheema (CEMO)

Shire of Boyup Brook

John Eddy
Geoff Carberry

Community Member

Graham Calley

4. **Bush Fire Advisory Committee-**

That Cr.....be appointed as the Council Representative on the Bush Fire Advisory Committee.

5. **Parks and Gardens Committee –**
The purpose of this committee is to provide advice and recommendations to Council on enhancing town sites and the cemetery. The membership is to be three Councillors and up to four community members.

That Cr.....
That Cr.....
That Cr.....
be appointed to Council’s Parks and Gardens Committed and that nominations be called for up to four community member positions on the committee.

6. **Strategic Planning Committee-**
The purpose of this committee is to review forward planning (including asset management, financial and strategic plans; town planning scheme, associated strategies and policies; and options for working with other Local Governments through Regional Organizations of Councils, or the like, to achieve greater efficiencies in operation and greater benefits for the community) and report back to Council. The Committee membership will be all Councillors and the Chief Executive Officer and the Committee will meet once per quarter. The quorum for this committee will be four members.

That all members of Council and the Chief Executive Officer be appointed to Council’s Strategic Planning Committee.

7. **Heated Multi Purpose Therapeutic Pool Committee-**
The purpose of this committee is to pursue costings and funding applications for construction of the heated multi purpose therapeutic pool.
That Cr.....and the Chief Executive Officer be appointed as the Council Representatives on the Heated Multi Purpose Therapeutic Pool Committee and that the following persons also be appointed to be members of the Committee;
Ms Sue White
Mr Bob Sutcliffe

8. That Cr.....be appointed as the Council Representative on the Main Road Regional Road Group

9. That Cr.....be appointed as the Council Delegate and That Cr.....be appointed as the Deputy Delegate for the South West Zone Western Australian Local Government Association.

10. That Cr.....be appointed as the Council Delegate and Deputy Delegate for the Warren Blackwood Strategic Alliance.

11. That Cr.....be appointed as the Council Delegate/Representatives on the Rylington Park Management Committee (inc).

12. That Cr.....be appointed as the Council Delegate/Representative on the Blackwood River Valley Marketing Association.

13. That Cr.....be appointed as the Council Delegate/Representative on the Boyup Brook Tourism Association
14. That Cr.....be appointed as the Council Delegate/Representative on the Boyup Brook Telecentre Management Committee.
15. That the appointment of any further committees be considered as required.
16. That all appointments expire on the date of the next ordinary election of Councillors.

COUNCIL DECISION – ITEM 4.1

MOVED: Cr Giles

SECONDED: Cr O’Hare

That Cr Lamshed, Cr Oversby, Cr Biddle and Cr Ginnane be appointed to Council’s Annual Awards Committee to determine the Citizen of the Year, Young Achiever of the Year and Sports Person of the Year.

CARRIED 9/0

Res 221/09

MOVED: Cr Ginnane

SECONDED: Cr Giles

That Cr Ginnane be appointed as the Council Representative on the LEMC Committee and that the following persons also be appointed to be members of the Committee:

Police

Sgt Jenny Sara
SC Wade

Fire & Rescue Services

Gyula Bogar (Captain)
David Millington

St John Ambulance

Colin Barron

Boyup Brook Health Service

Carol Jones

Boyup Brook Medical Service

Linda Daleboudt

Boyup Brook Bush Fire Brigade

Kevin Henderson
Cr Michael Giles

Department of Agriculture

Evan Armstrong

Department for Child Protection – Collie

Anna Huxtable
Nicole Mitchell

FESA

Merv McNamara (Area Manager)
Vikram Cheema (CEMO)

Shire of Boyup Brook

John Eddy
Geoff Carberry

Community Member

Graham Calley

CARRIED 9/0

Res 222/09

MOVED: Cr Ginnane

SECONDED: Cr O'Hare

That Cr Giles be appointed as the Council Representative on the Bush Fire Advisory Committee.

CARRIED 9/0

Res 223/09

MOVED: Cr Lamshed

SECONDED: Cr Biddle

That Cr Giles be appointed as the Council Representative on the Main Road Regional Road Group

CARRIED 9/0

Res 224/09

MOVED: Cr Giles

SECONDED: Cr Lamshed

That Cr Ginnane be appointed as the Council Delegate and that Cr Doust be appointed as the Deputy Delegate for the South West Zone Western Australian Local Government Association.

CARRIED 9/0

Res 225/09

MOVED: Cr Ginnane

SECONDED: Cr Giles

That Cr Ginnane be appointed as the Council Delegate for the Warren Blackwood Strategic Alliance.

CARRIED 9/0

Res 226/09

MOVED: Cr Oversby

SECONDED: Cr Lamshed

That Cr Marshall be appointed as the Council Delegate/Representatives on the Rylington Park Management Committee (inc).

CARRIED 9/0

Res 227/09

MOVED: Cr Giles

SECONDED: Cr O'Hare

That Cr Lamshed be appointed as the Council Delegate/Representative on the Blackwood River Valley Marketing Association.

CARRIED 9/0

Res 228/09

MOVED: Cr Giles

SECONDED: Cr Ginnane

That Cr Biddle be appointed as the Council Delegate/Representative on the Boyup Brook Tourism Association.

CARRIED 9/0

Res 229/09

MOVED: Cr Lamshed

SECONDED: Cr Giles

That Cr O'Hare be appointed as the Council Delegate/Representative on the Boyup Brook Telecentre Management Committee.

CARRIED 9/0

Res 230/09

REASON OFFICER RECOMMENDATION WAS CHANGED

The newly elected Shire President sought and gained approval from the other elected members not to consider any other Committees until the next Ordinary Council Meeting in November. This would allow him time to discuss any other committee requirements with the CEO prior to a recommendation at the next meeting.

5 CONFIDENTIAL MATTERS

Nil

6 CLOSURE OF MEETING

There being no further business the Shire President, Cr Ginnane, declared the meeting closed at 8:20pm.