



— City of —
Melville

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

19 OCTOBER 2009

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON MONDAY, 19 OCTOBER 2009.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:30 pm. Mr J Clark the Governance and Compliance Program Manager read aloud the Disclaimer and then His Worship the Mayor, R Aubrey, read aloud the Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor, R Aubrey

COUNCILLORS

Cr N Pazolli, Cr P Reidy
Cr T Ceniviva, Cr E Nicholson
Cr C Robartson, Cr R Subramaniam
Cr G Wieland, Cr J Barton
Cr C Halton, Cr B Kinnell
Cr M Reynolds, Cr N Foxtan

WARD

Applecross/Mount Pleasant
City
Bull Creek/Leeming
Bicton/Attadale
Palmyra/Melville/Willagee
University

3. IN ATTENDANCE

| | |
|----------------|---|
| Dr S Silcox | Chief Executive Officer |
| Mr M Tieleman | Director Corporate Services |
| Mr S Cope | Director Urban Planning |
| Mr J Christie | Director Technical Services |
| Mr L Hitchcock | Executive Manager Legal Services |
| Mr B Taylor | Manager Information, Technology & Support |
| Mr J Clark | Governance & Compliance Program Manager |
| Mr W Thornton | Civic Facilities & Protocols Coordinator |
| Ms D Beilby | Minute Secretary |

At the commencement of the Meeting there were 18 members of the public in the Public Gallery and 1 member of the Press in the Press Gallery.

His Worship the Mayor, R Aubrey took the opportunity to acknowledge the service of the outgoing Council and to wish the new Council well for the future.

4. DECLARATION OF OFFICE CEREMONY

The Chief Executive Officer requested the newly Elected Members of the Council to individually take the **DECLARATION OF OFFICE** in accordance with Section 2.29 of the Local Government Act, after which the Declaration documents were signed –

The following Members were sworn in as Councillors for the period 2009 to 2013 by His Worship the Mayor R Aubrey.

| | |
|----------------|--------------------------------|
| Cr E Nicholson | City Ward |
| Cr P Reidy | Applecross/Mount Pleasant Ward |
| Cr B Kinnell | Palmyra/Melville/Willagee Ward |
| Cr N Foxtan | University Ward |
| Cr C Robartson | Bull Creek/Leeming Ward |
| Cr J Barton | Bicton/Attadale Ward |

The Members of the Council and Gallery stood to sing the National Anthem.

COUNCIL PRAYER

The Prayer for the City of Melville was delivered by Cr C Robartson.

5. APOLOGIES AND APPROVED LEAVE OF ABSENCE

5.1 APOLOGIES

Nil.

5.2 APPROVED LEAVE OF ABSENCE

Nil.

6. QUESTION TIME

Nil.

7. DISCLOSURES OF INTEREST

Nil.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. BUSINESS

C09/5093 – ELECTION OF DEPUTY MAYOR 2009/2011

Acknowledging that the provisions of the Local Government Act 1995 allow the person elected to occupy the position for a period of twenty-four (24) months, City of Melville Elected Members have previously indicated their desire to elect the Deputy Mayor for a period of only twelve (12) months, candidates are asked to declare that they will stand down from the position and allow another ballot to be conducted in October 2010. This decision regarding the term of the Deputy Mayor can be amended by the majority of Elected Members.

At 6.45pm the Mayor invited nominations for the Office of Deputy Mayor for the 2009/2010 period.

The following nominations for the position of Deputy Mayor were received –

Cr M Reynolds
Cr J Barton
Cr R Subramaniam

The Mayor closed the nominations at 6.48pm and gave each of the candidates the opportunity to make a brief presentation to the meeting.

The Chief Executive Officer conducted the Election in accordance with the provisions of the Local Government Act. A secret ballot was conducted and the Chief Executive Officer announced that the vote was tied between Cr Reynolds and Cr Subramaniam. Lots were drawn in accordance with Schedule 4.1 of the Local Government Act.

At 7.01pm Cr Subramaniam was declared Deputy Mayor from October 2009 to October 2010.

DECLARATION

The Chief Executive Officer requested the newly elected Deputy Mayor to make the **DECLARATION OF OFFICE**, in accordance with Section 2.29 of the Local Government Act 1995, which was duly signed by the Deputy Mayor and the Mayor.

Cr R Subramaniam was sworn in as Deputy Mayor for the period October 2009 to October 2010 by His Worship the Mayor R Aubrey.

C09/5094 - APPOINTMENT OF COMMITTEES 2009/2011 (AMREC) (ATTACHMENT)

Membership of Committees

Legislative requirements for the appointment of committee members are dealt with in Section 5.10 of the Local Government Act 1995. Section 5.10 states as follows:-

(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. (Note section 5.9(2) states that a committee is to comprise - (a) council members only; or (b) council members and employees;...)

(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 local government.

(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.

Note:- In accordance with Section 5.10(4) of the Local Government Act 1995, the Mayor may, where a Committee has a Councillor as a Member, give notice of intention to be a member of that Committee. In such circumstances, the local government is to appoint the Mayor to be a member of that Committee.

As the City is divided up into 6 wards, membership of Committees is usually evenly distributed across the wards so that each ward receives equal representation on the Committees.

C09/5094 - APPOINTMENT OF COMMITTEES 2009/2011 (AMREC) (ATTACHMENT)

COUNCIL RESOLUTION (5094)

ABSOLUTE MAJORITY

At 7.04pm Cr Subramaniam moved, seconded Cr Ceniviva -

That by Absolute Majority Decision of the Council the Committees for the 2009/2011 period consist of 6 members comprising of equal representation from each of the wards, where practicable, plus the Mayor, for the:-

Governance Committee and the

Financial Management, Audit, Risk & Compliance Committee

With Deputies appointed to cover periods of absence by individual members.

At 7.04pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

GOVERNANCE COMMITTEE

Details of the functions of the Governance Committee can be found in the following document:-
[5013A October 2009](#)

COUNCIL RESOLUTION (5094)

ABSOLUTE MAJORITY

At 7.06pm Cr Reidy moved, seconded Cr Robartson -

That by Absolute Majority Decision of the Council the following Elected Members and their deputies be appointed to the Governance Committee from October 2009 to October 2011.

| Member | Deputy | Ward |
|----------------|------------------|----------------------------------|
| Cr R Aubrey | | Section 5.10(4) Mayoral Position |
| Cr P Reidy | Cr N Pazolli | Applecross/Mount Pleasant |
| Cr J Barton | Cr G Wieland | Bicton/Attadale |
| Cr C Robartson | Cr R Subramaniam | Bull Creek/Leeming |
| Cr E Nicholson | Cr A Ceniviva | City |
| Cr C Halton | Cr B Kinnell | Melville/Palmyra/Willage |
| Cr N Foxton | Cr M Reynolds | University |

At 7.06pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

**C09/5094 - APPOINTMENT OF COMMITTEES 2009/2011 (AMREC) (ATTACHMENT)
(ATTACHMENT)**

FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE

Details of the functions of the Financial Management, Audit, Risk and Compliance Committee can be found in the following document
[5013B October 2009](#)

It should be noted that in addition to the Elected Members the membership of this Committee includes one external member appointed by the Council. Mr Richard Woodgate is the current member his term of appointment will expire on 31 December 2010.

COUNCIL RESOLUTION (5094)

ABSOLUTE MAJORITY

At 7.07pm Cr Wieland moved, seconded Cr Halton -

That by absolute majority decision of the Council the following Elected Members and their Deputies be appointed to the Financial Management, Audit, Risk and Compliance Committee from October 2009 to October 2011.

| Member | Deputy | Ward |
|------------------|----------------|----------------------------------|
| Cr R Aubrey | | Section 5.10(4) Mayoral Position |
| Cr N Pazolli | Cr P Reidy | Applecross/Mount Pleasant |
| Cr G Wieland | Cr J Barton | Bicton/Attadale |
| Cr R Subramaniam | Cr C Robartson | Bull Creek/Leeming |
| Cr A Ceniviva | Cr E Nicholson | City |
| Cr B Kinnell | Cr C Halton | Melville/Palmyra/Willage |
| Cr M Reynolds | Cr N Foxtan | University |

At 7.07pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

C09/5095 - APPOINTMENT OF PRESIDING MEMBER AND DEPUTY PRESIDING MEMBER OF COMMITTEES (REC)

Elected Members have previously indicated their desire to elect the Presiding Member and Deputy Presiding Member of Committees for a period of only twelve (12) months, acknowledging that the provisions of the Local Government Act allow the person elected to occupy the position for a period of twenty-four (24) months, candidates are asked to declare that they will stand down from the position and allow another ballot to be conducted in September/October 2010. (if appropriate).

COUNCIL RESOLUTION (5095)

ABSOLUTE MAJORITY

At 7.08pm Cr Robartson moved, seconded Cr Halton -

That by Absolute Majority Decision of the Council the Election of Presiding Member and Deputy Presiding Member of the Governance Committee and Financial Management, Audit, Risk and Compliance Committee will be conducted as the first item of business at the next meeting of each Committee.

At 7.08pm the Mayor submitted the motion which was declared

CARRIED BY ABSOLUTE MAJORITY (13/0)

C09/5015 DATE OF COUNCIL AND COMMITTEE MEETINGS 2009/2010 (REC)

The suggested timetable for the 2009/2010 period (from October 2009 to October 2010) for the Council and Committee Meetings (subject to any subsequent amendment) is as follows -

Ordinary Meetings of Council

Third Tuesday of each month at 6.30pm with the exception of January.

The Ordinary Meeting of Council in November 2009 will include nominations for representatives on various Occasional, Advisory, Local Government Community Committees.

Agenda Briefing Forum

First Tuesday of each month at 6.30pm with the exception of January.

Financial Management, Audit, Risk & Compliance Committee

Dates and frequency to be decided.

Governance Committee

Dates and frequency to be decided.

COUNCIL RESOLUTION (5015)

APPROVAL

At 7.09pm Cr Subramaniam moved, seconded Cr Barton -

That the dates of the Council and Committee meetings for the 2009/2010 period (October 2009 to October 2010) be as follows -

1.1 ORDINARY MEETINGS OF COUNCIL

Third Tuesday of each month at 6.30pm with the exception of January.

1.2 AGENDA BRIEFING FORUM

First Tuesday of each month at 6.30pm with the exception of January.

1.3 FINANCIAL MANAGEMENT, AUDIT, RISK & COMPLIANCE COMMITTEE

Dates and frequency to be decided

1.4 GOVERNANCE COMMITTEE

Dates and frequency to be decided

At 7.09pm the Mayor submitted the motion which was declared

CARRIED (13/0)

19. CLOSURE

There being no further business to discuss the Mayor declared the meeting closed at 7.09pm.