



Council Meeting 21 April 2015

MINUTES

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBERS, ON TUESDAY, 21 APRIL, 2015 COMMENCING AT 6.34PM.

INDEX

- 82. DECLARATION OF OPENING OF MEETING**
 - 82.1 *Present*
- 83. ACKNOWLEDGEMENT OF COUNTRY**
- 84. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**
- 85. RECORD OF APPROVED LEAVE OF ABSENCE**
- 86. RECORD OF APOLOGIES**
- 87. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS**
- 88. PUBLIC QUESTION TIME**
- 89. APPLICATION FOR LEAVE OF ABSENCE**
 - 89.1 *Cr Collinson*
 - 89.2 *Cr Amor*
- 90. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**
 - 90.1 *Council Meeting 17 March 2015*
- 91. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**
 - 91.1 *East Fremantle Lawn Tennis Club – Patrons Day*
 - 91.2 *Anzac Day Service – Memorial Rose Garden*
 - 91.3 *Climate Change Forum – South West Group*
- 92. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS**
- 93. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**
 - 93.1 *Cr Collinson – Climate Change Declaration*
 - 93.2 *Mayor O’Neill – Former CEO*
 - 93.3 *Cr Rico – Former CEO*
- 94. CORRESPONDENCE**



21 April 2015

MINUTES

95. TOWN PLANNING & BUILDING COMMITTEE

95.1 *Matters referred from Town Planning & Building Committee Meeting – 7 April 2015:*

(A) *Review of Municipal Heritage Inventory and Heritage List*

(B) *Future Consultation – Heritage Review*

96. HEALTH & GENERAL PURPOSES

96.1 *WALGA Local Government Climate Change Declaration*

97. FINANCE

97.1 *Monthly Financial Activity Statement for Period Ending 31 March 2015*

97.2 *Accounts for Payment – March 2015*

98. REPORTS OF ELECTED MEMBERS

98.1 *Southern Metropolitan Regional Council (SMRC)*

99. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER

99.1 *Local Government Ordinary Elections – October 2015*

100. CONFIDENTIAL BUSINESS

100.1 *Notice of Motion - Mayor O'Neill – Former CEO*

100.2 *Notice of Motion – Cr Rico – Former CEO*

101. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

102. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

103. CLOSURE OF MEETING

MINUTES OF A COUNCIL MEETING, HELD IN THE COUNCIL CHAMBER, ON TUESDAY, 21 APRIL, 2015 COMMENCING AT 6.34PM.

82. DECLARATION OF OPENING OF MEETING

The Mayor (Presiding Member) declared the meeting open.

82.1 Present

Mayor J O'Neill	Presiding Member
Cr J Amor	
Cr C Collinson	
Cr S Martin	
Cr M McPhail	
Cr M Rico	
Cr A Watkins	
Mr G Clark	Acting Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance & Administration (to 7.25pm)
Mr J Douglas	Manager Planning Services (to 7.14pm)
Ms S Cocks	Principal Environmental Health Officer (to 7.14pm)
Mrs P Cooper	Minute Secretary

83. ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member made the following acknowledgement:

"On behalf of the Council I would like to acknowledge the Nyoongar people as the traditional custodians of the land on which this meeting is taking place."

84. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF

There were two members of the public in the gallery at the commencement of the meeting.

85. RECORD OF APPROVED LEAVE OF ABSENCE

Nil.

86. RECORD OF APOLOGIES

Cr J Harrington

87. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil.

88. PUBLIC QUESTION TIME

Nil.

89. APPLICATION FOR LEAVE OF ABSENCE

89.1 Cr Collinson

Cr Watkins sought leave of absence for the period 1 June to 30 June 2015.

Cr McPhail – Cr Watkins

That Leave of Absence be granted to Cr Collinson for the period 1 June to 30 June 2015.

CARRIED 7:0

89.2 Cr Amor

Cr Amor sought leave of absence for the period 1 July to 31 August 2015.

Cr McPhail – Cr Watkins

That Leave of Absence be granted to Cr Collinson for the period 1 July to 31 August 2015.

CARRIED 7:0

90. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**90.1 Council Meeting 17 March 2015**

Cr Rico advised the meeting that she had sought advice from the Local Government Department regarding Item 80 / 80.1 of the Minutes of 17 March 2015 and the non-disclosure in the minutes of her motion without notice of an urgent nature.

The Acting CEO undertook to seek advice.

Mayor O'Neill – Cr Watkins

That the confirmation of Minutes of the Council Meeting held on 17 March 2015 be held over to the next meeting of Council pending clarification of the issue raised by Cr Rico. CARRIED 6:1

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Rico requested that the voting of Council members be recorded.

Mayor O'Neill and Crs McPhail, Martin, Collinson, Amor & Watkins voted in favour of the motion with Cr Rico having voted against the motion.

91. ANNOUNCEMENTS BY MAYOR WITHOUT DISCUSSION**91.1 East Fremantle Lawn Tennis Club – Patrons Day**

Mayor O'Neill advised that he attended the EF Lawn Tennis Club's Patron's Day on 11 April along with fellow patron, Mr Arthur Marshall.

91.2 Anzac Day Service – Memorial Rose Garden

Mayor O'Neill reported on the upcoming Anzac Day Service to be conducted on 25 April commencing 9.20am at the Memorial Rose Garden and extended an invitation for elected members to attend. Both the President, Mr Alan Meyer and Vice President, Mr John Nuttmean of the Bicton Palmyra RSL Sub-branch will be in attendance.

91.3 Climate Change Forum – South West Group

Mayor O'Neill reported on the attendance by both himself and Acting CEO, Gary Clark at the recent Climate Change Forum conducted by the South West Group and held in Melbourne and Sydney between 6 to 9 April. Mayor O'Neill advised that a written report will be prepared for elected members.

92. QUESTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN WITHOUT DISCUSSION BY COUNCIL MEMBERS

Nil.

93. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN BY COUNCIL MEMBERS**93.1 Cr Collinson – Climate Change Declaration**

"That the Town of East Fremantle sign the WALGA declaration on climate change." (Item 15.1 refers)

Cr Collinson indicated that he had no objection to his notice of motion being held over for consideration under agenda Item 15.1 – Health & General Purposes.

93.2 Mayor O'Neill – Former CEO

Mayor O'Neill's Notice of Motion to be considered under Confidential Business (Item 19.1)

21 April 2015

MINUTES

- 93.3** **Cr Rico – Former CEO**
Cr Rico’s Notice of Motion to be considered under Confidential Business (Item 19.2)

Cr Rico raised a point of order advising that her notice of motion was submitted in time for consideration under “Motions of Which Due Notice Has Been Given by Council Members” and not “Confidential Business”.

The Acting CEO advised that both motions related to the service of a former employee and should be considered confidential.

- 94. CORRESPONDENCE**
Nil.

95. TOWN PLANNING & BUILDING COMMITTEE

- 95.1** ***Matters referred from Town Planning & Building Committee Meeting – 7 April 2015:***

Mayor O’Neill – Cr Martin

That Council gives consideration to dealing with the following matters en-bloc.

CARRIED 7:0

- (A) ***Review of Municipal Heritage Inventory and Heritage List***
(B) ***Future Consultation – Heritage Review***

Mayor O’Neill – Cr Martin

That the foregoing items, 95.1(A) & (B) be held over pending a further report from the Manager Planning Services regarding the planning, financial and any other implications arising from the Town Planning & Building Committee’s resolutions.

Footnote:

Residents who attended the recent meeting of the Town Planning & Building Committee raising concern over the listing of their property to be informed in writing of Council’s decision.

CARRIED 6:1

96. HEALTH & GENERAL PURPOSES

- 96.1** ***WALGA Local Government Climate Change Declaration***
By Shelley Cocks Principal Environmental Health Officer, on 13 April 2015

PURPOSE

To facilitate Council consideration of the WALGA Local Government Climate Change Declaration as a result of Cr Cliff Collinson’s Notice of Motion.

BACKGROUND

In May 2008 WALGA endorsed the resourcing of a climate change specific position to assist the Local Government sector to respond to the impacts and opportunities inherent in climate change management. In 2009 the WALGA State Council endorsed a Policy Statement for the Association on Climate Change. **ATTACHMENT**

WALGA developed the advocacy position of the sector by formulating a Local Government Climate Change Declaration. Then on 19 August 2011, WALGA released an info page on the subject of the Local Government Climate Change Declaration and called on Local Governments to consider the declaration and provide in-principle supports for the Declaration.

The Town of East Fremantle has participated in a number of climate change initiatives since around 1998. The Town remained an active participant in the Cities for Climate

Protection Program from its inception until it was discontinued by a Federal Government in around 2011.

The Town of East Fremantle participated in the Regional Community Greenhouse Gas Project as part of our commitment as members of the Southern Metropolitan Regional Council, however this project was re-branded Climate Wise until it was discontinued in around 2013. The Town continues to track its energy, water and greenhouse gas emissions through the subscription services of Planet Footprint. Initially this was to assist in the implementation of the Carbon Tax, which has now been discontinued. It has proven to be a valuable service and renders Council capable of knowing its carbon footprint at any point in time.

A key outcome of the Climate Wise project resulted in the funding for providing Living Smart courses to the community. Living Smart is a 10 session course which covers a wide range of sustainable topics including saving water, energy, transport, safe use of household chemicals, biodiversity, happy and healthy lifestyles.

Latterly, Living Smart courses have been replaced by our own waste reduction workshops with around 70 people undertaking workshops in a community setting each year.

Another key outcome was the installation of solar panels on two Council facilities, Dovenby House and Tricolore Community Centre. Grant funding was awarded to the Town to install these systems.

The Australian Government Department of Climate Change developed the Local Adaptation Pathways Program (LAPP) to provide grants to Councils across Australia to conduct a risk assessment and develop an adaptation response.

The Southern Metropolitan Regional council (SMRC) completed the first three phases of the LAPP including the context setting, risk assessment and adaptation option identification. This report provides a detailed summary of the context setting and risk assessment, as well as the results of the adaptation option identification phase.

The climate variables considered included reduced rainfall, increased temperature and extreme weather events (flooding, bushfire, high winds), with the level of risk for each risk scenario being analysed for now(2008), 2030 (without any additional controls), 2070 (without any additional controls), and for 2030 with implementation of potential adaptation control options.

Introduction/Comments

The declaration is based on the Nottingham Declaration to which 90% of Councils have signed. The same declaration was endorsed by WALGA's State Council however it can be amended to suit Local Governments individual needs and commitments should they wish.

The declaration stands as a voluntary opportunity for councils to demonstrate their political commitment to locally appropriate climate change management, and to participate in a sector wide leadership approach.

At present over 40 Local Governments have signed the WA Declaration, representing almost 60% of Western Australian residents.

Relevant Council Policies

This item is in accordance with Council Policies in regard to:

- Council policy on conservation of water resources.
- Council policy on waste minimisation policy.
- Council policy on solar access and shade.

- Foreshore policy, policy plan and design guidelines.

Strategic Plan Implications

This item is in accordance with the Strategic Community Plan 2013-2023 by way of compliance with:

- 2.1 Our physical and environmental assets are maintained, accessible and safe.
- 2.3 Significant spaces and places are identified and protected for future generations.
- 3.1 Our environment is preserved through sustainable practice.
- 3.2 Our community values and protects its built heritage.

Financial/Resource/Budget Implications

No additional funding is required in regard to signing the declaration, however there will be financial implications for any commitments made. Climate adaptation and emissions reduction should be considered in conjunction with the review of the Strategic Community Plan.

Discussion

It is clear that State and Federal government support and funding around climate change mitigation and adaptation is varied at best. In the absence of such support and funding, it is more relevant than ever for the Town of East Fremantle to work regionally with the South West Group and the Southern Metropolitan Regional Council to commit to locally appropriate climate change adaptation within the framework of the Strategic Community Plan.

In order to make this declaration meaningful and relevant, the following commitments will have to be complied with:

- Set an appropriate individual Local Government emissions reduction target and work toward its achievement.
- Work with State and Federal Government to ensure achievement of greenhouse gas emissions reduction targets as set out in key National and International agreements.
- Work with State and Federal Government to implement key actions and activities for climate change management at a local level.
- Assess the regionally specific risks associated with climate change and implications for Local Government services, and identify areas where appropriate mitigation and/or adaptation strategies should be applied.
- Develop an internal Climate Change Action Plan for climate change actions across all Local government functions, with a focus on the two, five and ten year future.
- Ensure that, at appropriate review intervals, the strategic plan and policies for the Local government are reviewed and amended to reflect climate change management priorities and emissions reductions targets.
- Encourage and empower the local community and local businesses to adapt to the impacts of climate change and to reduce their greenhouse gas emissions.
- Monitor the progress of climate change initiatives and ensure full communication of achievements for Council and Community.

Clearly, the two significant and potentially costly commitments are:

- Set an appropriate individual Local government emissions reduction target and work toward its achievement; and
- Develop an internal Climate Change Action Plan for climate change actions across all Local government functions, with a focus on the two, five and ten year future.

The resources associated with this project would have to be costed and included in the Integrated Planning and Reporting Framework. The costs are at the moment, unknown and potentially significant. However, climate change is happening and any of our emission reductions, whether possible or not, will not change this. It is clear that the

Town should still commit to reducing emissions and plan to adapt to the effects of climate change.

RECOMMENDATION

That Council:

1. Supports the “Western Australian Local Government Declaration on Climate Change” as attached.
2. Completes and signs the attached “Western Australian Local Government Declaration on Climate Change” and submits the document to the Western Australian Local Government Association (WALGA).
3. Investigates the cost of resourcing the commitments made as a result of signing the Western Australian Local Government Declaration on Climate Change and the workforce required to do so.

Cr Collinson – Mayor O’Neill

That Council:

1. **Supports the “Western Australian Local Government Declaration on Climate Change” as attached.**
2. **Completes and signs the attached “Western Australian Local Government Declaration on Climate Change” and submits the document to the Western Australian Local Government Association (WALGA).**
3. **Investigates the cost of resourcing the commitments made as a result of signing the Western Australian Local Government Declaration on Climate Change and the workforce required to do so.**

CARRIED 6:1

The Manager Planning Services and Principal Environmental Health Officer left the meeting at 7.14pm.

97. FINANCE

- 97.1** *Monthly Financial Activity Statement for Period Ending 31 March 2015*
By Les Mainwaring Executive Manager Finance & Administration on 10 April 2015

PURPOSE

To provide timely financial information to Elected Members including regular review of the current forecast. This statement compares actual performance against budget estimates, and summarises operating and capital results in accordance with statutory requirements.

BACKGROUND

This report comprises the monthly financial results from the period ending 31 March 2015 with commentary focussing on comparisons to the March year to date budget position.

The monthly Financial Activity Statement for the period 31 March 2015 is appended and includes the following:

- Financial Activity Statement
- Notes to the Financial Activity Statement including schedules of investments, rating information and debts written off.
- Capital expenditure Report

The attached Financial Activity Statements are prepared in accordance with the amended Local Government (Financial Management) Regulations 1996; together with supporting material to provide Council with easy to understand financial information on Council activities undertaken during the financial year.

ATTACHMENT

REPORT**Introduction/Comments**

The following is a summary of information on the attached financial reports:

Revised Budget Forecast

The current budget forecast for the 30th June 2015 indicates a surplus budget of \$10,248 which is the budget position after accepting the monthly financial report received 17th March 2015.

The history of the budget forecast is as follows:

- *Original Budget adopted with a projected surplus of \$0.*
- *At the OCM 21 October 2014 amendments resulted in an increase in closing funds of \$2,500.*
- *At the OCM 18 November 2014 amendments resulted in a change in closing funds of \$0.*
- *At the OCM 9 December 2014 recognition of an increase in opening funds of \$162,448.*
- *At the OCM 17 February 2015 a further amendment resulted in a change in closing funds of \$0.*
- *At the OCM 17 March 2015 amendments from the half yearly budget review process resulted in a decrease of closing funds of \$154,700.*

Operating YTD Actuals (compared to the YTD Budget)

Operating Revenue 102%; is \$171,000 more than the YTD budget. (Favourable)

Operating Expenditure 92%; is \$590,000 less than the YTD budget. (Favourable)
After non-cash adjustments, the total operating cash forecast is \$832,000 more than the YTD budget (Favourable).

Operating Revenue is ahead of year to date budget.

The significant favourable variances have come from interim rates, forward grant income of the Home and Community Care program, early timing of lease income and the festival grant, and parking revenues.

Operating Expenditure is 8% favourable to year to date budget.

The main areas of favourable variation are governance expenditure relating to projects and the timing of employee costs, community amenities timing of waste collection and waste processing charges and the timing of TPS project expenses.

All capital activities have been set forward in the budget so that they can be easily monitored in terms of progress; hence revenues aligned with capital projects have also been set forward which presents timing differences until projects are completed.

Details can be found in the attached notes to the financial activity statement.

Capital Programs YTD Progress Summaries

Annual Timeline 75% of year elapsed

Land & Buildings 31% expended

Infrastructure Assets 62% expended

Plant & Equipment 101% expended

Furniture & Equipment 13% expended

Capital expenditure is \$1,123,000 less than the YTD budget (Favourable) which

represents 44% of the capital programs to be completed. The report provides details on individual capital works in progress as at 31 March 2015.

Statutory Requirements

Local Government Act 1995 (As amended)

Local Government (Financial Management) Regulations 1996 (As amended)

Relevant Council Policies

Significant accounting policies are adopted by Council on an annual basis. These policies are used in the preparation of the statutory reports submitted to Council.

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The March 2015 Financial Activity Statement shows variances in income and expenditure when compared with year to date draft budget estimates.

The following budget amendments are recommended for various forecast projections recognised after adoption of the original budget:

\$21,000	I03051	Additional revenue from higher than expected interim rates.
\$14,000	E04254	Savings from lower than expected poll expenses and provision for an extraordinary election prior to June 2015.
\$ 8,000	E04257	Savings from costs of local government reform no longer required.
\$30,000	E04203	Additional expenditure on strategic community planning and statistical information gathering.
\$38,000	E10238	Additional expenditure on Municipal Inventory project due to prolongation and change of scope.
\$10,000	E10209	Savings from planning employee costs for annual leave cover over estimated.
\$18,000	I11162	Additional revenue from EFYC rent review and rent in advance.
\$15,000	E11265	Savings from reduction in community garden project.
\$18,000	I12180	Additional revenue from parking fines.
\$14,000	E12313	Additional expenditure from parking and directional line marking.

\$22,000 Increase in closing funds.

Conclusion

The attached Financial Activity Statement for the period 1 July 2014 to 31 March 2015 is presented to the Council for timely information. The current annual forecast of a \$10,248 surplus will increase by \$22,000 to new current annual forecast surplus of \$32,248 and is confirmed by these accounts in conjunction with further analytical analysis undertaken at officer level.

Voting Requirements

Absolute Majority

RECOMMENDATION

That Council:

1. Receives the Financial Activity Statement for the period ending 28 February 2014.
2. Adopts the budget amendment recommendation with the following variations for the period 1 July 2014 to 31 March 2015 and amends the budget accordingly:

\$21,000	I03051	Additional revenue from higher than expected interim rates.
\$14,000	E04254	Savings from lower than expected poll expenses and provision for an extraordinary election prior to June 2015.

21 April 2015

MINUTES

\$ 8,000	E04257	Savings from costs of local government reform no longer required.
\$30,000	E04203	Additional expenditure on strategic community planning and statistical information gathering.
\$38,000	E10238	Additional expenditure on Municipal Inventory project due to prolongation and change of scope.
\$10,000	E10209	Savings from planning employee costs for annual leave cover over estimated.
\$18,000	I11162	Additional revenue from EFYC rent review and rent in advance.
\$15,000	E11265	Savings from reduction in community garden project.
\$18,000	I12180	Additional revenue from parking fines.
\$14,000	E12313	Additional expenditure from parking and directional line marking.

Absolute Majority Resolution Required

Cr McPhail – Cr Collinson**That Council:**

1. **Receives the Financial Activity Statement for the period ending 28 February 2014.**
2. **Adopts the budget amendment recommendation with the following variations for the period 1 July 2014 to 31 March 2015 and amends the budget accordingly:**

\$21,000	I03051	Additional revenue from higher than expected interim rates.
\$14,000	E04254	Savings from lower than expected poll expenses and provision for an extraordinary election prior to June 2015.
\$ 8,000	E04257	Savings from costs of local government reform no longer required.
\$30,000	E04203	Additional expenditure on strategic community planning and statistical information gathering.
\$38,000	E10238	Additional expenditure on Municipal Inventory project due to prolongation and change of scope.
\$10,000	E10209	Savings from planning employee costs for annual leave cover over estimated.
\$18,000	I11162	Additional revenue from EFYC rent review and rent in advance.
\$15,000	E11265	Savings from reduction in community garden project.
\$18,000	I12180	Additional revenue from parking fines.
\$14,000	E12313	Additional expenditure from parking and directional line marking.

CARRIED 7:0

97.2**Accounts for Payment – March 2015**

By Les Mainwaring, Executive Manager Finance & Administration on 10 April 2015

PURPOSE

To endorse the list of payments made under delegated authority for the period 1 March to 31 March 2015.

BACKGROUND

The Acting Chief Executive Officer has delegated authority to make payments from the Municipal and Trust Accounts in accordance with budget allocations.

The Town provides payments to suppliers by electronic funds transfer, cheque or credit card. Attached is a list of all payments made under delegated authority during the said period.

ATTACHMENT

21 April 2015

MINUTES

REPORT**Statutory Requirements**

Local Government (Financial Management) Regulations 1996 – Regulation 13

Comments/Discussion

The List of Accounts paid for the period beginning 1 March to 31 March 2015 requires endorsement by the Council.

RECOMMENDATION

That the List of Accounts paid for the period beginning 1 March to 31 March 2015 be received, as per the following summary table:

MARCH 2015		
Voucher No's	Account	Amount
4855 – 4871	Municipal (Cheques)	\$34,770.52
EFT 20656 – EFT 20833	Electronic Transfer Funds	\$1,154,250.31
Credit Card	CEO	1,187.15
Payroll	Electronic Transfer Funds	\$396,321.24
	Municipal Total Payments	\$1,586,529.22

Cr McPhail – Cr Watkins

That the List of Accounts paid for the period beginning 1 March to 31 March 2015 be received, as per the following summary table:

MARCH 2015		
Voucher No's	Account	Amount
4855 – 4871	Municipal (Cheques)	\$34,770.52
EFT 20656 – EFT 20833	Electronic Transfer Funds	\$1,154,250.31
Credit Card	CEO	1,187.15
Payroll	Electronic Transfer Funds	\$396,321.24
	Municipal Total Payments	\$1,586,529.22

CARRIED 7:0**98. REPORTS OF ELECTED MEMBERS****98.1 Southern Metropolitan Regional Council (SMRC)**

Cr McPhail provided the following update from the SMRC:

- we received an increase in our licence capacity for the Waste Composting Facility (green bin plant) to 109,200t. Our current throughput is 80,000t (of which Member Council's represent 70,000t);
- awarded Gold Certificate from WorkSafe, which carries a \$2,500 award. The SMRC's insurers, LGIS, felt it's safety practices were of a high enough standard that they nominated us for the Award. This is particularly important because of the potential OHS hazards that could occur which such heavy machinery, if the facility was well managed.
- at a Special Council Meeting this afternoon, the SMRC allocated \$3.1 million for repair work the the WCF's digesters to recite the inner shell and strengthen the wear bars of two (of the four) digesters.

The Executive Manager Finance & Administration left the meeting at 7.25pm.

99. REPORTS OF ACTING CHIEF EXECUTIVE OFFICER

99.1 *Local Government Ordinary Elections – October 2015* *By Gary Clark, Acting Chief Executive Officer, on 27 March 2015*

PURPOSE

To authorise the conduct of the 2015 Local Government Ordinary Elections by the Western Australian Electoral Commission

BACKGROUND

The Electoral Commissioner advised Council on the 24 February 2015 of his agreement to be responsible for the conduct of the ordinary elections in 2015 for the Town in accordance with section 4.20(4) of the Local Government Act 1995 subject to Council resolving that the Commission undertake the election.

Following Council's resolution of 17 March, 2015, further advice was received from the Electoral Commissioner granting approval under Section 4.165(4) of the Local Government Act 1995 to defer filling the vacancy resulting from the resignation of Matthew Handcock until the October 2015 ordinary elections.

REPORT

Introduction

This report seeks a decision on whether to engage the WA Electoral Commission to carry out a postal election for the local government elections in October 2015. The alternative is to continue the usual conduct of 'in person' elections using Council staff and the CEO as the returning officer.

Comment

Postal Election

The benefits of postal elections are:

- Significantly better participation rates than 'in person' elections,
- Minimal disruption to day to day operations,
- The election is conducted at 'arm's length' that minimises any perception of inappropriate staff interference, and
- The election is core business for the Electoral Commission's experienced staff.

The main negative aspect of postal elections is the perceived high cost.

The benefits of an 'in person' election are:

- The social aspect of people turning out on the Saturday, and
- The perception that it is cheaper to have staff conduct the election.

The costs of an 'in person' election are:

- The opportunity cost of redirecting staff, from the day activities, to running an election tends to exceed the cost of paying for a postal election,
- There is a high risk to staff of accusations of bias from unsuccessful candidates or voters, and
- There is a high degree of disruption during the election period that distracts staff from higher priority strategic objectives. This impact is higher for smaller local governments.

Consultation

WA Electoral Commission.

Statutory Requirements

Local Government Act 1995, Part 4, Division 4:

- Section 4.20 (4) - A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible

21 April 2015

MINUTES

for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

- Section 4.61 (2) - The local government may decide* to conduct the election as a postal election. *(absolute majority required)

Relevant Council Policies

Nil

Strategic Plan Implications

Nil

Financial/Resource/Budget Implications

The quoted cost (prior to the Richmond Ward vacancy) to conduct the election by post was \$25,000.

Conclusion

A postal election is recommended because the cost is outweighed by the benefits of higher participation and the minimisation of risk and disruption to the organisation.

RECOMMENDATION

That Council:

1. declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required.
2. decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.

Absolute Majority Resolution Required

Cr Collinson – Cr Watkins

That Council:

1. **declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2015 ordinary elections together with any other elections or polls which may be required.**
2. **decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election.**

CARRIED 7:0

100. CONFIDENTIAL BUSINESS**Cr McPhail – Cr Martin**

That this part of the meeting be closed to members of the public in accordance with Section 5.23(2)(a) of the Local Government Act 1995.

CARRIED 7:0

100.1 Notice of Motion - Mayor O'Neill – Former CEO

Mayor O'Neill – Cr Watkins

That Council acknowledges the long and loyal service of the former CEO Mr Stuart Wearne to the Town of East Fremantle. Mr Wearne was CEO during a challenging period in the Town's history and his dedication and commitment are recognised. We take this opportunity to thank him for his service and wish him well in the future.

Amendment

Cr Rico – Cr Collinson

That Council:

1. *Acknowledges the long, loyal and outstanding service of Mr Stuart Wearne to Local Government and the Town of East Fremantle. Mr Wearne was elected Councillor in 1982, was Deputy Mayor and was appointed Chief Executive Officer in 1999. He*

21 April 2015

MINUTES

- served during a challenging period in the Town's history.
2. Takes this opportunity to acknowledge the following:
 - His expertise in dealing with many issues facing the Town, be it amalgamation, the underground power program, heritage and town planning issues and legal challenges. In all instances acting with integrity and ensuring the good governance of the Town was maintained.
 - His investigation and reports of issues in the Town have been thorough and comprehensive.
 - His exceptionally broad knowledge of Legislation, Policies and Regulations in the Local Government area and community affairs enabled him to provide sound advice, not only to the Town of East Fremantle councillors and staff, but, also to the West Australian Local Government community who sought his advice.
 - A number of legal cases were successful as a result of his research and determination to resolve them. A particular one included saving the Town from bankruptcy over a legal action he inherited and a public declaration by Council's solicitors that the Rates decision in regards to the Swan Yacht Club Rates case to be a Landmark Case. It set an Australia wide precedent which all local governments now benefit from i.e. Clubs now pay rates.
 - The Town's position as one of the highest ratings for local governments in Western Australia in regards to financial sustainability.
 - The Town's high community satisfaction rating and stable staff workforce.
 3. Thanks Mr Wearne for his hard work, passion and expertise and wishes him well in the future. LOST 2:5

Under s.5.21(4)(b) of the Local Government Act 1995, Cr Rico requested that the voting of Council members be recorded.

Crs Rico & Collinson voted in favour of the amendment with Mayor O'Neill and Crs McPhail, Martin, Amor & Watkins having voted against the amendment.

The substantive motion was put.

Mayor O'Neill – Cr Watkins

That Council acknowledges the long and loyal service of the former CEO Mr Stuart Wearne to the Town of East Fremantle. Mr Wearne was CEO during a challenging period in the Town's history and his dedication and commitment are recognised. We take this opportunity to thank him for his service and wish him well in the future. CARRIED 5:2

Under s.5.21(4)(b) of the Local Government Act 1995, Cr McPhail requested that the voting of Council members be recorded.

Mayor O'Neill and Crs McPhail, Martin, Collinson & Watkins voted in favour of the motion with Crs Rico & Amor having voted against the motion.

100.2 Notice of Motion – Cr Rico – Former CEO

Cr Rico withdrew her notice of motion.

101. NOTICES OF MOTION BY ELECTED MEMBERS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil.

102. MOTIONS WITHOUT NOTICE OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

103. CLOSURE OF MEETING

There being no further business, the meeting closed at 7.45pm.



21 April 2015

MINUTES

*I hereby certify that the Minutes of the meeting of the **Council** of the Town of East Fremantle, held on **21 April 2015**, Minute Book reference **82.** to **103.** were confirmed at the meeting of the Council on*

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Presiding Member