

Shire of Tammin

SPECIAL COUNCIL MEETING

AGENDA



NOTICE OF MEETING

Dear Elected Member

Please be advised that a Special Meeting of Council of the Shire of Tammin will be held on Tuesday 19 October 2021 in Council Chambers, 1 Donnan St, Tammin, commencing at 5:00pm.

Joanne Soderlund
Chief Executive Officer
19 October 2021

MISSION STATEMENT

"Together with the people of Tammin we will provide leadership, vision and progress to achieve sustainability and growth"

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chief Executive Officer will declare the meeting open at _____ pm.

1.1 Swearing-In of Council Members

Members of Council who were declared elected by the Returning Officer at the close of nominations on the 9 September 2021 are required to take the Declaration of Office (refer Form 7 attached).

1.2 Election of Shire President

In accordance with Schedule 2.3 of the Local Government Act 1995, the following process is required for the election of Shire President:-

Section 3 – CEO to Preside

The CEO is to preside at the meeting until the office is filled.

Section 4 – How the President is elected

- (1) The Council is to elect a councillor to fill the office
- (2) The election is to be conducted by the CEO
- (3) Nominations for the office are to be given to the CEO in writing (refer to Nomination form attached) or at the Meeting before nominations declared closed by the CEO
- (4) If a Councillor is nominated by another Councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office
- (5) The Councillors are to vote on the matter by secret ballot as if they were electors voting at an election

Councillors Please Note:

Nominations in writing for the positions of Shire President & Deputy Shire President will be received by the CEO and verbally at the meeting before the CEO declares the close of nominations.

If when the votes cast are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned and votes cast for a second time.

Following the election process, the successful candidate is required to take the mandatory Declaration of Office.

Once the above process has been completed, the CEO will vacate the Chair and the newly elected Shire President will preside over the meeting.

1.3 Election of Deputy Shire President

The process for election of the Deputy Shire President is the similar to that outlined above.

The CEO vacated the Chair and the newly elected President, Cr _____ assumed the same.

2. PRESENT / IN ATTENDANCE / LEAVE OF ABSENCE PREVIOUSLY GRANTED / APOLOGIES

Present:

In Attendance:

Leave of Absence previously granted:

Nil

Apologies:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

7. DECLARATION OF RELATED PARTY DISCLOSURE IN AGENDA ITEMS

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil

9. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. MATTERS FOR CONSIDERATION – FINANCE

12. MATTERS FOR CONSIDERATION – ADMINISTRATION

12.1 Establishment of the Committees and Appointment of Delegates

| | |
|--------------------------------|---|
| Location: | Shire of Tammin |
| Applicant: | Chief Executive Officer |
| Date: | 18 October 2021 |
| Author: | Joanne Soderlund |
| Item Approved by: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | Attachment Item 12.1 – Elected Member Prospectus – delegates Attachment Item 12.1 – Election of Zone Delegates and State Councillors Attachment Item 12.1 – Audit Committee Terms of Reference Attachment Item 12.1 – Terms of Reference TVJAPC |

Proposal/Summary

For Council to establish its Audit Committee of Council for the period ending with the 2021 Elections and appoint delegates to external committees.

Background

Council has previously established a number of Committees of Council and appointed delegates to other external committee to meet the requirements of the Local Government Act, 1995. Committees must have a minimum membership of three persons.

Furthermore, if appointing a committee consisting of persons other than Councillors, all members of the committee must also be appointed and named.

Committee appointments expire with the 2021 Ordinary Elections and are now required to be re-established.

In addition, delegates should be appointed to the various non-council committees such as Kellerberrin & Tammin Local Emergency Management Committee.

Comment

In accordance with the Local Government Act, 1995 Council may establish a number of different types of committee.

Under the Local Government Act 1995 Committees can be classified as:

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- Council committees, that is, a committee of three or more persons established by Council to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees; or,
- Non council committees established by some other authority, e.g. Emergency Management Act; or,
- community groups that operate with no delegated authority in respect to Council's powers or duties but which have an interest in some of the activities of Council and to which Council wishes to have formal representation by way of Delegates.

Shire of Tammin Audit Committee

The Audit Committee is established under the Local Government Act, 1995 s5.9(2) and s7.1A. Recommendations are made in Minutes of the Audit Committee meeting and should a Council resolution be required, recommendations are to be included as an item of business at the next available Ordinary Meeting of Council.

In accordance with the Local Government (Audit) Committee Regulations

16. Audit committee, functions of

- An audit committee —
- (a) is to provide guidance and assistance to the local government —
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;
 - and
 - (b) may provide guidance and assistance to the local government as to —
 - (i) matters to be audited; and
 - (ii) the scope of audits; and
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and
 - (c) is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council.

Members are appointed for the two year period between elections, in this case the period ending October 2023 and are appointed in accordance with the Committees Terms of Reference which sets the committee membership as: Shire President and five (5) Councillors.

Tamma Village Joint Allocation Committee

A Joint Venture Agreement was signed in 1995 for the Tamma Village units, between Homeswest and the Shire of Tammin. The document outlines the requirements and responsibilities of the Shire of Tammin (the Organization) and also the Tammin Senior Citizens Committee (the Management Committee).

Item 10 of the schedule of the document requires the appointment of a Joint Allocation Panel, consisting of two members of the organization on the management committee and the Area Manager of Homeswest.

A letter was sent to the Tammin Senior Citizens Committee on the 22nd November 2018, reconfirming the requirements of the Joint Venture agreement and advising that a Joint Allocation Panel would be appointed. The Shire’s Manager Finance and Administration, on 19 October 2021, requested confirmation of delegates for appointment to the Committee.

The Tammin Senior Citizens Committee has again nominated Ypie Thomson, the President of the Tammin Senior Citizens Committee and Julie Brooks, a resident of Tamma Village as its delegates for appointment.

Local Emergency Management Committee - Delegate

| | |
|--------------------|--|
| Authority | Emergency Management Act 2005 - s38 |
| Delegation | No delegated authority. Minutes are published and distributed to members and Councillors |
| Current Membership | Not formally appointed but listed in Local Plan |
| Meetings | As required |
| Current Status | Active |

This Committee is a shared arrangement with the Shire of Kellerberrin to which Council appoints its delegate with the CEO being their proxy.

The Local Emergency Management Committee is established under the Emergency Management Act 2005 and Local Government Act, 1995 s5.9(2). Recommendations are made in Minutes of the Committee meeting and should a Council resolution be required, recommendations are to be included as an item of business at the next available Ordinary Meeting of Council.

The constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

The functions of a local emergency management committee are set out in s39 of the Emergency Management Act 2005 (see below in statutory implications).

Appointment of Other Delegates

Council may appoint delegates to external committee as it sees fit. There is a clear distinction between committee and delegate appointments. Whilst travel and out of pocket expenses can be recouped by Delegates, no sitting fees are payable.

Council is required to appoint delegates to the WALGA Great Eastern Country Zone and the Wheatbelt East Regional Organisation of Councils (WEROC). In accordance with Sections 5.1(a)&(b) of the WEROC MoU, the President and CEO of the participant member council are members of WEROC. The participant may appoint one elected member and one officer as a deputy who are able to attend meetings and temporarily act in place of either member.

Other committee appointments include the Kellerberrin Regional Road Sub Group, Senior Citizens Management Committee, Local Health Advisory Group and Aged Friendly Committee.

Consultation

Senior Citizens Management Committee

Statutory Implications

Local Government Act, 1995

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees. * *Absolute majority required.*

5.9. Committees, types of

(1) In this section —

other person means a person who is not a council member or an employee.

(2) A committee is to comprise —

- (a) council members only; or
- (b) council members and employees; or
- (c) council members, employees and other persons; or
- (d) council members and other persons; or
- (e) employees and other persons; or
- (f) other persons only.

5.10. Committee members, appointment of

(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.*

5.11. Committee membership, tenure of

(1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —

- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
- (b) the person resigns from membership of the committee; or
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

5.17. Limits on delegation of powers and duties to certain committees

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- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council’s powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority of the council; and
 - (ii) any other power or duty that is prescribed;and
 - (b) to a committee comprising council members and employees, any of the local government’s powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government’s powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government’s property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
 - (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.
- * *Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
 - (4) An employee is not to be a member of an audit committee.

[Section 7.1A inserted by No. 49 of 2004 s. 5; amended by No. 5 of 2017 s. 11.]

Local Government (Audit) Regulations 1996

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

Emergency Management Act 2005

38. Local emergency management committees

- (1) A local government is to establish one or more local emergency management committees for the local government's district.
- (2) If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.
- (3) A local emergency management committee consists of —
 - (a) a chairman and other members appointed by the relevant local government in accordance with subsection (4); and
 - (b) if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.
- (4) Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.

39. Functions of local emergency management committees

The functions of a local emergency management committee are, in relation to its district or the area for which it is established —

- (a) to advise and assist the local government in ensuring that local emergency management arrangements are established for its district; and
- (b) to liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements; and
- (c) to carry out other emergency management activities as directed by the SEMC or prescribed by the regulations.

Policy Implications

N/A

Financial Implications

Committee members are entitled to claim meeting fees and travel expenses.

Delegates are entitled to claim travel expenses only.

Strategic Implications

Strategic Community Plan

6. Civic Leadership

Our Councillors and community leaders have vision, are accessible, act with transparency and integrity and act in good faith on behalf of their communities.

CL 6.1 Deliver sustainable governance through transparent and robust policy and processes.

Recommendation 1

That Council:

1. a) In accordance with s5.9(2)(a) of the Local Government Act 1995, establish its Audit Committee and appoint Cr Glenice Batchelor, Cr Tanya Nicholls, Cr Charmaine Thomson, Cr Courtney Thomson & Cr Barry Leslie as members of the Audit Committee: and
b) Endorse the attached Terms of Reference

Moved: Cr _____

Seconded: Cr _____

Vote: Absolute Majority

Carried/Lost: ___/___

Recommendation 2

1. That Council appoint as a Committee of Council, the Tamma Village Joint Allocation Panel Committee, comprising of;
 - a) Two members of staff, being Manager of Finance & Administration and the Community Development & Rates Officer
 - b) Two members of Council, being Cr _____ and Cr _____,
 - c) Two members of the Tammin Senior Citizens Committee, the President being Ypie Thomson and a resident of Tamma Village being Julie Brooks.
 - d) with delegated authority to select a suitable applicant for any future Unit vacancy that may arise; and,
 - e) endorse the attached Terms of Reference.

Moved: Cr _____

Seconded: Cr _____

Vote: Absolute Majority

Carried/Lost: ___/___

Recommendation 3

That Council appoint the following Delegates to External Committees & Organisations:

1. Kellerberrin Regional Road Sub Group (RRG)

Cr _____, & Cr _____ (proxy)

2. WALGA Great Eastern Country Zone (GECZ)

Cr _____, Cr _____ (Proxy Delegate)

3. Senior Citizens Management Committee

Cr _____, Cr _____

4. Wheatbelt East Regional Organisation of Councils (WEROCC)

Shire President, Cr _____ (Proxy)

5. Kellerberrin Tammin Local Emergency Management Committee (LEMC)

Shire President, CEO (Proxy)

6. Local Health Advisory Group (LHAG)

Cr _____, Cr _____ (proxy)

7. Aged Friendly Committee

Community Development & Rates Officer, Cr _____ & Cr _____ (proxy)

Moved: Cr _____

Seconded: Cr _____

Vote: Absolute Majority

Carried/Lost: ___/___

13. MATTERS FOR CONSIDERATION – BUILDING & HEALTH

Nil

14. MATTERS FOR CONSIDERATION – TOWN PLANNING

Nil

15. ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16. MATTERS FOR WHICH THE MEETING MAY BE CLOSED (S`5.23)

Nil

17. CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at ____pm.