



MINUTES

SPECIAL MEETING OF COUNCIL

Held on
Tuesday 18 October 2011
6.00 pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Chief Executive Officer, Ms Faileen James, declared the meeting open at 6.00pm.

There followed the swearing of the Mayor Elect by Superintendent Dene Leekong. Mayor Wellington then took over from the CEO as Chair of the Meeting.

Mayor Wellington then called for all continuing Councillors to take a seat in the Chamber.

Mayor Wellington then called forward Councillors Elect in the following order to make their declaration before Superintendent Dene Leekong:

- Councillor Elect Yvonne Attwell
- Councillor Elect Sarah Bowles
- Councillor Elect Vince Calleja
- Councillor Elect Gerry Gregson
- Councillor Elect Alan Hortin
- Councillor Elect Greg Stocks

Councillors were then invited to take a seat in the Council Chamber.

Nominations were then called for the position of Deputy Mayor.

One nomination was received from Councillor Yvonne Attwell, seconded by Councillor Dufty.

Councillor Attwell was elected unopposed to the position of Deputy Mayor.

ITEM 1.0: RESOLUTION

**MOVED: COUNCILLOR CALLEJA
SECONDED COUNCILLOR SUTTON**

THAT Council:

- **SUSPEND Standing Order clause 3.1 to allow recording of proceedings;**

CARRIED 11-0

2.0 OPENING PRAYER

The Mayor read the opening prayer.

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

3.0 PUBLIC QUESTION AND STATEMENT TIME

Council's Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

There were no addresses to Council from the public.

6.18PM The Mayor closed Public Question and Statement Time.

4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor D Wellington

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	V Calleja
Frederickstown Ward	Vacant
Frederickstown Ward	G Stocks
West Ward	G Gregson
West Ward	D Dufty
Kalgan Ward	Y Attwell
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin JP

Staff:

Chief Executive Officer	F James
Executive Director Planning and Development Services	G Bride
Acting Executive Director Corporate Services	P Wignall
Acting Executive Director Community Services	L Hill
Mayoral Liaison Officer	L Burgler
Minutes	J Williamson

Public Gallery and Media:

2 members of the media and approximately 9 members of the public were in attendance.

Apologies/Leave of Absence:

Kalgan Ward	C Holden
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5.0 DECLARATION OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

No Declarations of Interest were received.

6.2: ESTABLISHMENT OF, AND APPOINTMENT TO, THE AUDIT AND FINANCE COMMITTEE

File Number (Name of Ward) FM.MEE.1 (All Wards)
Proponent City of Albany
Attachment : Draft Terms of Reference for Audit and Finance Committee
Responsible Officer : Chief Executive Officer (Faileen James)

IN BRIEF

- Dissolve the present Audit and Finance and Strategy Committees
- Establishment of the Committee, Audit and Finance
- Appoint Councillors to the Committee

ITEM 6.2: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR ATTWELL
SECONDED COUNCILLOR DUFTY

THAT Council:

1. **DISSOLVES** the present Audit Committee and Finance and Strategy Committee
2. **ESTABLISHES** a new Committee, the Audit and Finance Committee
3. **ENDORSES** the Terms of Reference (Attachment to this Report) for the Finance and Audit Committee
4. **APPOINTS** the following Elected Members to the Audit and Finance Committee:
 - Mayor Wellington
 - Councillor Attwell
 - Councillor Bostock
 - Councillor Bowles
 - Councillor Calleja
 - Councillor Dufty
 - Councillor Gregson
 - Councillor Hammond
 - Councillor Hortin JP
 - Councillor Stocks
 - Councillor Sutton

CARRIED 11-0

BACKGROUND

1. Council presently has 16 Council Committees.
2. At the September 2011 Ordinary Council Meeting, a Report was put to Council to consider consolidation of those Committees.

3. Consolidation of Committees would align with the functional areas of City of Albany structure and business, so Committees are better addressing the strategic and policy issues that the City's Chief Executive Officer and her staff require guidance and support on, in respect of City of Albany strategic intent.
4. It is proposed that a new Committee be formed, called the Audit and Finance Committee to encapsulate legislative audit functions, while at the same time better addressing strategic and policy issues linked to and impacted by the audit function, such as risk management, insurance coverage, finance strategy and integrated asset management / whole-of-life cycle asset issues. This broadened scope is also in line with good-practice corporate governance.

DISCUSSION

5. The current Audit Committee is scheduled to meet monthly, although there have been occasions when there was insufficient quantity of work or no issues raised through Reports (prepared by the City of Albany Executive Officers) to justify a monthly meeting.
6. The Committee has also met out of session when urgent or ongoing business necessitates, such as the preparation of the Annual budget. That provision for urgent or out-of-session meetings would continue.
7. The current function of the Audit Committee is to:
 - To review annual results of the external auditor prior to Council adoption of annual accounts.
(The Act and Regulations prescribe the scope of the external audit of the annual financial statements of a local government.)
 - Provide independent assurance and assistance to the City of Albany on risk management, control and governance.
8. The current Terms of Reference of the Finance and Strategy Committee state its function is to:
 - To oversee the preparation of the 5 Year Business Plan and Long Term Financial Sustainability Plan.
9. To effectively coincide with Ordinary Council Meeting papers preparation and distribution, it is proposed that the Audit and Finance Committee meet on the first Tuesday of the Month at 5.30pm.
10. Given the important monitoring function this Committee has, it is further proposed that membership is extended to all Councillors.

GOVERNMENT CONSULTATION

11. Nil

PUBLIC CONSULTATION / ENGAGEMENT

12. Nil

STATUTORY IMPLICATIONS

13. There is a Statutory requirement for Council to have an Audit Committee
14. In accordance with section 5.11(1)(d) of the *Local Government Act 1995*, a person's membership of a Committee continues until the next ordinary election. Therefore, all Committee members must be reappointed after the 15 October 2011 ordinary election.

STRATEGIC IMPLICATIONS

15. The introduction a new committee structure directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

16. The introduction of the new committee structure will amend associated policies and terms of reference.

RISK IDENTIFICATION & MITIGATION

17. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the proposed Audit and Finance Committee</i>	<i>Unlikely</i>	<i>High</i>	<i>Extreme</i>	<i>The proposed committee will be further reviewed and resubmitted to a future Council meeting, however the Council will be non-compliant with the Local Government Act during that time.</i>

FINANCIAL IMPLICATIONS

18. The type and times of Committee meetings will need to be advertised and the cost of preparing local public notices will be undertaken by the Office of the CEO using staff resources within existing budget lines.

LEGAL IMPLICATIONS

19. There are no legal implications related to this item except for compliance with specific provisions of the *Local Government Act 1995*, including Subdivision 2 and Division 1A, and the Regulations.

ALTERNATE OPTIONS

20. Council can continue:
- a. with existing Committee structures and terms of reference
 - b. amend the proposed terms of reference.

Consulted References	Local Government Act 1995
File Number (Name of Ward)	All Wards
Previous Reference	OCM 11/10/11 Item 1.8

6.3: COUNCIL MEMBER APPOINTMENT TO REGIONAL ROADS GROUP, TIRES AND ROAD WISE COMMITTEES

Attachments: : • Terms of Reference for Timber Industry Road Evaluation Strategy (TIRES)
• Terms of Reference for Regional Roads Group
• Terms of Reference for Roadwise Committee

Responsible Officer : Chief Executive Officer (F James)

RECOMMENDATION**ITEM 6.3: RESPONSIBLE OFFICER RECOMMENDATION****VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT nominations be made for the following Committees:

1. **Councillor Duffy to the Regional Road Group Committee (1 vacancy)**
2. **Councillor Duffy to Timber Industry Road Evaluation Strategy (1 vacancy)**
3. **Councillor Duffy to The Albany Roadwise Committee (1 vacancy)**
4. **Councillor Gregson to be the alternate proxy to the Albany Roadwise Committee**

CARRIED 11-0

IN BRIEF

- Nominate City of Albany representative/s to various non-Council Committees, of which City of Albany Council has representative rights.

BACKGROUND

1. The Regional Roads Groups (RRG) is a Committee auspiced by Main Roads WA. An extract from the Regional Road Group's Policy and Procedure Manual relating to Committee membership is attached.
2. The City of Albany Chief Executive Officer or delegate can also attend the RRG meetings (as an observer).
3. The Timber Industry Road Evaluation Strategy (TIRES) is a Committee auspiced jointly by Department of Main Roads (Great Southern Regional Office), and the Great Southern Development Commission. It has the following voting members:
 - City of Albany
 - Shire of Cranbrook
 - Shire of Denmark
 - Shire of Plantagenet
 - Albany Plantation Export Company
 - Gunns Timber
 - Australian Blue Gum Plantations
 - Elders Forestry
 - Plantation Energy Australia
 - Forest Products Commission

4. An explanatory note for the TIRES Committee is attached.
5. The City of Albany Chief Executive Officer or delegate can also attend the TIRES meetings (as an observer).
6. The Albany RoadWise Committee Terms of Reference are attached. The Albany Roadwise Committee membership is comprised of:
 - Councillor from the City of Albany
 - Officer from the City of Albany
 - Administration Support Officer from the City of Albany
 - Police representative
 - WALGA Roadwise representative
 - WACHS - Great Southern representative
 - SDERA representative
 - Main Roads WA representative
 - Up to four community representatives from road users and/or community groups
 - Department of Transport
 - Independent Chair
7. The Roadwise Committee appears to be the only committee with formal member proxy provisions.

DISCUSSION

8. Council can nominate, as its representatives on those Committees:
 - a. One Council Member for RRG Committee;
 - b. One Council Member for TIRES Committee;
 - c. One Council Member for RoadWise Committee
9. Given issues of road funding, road construction prioritisation and the City's Asset Management are all interlinked it would be preferably that the same Council Member is appointed to all three committees, to ensure consistency of information from the City of Albany, across all Committee.
10. Given the linkages between State and Federal Government road funding to the City's Asset Management planning, it is also recommended that that Council Member also be a member of the Audit and Finance Committee.
11. The next meeting of the RRG Committee will occur before the November OCM, and so appointment to it is required prior to that date.

GOVERNMENT CONSULTATION

12. Nil.

PUBLIC CONSULTATION/ENGAGEMENT

13. Nil.

STATUTORY IMPLICATIONS

14. As these are not Committees of Council, the *Local Government Act 1995* does not apply to these Committees.

STRATEGIC IMPLICATIONS

15. Committee membership directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATONS

16. Nil.

FINANCIAL IMPLICATIONS

17. Nil.

LEGAL IMPLICATIONS

18. Nil.

RISK IDENTIFICATION & MITIGATION

19. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the appointment to these Committees</i>	<i>Unlikely</i>	<i>High</i>	<i>Extreme</i>	<i>The proposed committee membership will be further reviewed and resubmitted to a future Council meeting, however the Council will not be represented on the Committees during that time.</i>

Consulted References	Local Government Act 1995
File Number (Name of Ward)	All Wards
Previous Reference	OCM 11/10/11 Item 1.8

6.4 COUNCIL MEMBER APPOINTMENT TO COMMITTEES

File Number (Name of Ward) :

Attachments: : • Letter from Great Southern Development Commission, dated 06/10/2011

Responsible Officer : Chief Executive Officer (F James)

RECOMMENDATION**ITEM 6.4: RESPONSIBLE OFFICER RECOMMENDATION****VOTING REQUIREMENT: SIMPLE MAJORITY**

Ballots were conducted for the vacancies. The decision was as follows:

- 1. THAT Mayor Wellington and Councillor Hammond be nominated to the Great Southern Development Commission (2 vacancies)**
- 2. THAT Mayor Wellington and Councillor Hortin be nominated to the Albany Centenary Anzac Alliance Board (2 vacancies)**
- 3. THAT Councillor Bowles and Councillor Gregson be nominated to the WALGA Great Southern Zone Committee (2 vacancies)**

IN BRIEF

- Nominate City of Albany representative/s to various non-Council Committees, of which City of Albany Council has representative rights.

BACKGROUND

1. The Great Southern Development Commission Board is auspiced by the Commission. The Commission seeks to fill two vacancies. (Letter attached)
2. The Albany Centenary Anzac Alliance Board is a Board established for delivering the Centenary of Anzac Events Commemoration. The positions on the Board are held jointly by Elected Members and the CEO of the City of Albany, and members of the local and State RSL.
3. There are three City of Albany Board members, and three RSL Board members on the Albany Centenary Anzac Alliance Board. Current RSL members are:
 - Bill Gaynor, State President RSL
 - Peter Aspinall, President RSL Albany Branch
 - David Knox, RSL Member

4. The Committee membership is comprised of two councillors from each Shire or City within the Zonal Area.
5. The next meetings of the above Committees / Board occur before the November Ordinary Council Meeting, and so appointment to them is required prior to that date.

DISCUSSION

6. Council:
 - a. can nominate two Council Members for the Great Southern Development Commission Board
 - b. is represented by two Council Members (along with the City of Albany Chief Executive Officer) for the Albany Centenary Anzac Alliance Board;
 - c. is represented by two Council Member at WALGA Great Southern Zone Committee
7. While the City of Albany is asked to nominate two representatives to the Great Southern Development Commission, it appears it is a matter for the Commission who will be selected for committee membership.
8. As a result of the Anzac Centenary Commemorative Events, there are / will be significant:
 - a. Economic development opportunities for the City of Albany;
 - b. Funding commitment issues to realise the Events;
 - c. Land control and management issues to be addressed to realise the infrastructure development required for the Events;
 - d. Future operational expense commitments for the City of Albany arising from such infrastructure developments;
 - e. investments of City of Albany staff time and other resources in the organisation of the Events;
 - f. Planning and development approval issues to be addressed to realise the Events, including potential accommodation and other regulatory relaxations required;
 - g. Logistics required generally for inclusion of all sectors of the Albany and Regional communities in ensuring the success of the Events;
 - h. Interaction required with State, Federal and international politicians and other such dignitaries;

it is recommended that one Council Member of the Board be the Mayor.
9. Given that WALGA Zonal Committee does not decide significant policy decisions, and all Zonal Committee resolutions are considered by the State WALGA Committee, it is suggested that membership of the WALGA Zonal Committee may be most appropriately held by newer members of Council, for the benefit of creating new networks amongst their neighbouring Shire peers, and learning of the policy issues considered by local governments across the State.

STATUTORY IMPLICATIONS

10. As these are not Committees of Council, the Local Government Act does not apply to these Committees.

GOVERNMENT CONSULTATION

11. Nil.

PUBLIC CONSULTATION/ENGAGEMENT

12. Nil.

STRATEGIC IMPLICATIONS

13. Committee membership directly links to the City's Vision and Values (2011-2021), being: Results: Strive for business excellence and continuous improvement.

Key Focus Areas

- **Community Priorities:** Policy and procedures
- **Proposed Strategies:** Regularly review all policies in consultation with community and key stakeholders.

POLICY IMPLICATIONS

14. Nil.

RISK IDENTIFICATION & MITIGATION

15. The risk identification and categorisation relies on the City's Risk Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support the appointment to these Committees</i>	<i>Unlikely.</i>	<i>High.</i>	<i>Extreme.</i>	<i>The proposed committee will be further reviewed and resubmitted to a future Council meeting, however the Council will not be represented on the Committees during that time.</i>

FINANCIAL IMPLICATIONS

16. Nil.

LEGAL IMPLICATIONS

17. Nil.

ALTERNATE OPTIONS

18. Council can determine not to appoint members to the Committees.

Consulted References	Local Government Act 1995
File Number (Name of Ward)	All Wards
Previous Reference	OCM 11/10/11 Item 1.8

6.5 MEMBERSHIP OF THE AEC OPERATIONAL ADVISORY COMMITTEE

Responsible Officer : Chief Executive Officer (F James)

RECOMMENDATION

ITEM 6.4: RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON
SECONDED: COUNCILLOR GREGSON

Given that the Albany Entertainment Centre (AEC) Operational Advisory Committee is a Committee of an operational nature, and for the foreseeable future the City of Albany will not be required to make any strategic or operational commitments in respect of the AEC, COUNCIL APPOINTS the City of Albany's Chief Executive Officer as the City's only representative on the AEC Operational Advisory Committee.

CARRIED 11-0

IN BRIEF

Presently two members of Council and the City of Albany's Chief Executive Officer are members of the AEC Operational Advisory Committee. With the changed nature of this committee, being much more operational in nature, representation by Council members is no longer needed.

BACKGROUND

1. The AEC is owned and operated by the State Government, and it is likely that this will continue for the foreseeable future.
2. The AEC Operational Advisory Committee is auspiced and Chaired by Perth Theatre Trust (PTT). PTT is the current State-appointed managers of the AEC.
3. The Committee meets periodically to discuss operational matters for the AEC.
4. Committee meetings are currently attended by:
 - Peter Alexandra (Chair), Trustee of the PTT;
 - Alan Ferris, General Manager of the PTT;
 - Rodney Phillips, Chief Executive of Odgen (appointed by PTT as professional managers of the AEC)
 - Garry Snowdon, General Manager, AEC
 - Officer from the Great Southern Development Commission
 - City of Albany representatives
5. The next meeting of the above Committee will occur before the November Ordinary Council Meeting, and so appointment to it is required prior to that date.

DISCUSSION

6. The Committee does not decide strategic or policy decisions in respect of the AEC. All such decisions are made by the State Government on advice of PTT.
7. The business of the Committee for many months has resolved around how PTT, Odgen, the Great Southern Development Commission and the City of Albany can cooperatively work together on operational matters impacting on the AEC.
8. The City of Albany Chief Executive Officer attends all meetings of the Committee, and is the one that implements any actions required of the City, arising from business of the Committee.
9. Council can nominate up to two Council Members to the Committee, if it wishes.

GOVERNMENT CONSULTATION

10. Nil.

PUBLIC CONSULTATION/ENGAGEMENT

11. Nil.

STATUTORY IMPLICATIONS

12. As this Committee is not a committee of Council, the Local Government Act does not apply to it.
13. Regulation 9 of the *Local Government (Rules of Conduct) Regulations 2007* specifically discourages council members' involvement in tasks of the administration of the City unless authorised by the Council.

STRATEGIC IMPLICATIONS

14. Nil.

POLICY IMPLICATIONS

15. Nil.

RISK IDENTIFICATION & MITIGATION

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Council does not support appointments to the AEC Operational Advisory Committee</i>	<i>Unlikely</i>	<i>High</i>	<i>Extreme</i>	<i>The proposed committee membership will be further reviewed and resubmitted to a future Council meeting, however the Council will not have a representative on that Committee during that time.</i>

FINANCIAL IMPLICATIONS

16. Nil.

LEGAL IMPLICATIONS

17. Nil.

ALTERNATE OPTIONS

18. Nil.

Consulted References	<i>Local Government (Rules of Conduct) Regulations 2007</i> <i>Local Government Act 1995</i>
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ITEM 7.0: RESOLUTION

MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR SUTTON

THAT Standing Order Clause 3.1 be RESUMED to stop recording of proceedings.

CARRIED 10-1

Record of Vote

Against the Motion: Councillor D Bostock

There being no further business the Presiding Member declared the meeting closed at 6.40PM.

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR