
Shire of Perenjori
MINUTES
Special Council Meeting

Held in the Shire of Perenjori Council Chambers, Fowler Street, Perenjori on 22ND October 2009, to commence at 5.00 pm.

The meeting is to elect President, Deputy President and committee members.

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SP 7101 PRELIMINARIES

SP 7101.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 5.08pm

SP 7101.2 OPENING PRAYER

Cr King led Council in the opening prayer.

SP 7101.3 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Present

Cr C R King
Cr R A Benton
Cr G K Reid
Cr L C Butler
Cr J A Bendsorp
Cr R P Desmond

CEO Stan Scott
DCEO Rose Jones

Apologies

Cr J R Cunningham
Cr J H Hirsch

SP 7101.4 SWEARING IN OF COUNCILLORS

Each newly elected Councillor is required to swear an oath or affirmation of allegiance (see Form 7 Attached)

Mr R P Desmond was sworn in to Council as representative of the Perenjori Ward by Cr Robyn Benton.

Mr L C Butler was sworn in to Council as representative of the Perenjori Ward by Cr Robyn Benton.

Mr J A Bendsorp was sworn in to Council as representative of the Perenjori Ward by Cr Robyn Benton.

Cr C King vacated the chair. CEO Stan Scott took the chair

SP 7101.5 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A

Proximity Interest – Local Government Act s 5.60B

Interest Affecting Impartiality – Shire of Perenjori Code of Conduct.

SP 7102 PURPOSE OF SPECIAL MEETING

The Purpose of the Special Meeting is to elect a Shire President, a Deputy Shire President and appoint members to Council Committees and delegates to other organisations and external committees.

SP 7102.1 ELECTION OF PRESIDENT AND DEPUTY PRESIDENT

APPLICANT:	SHIRE OF PERENJORI
FILE:	0
DISCLOSURE OF INTEREST:	0
AUTHOR:	STAN SCOTT – CEO _____
RESPONSIBLE OFFICER	STAN SCOTT – CEO _____
REPORT DATE:	19th October 2009
ATTACHMENTS	NIL

Executive Summary:

Position of President, Deputy President, Standing Committees and Occasional Committees are elected after each Council election.

Applicants Submission:

All existing Elected Members who's terms had expired and renominated were re-elected unopposed. The previous term of office has now expired, and the new term commenced from Saturday 17th October 2009.

New Councillor Rodney Desmond was elected unopposed.

The CEO will preside over the meeting until elected Councillors have been sworn in, and the Shire President has been elected and sworn in. The President will preside over the remainder of the meeting.

Background:

Position of President and Deputy President are elected after each ordinary election, and committees are formed.

Statutory Environment:

Local Government Act 1995:

Schedule 2.3 sets out the procedures for the election of presidents and Deputy Presidents by Council.

Policy Implications:	Nil
Financial Implications:	Nil
Strategic Implications:	Nil
Consultation:	Nil

Comment:

The CEO will preside at the meeting until the election of the President.

Officer Recommendation:

The appointment of President, Deputy President and the following Standing Committees & Occasional Committees need to be made:

(The President and Deputy President will need to complete the Declaration and Oath or Affirmation of Allegiance – See Form 7 Attached)

ELECTION OF PRESIDENT

The CEO called for nominations for the position of President. As only one nomination was received, Cr Christopher Robert King was duly declared President of the Shire of Perenjori.

Cr R Benton swore in the President.

ELECTION OF DEPUTY PRESIDENT

The Chairman called for nominations for the position of Deputy President. As only one nomination was received, Cr Laurie Charles Butler was duly declared Deputy President of the Shire of Perenjori.

Cr R Benton swore in the Deputy President.

SP 7102.2 ALLOCATION OF SEATS.

The CEO will allot by random draw seating for Elected Members.

The Shire of Perenjori Local Law Standing Orders requires that following each Ordinary Election the CEO allot by random draw a position at the Council table for each councillor, and the Councillor occupy that position when present at a meeting of Council. Ballot results were:

1. *Cr G Reid*
2. *Cr L Butler*
3. *Cr J Bendsdorp*
4. *Cr J Hirsch*
5. *Vacant*
6. *Cr R Desmond*
7. *Cr R Benton*
8. *Cr J Cunningham*

SP 7102.3 ELECTION OF COMMITTEE MEMBERS

APPLICANT: SHIRE OF PERENJORI
FILE: 0
DISCLOSURE OF INTEREST: 0
AUTHOR: STAN SCOTT – CEO _____
RESPONSIBLE OFFICER: STAN SCOTT – CEO _____
REPORT DATE: 19 October 2009
ATTACHMENTS: Nil

Executive Summary:

Following each Ordinary Election Council is required to determine membership of all committees.

Applicants Submission: Nil

Background: Nil

Statutory Environment:

Local Government Act 1995:

Sections 5.8 – 5.11 sets out the provisions for forming committees and appointing members.

Elected Members should note that:

- Council may appoint Deputy Members to act when a committee member is absent. Council is to determine the order of seniority of Deputies if more than one is appointed. (Shire of Perenjori Local Law Standing Orders 2000)
- When staff members or non elected members are appointed to committees they are entitled (and required) to exercise a vote. They are also included in any determination of whether a quorum exists.
- A Council Committee consists of a minimum of 3 members
- Tenure of all committee membership ceases at an Ordinary Election

The President and CEO have particular rights under S5.10 in relation to Council committees:

- (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.*
- (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.

Policy Implications:	Nil
Financial Implications:	Nil
Strategic Implications:	Nil
Consultation:	Nil
Comment:	

SP 7102.4 STANDING COMMITTEES

7102.4.1 Finance Committee

The only standing committee of Council is the Finance Committee:

Previous members were CEO, Deputy CEO, Cr Baxter, Cr King, Cr West, Cr Hirsch

Officer Recommendation:

That Council appoint the CEO, Deputy CEO and the following four elected member to the Finance Committee:

Cr C King

Cr J Hirsch

Cr R Desmond

Cr J Bendsorp

The following are appointed as Deputy members in order of seniority.

Cr G Reid

Cr L Butler

Senior Finance Officer

SP 7102.5 OCCASIONAL COMMITTEES

7102.5.1 Plant & Works Committee

Previous members were CEO, Works Supervisor, Plant Mechanic, Cr Butler, Cr Reid, Cr Bendsorp, Cr Cunningham. Deputies were Cr King, Cr West, Cr Baxter and the Deputy CEO.

Officer Recommendation:

That Council appoint the CEO, Works Supervisor, Plant Mechanic and the following four elected member to the Plant & Works Committee:

Cr L Butler

Cr G Reid

Cr J Bendsorp

Cr J Cunningham

The following are appointed as Deputy members in order of seniority.

Cr R Desmond

Cr J Hirsch
Deputy CEO

7102.5.2 Health, Building & Planning Committee

Previous members were Manager Community Services, Cr Baxter, Cr Bendsorp, Cr Reid, Cr Benton. Cr Hirsch, Cr Cunningham and the Deputy CEO were Deputies.

Officer Recommendation:

That Council appoint CEO, the Manager Community Services and the following four elected member to the Health Building & Planning Committee:

Cr J Bendsorp

Cr R Benton

Cr G Reid

Cr R Desmond

The following are appointed as Deputy members in order of seniority.

N/A

Deputy CEO

7102.5.3 Audit Committee

Previous members were Cr King, Cr West, Cr Hirsch and Cr Butler. Deputies were Cr Cunningham and Cr Bendsorp. Staff members, including the CEO, are not permitted to be members of the Audit Committee. It is also recommended, but not mandatory, that the President NOT be on the Audit Committee.

Officer Recommendation:

That Council appoint the following four elected member to the Audit Committee:

Cr J Hirsch

Cr L Butler

Cr R Desmond

Cr J Bendsorp

The following are appointed as Deputy members in order of seniority.

Cr R Benton

Cr G Reid

7102.5.4 Economic Development Committee

The Economic Development Committee previously consisted of the CEO, EDO, Cr Hirsch, Cr Baxter, Cr Butler and Cr Bendsdorp. Deputies were Cr Reid, Cr Cunningham, Cr West and the Deputy CEO.

Officer Recommendation:

That Council appoint the CEO, Economic Development Officer and the following four elected member to the Economic Development Committee:

Cr L Butler

Cr R Benton

Cr J Bendsdorp

Cr C King

The following are appointed as Deputy members in order of seniority.

Cr J Cunningham

Cr R Desmond

Deputy CEO

SP 7102.6 STRUCTURAL REFORM PROJECT TEAM

The Structural Reform Project Team was formed as a result of the Structural Reform Guidelines issued by the Minister for Local Government. The purpose of the group was to oversee the preparation of the reform submission to be lodged with the Minister by 30 September 2009. As Council has taken the in principle decision to amalgamate with Morawa, Mingenew and Three Springs the Project has continued to meet to manage the reform task. The Minister suggested that the Project Team consist of the 2 to 3 members including the CEO and Shire President.

Officer Recommendation:

That Council appoint the following elected members as Delegates and Deputy Delegate respectively to Structural Reform Project Team

CEO

Cr C King Shire President (Delegate)

Cr L Butler (Delegate)

Cr J Bendsdorp (Deputy Delegate)

SP 7102.7 REGIONAL COUNCILS OF WHICH THE SHIRE OF PERENJORI IS A MEMBER

7102.7.1 Midwest Regional Council

Previous delegate was Cr Baxter, and deputy delegate was Cr King.

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the Wildflower Country Regional Council.

Cr C King (Delegate)

Cr L Butler (Deputy Delegate)

7102.7.2 Yarra Yarra Catchment Regional Council

Previous delegate was Cr Butler., and Deputy Delegate was Cr King

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the Yarra Yarra Catchment Regional Council.

Cr L Butler (Delegate)

Cr G Reid (Deputy Delegate)

SP 7102.8 COUNCIL DELEGATES TO EXTERNAL COMMITTEES

7102.8.1 Northern Zone

The Northern Country Zone of WALGA is the representative structure for the association. Member Councils are Carnamah, Chapman Valley, Coorow, Geraldton Greenough, Irwin, Mingenew, Morawa, Mullewa, Northampton, Perenjori and Three Springs. Cr West and Cr Baxter were the previous delegates. Cr West also served as the Zone's representative on the WALGA State Council.

Officer Recommendation:

That Council appoint the following three elected members as Delegate and Deputy Delegate respectively to the external Northern Zone Committee.

Cr C King (Delegate)

Cr L Butler (Delegate)

Cr J Hirsch (Deputy Delegate)

7102.8.2 Yarra Yarra Catchment Management Group

This group manages NRM issues for the Yarra Yarra Catchment. Role may eventually be taken over entirely by the Regional Council. Previous delegate was Cr King, and deputy delegate was Cr Butler.

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the Yarra Yarra Catchment Management Group.

Cr L Butler (Delegate)

Cr C King (Deputy Delegate)

7102.8.3 Moore Catchment Council

This group manages NRM issues for the Moore River Catchment. Ideally delegate should have some association with the Moore catchment, which covers the south west of the Shire of Perenjori. Prior to 2007 the delegate was the CEO, but the CEO did not have sufficient time for this task. Council resolved that the CEO seek the Moore Catchment Council's assistance in sourcing a representative for Council. This approach was unsuccessful and no delegate has been representing the Shire.

Officer Recommendation:

That Council seek a volunteer from the South West of the Shire to take on this task.

Mr Peter Waterhouse to be approached.

7102.8.4 North Midlands Sub-regional Road Group

This group helps develop regional roads policy and oversees the distribution of State road funds to priority local roads within the region. Previous delegate was Cr West with Crs Reid and Bendsorp as Deputies.

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the North Midlands sub-Regional Road Group.

Cr J Bendsorp (Delegate)

Cr G Reid (Deputy Delegate)

7102.8.5 Agriculture West Advisory Committee

This group provides advice to the Department of Agriculture and meets twice per year. Cr Reid was previously the delegate, with Cr Butler as Deputy.

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the Agriculture West Advisory Committee.

No election of elected members

CEO to investigate if this committee is still required.

7102.8.6 Northern Barrier Fence Committee

The Northern Barrier fence runs from Kalbarri to Ravensthorpe and is an integral strategy to protect the South West Land division from the influx of vermin ie emus, kangaroos, goats and dogs especially in times of drought when these animals move into farm areas in search of water and food. This group meets twice per year and previous delegate was Cr Cunningham and Cr Bendsorp as Deputy.

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the Northern Barrier Fence Committee.

Cr J Cunningham (Delegate)

Cr L Butler (Deputy Delegate)

SP 7102.9 COUNCIL DELEGATES TO COMMUNITY COMMITTEES

The committees below do not meet the requirements to be committees of Council constituted under the Local Government Act. They are however important forums on which Council should be represented.

7102.9.1 Tourism Committees

The Perenjori Tourist Bureau and Museum Committee meets twice per year, and the regional Wildflower Country Tourism Committee meets several times per year. Cr Bendsorp and the CEO each attend these meetings when available. Cr Reid has been Deputy Delegate.

Officer Recommendation:

That Council appoint the CEO and the following elected members as Delegate and Deputy Delegate respectively to the external tourism committees.

CEO (Delegate)

Cr J Bendsorp (Delegate)

Cr R Desmond (Deputy Delegate)

7102.9.2 Home and Community Care (HACC) Committee

The HACC Committee was formed to oversee the delivery of services to the aged and people with disabilities through the HACC program. This service has been subsumed by the Morawa Perenjori Multi Purpose Service (MPS) operated from Morawa Hospital. The committee continues to meet as an advisory and advocacy service with Cr Bendsorp as Delegate and the CEO, Cr Hirsch and Cr Baxter as Deputy Delegates.

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the external HACC Committee.

Cr J Bendsorp (Delegate)

Cr R Benton (Deputy Delegate)

7102.9.3 Perenjori School Bus Committee

This committee is to facilitate the collection of school children from throughout the Shire and for the Committee to make recommendation to the Department of Transport for the provision of an appropriate School Children Bus Service. Previous appointments were Cr Butler (Delegate) and Cr King (Deputy Delegate).

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the external Perenjori School Bus Committee.

Cr L Butler (Delegate)

Cr R Desmond (Deputy Delegate)

7102.9.4 Latham School Bus Committee

This committee is to facilitate the collection of school children from throughout the Shire and for the Committee to make recommendation to the Department of Transport for the provision of an appropriate School Children Bus Service. Previous appointments were Cr G Reid (Delegate) and Cr Benton (Deputy Delegate).

Officer Recommendation:

That Council appoint the following elected members as Delegate and Deputy Delegate respectively to the external Latham School Bus Committee.

Cr G Reid (Delegate)

Cr R Benton (Deputy Delegate)

7102.9.5 Perenjori Townscape Committee

This committee is to overview and make recommendation to Council on the appeal of the Main Street and street infrastructure of the township of Perenjori. Previous appointments were CEO (Delegate), Cr Bendsorp (Delegate) and Cr Baxter (Deputy Delegate).

Officer Recommendation:

That Council appoint the CEO and the following two elected members as Delegate and Deputy Delegate respectively to the Perenjori Townscape Committee.

CEO (Delegate)

Cr J Bendsorp (Delegate)

Cr R Desmond (Delegate)

Cr J Hirsch (Deputy Delegate)

SP 7102.10 APPOINTMENTS UNDER THE BUSH FIRES ACT 1954

7102.10.1 Chief Bush Fire Control Officer (CBFCO) and Deputy CBFCO

Section 38 (1) of the Bush Fires Act 1954 states as follows

A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

CR Baxter has been Chief Bush Fire Control Officer for many years and resigned from that role when he resigned as Shire President. The CEO was appointed as Deputy Chief BFCO when he commenced with the Shire, and was appointed temporarily as Acting CBFCO when Cr Baxter resigned pending the Local Government elections.

These roles are very responsible positions and carry significant powers under the Act. Generally appointees should have completed the Fire Control Officers course and have a keen interest in the role. These positions are not required to be elected members or officers and can be volunteers.

If elected members are not interested in taking up these roles the CEO can discuss the positions with volunteers and bring recommendations to a future meeting.

Officer Recommendation:

That Council appoint the following persons as CBFCO and Deputy CBFCO respectively.

Cr J Bensdorp (CBFCO)

CEO (Deputy CBFCO)

7102.10.2 Fire Weather Officer

Section 38 (1) of the Bush Fires Act 1954 states as follows

(c) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(h) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "extreme" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.

(i) This subsection does not authorise the burning of bush during the prohibited burning times or within the defined area during a bush fire emergency period.

Cr Baxter was previously appointed as Fire Weather Officer. Similar to the CBFCO a person appointed to this role should have a good understanding of the role of FCO and fire behaviour in this district.

If elected members are not interested in taking up these roles the CEO can discuss the positions with volunteers and bring recommendations to a future meeting.

Officer Recommendation:

That Council appoint the following persons as Fire Weather Officer and Deputy Fire Weather Officer respectively.

Cr J Bendsorp Fire Weather Officer

CEO Deputy Fire Weather Officer

Voting Requirements:

Absolute Majority for Committee Membership, Simple Majority otherwise.

Officers Recommendation:

See Above

Council Resolution:

Moved: Cr Reid

Seconded: Cr Desmond

Council endorses the election of nominees and representatives as detailed above

Carried: 6/0

SP 7102.11 MOTIONS OF WHICH DUE NOTICE HAVE BEEN GIVEN

Nil

SP 7102.12 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

SP 7102.13 MATTERS BEHIND CLOSED DOORS

Nil

SP 7102.14 DATE OF NEXT MEETING / MEETINGS

The next Ordinary Meeting of Council will be held on Thursday 19th November at 5.30pm

SP 7102.15 CLOSURE

There being no further business the meeting was closed at 5.48pm.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 22nd October 2009.

Signed: _____

Presiding Elected Member

Date: _____

FORM 7
LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (CONSTITUTION) REGULATIONS 1998 Reg 13(1)(c)

DECLARATION BY ELECTED MEMBER

I,¹

of²

having been elected to the office of mayor / deputy mayor / president / deputy president / councillor³ of the Shire of Perenjori declare that I take the office upon myself, and will duly, faithfully, honestly and with integrity fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the Rules of Conduct adopted by the Shire of Perenjori under section 5.103 of the *Local Government Act 1995*.

Declared at Perenjori on 22 October 2009

by

Signature of Elected Member

before me

Authorised witness

Qualification as an authorised witness

- (1) name
- (2) address
- (3) delete those that do not apply