



City of Rockingham

MINUTES

Annual Meeting of Electors Minutes


Held on Wednesday 16 December 2020 at 6:00pm
City of Rockingham Reception Room

City of Rockingham
Annual Meeting of Electors
6:00pm Wednesday 16 December 2020



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<div style="text-align: center;"> City of Rockingham Annual Meeting of Electors Minutes Wednesday 16 December 2020 – Council Chambers </div> <div style="text-align: right;">  </div>																																									
1.	Declaration of Opening																																								
	The Mayor declared the Council Meeting open at 6:01pm , welcomed all present, and delivered the Acknowledgement of Country.																																								
2.	Record of Attendance/Apologies/Approved Leave of Absence																																								
	<p>2.1 Councillors</p> <table border="0"> <tr><td>Cr Barry Sammels (Mayor)</td><td>Rockingham/Safety Bay Ward</td></tr> <tr><td>Cr Deb Hamblin (Deputy Mayor)</td><td>Rockingham/Safety Bay Ward</td></tr> <tr><td>Cr Sally Davies</td><td>Baldivis Ward</td></tr> <tr><td>Cr Hayley Edwards</td><td>Baldivis Ward</td></tr> <tr><td>Cr Matthew Whitfield</td><td>Baldivis Ward (<i>until 7:40pm</i>)</td></tr> <tr><td>Cr Lorna Buchan</td><td>Comet Bay Ward</td></tr> <tr><td>Cr Mark Jones</td><td>Comet Bay Ward</td></tr> <tr><td>Cr Craig Buchanan</td><td>Rockingham/Safety Bay Ward</td></tr> <tr><td>Cr Rae Cottam</td><td>Rockingham/Safety Bay Ward</td></tr> <tr><td>Cr Leigh Liley</td><td>Rockingham/Safety Bay Ward</td></tr> <tr><td>Cr Joy Stewart</td><td>Rockingham/Safety Bay Ward</td></tr> </table> <p>2.2 Executive</p> <table border="0"> <tr><td>Mr Michael Parker</td><td>Chief Executive Officer</td></tr> <tr><td>Mr Bob Jeans</td><td>Director Planning and Development Service</td></tr> <tr><td>Mr Sam Assaad</td><td>Director Engineering and Parks Services</td></tr> <tr><td>Mr John Pearson</td><td>Director Corporate Services</td></tr> <tr><td>Mr Peter Doherty</td><td>Director Legal Services and General Counsel</td></tr> <tr><td>Mr Michael Holland</td><td>Director Community Development</td></tr> <tr><td>Mr Peter Varris</td><td>Manager Governance and Councillor Support</td></tr> <tr><td>Mr Peter Le</td><td>Senior Legal and Councillor Liaison Officer</td></tr> <tr><td>Ms Sarah Mylotte</td><td>Administration Officer, Governance and Councillor Support</td></tr> </table> <p>2.3 Electors: 60</p> <p>2.4 Press: 1</p> <p>2.5 Apologies: Nil</p> <p>2.6 Approved Leave of Absence: Nil</p>	Cr Barry Sammels (Mayor)	Rockingham/Safety Bay Ward	Cr Deb Hamblin (Deputy Mayor)	Rockingham/Safety Bay Ward	Cr Sally Davies	Baldivis Ward	Cr Hayley Edwards	Baldivis Ward	Cr Matthew Whitfield	Baldivis Ward (<i>until 7:40pm</i>)	Cr Lorna Buchan	Comet Bay Ward	Cr Mark Jones	Comet Bay Ward	Cr Craig Buchanan	Rockingham/Safety Bay Ward	Cr Rae Cottam	Rockingham/Safety Bay Ward	Cr Leigh Liley	Rockingham/Safety Bay Ward	Cr Joy Stewart	Rockingham/Safety Bay Ward	Mr Michael Parker	Chief Executive Officer	Mr Bob Jeans	Director Planning and Development Service	Mr Sam Assaad	Director Engineering and Parks Services	Mr John Pearson	Director Corporate Services	Mr Peter Doherty	Director Legal Services and General Counsel	Mr Michael Holland	Director Community Development	Mr Peter Varris	Manager Governance and Councillor Support	Mr Peter Le	Senior Legal and Councillor Liaison Officer	Ms Sarah Mylotte	Administration Officer, Governance and Councillor Support
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3.	Annual Report for the Financial Year																																								
	<p>In accordance with Section 5.27 of the Local Government Act 1995 a general meeting of electors is to be held once every financial year, not more than 56 days after the local government has accepted the annual report.</p> <p>Regulation 15 of the Local Government (Administration) Regulations 1996 specifies that the matters to be discussed at a general electors' meeting are, firstly, the contents of the Annual Report for the previous financial year and then any other general business.</p>																																								

	<p>At its meeting held 24 November 2020 Council resolved to accept the draft annual report for the financial year ending 30 June 2020 inclusive of the Audited Financial Report 2019/2020.</p> <p>Council resolved to hold the Annual Meeting of Electors for 2019/2020 on Wednesday 16 December 2020 commencing at 6.00pm in the reception area of the City Administration Centre.</p> <p>Electors are invited to comment or ask questions on the 2019/2020 City of Rockingham Annual Report.</p> <p>The Mayor made some comments regarding the year in review.</p> <p>The Chief Executive Officer made some comments in respect to the year in review, particularly the City's response to COVID-19 and the unqualified Audit outcome which were very pleasing.</p> <p>The Mayor invited questions on the Annual Report for 2019/2020.</p> <p>There were none.</p> <p>There being no questions the Mayor asked for a motion to receive the Annual Report for 2019/2020.</p> <p>Moved Mr Ian Duperouzel, seconded Ms Diane Park:</p> <p>That the Annual Report for the year ending 30 June 2020 inclusive of the Audited Financial Report 2019/2020 be received.</p> <p style="text-align: right;">Carried</p>
4.	<p>Other Business</p>
	<p>6:11pm The Mayor asked those in attendance whether there was any further business to be raised.</p> <p>4.1 MOTION – NO CONFIDENCE – MAYOR</p> <p>Mrs Diane Park, Waikiki</p> <p>Note: Mrs Park sought to move a vote of no confidence in the Mayor and CEO in respect to the handling of the funding application for the Rockingham Long Table Lunch.</p> <p>The Mayor advised that he would accept a motion in respect to the Mayor, but noted that the CEO had fulfilled his legislative obligation and therefore should not be included in Mrs Park's motion. The Mayor noted that he had advice that a vote of no confidence in the CEO is not appropriate at an Electors meeting.</p> <p>Moved Mrs Park, seconded Ms Shord:</p> <p>That this meeting of electors expresses a vote of no confidence in the City of Rockingham Mayor in his handling of the application of the Rockingham Kwinana Chamber of Commerce for \$25,000 funding for their 2021 Long Table Lunch.</p> <p>6:35pm The Deputy Mayor took the Chair for the vote.</p> <p style="text-align: right;">Motion Lost - 10/38</p> <p><u>Reasons</u></p> <p>Mrs Diane Park</p> <ol style="list-style-type: none"> Section 5.4.1(b) of the Local Government Act states the functions of a CEO are to "ensure that advice and information is available to Council so that informed decisions can be made". <p>Report CD-028/20 presented to Council on 15 December 2020 lacked basic scrutiny. The budget did not add up, there was no evidence provided of economic benefit for the City, errors and discrepancies were found but not disclosed between the original and updated acquittals provided by the RKCC in 2020 and there were errors in relation to the number of tickets sold in previous events. Prior to the consideration of the report by Council contradictory information was obtained by the City from the RKCC and the correct course of action by the CEO would have been to withdraw the report from the meeting.</p>

2. Section 2.8(f) of the Local Government Act states the role of Mayor includes "liaises with the CEO on the local government's affairs and the performance of its functions". The Mayor together with the CEO decide which matters are to be put before Council in each Agenda. The Mayor has failed in his obligations to make sure the governance frameworks for funding applications have been adhered to even when highlighted to him and he has not removed the item from the agenda.
3. Bias – the Mayor declared an impartiality interest in the matter disclosing that he is a Life Member of the RKCC. He stayed to vote on the item. There is a perception in the community that the Mayor has many friends in the Chamber of Commerce and regularly socialises with members. Bias may be caused by an interest in the outcome, affection or enmity, or prejudgement. The governing principle for apprehended bias is whether a fair-minded lay observer might reasonably apprehend that the decision-maker might not bring an impartial mind to the decision'. I do not believe the Mayor brought an impartial mind to the decision.
4. Community strategic Plan – Aspiration 4 "Deliver Quality Leadership and Business Expertise". Listed as the number one strategic objective under this heading is the delivery of 'Effective Governance'. Effective Governance was not executed at the December Council meeting by the CEO or the Mayor. Effective governance in this matter would have been demonstrated by ensuring Councillors had the correct information presented to them in the report and if that could not have been provided, and in the knowledge of, contradictory information then the report should have been withdrawn.

Note: The Mayor noted that the CEO advised Council in an additional report of the discrepancies in the RKCC application and recommended deferral of the item, thus fulfilling his obligations.

The Mayor noted that the legislation provides that a Councillor may debate and vote on a matter in which they have declared an impartiality interest.

The Mayor does not decide which matters are put before Council in each agenda. This is undertaken by the CEO.

6:38pm The Mayor resumed the Chair.

4.2 MOTION – RESOLUTION – FUNDING ROCKINGHAM LONG TABLE LUNCH

Mrs Diane Park, Waikiki

Moved Mrs Park, seconded Ms Crane:

That Council rescind the following 15th December 2020 Council meeting resolution for item CD-028/20 Rockingham Long Table Lunch on the Beach 2021, and refer matters back to Council for further consideration.

Motion Lost – 17/32

Reasons

Mrs Diane Park

The information provided to Council was flawed (fraught with mistakes). The CEO, in his role under the Local Government Act, must ensure all Elected Members have full and transparent information in order to make an informed decision. The CEO in my opinion made an error in his duty to ensure the information provided to Council was accurate. To this end, Council could not make an informed decision based upon the information provided. The CEO was made fully aware that the information provided by the RKCC was incorrect and therefore should not have allowed the item to be considered. Systemic failures and a lack of good governance within the CoR administration have allowed flawed and un-audited information to be used as a basis for supporting a funding application.

Note: The Mayor noted that the CEO advised Council by way of an additional report of discrepancies in the RKCC application and recommended deferral of the item.

	<p>Note: Ms Teresa Ong sought to move a censure motion in relation to two employees of the City of Rockingham in regards that handling of the funding application for the Rockingham Long Table Lunch.</p> <p>The Mayor ruled the motion out of order as the Local Government Act 1995 specifies that the CEO is responsible for the performance management of City officers, and therefore it is inappropriate for Council to direct the CEO in this regard.</p>
4.3	<p>MOTION – ENVIRONMENTAL ADVISORY COMMITTEE</p> <p>Ms Dawn Jecks, Safety Bay</p> <p>Moved Ms Jecks, seconded Ms Crane:</p> <p>That Council consider the creation of an additional City Advisory Committee to cover sustainability and environment.</p> <p style="text-align: right;">Carried Unanimously</p> <p><u>Reasons</u></p> <p>Ms Dawn Jecks</p> <p>The City of Rockingham (COR) currently has 10 different advisory committees. Advisory committees perform an important role for the City and wider community, with input from residents crucial to helping shape the direction and implementation of various strategies.</p> <p>At present none of the existing advisory committees have a specific focus on sustainability and environment.</p> <p>My motion aligns with the COR's Strategic Community Plan and addresses the Community's Vision for the future and specifically the following Aspiration and Strategic Objective(s) contained in the Strategic Community Plan 2019-2029 –</p> <p style="padding-left: 40px;">Aspiration 2: Grow and Nurture Community Connectedness and Wellbeing</p> <p style="padding-left: 40px;">Strategic Objective: Community engagement, Community capacity building</p> <p style="padding-left: 40px;">Aspiration 3: Plan for Future Generations</p> <p style="padding-left: 40px;">Strategic Objective(s): Climate change adaptation, Sustainable waste solutions, Alternative energy applications, Preservation and management of bushland and coastal reserves, Liveable suburbs.</p>
4.4	<p>MOTION - WHITEBAIT FARMING</p> <p>Mrs Mary Ann Rath, Waikiki</p> <p>Moved Ms Rath, seconded Mr Mannion:</p> <p>That the Rockingham City Council form a committee to plan, organise and fund the development of whitebait farming to be released as food to the starving little penguins.</p> <p style="text-align: right;">Carried – 12/3</p> <p><u>Reasons</u></p> <p>Ms Mary Ann Rath</p> <p>To help the diminishing number of the little penguins (the iconic creature of Rockingham) colony on Penguin Island.</p>

	<p>4.5 MOTION – FAIRY TERN SECURITY Mrs Mary Ann Rath, Waikiki</p> <p>Moved Ms Rath, seconded Mr Crane:</p> <p>That in addition of the erection of temporary fencing of the Fairy Tern nesting area/site, Council puts security in place to prevent dogs and four wheel drive vehicles potentially destroying the nests and eggs.</p> <p style="text-align: right;">Carried – 8/2</p> <p><u>Reasons</u> Ms Mary Ann Rath Considering the precarious nature of the nesting habits and the recent destruction of the fairy tern population.</p> <p>4.6 MOTION – USE OF GLYPHOSATE Mrs Mary Ann Rath, Waikiki</p> <p>Moved Ms Rath, seconded Ms Hills:</p> <p>That the Rockingham City Council does a further study and costing of the spraying of glyphosate compared to other methods of weed eradication and in doing so value health over the cost in dollars.</p> <p style="text-align: right;">Motion Lost – 5/6</p> <p><u>Reasons</u> Ms Mary Ann Rath Following up on last year that instead of glyphosate being used as a weed killer that steam be used.</p>
5.	Closure
	<p>There being no further business, the Mayor thanked those persons present for attending the Annual Meeting of Electors, wished everyone a safe and happy Christmas and New Year and declared the meeting closed at 8:07pm.</p>