

CITY OF ARMADALE

MINUTES

OF SPECIAL CITY STRATEGY COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 23 MARCH 2004, AT 5.30 PM.

PRESENT:

Cr L Reynolds JP	Chair
Cr V L Clowes-Hollins	
Cr A L Cominelli JP	
Cr J H Munn JP CMC	
Cr H A Zelones JP	
Cr P J Hart	Deputy for Cr Hopper
Cr R J Tizard	Deputy for Cr Hodges

APOLOGIES:

Cr D L Hopper
Cr G M Hodges

OBSERVERS:

Cr G T Wallace
Cr J A Stewart

IN ATTENDANCE:

Mr R S Tame	- Chief Executive Officer
Mr A F Maxwell	- Executive Director Corporate Services
Mr I MacRae	- Executive Director Development Services
Mr A Bruce	- Executive Director Technical Services
Mr C Askew	- Director Community Services
Mr N Cain	- Manager Business Services
Mr A Duggleby	- Manager Admin. & Governance
Mrs S D'Souza	- CEO's Executive Assistant

Public - Nil

ELECTION OF CHAIR

The Chief Executive Officer called for nominations for Chair.
Cr Clowes-Hollins nominated Cr Reynolds. Cr Reynolds. accepted the nomination.
Cr Reynolds was declared elected and assumed the Chair.

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chairman, given no members of the public were present at the meeting.

DECLARATION OF MEMBERS' INTERESTS

Nil

QUESTION TIME

Nil

I N D E X

SPECIAL CITY STRATEGY COMMITTEE

23 MARCH 2004

FINANCIAL & CORPORATE

**HALF-YEARLY BUDGET REVIEW	19
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WARD SYSTEM REVIEW

WARD	All
FILE REF:	BND/3
DATE	16 March 2004
REF	AWD
RESPONSIBLE MANAGER	Executive Director Corporate Services

In Brief:

- A Discussion Paper is to be made available as part of the public consultation process for the Ward System Review.
- A draft Paper is presented for information and Council endorsement prior to its release for comment.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

- To foster an effective professional environment for the governance and administration of the City.

Legislation Implications

Clauses 5 and 6 of Schedule 2.2 of the Local Government Act 1995 "Provisions about names, wards and representation" refer.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The majority of the cost of conducting the review will be in staff resource time, however, there will be some expenditure required during the public consultation stage. Adequate funding has been provided within the 2003/04 adopted Budget.

Consultation

Local Government Advisory Board and Elected Members through a briefing session and workshop.

BACKGROUND

An item introducing to Council the need to conduct a ward system review and presenting an overview of the processes to be followed, was submitted to the 11 November 2003 City Strategy Committee Meeting. Councillors subsequently attended a ward system review briefing session given by representatives of the Local Government Advisory Board on 15 December 2003 and attended a workshop on Tuesday, 9 March 2004 for the following purposes:

- To present, as part of the review process, various models for clarification and discussion as an aid to developing a preferred Ward System;

- To seek elected members views on various Ward System models for inclusion in a (public) discussion paper.

Four models representing 4, 5, 6 and 7 ward systems were presented to the Workshop for inclusion in considerations.

COMMENT

At the workshop it was agreed, inter alia, that the seven (7) ward option should be included in the Discussion Paper and that that particular model's boundaries should be subjected to some small variations to closer reflect existing ward boundaries. The suggested changes, however, when remodelled, caused major variations to some Councillor/Elector ratios with revised deviations being in a range from -17.9 to +21%. It should be noted that with a fourteen (14) councillor system, the average Councillor/Elector ratio is 1:2308 and consequently, a shift of only 230 electors across a ward boundary will give +/- 10% variation to each affected ward. The seven (7) ward option has been remodelled to reflect lesser variations than those suggested at the workshop to ensure that Councillor/Elector ratios remain within the +/- 10% deviation criteria. Further 'fine tuning' of this model can be conducted should Council decide to recommend this particular ward system following the public consultation process.

SUMMARY

A draft Discussion Paper, including 4, 5 and 7 ward system models is attached. (**Refer to Attachment "A-3" – Summary of Attachments – lilac page.**) Whilst the maps included in the attachment are black and white, those made available for public perusal will be in colour. It is intended to place a public notice in a local community newspaper on 8 April 2004 advising that the City is conducting a Ward System Review, inviting public submissions and advising of the availability of the Discussion Paper. The closing date for submissions will be Friday, 21 May 2004.

Committee supported the 4, 5 and 7 ward system model as presented and noted that following the public consultation process there may need to be further "fine-tuning" to the ward boundaries of the recommended model prior to submission to the Local Government Advisory Board.

The appropriateness of the current ward names was also briefly discussed and it was noted that the Discussion Paper included reference to the possibility of these names changing to more generic names. Committee requested that a few examples of such generic names be included on the Discussion Paper to encourage public comment.

CS8/3/04 RECOMMEND

That Council endorse the Discussion Paper, as represented and amended at Attachment "A-3" to this Report, for release to the community to promote discussion and assist the public in making submissions to the Ward System Review process.

Moved Cr Clowes-Hollins
Motion Carried (7-0)

CODE OF CONDUCT –CITY OF ARMADALE

WARD All
FILE REF: COA/14
DATE 10 Mar 2004
REF SDS
RESPONSIBLE CEO
MANAGER

In Brief:

- Council's current Code of Conduct was adopted in April 2001 and reviewed with no change in April 2002.
- In accordance with the Local Government Act a review of the Code needs to be undertaken by May 2004 (i.e. not later than 12 months after the next election).
- The matter was referred to the Standing Order and House Advisory Group for consideration.
- Except for one minor word change, it is recommended that no change be made to the Code at this time and that a further review be undertaken once the Government's Local Government (Official Conduct) Amendment Bill is passed through the Parliament.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Corporate Services

1. Promote an environment across the organization which facilitates shared vision and ownership of corporate objectives.

To achieve this we will:

- 2.1 Identify and implement mechanisms to improve communication and achieve common understanding of corporate issues and objectives.

Legislation Implications

Section 5.103 of the Local Government Act 1995

“(2) A local government is to review its code of conduct within 12 months after each ordinary election day and make such changes to the code as it considers appropriate.”

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Nil

Consultation

Standing Order and House Advisory Group

BACKGROUND

Council's current Code of Conduct was adopted in April 2001 after a series of workshops and meetings (CS26/01 of 10 April 2001 refers). In accordance with the Act the City's Code of Conduct was reviewed in April 2002 with no change.

Council can review or amend its Code at any time. Notwithstanding, the Act requires that the Code be reviewed within 12 months after the next election (i.e. by May 2004) which enables new councillors to have input into the review process.

COMMENT

Council has always had the concern on the lack of enforceability of Local Government Codes of Conduct. In July 2002 a Reference Group was appointed by the Minister for Local Government to develop a framework for a new system of scrutiny and dealing with misconduct in Local Government. The Reference Group has recommended that a minimum Code of Conduct be enshrined into regulations to the Local Government Act.

However, the Bill is not likely to be passed by May 2004 which is the timeframe by which Council needs to review its Code of Conduct.

A Standing Order & House Advisory Group meeting was scheduled on 8 March 2004 to which the three new councillors were invited to discuss any aspects/concerns with regard to the Code.

At the City Strategy Committee meeting of 10 February 2004, the matter of communication between councillors and staff was raised with a view to discussion on current policies and procedures.

It was the view of this Committee that the matter of communications between elected members and staff is adequately covered in the Code of Conduct (Clause 3.6). However, the matter could be further clarified by Policy decision.

In this regard, a draft Policy and Management Practice is detailed elsewhere in this Agenda for consideration.

Discussion by Standing Order & House Advisory Group

- Council's Code has served well to date and is considered to adequately cover most areas in which Councillors and staff need a conduct "guide".
- Clause 3.6 of the Code (Corporate Obligations) clearly lays out all aspects of how communication should be conducted and the process of how this is to take place to be dealt with by Policy and Management Practice.

- One minor modification was suggested to more clearly clarify the role of Council: -
Page 2 - “What is the Code of Conduct?
The first sentence to read “*The Council is the elected body responsible **for overseeing the administration** of the City in accordance with applicable legislation”.*

- No other concerns/amendments were recommended.

The Code of Conduct is presented at **Attachment A-1 – Refer Summary of Attachments – Lilac page.**

CS9/3/04 RECOMMEND

- 1. That in accordance with Section 5.103 of the Local Government Act, Council having reviewed the City of Armadale Code of Conduct resolve to adopt the current Code of Conduct as presented at Attachment A-1 to this Report, with one minor change, i.e..**

Page 2 - “What is the Code of Conduct?”

The first sentence to read “*The Council is the elected body responsible **for overseeing the administration** of the City in accordance with applicable legislation”.*

- 2. That Council undertake a further review of the Code of Conduct once the Government’s Local Government (Official Conduct) Amendment Bill is passed through Parliament.**

Moved Cr Munn
Motion Carried (7-0)

COMMUNICATIONS BETWEEN COUNCILLORS AND STAFF – POLICY & MANAGEMENT PRACTICE

WARD All
FILE REF: PCY/1
DATE 15 Mar 2004
REF SDS
RESPONSIBLE CEO
MANAGER

In Brief:

- At the City Strategy Committee meeting of 10 February 2004 the matter of communications between councillors and staff was referred to the Standing Order & House Advisory Group with a view to formulating a policy and procedure.
- To reinforce current protocols in communications between councillors and officers a policy and management practice has been developed for adoption by Council.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Corporate Services

2. Promote an environment across the organization which facilitates shared vision and ownership of corporate objectives.

To achieve this we will:

- 2.1 Identify and implement mechanisms to improve communication and achieve common understanding of corporate issues and objectives.

Legislation Implications

Section 2.10 of the Local Government Act 1995 stipulates the role of councillors in local government.

Section 5.41 of the Local Government Act 1995 stipulates the functions of the CEO.

Council Policy/Local Law Implications

This report outlines a new Policy for adoption by Council.

Budget/Financial Implications

Nil

Consultation

Standing Order and House Advisory Group

BACKGROUND

At the City Strategy Committee meeting of 10 February 2004, the matter of communications between councillors and staff was raised.

The City Strategy Committee felt that the matter of communications between councillors and staff is covered in the Code of Conduct and that the matters could be further addressed by the Standing Order & House Advisory Group to make recommendation on any supplementary action.

COMMENT

Clause 3.6 of the Code (Corporate Obligations) clearly lays out how all aspects of communication should be conducted. What the Code does not cover is the actual process to be followed in communication between elected members and the Administration.

The Standing Order & House Advisory Group met on the 8th March 2004 to discuss the issue and this report outlines the discussion that took place and puts forward a recommended Policy and Procedure for adoption.

Verbal Communication

With regard to verbal communication, all Councillors are aware that “technically” all approaches to staff by an elected member should be via the Chief Executive Officer. Clearly, this isn’t practical and the Chief Executive Officer has advised Councillors that approaches to Directorates should be via the appropriate Director who will indicate which staff may assist.

Once a councillor has established a communication link with a staff member on an issue, the Director may be comfortable that the Councillor communicate directly with the respective officer, but it is appreciated that the Councillor keep the Director aware of ongoing discussion till the matter is resolved.

Written Communication

The aspect of communication between Councillors and staff that remains uncertain is in the area of emails where it is not made clear as to whether communication is “formal” or “informal”. In the latter case, an informal communication might be considered the equivalent of a phone call, i.e. it would not be recorded on file, and not require any formal response. Where a response is required, the staff member must consider current practice requiring that information provided to one Councillor, must be provided to all. (Policy EM-4 refers).

Practicality demands that certain minor matters may only require response to the individual but when in doubt, an officer is aware Council may expect information to be distributed to all.

The Technical Services Directorate, due to the number of work requests that are received, has found it necessary to consider all Councillors’ emails as Councillor Memos which are then recorded and tracked until the work/matter is completed/resolved.

To ensure consistency and equity in dealing with Councillor correspondence across the organisation, a policy and management practice has been developed.

(Refer Attachment A-2 – Summary of Attachments – lilac page)

While the CEO's role in communication is designated under the Local Government Act, the Policy may be adopted by Council as a guide. The Management Practice is as determined by the CEO, under the umbrella of Policy.

The Management Practice involves the use of a councillor memo template and details the steps and process by which staff deal with written communication from councillors. Following adoption by Council, a supply of Councillor Memos will be made available in the Councillors' Office and included on the desktop of both computers located in the Councillors' Office.

CS10/3/04 RECOMMEND

That Policy EM-8 titled Communication between Elected Members and Staff as presented at Attachment A-2 to this Report be adopted and included in the Policy & Procedures Manual.

Moved Cr Munn
Motion Carried (7-0)

MEETING CALENDAR – January “Recess”

WARD ALL
FILE REF: MTG/1
DATE 26 February 2004
REF NP
RESPONSIBLE Manager Admin &
MANAGER Governance

In Brief:

- This report considers the practicalities of Council introducing a “meeting free January”.
- Officer’s Report recommended that Council support the introduction of a “meeting free” January, commencing January 2005.
- *Committee recommended that Council not support a “January recess” in its meeting calendar at this point in time.*

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

To foster an effective professional environment for the governance and administration of the City

Legislation Implications

Section 5.4 Local Government Act 1995 – Calling Council Meetings
Section 5.5 Local Government Act 1995 – Convening Council Meetings
Section 5.3 Local Government Act 1995 – Ordinary and Special Council Meetings
Section 5.8 Local Government Act 1995 – Establishment of Committees
Section 5.10 Local government Act 1995 – Appointment of Committee Members
Section 5.17 Local Government Act 1995 – Limits on Delegation of Powers and Duties to Certain Committees
Section 5.42 Local Government Act 1995 – Delegation of Some Powers and Duties to CEO
Section 6.4(1)(2) Local Government Act 1995 – Financial Report
Regulation 12 Local Government (Administration) Regulations 1996 – Public Notice of Council or Committee Meetings
Regulation 12 Local Government (Financial Management) Regulations 1996 – Payments from Municipal Fund or Trust Fund
Regulation 13 Local Government (Financial Management) Regulations 1996 – List of Accounts
Regulation 34(1) Local Government (Financial Management) Regulations 1996 – Financial Reports to be Prepared.
Clause 7.4.5 Town Planning Schemes 2 – Council decisions
Clause 11.5.4 Town Planning Scheme 3 – Council determinations

Council Policy/Local Law Implications

Clause 17.1 Standing Orders Local Law – Establishment and Appointment of Committees

Budget/Financial Implications

Nil

Consultation

Management Executive Group (MANEX)

Various metropolitan councils

Department of Local Government and Regional Development

BACKGROUND

This report is in response to council resolution CS6/2/04(2) of 16th February 2004, ie

“That a report considering the impacts of Council having a recess from Committee and Council meetings in January each year be submitted to City Strategy Committee.”

COMMENT

Analysis

For council to introduce a meeting free January, measure(s) to ensure continuity of council decision making is imperative and such measures would be in the form of conditional delegations to the CEO and perhaps a committee of council in the unlikely event of an urgent matter or emergency arising.

The practice of a meeting free January amongst local governments in the metropolitan area is not new and indeed for some local governments it has been a practice for several years.

Of the 10 local governments surveyed, 7 have a meeting free January.

Other information of interest gathered from the survey is as follows:

Local Government	January Council/ Cmtt Meetings	Special meetings convened in Jan	Issues/Problems	Reaction from the public	How decision making is facilitated	Advertising
Town of Cambridge	No	Yes Twice since 1995	Agendas for Feb meeting generally larger	None	Delegation to the CEO	Statutory plus additional local advertising
City of Gosnells	No	Yes	Availability of councillors for special meetings. Agendas for Feb meeting generally larger	None	Convening special meetings. No delegations	Statutory plus additional local advertising
City of Joondalup	No	Yes. The last was in 2000.	Agendas for Feb meeting generally larger	None	Convening special meetings. No delegations	Statutory only
City of Nedlands	No	Yes	Agendas for Feb meeting generally larger	None	Convening special meetings. No delegations	Statutory plus additional local advertising

Local Government	January Council/ Cmtt Meetings	Special meetings convened in Jan	Issues/Problems	Reaction from the public	How decision making is facilitated	Advertising
City of Rockingham	No	Yes Once since 1998	Agendas for Feb meeting generally larger	None	Convening special meetings. No delegations.	Statutory only
City of South Perth	No	Yes Regularly	Agendas for Feb meeting generally larger	None	Delegation to the CEO	Statutory plus additional local advertising
City of Subiaco	No	None	Agendas for Feb meeting generally larger	None	Decisions held over to Feb meeting. No delegations.	Statutory plus additional local advertising
City of Bayswater	Yes					
City of Canning	Yes					
City of Cockburn	Yes					

All Directors have indicated their support for a meeting free January advising that while there are implications they can be managed.

Over the past 2 years the following is a broad overview of the types of items presented to Council:

Technical Services

January/February 2003

- 2 absolute majority decisions (1-Delegation to CEO, 2-Cr committee appointment)
- 2 Budget reallocations
- 1 Local law amendment
- 1 Tonkin Hwy extensions
- 5 General items

January/February 2004

- 1 absolute majority decision made (Cr committee appointment)
- 5 general items
- 2 Tenders
- 1 Local Law amendment
- 2 Budget reallocations
- 1 Lease of land
- 1 Land resumption
- 1 Traffic management issue - Araluen

Development Services

January/February 2003

- 1 Absolute majority decision (Brookdale Waste Disposal Site)
- 12 General items
- 1 Scheme amendment
- 11 Development applications

January/February 2004

- 2 Absolute majority decisions (1.Cancellation of reserve, 2.TPS amendment)
- 1 PAW closure
- 1 Road naming
- 1 Adoption of structure plan
- 1 Endorsement
- 5 Scheme amendments
- 6 General items
- 8 Development applications

Community Services

January/February 2003

- 3 Absolute majority decisions (1-Cr committee appointment., 2-Cultural Events programme,3-Delegation to CEO)
- 2 Schedule of chqs.
- 2 Financial reports
- 2 Budget variations
- 1 Sale of land
- 17 General items
- 1 Amendment to Occasional Cmtt structure

January 2004

- 1 Absolute majority decision (committee appointment)
- 1 Schedule of chqs.
- 1 Financial report
- 1 Budget variation
- 4 Rating exemptions
- 1 Sale of land for rates
- 3 Donations
- 1 Tender
- 2 Budget considerations
- 1 Amendment from GRV to UV
- 6 General items

Section 5.42(1) of the Local Govt Act states that “A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.”

Section 5.43 in part, states that;

- “A local government cannot delegate to a CEO any of the following powers or duties:*
- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;.....”*

Section 5.17 of the Local Govt Act states that;

- “(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 or a 75% majority of the local government; and*
 - (ii) any other power or duty that is prescribed;*

Therefore any decisions requiring an absolute majority must be made by council.

Of the types of resolutions made in the previous 2 years there are none, apart from the absolute majority decisions, that could not have been accommodated by way of delegation to the CEO or in fact deferred to the February meeting. It would also appear that, apart from one (Brookdale waste disposal site), the absolute majority decisions were not of such an urgent nature that they could not have been presented to the February meeting.

Any delegation by Council to the CEO can be conditional upon such things as a time limitation, a monetary value, a criteria/consideration process and whether or not it can be on delegated by the CEO.

Any urgent requirements, which have important ramifications on council, can be accommodated by convening a special meeting but as the survey indicates this is rare.

The Department of Local Government and Regional Development s report following the inquiry into the City of Belmont titled “Lessons for Local Government” lists one aspect specific to this report.

It states:

“.... Many local governments throughout the state have such committees which operate only in the January recess.

Obviously, such committees have limited number of members and with authority to operate there is a risk of an abuse of power. While such a risk is low, a wise council would put in place restrictions on the authority of the Executive Standing Committee. Section 5.17 of the Act limits what powers can be delegated to a committee, however, council needs to define through a policy, what other authority the committee can exercise. For example, it has been mooted that this committee could take on the task of the CEO’s performance appraisal. Such a move would be most unwise in terms of confusing the role of the committee and the need for the whole council to have an integral role in the performance appraisal.”

It would appear that the most practical means of enabling a meeting free January would be by way of delegation to the CEO or the person acting in that position during this period. Any delegation to a committee would pose the problem of availability of committee members as it

would seem likely that they would take the opportunity to take personal leave. It would also defeat the purpose of a meeting free January as suggested.

Furthermore, it is suggested that the ordinary committee and council meeting dates for February be amended as follows:

- That the meetings of the Technical & Community Services Committees ordinarily held in the last week in January be held over to the first week in February when they be held conjointly with meetings of the Development Services Committee and City Strategy Committee which are ordinarily held in the second week of February - this arrangement would therefore be akin to the doubling up of Committee Meetings as usually occurs in December each year,
- That the Council meeting ordinarily held on the first Monday in February be put back to the second Monday – this meeting would therefore receive the report and minutes of each of the (4) standing committees.

The above change in meeting dates is partly out of necessity given there would be no committee meetings prior to the council meeting ordinarily held on the first Monday but mainly the change is to reduce an otherwise ten week gap between meetings of the Technical & Community Services Committees. It is to be noted that meetings of the Technical and Community Services Committees ordinarily occurring in the fourth week of February will be held as usual.

Options

N/A

Conclusion

Should Council wish to introduce a “meeting free January”, then same can be readily accommodated by way of a change in committee and council meeting dates and judicious delegations of authority to the CEO which would serve to facilitate virtually all necessary council decision making.

Officer Recommendation

That Council support the introduction of a “meeting free January” commencing January 2005 subject to:

1. the schedule of Committee and Council meeting dates for February being amended as follows:
 - First Monday – meetings of the Technical Services Committee and Development Services Committee,
 - First Tuesday – meetings of the Community Services Committee and City Strategy Committee,
 - Second Monday – Council Meeting, and
 - Fourth Monday – Technical Services Committee meeting, and
 - Fourth Tuesday – Community Services Committee Meeting.

2. being provided with a further report giving details of recommended delegations of authority which would serve to enable all necessary council decision making to occur uninterrupted during the January meeting free period.

Committee Discussion

Committee expressed concerns with the meeting schedule under consideration as it indicated the Council meeting in February not occurring until the second week which would mean an 8 week gap between Council meetings. (The next Council meeting would fall in the first week of March). The option of Council business being delegated in the interim was also not preferred as these decisions are sometimes open to challenge by elected members at a later date.

It was acknowledged that with four Standing Committee and 2 Council meetings each month it did pose a busy schedule for elected members. However, there is always the option of leave of absence and elected members can apply for leave any time they wish to take a break from a very busy schedule.

In view of the above, Committee recommended that Council not support a January recess in its meeting calendar.

CS11/3/04 RECOMMEND

That Council not support the introduction of a “meetings free” January at this point in time.

Moved Cr Reynolds
Motion Carried (7-0)

****HALF-YEARLY BUDGET REVIEW**

WARD All
FILE REF: FIN/7
DATE 13th February 2004
REF AFM
RESPONSIBLE Executive Director
MANAGER Corporate Services

In Brief:

This report presents:

- the findings of the December 2003 half-yearly budget review projecting (to 30th June 2004) a potential budget shortfall of \$198,500 and
- a schedule of recommended budget variations to fully offset this projected shortfall thereby maintaining the budgeted deficit without adverse impact on currently programmed works and services.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

To achieve maximum community benefit from effective use of resources.

Legislative Implications

Local Government Act 1995 – Part 6 – Financial Management – Sections 6.1 to 6.4 – Annual Budgets and Financial Reports.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

This report presents the findings of the December 2003 budget review which shows a potential budget shortfall of \$198,500. This report recommends budget variations to **fully offset the projected shortfall** without undue impact on works programs or service levels.

Consultation

Management Executive

DETAILS OF THE PROPOSAL

The findings of the December 2003 budget review show that whilst there are a number of Budget issues to be dealt with, it has been possible to recommend remedial measures to allow a full offset of projected shortfalls without the need to compromise/vary budgeted works programs or service levels.

Accordingly, this report outlines the reasons behind the half-yearly projections and provides for Committee's consideration, recommended budget variations to maintain a "balanced" budget.

COMMENT

The following table summarises the findings of the latest quarterly review. Explanatory notes for the more significant variations to budget are included below.

Particulars	Surplus	Deficit	Net
	Position \$	Position \$	Position \$
<u>Community Services</u>			
M6 - Dog Control Services		11,000	
M8 - Fire Services	25,000		
M47 - Recreation Administration		10,000	
M48 - AREDS	2,000		
M50 - Kelmscott Pool		5,200	
M57 - Community Development	50,000		
M58 - Recreation Centre		57,200	
<i>Sub total</i>	77,000	83,400	- 6,400 (deficit)
<u>Corporate Services</u>			
M1 - Members Administration	8,500		
M3 - Administration and Governance Services	17,000		
M13 - Accounting Services		25,000	
<i>Sub total</i>	25,500	25,000	500 (surplus)
<u>Development Services</u>			
M31 - Town Planning		68,100	
M32 - Building Services	30,000		
M34 - Health Services	15,500		
<i>Sub total</i>	45,500	68,100	- 22,600 (deficit)
<u>Technical Services</u>			
M101 & 102 – Property Maintenance & Development		48,000	
M133 - Crossovers	50,000		
M141 - Technical Services Administration	1,500		
M142 - Contract Administration and Design		2,500	

Particulars	Surplus	Deficit	Net
	Position	Position	Position
	\$	\$	\$
<i>M143 - Engineering Development</i>	9,000		
<i>Sub total</i>	60,500	50,500	10,000 (surplus)
<i>Directorates Total</i>	208,500	227,000	- 18,500 (deficit)
<u>Corporate Revenues & Expenditures</u>			
<i>M14 - Corporate Revenues and Expenditures</i>		180,000	
<i>Sub total</i>	-	180,000	- 180,000 (deficit)
<i>Grand Total</i>	208,500	407,000	- 198,500 (deficit)

Summary Position	
Budgeted year end deficit position at 30th June 2004	1,121,883
PLUS projected Net Over Expenditures	270,500
LESS projected Net Revenue Gains	72,000
EQUALS Projected Year End Deficit Position	1,320,383

Explanatory Notes (for significant variations of \$20,000 or more)

Fire Services - \$25,000 surplus

- Sale of fire truck – tendered sale value was \$25,000 more than the budget.

Community Development - \$50,000 surplus

- Relates to the Aboriginal Family Support Program – the budgeted carried forward expenditure of \$105,798 has, due to a change in grant funding, been overstated by \$50,000.

Recreation Centre - \$57,200 deficit

- A later than anticipated hand-over date to the PCYC resulting in net costs exceeding budget by \$57,200.

Accounting Services - \$25,000 deficit

- The \$25,000 figure is a combination of matters. Property enquiry fees revenue were greater than budget by \$10,000; valuation costs for rating purposes exceeded budget by \$5,000 (Water Corporation no longer contribute a 50% share); bank fees, in particular electronic fund transfers fees, being \$30,000 greater than budget due to more ratepayers opting to make more regular (weekly, fortnightly and monthly) rate payments.

Town Planning - \$68,100 deficit

- The \$68,100 is an aggregate figure with the predominant variations being an overexpenditure on legal costs of \$105,000 of which \$90,000 refers specifically to the Kelmscott Shopping Village Appeal and development application revenues being \$20,000 greater than budget.

Building Services - \$30,000 surplus

- Relates to revenues from building licences – budgeted \$172,000 – projection is \$202,000.

Property Maintenance & Development - \$48,000 deficit

- The \$48,000 is an aggregate figure with the predominant variations being higher than anticipated levels of maintenance costs occurring in the areas of community centres (\$15,000), halls (\$15,000) and the administration building (\$30,000).

Crossovers - \$50,000 surplus

- Represents a lesser than anticipated number of crossovers to be constructed – budgeted cost \$408,000 (including a carried forward amount of \$129,000) – revised cost is \$358,000.

Corporate Revenues & Expenditures - \$180,000 deficit

- The \$180,000 is an aggregate figure with the predominant variations being as follows:
 - *late payment interest penalty \$50,000 deficit* – reflects a lower than anticipated level of rates debt which is a good outcome albeit it has resulted in a lower level of penalty interest revenue – the offsets to this \$50,000 loss in revenue include higher levels of instalment interest and instalment administration charge revenues totaling \$39,000 and investment interest being \$30,000 more than budget, which is in part attributable to improved rate collections.
 - *investment interest \$30,000 surplus* – due in part to improved rate collections but mainly due to corporate expenditure levels being down on year to date projections.
 - *Employee Costs (salaries and superannuation) \$51,000 surplus* – relates to the total salaries and superannuation budgeted cost of \$7.6m and as such, represents a minor 0.67% positive variation to budget.
 - *workers' compensation \$25,000 deficit* – due to the recently reported (in December 2003) premium adjustment of \$122,000 brought about by the settlement of several claims of a serious nature. It was previously reported that the full \$122,000 premium adjustment would be a variation to budget however on closer examination of the workers compensation budget corporately, all but \$25,000 can be accommodated within present budgets.
 - *Rates \$110,000 deficit* – development rate revenues have not reached forecast levels (\$70,000) with the balance of \$40,000 being the net outcome of the GRV/UV boundary review exercise, including the decision taken subsequent to budget adoption to offer a rates concession.

- *Bad Debts \$100,000 deficit* – the \$100,000 figure has been estimated as follows:

Budgeted Provision & Allowance for Bad Debts	202,000
Less Bad Debts actually written-off to date	33,000
Less likely write-off of sporting club debts	205,000
Less likely necessary write-off of non-current loan balance relating to sporting club loan	52,000
Less provision for possible further write-offs for the remainder of the year	12,000
Balance	-\$100,000

NB: the above bad debt estimates do not include the debtor groups, namely library services, ranger services and development contributions, which total \$136,000. A strategy for addressing these debts is being considered in the context of the Five Year Plan.

Recommended Budget Variations

Having reviewed all Budget estimates in order to reduce the estimated overrun of \$198,500, the following variations are recommended.

Economic Development Account Budget

- The adopted current year budget is \$115,000 (representing a carried forward budget of \$55,000 and a 2003-04 budget allocation of \$60,000) of which \$14,118 has been spent leaving a balance of \$100,882. **It is recommended that \$55,000 of the balance, which in effect is the carried forward portion of the account budget, be applied towards the projected deficit.**

Strategic Initiatives Account Budget

- The adopted current year budget is \$180,000 (representing a carried forward budget of \$40,000 and a 2003-04 budget allocation of \$140,000) and expenditure to date is nil. Earlier this financial year (November 2003), \$20,000 of this budget was reallocated to fund a facilities management resource to implement decisions relating to sporting club debts. **It is recommended that \$40,000 of this account budget be applied towards the projected deficit, leaving a balance of \$120,000.**

Master Golf Course Account Budget

- The adopted current year budget is \$73,127 which is a carried forward budget from several years ago when council raised an interest only loan of \$130,000 to fund the preparation of preliminary design and concept plans. The last time expenditure was incurred against this budget was in 2002-03 (some \$5,700) and the Golf Course project will soon become part of the ARA's Brookdale redevelopment precinct. Repayment of the loan principal is provided for in the Five Year Plan and there is no need/intention to expend any further funds from the current budget at this point in time. **Accordingly, it is recommended that the entire balance, \$73,127, of this account budget be applied towards the projected deficit.** It is to be noted that to apply these funds towards a purpose other than the purpose for which the loan was raised requires, pursuant to Section 6.20(3) of the Local Government Act 1995, an absolute majority resolution and a local public notice advising of the proposed change of purpose.

Gross Pollution Traps Account Budget

- The adopted current year budget is \$65,000 and expenditure to date against this budget is nil. A detailed program on expenditure of these funds has not yet been prepared and accordingly **it is recommended that \$30,000 of this account budget be applied towards the projected deficit.**

The rationale for selecting and recommending the above budget variations has been essentially twofold:

- the minimal impact these variations have on current work programs and services, and
- the strategic and economic links associated with (2) of the more major budget variations, namely the legal costs to defend the Kelmscott Shopping Village Appeal given the likely longer term economic and strategic adverse implications for such a development and the shortfall in development rate revenues which effectively results in less funds available for new strategic projects such as Gross Pollution Traps and the Strategic Initiatives program.

The recommended budget variations are summarized as follows:

Account Budget Particulars	2003-04 Adopted Budget			Less Prior Budget Adjust	Less Expend Estimate to 30.6.04	Budget Balanc e	Less Recommende d Variation	Revis ed Balanc e
	C/Fwd	New	Total					
Strategic Initiatives	40,000	140,000	180,000	20,000	-	160,000	40,000	120,000
Economic Development	55,000	60,000	115,000		14,118	100,882	55,000	45,882
Master Plan Golf Course	73,127	0	73,127		-	73,127	73,127	0
Gross Pollution Traps	0	65,000	65,000		-	65,000	30,000	35,000
<i>total</i>	168,127	265,000	433,127	20,000	14,118	399,009	198,127	200,882

A final matter for note by Committee/Council relates to the query/legality issue raised when adopting the current year budget back in August 2003. In particular, the query/legality issue related to the recommendation to Council (following public advertising of the Draft Budget) from the City Strategy Committee to change the purpose of a \$140,000 draft budget expenditure from “Strategic Initiatives” to “Business Community Improvement Program”. The matter has been referred to Council’s legal services provider, their response being as follows:

“In my opinion there is no question that the item could have been validly amended and adopted.

I say this because the 16 June meeting simply approved a draft budget. The word 'draft' means a 'preliminary outline', regardless of how advanced it may be in that form. It was a council resolution that was clearly never intended to be final or binding without a further Council resolution. It was clearly anticipated that there would be amendments. The relevant portion of the Council resolution was only binding to the extent that a decision was made to advertise the budget for public comment - it was never the intention to finalise the budget itself.”

Committee expressed concern that the Economic Development and Strategic Initiatives accounts were being curtailed to meet the projected deficit.

The Chief Executive Officer echoed these concerns but advised that every attempt had been made to limit the import on these accounts to funds carried-forward. This left \$60,000 in the Economic Development account and \$120,000 in the Strategic Initiatives account, for the remainder of this year. He also explained that Council operated with a very tight budget with no provisions being made for a contingency or reserve account. This left no flexibility at all to deal with external impacts which regularly require mid-year Budget adjustments of several hundred thousand dollars (to be expected in a \$30M annual Budget). Funds either had to be found from current accounts to strike a balanced budget or Council would have to consider allocating funds in future to a contingency or reserve account.

Committee noted that the \$120,000 remaining in the strategic initiatives account was yet to be allocated towards specific projects and requested that a report be submitted. The CEO advised that this would be raised at the next discussion on the Five Year Forward Financial Plan to be held before the next City Strategy Committee. It was also suggested that discussions be taken up with the ARA as to its expenditure schedule for the next couple of years to determine what contributions they will be seeking from Council.

CS12/3/04 RECOMMEND

That Council, based on the reported findings of the December 2003 half-yearly Budget review, vary its 2003-04 Budget as per the following schedule of budget variations, noting

- **that the City's adopted Budget position is thus retained and**
- **that local public notice will be given to expend the balance of Loan No: 281 (\$73,127), on costs incurred in the successful defence of the appeal to the Town Planning Appeal Tribunal in respect to the proposed redevelopment of the Kelmscott Village Shopping Centre being a purpose other than the purpose for which the loan was raised which was the preparation of a Golf Course Master Plan.**

Particulars	Variation to Budget
Directorate Expenditures	(+) 270,500
Directorate Revenues	(+) 72,000
sub total	198,500
Strategic Initiatives	(-) 40,000
Economic Development Master Plan Golf Course	(-) 55,000
	(-) 73,127
Gross Pollution Traps	(-) 30,373
<i>total</i>	-

***Absolute Majority
Resolution Required***

Moved Cr Clowes-Hollins
Motion Carried (7-0)

MEETING DECLARED CLOSED AT 6.30 PM

SPECIAL CITY STRATEGY COMMITTEE

SUMMARY OF "A" ATTACHMENTS

23 MARCH 2004

Attachment No.	Subject	Page
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A-2	Communications between Elected Members and Staff – EM-8 Policy & Management Practice	48 – 51
A-3	Ward System Review Discussion Paper and Maps	52 – 55



CODE OF

CONDUCT

This Code documents the standards of conduct expected of those who serve the community of Armadale.

This Code of Conduct shall apply to Elected members, Council employees and any other members of the community who may serve on Council established Committees (referred to herein as "Committee Members").

ADOPTED IN APRIL 2001

Last Review – April 2002

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ANNEXURE

Definitions

Terms used in the Anti-Corruption Commission Act 1988

FORMS

- Form-1 Disclosure of Token Gifts & Acts of Hospitality
Form-2 Community with developers and interest groups

CODE OF CONDUCT - STATUTORY REFERENCES

Section 5.103 of the Local Government Act requires that:-

- (1) *Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.*
- (2) *A local government is to review its code of conduct within 12 months after each ordinary elections day and make such changes to the code as it considers appropriate.*
- (3) *Regulations may prescribe the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government is of effect only to the extent to which it is not inconsistent with regulations.*

The Declaration made by elected members under the Act requires observance of the adopted Code. In this regard, Section 2.29 (1) of the Local Government Act states:

- (1) *A person elected as an elector mayor or president or as a councillor has to take an oath or affirmation of allegiance and make a declaration in the prescribed form before acting in the office.*

Regulation 5 of the Local Government (Constitution) Regulations 1996 prescribes as follows:

5. *For the purposes of Sections 2.29
(c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is set out in Form-4;...*

CITY OF ARMADALE

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (CONSTITUTION) REGULATIONS 1998

DECLARATION OF ELECTED MEMBER

I,, of
having been elected to the office of **Councillor of the City of Armadale**, 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 code of conduct adopted by the City of Armadale under section 5.103 of the *Local Government Act 1995*.

WHAT IS THE CODE OF CONDUCT?

The Council is the elected body responsible for overseeing the administration of the City in accordance with the applicable legislation. It must do that in the best interests of the local community, as well as the public in general. The conduct of elected members, committee members and Council employees must not only be based upon the highest ethical principles, it must be seen to be consistent with those principles.

The Code of Conduct therefore provides a *framework for behaviour* that must be observed in the wide range of interactions and scenarios experienced in the conduct of Council activities on a daily basis.

WHY HAVE A CODE OF CONDUCT?

A Code of Conduct is a significant guide to Council, necessary due to the particular relationships and responsibilities that arise from being a public institution.

Elected members, committee members and Council employees are custodians of public resources and trust. In order to continue the effective and efficient administration of this public institution, a set of standards is important to clearly outline these responsibilities and the behaviours that need to be observed to retain the good faith and trust of all parties involved.

AIM OF A CODE OF CONDUCT

This Code seeks to provide a framework within which elected members, committee members and Council employees should operate to ensure accountability to the community.

The Code complements (and does not in any way substitute for) legislation applicable to local government. It provides guidance to parties involved in, empowered by and entrusted by public duty and public office, particularly in regard to conflicts that may arise in the performance of duties in the sphere of government and public administration.

The Code recognises Council duties, responsibilities and values in relation to access, equity, and open and accountable government. Therefore, the Code purports to cultivate, advocate and develop within Council an awareness of propriety with public administration.

IMPLEMENTATION

This Code of Conduct was adopted by the Council on 23 April 2001 and is effective from that date.

The Code shall be reviewed within 12 months of every ordinary election of the City. The review will address compliance with the Code, communication of the Code, any problems experienced within the preceding period in regard to its application or interpretation, and will recommend any amendments that may be appropriate. Amendments to the Code are subsequently communicated to Council employees, committee members and the community.

ENFORCEMENT OF THE CODE

Any elected member, committee member or Council employee having concerns with regard to an actual, perceived, potential, intended or unintended breach of either the specific provisions or the spirit of the Code of Conduct, or any provisions of the Local Government Act or such regulations or local laws created thereunder, should discuss those concerns with the Mayor or Chief Executive Officer (for employees).

Such reports shall be treated in the strictest confidence until such time as an appropriate investigation has been undertaken.

Any actions taken as a result of a breach will be made in accordance with the provisions of any applicable legislative requirements and the Council's responsibilities as an employer.

It should be noted that the Anti-Corruption Commission Act 1988 as amended, requires the reporting to the Commission of certain matters relating to alleged "corrupt conduct", "criminal conduct" and "serious improper conduct". Definitions of these terms are provided in the Act and appear as an annexure to this Code.

SECTION TWO – Role of Elected Members

Page 4

ROLE OF ELECTED MEMBERS

A Councillor's primary role is to represent the community, and the effective translation of the community's needs and aspirations into a direction and future for the Local Government will be the focus of the Councillor's public life.

A Councillor is part of the team in which the community has placed its trust to make decisions on its behalf and the community is therefore entitled to expect high standards of conduct from its elected representatives.

In fulfilling the various roles, elected members' activities will focus on:

- achieving a balance in the diversity of community views to develop an overall strategy for the future of the community;
- achieving sound financial management and accountability in relation to the Local Government's finances;
- ensuring that appropriate mechanisms are in place to deal with the prompt handling of residents' concerns;
- working with other governments and organisations to achieve benefits for the community at both a local and regional level;
- having an awareness of the statutory obligations imposed on Councillors and on Local Governments.

SECTION THREE – The Code

Page 5

1. DISCLOSURE OF INTEREST

1.1 Conflict of Interest and Disclosure of Interest Affecting Impartiality (i.e. non-financial)

- a) Elected members, committee members and Council employees will ensure that there is no actual (or perceived) conflict of interest between their personal interests, including those of their immediate family members, business partners or close associates, and the impartial fulfilment of their professional duties.
- b) Council employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Local Government, without first making disclosure to the Chief Executive Officer. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of duties must be scrupulously avoided.
- c) Elected members and Council employees will lodge written notice with the Chief Executive Officer describing an intention to undertake a dealing in land within the area of the local government or which may otherwise be in conflict with the Council's functions (other than purchasing the principal place of residence).
- d) Elected members and employees who exercise a recruitment, regulatory, inspectorial or other discretionary function will make disclosure before dealing with immediate relatives or close friends and will disqualify themselves from dealing with those persons. This disclosure will be made to the Mayor or Chief Executive Officer (for employees).
- e) Employees will refrain from local government political activities which could cast doubt on their neutrality and impartiality in acting in their professional capacity.

SECTION THREE – The Code

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1.2 Financial Interest

Elected members, committee members and Council employees will adopt the principles of disclosure of financial interest as contained within the Local Government Act 1995 [Sections 5.59 to 5.90, Subdivision-2, Division-6], Local Government (Administration) Regulations and the Financial Interests Manual as prepared by the Department of Local Government.

1.3 Disclosure of Interest affecting Impartiality (i.e. non-financial)

- a) In addition to disclosure of financial interests, elected members, committee members and employees, including persons under a contract for services –
- attending a council or committee meeting; or
 - giving advice to a council or committee meeting;
- are required to disclose any interest they have in a matter to be discussed at the meeting that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected.
- b) Where an interest must be disclosed under (a) above, the disclosure is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the meeting.
- c) The disclosure of an interest in (a) above does not affect the ability of the Councillor, committee member or employee to discuss or vote on the matter.

Footnote

How a Disclosure (non-financial interest) is made:

The following declaration, similar to that suggested by the Department of Local Government, is to *act as a guide* to members and employees

With regard to(the matter under discussion) ... I disclose that I have an association with the (applicant or person/organization under discussion). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will put aside this association, consider the matter on its merits and vote accordingly.

SECTION THREE – The Code

Page 7

2. PERSONAL BENEFIT

2.1 Use of Confidential Information

- a) Members and employees will not use confidential information to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person, organization or the Council.
- b) Due discretion shall be exercised by all those who have access to confidential or sensitive information and such information will not be communicated until it is no longer regarded as confidential.

2.2 Intellectual Property

The title to Intellectual Property in all duties relating to contracts of employment will be assigned to the Local Government upon its creation unless otherwise agreed by separate contract.

2.3 Improper or Undue Influence

Members and employees will not take advantage of their position to improperly influence any other person in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain, pecuniary or otherwise, for themselves or for any other person or body.

2.4 Gifts and Acts of Hospitality

- a) Under no circumstances is the acceptance of any gift or act of hospitality permissible, regardless of the value, if the Member or employee is aware that a company or individual has an application before Council or is under consideration for a contract.

SECTION THREE – The Code

Page 8

- b) This clause does not apply to gifts received from a relative (as defined in section 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply).
- c) Gifts to individuals with a value above \$200 are not to be accepted.

However, the Code recognises that there may be circumstances in which elected members accept gifts in excess of \$200 on the clear understanding that these are gifts to the City. In such an instance, the elected member shall place the gift in the custody of the Mayor or the Chief Executive Officer who shall ensure that it is appropriately presented to the City.

- d) Members and employees may accept a token gift or act of hospitality with a value of between \$100 and \$200. Any member or employee who accepts such a gift will complete a “Token Gift Register Advice” form and forward that form to the CEO for recording in the Token Gift Register. The minimum details to be disclosed in the advice form are:
- the names of the persons who gave and received the gift;
 - the date of receipt of the gift; and
 - a description, and the estimated value of the gift;
- e) If a gift or act of hospitality has a value of less than \$100 it is considered to be exempt.

Note

In accordance with Regulation 34B(5) of the Administration Regulations-

“acceptance of refreshments and hospitality or attendance at functions/events involving the acceptance of refreshment where that attendance is deemed to be in the interests, and advance the business affairs, of Council.”

do not need to be recorded in the Token Gift Register as described in paragraph (b) above.

SECTION THREE – The Code

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3. CONDUCT OF MEMBERS AND EMPLOYEES

3.1 Personal Behaviour

Members and employees will:

- a) act, and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code;
- b) perform their duties impartially to the best of their ability and in the best interests of the Local Government uninfluenced by fear or favour;
- c) deal with all sections of the community in an open, honest and forthright manner;
- d) act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community; and shall be particularly mindful to avoid interference in commercial relationships between developers and objectors or between developers competing for the right to develop;
- e) make no allegations which are improper or derogatory (unless true and in public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment; and
- f) always act in accordance with their obligation of loyalty and fiduciary duty to the Council and not publicly reflect adversely upon any decision of the Council or the Executive Management Group.

3.2 Honesty and Integrity

Members and employees will

- a) observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards;
- b) be frank and honest in their official dealing with each other.
- c) bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member, and in the case of an employee to the Chief Executive Officer.
- d) endeavour to resolve serious conflict through initial discussion facilitated by either the Mayor or the Chief Executive Officer.

SECTION THREE – The Code

Page 10

3.3 Performance of Duties

- a) While on duty, employees will give their whole time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Local Government.
- b) Members will at all times exercise reasonable care and diligence in the performance of their duties, being consistent in their decision making but treating all matters on individual merits. Members will be as informed as possible about the functions of the Council, and treat all members of the community honestly and fairly.

3.4 Compliance with Lawful Orders

- a) Members and employees will comply with any lawful order given by any person having authority to make or give such an order. Any doubts as to the propriety of any such order will be taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer.
- b) Members and employees will give effect to the lawful policies of the Local Government, whether or not they agree with or approve of them.

3.5 Administrative and Management Practices

- a) Members and employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices.
- b) Unless confidentiality is essential, administrative and management practices shall be open and accessible. Members and employees shall at all times be mindful of their responsibility to maintain full and accurate records in the performance of their duties.

3.6 Corporate Obligations

a) Communication and Public Relations

- i) All aspects of communication by elected members and employees (including verbal, written or personal), involving Local Government's activities should be of a standard which reflects the standards and objectives of the Council. Communications should be accurate, polite and professional.
- ii) Statements to the press on behalf of the Local Government will only be made by the Mayor or the Chief Executive Officer.

b) Communication with the Community

As a representative of the community, Members need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. In doing so Members should acknowledge that:

- i) as a member of the Council respect shall be given for the decision making processes of the Council which are based on a decision of the majority of the Council;
- ii) while they will have their own opinions on matters referred to Council that once Council has made a decision, elected members, irrespective of those opinions, are expected to recognise their fiduciary duty and support that decision.
- iii) when a member is given information concerning adopted policies, procedures and decisions of the Council that information is to be conveyed accurately.
- iv) information of a confidential nature ought not be communicated until it is no longer treated as confidential;
- v) information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;

SECTION THREE – The Code

Page 12

c) Communication with Developers and Interest Groups¹

Councillors should be mindful that meetings with developers could compromise their impartiality in the decision-making process and should at all times have a Council officer present if such a meeting is considered necessary. To further protect councillors from any suggestion of inappropriate behaviour, especially when dealing with matters of a controversial nature, written advice on the prescribed proforma [refer Form-1 to this Code] should be recorded with the Mayor and Chief Executive Officer giving details of such meetings

d) Communication between Ward Members

- i) Elected Members will represent and promote the interests of their community as a whole, while recognising their particular duty to their own constituents.
- ii) At the same time, elected members and employees should be mindful of the important role of ward members when dealing with issues relevant to a specific ward and should use their best endeavours to inform ward members of such matters.

To further support the above philosophy:-

1. It should be recognised that Members share responsibility and legal liability for the entire City and that Council allocates resources on a strategic needs basis guided by the professional and technical advice provided by officers.
2. To maintain a good working relationship, it is appropriate that, in matters of a contentious nature, members seek to communicate with the relevant ward members when contacted by an elector from another ward.
3. In communicating with constituents, Ward Members should always be mindful of Clause 3.6(b). Communication from individual members should very clearly state where it is the member's personal opinion and advise that he/she is not able to act or speak on behalf of Council as a whole.

¹ Organisations seeking to promote a benefit either to a private individual or company

SECTION THREE – The Code

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e) **Communication between Elected Members and Employees**

- i) Elected members, shall ensure that no restrictions or undue influence is placed on the ability of employees to give professional advice to the Council.
- ii) At the same time, employees should recognise that elected members' views and opinions often reflect valid community viewpoints that should be considered in conjunction with professional opinion. Officers should therefore make every effort to assist elected members in the performance of their role, and to achieve the satisfactory resolution of issues they may raise in performing their official role.

f) **Standard of Dress**

Members and employees, whilst conducting Council business, are expected to adhere to a standard of dress which is consistent with community expectations and normal business practices. Employees are expected to comply with neat and responsible dress standards whilst at work.

3.7 Relationships between Elected Members and Employees

An effective Elected Member will work as part of the Council team with the Chief Executive Officer and other members of staff. That teamwork will only occur if Members and employees have a mutual respect and co-operate with each other to achieve the Council's corporate goals and implement the Council's strategies. To achieve that position Members need to:

- accept that their role is one of policy and strategic direction;
- acknowledge that the day to day management and administration of local government is the responsibility of the Chief Executive Officer;
- acknowledge that they have no capacity to individually direct members of staff to carry out particular functions;
- refrain from publicly criticising staff in a way that casts aspersions on their professional competence and credibility

3.8 Observers at Committees

- a) A ward member wishing to attend a meeting of a Committee of which he is not a member, shall be seated in the area reserved for members observing and shall not participate in any discussion unless invited to do so by the presiding member of that Committee.
- b) Members attending a meeting of a Committee, of which they are not a member, shall observe the same legislative requirements regarding disclosure of interest (including the requirement to leave the room and not participate) as members of the Committee.

3.9 Appointments to Committees

As part of their representative role Members are often nominated to represent the Council on external organisations. It is important that Members:

- clearly understand the basis of their appointment;
- provide regular reports on the activities of the organization; and
- make every endeavour to personally notify their deputies when they are not able to attend.

4. DEALING WITH COUNCIL PROPERTY

4.1 Use of Local Government Resources

Elected Members, Committee Members and employees will:

- a) be responsible in their use of Council's resources and shall not misuse them or permit their misuse by any other person or body;
- b) use the Council resources entrusted to them effectively and economically in the course of their duties; and

SECTION THREE – The Code

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- c) not use Council resources (including the services of Council employees) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so, and appropriate payments are made (as determined by the Chief Executive Officer).
- d) promote the concept of pride in public property, fostering an awareness of the community's ownership of the City's natural and built environment.

4.2 Travelling and Sustenance Expenses

Members and employees will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the City of Armadale and the provisions of the Local Government Act.

4.3 Access to Information

- a) Employees will ensure that members are given access to all information necessary for them to properly perform their functions and comply with their responsibilities as members.
- b) Members will ensure that information provided will be used properly and to assist in the process of making reasonable and informed decisions on matters before the Council.

ANNEXURE – Definitions

Page 16

Section 1 of this Code contains reference to terms used in the Anti Corruption Commission Act 1988, as amended. The following definitions are provided in respect of those terms:

<i>“Corrupt”</i>	“lacking in integrity, open to or involving bribery or other dishonest practices”
<i>“Corrupt conduct”</i>	is interpreted by the Anti-Corruption Commission Act 1988, as amended, as meaning conduct referred to in Section 13(1)(a)(i) and (ii)
<i>S.13(1)(a)(i)</i>	“corruptly acted or corruptly failed to act in the performance of the functions of his or her office or employment.”
<i>S.13(1)(a)(ii)</i>	“corruptly taken advantage of his or her office or employment as a public officer to obtain any benefit for himself or for another person.”
<i>‘Criminal Conduct’</i>	is interpreted by the Anti-Corruption Commission Act 1988, as amended, as meaning conduct referred to in Section 13(1)(a)(iii) to (vi) inclusive
<i>S.13(1)(a)(iii)</i>	“committed a scheduled offence whilst acting or purporting to act in his or her official capacity.”
<i>S.13(1)(a)(iv)</i>	“committed an offence under Section 552 of the Criminal Code by attempting, whilst acting or purporting to act in his or her official capacity, to commit a scheduled offence.”
<i>S.13(1)(a)(v)</i>	“committed an offence under Section 553 of the Criminal Code by attempting, whilst acting or purporting to act in his or her official capacity, the commission of a scheduled offence.”
<i>S.13(1)(a)(vi)</i>	“committed an offence under Section 558 of the Criminal Code by conspiring, whilst acting or purporting to act in his or her official capacity, to commit a scheduled offence.”
<i>“Serious improper conduct”</i>	is interpreted by the Anti-Corruption Commission Act 1988, as amended, as meaning conduct referred to in Section 13(1)(c)(i) to (iv) inclusive.
<i>S.13(1)(c)(i)</i>	“adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public body or public officer.”
<i>S.13(1)(c)(ii)</i>	“constitutes or involves the performance of the public officer’s functions in a manner that is not honest or is not impartial.”
<i>S.13(1)(c)(iv)</i>	“involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or another person.”
<i>S.13(1)(c)(v)</i>	“an offence against the Statutory Corporations (Liability of Directors) Act 1996 or any other written law.”
<i>S.13(1)(Council)(vi)</i>	“a disciplinary breach providing reasonable grounds for the termination of a person’s office or employment as a public service officer under the Public Section Management Act 1994 (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct.”

FORM-1

CITY OF ARMADALE

**Local Government Act 1995
Local Government (Administration) Regulations 1996**

DISCLOSURE OF TOKEN GIFTS & ACTS OF HOSPITALITY

(please read the notes below before completing and returning this form)

I received a Token Gift from

(Name).....

(Organisation).....

Details of the Token Gift received are as follows:

Date Token Received	
Description of Token Gift	
Estimated Value of Token Gift	

Notes:

Clause 2.4(d) of the City of Armadale Code of Conduct states that:-

- d) Members and employees may accept a token gift or act of hospitality with a value of between \$100 and \$200. Any member or employee who accepts such a gift will complete a "Token Gift Register Advice" form and forward that form to the CEO for recording in the Token Gift Register. The minimum details to be disclosed in the advice form are:
- the names of the persons who gave and received the gift;
 - the date of receipt of the gift; and
 - a description, and the estimated value of the gift;

Note

In accordance with Regulation 34B(5) of the Administration Regulations-

"acceptance of refreshments and hospitality or attendance at functions/events involving the acceptance of refreshment where that attendance is deemed to be in the interests, and advance the business affairs, of Council."

do not need to be recorded in the Token Gift Register as described in paragraph (b) above.

For more details on gifts that cannot be accepted and exempt token gifts refer clause 2.4 of the City of Armadale Code of Conduct.

It is declared that all information and details provided in this form are true and correct and that no known relevant information is omitted.

Signature:

Date:

Draft



POLICY

EM 8

**COMMUNICATION BETWEEN
COUNCILLORS AND STAFF**

Management Practice

EM 8

Relevant Delegation

N/A

RATIONALE

To ensure that appropriate protocols are maintained in communications between Councillors and Officers.

Note: Section 5.41 of the Local Government Act stipulates that the CEO is responsible for ...”management, supervision and direction.....” of Council employees.

POLICY

- All communication to staff should (technically) be via the CEO. For practical reasons, however specific requests and/or queries may be forwarded to the relevant Director through a Councillor Memo.
- The procedures for communication between Councillors and staff shall be in accordance with current Management Practices.

Related Local Law N/A

Related Policies N/A

Related Budget Schedule N/A

Last Reviewed New

Next Review Date March 2006

Authority Council Meeting of

Draft

MANAGEMENT PRACTICE	
EM 8	Communications between Councillors and Staff

- Correspondence from Councillors to be in the appropriate pre-printed memo form or if sent electronically then in the approved Councillor Memo template.
- Memos can be either
 - personally handed to the CEO's Executive Assistant,
 - emailed to the Council's generic email service on info@armadale.wa.gov.au,
or
 - faxed to the office on the appropriate office fax machine
- On receipt memos will be registered by Records and directed to the relevant Directorate for appropriate action.
- The relevant Director will advise the CEO where a Memo has cross-Directorate or broader implications.
- The officer responsible in each Directorate will acknowledge receipt and provide a reply at the earliest but no later than 10 working days.

Note: In the event that an appropriate response can not be provided within ten (10) working days, an interim response is to be provided advising the estimated time in which the required information will be forwarded.

NOTE:

(Policy EM-4 "Requests for Reports by Councillors" applies where a response provides substantial advice or a report).



«Title» «First_Name» «Last_Name»
«Title2»
Phone: «Home_Phone»
Email: «Email_Address»

Councillors' Memo/Fax

To: _____ From: «Title» «First_Name» «Last_Name»

Fax: 9399 0184 Pages: _____

Date: _____ Ref: _____

Re: _____

Response Required:	<i>Yes</i>		<i>No</i>		Priority:	<i>High</i>		<i>Medium</i>	
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«Title» «First_Name» «Last_Name»

Template

CITY OF ARMADALE

DISCUSSION PAPER

REVIEW OF WARDS AND REPRESENTATION

Background

The City of Armadale has resolved to undertake a review of its ward system to comply with the requirements of the *Local Government Act 1995* (the Act).

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The last review of wards in the City of Armadale was undertaken in January 1997 and it is now appropriate to carry out another review.

Current situation

Currently the City of Armadale has fourteen (14) councillors elected from seven (7) wards as follows:

Ward	Number of Electors	Number of Councillors	Councillor: Elector Ratio	% Ratio Deviation
Westfield	5,065	2	1:2532	+8.2
Kelmscott	5,302	2	1:2651	+13.3
Seville	3,673	2	1:1836	-21.6
West Armadale	4,972	2	1:2486	+6.2
Armadale	6,034	2	1:3017	+28.9
Forrest	3,284	2	1:1642	-29.8
Roleystone	4,446	2	1:2223	-5.0
Total	32,776	14	Ave. 1:2340	

The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward.

It can be seen that there is an imbalance in representation across the City with the Armadale and Kelmscott Wards being under represented and the Forrest and Seville Wards being over-represented. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

A map showing the ward boundaries is attached.

Review process

The review process involves a number of steps:

- The council resolves to undertake the review;
- Public submission period opens;
- Information provided to the community for discussion;
- Public submission period closes;
- The Council considers all submissions and relevant factors and makes a decision;
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and
- (If a change is proposed) The Board submits a recommendation to the Minister for Local Government and Regional Development (the Minister).

Any changes approved by the Minister where possible will be in place for the next ordinary election.

Factors to be considered

When considering changes to wards and representation, Schedule 2.2 of the Act specifies factors that must be taken into account by a local government as part of the review process:

1. Community of interest;
2. Physical and topographic features;
3. Demographic trends;
4. Economic factors; and
5. Ratio of Councillors to Electors in the various wards.

The Local Government Advisory Board offers the following interpretation of these factors.

1. Community of interest

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in an area as reflected in catchment areas of local schools and sporting teams, or the circulation areas of local newspapers.

Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

2. Physical and topographic features

These may be natural or man made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man made features such as railway lines and freeways.

3. Demographic trends

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government.

4. Economic factors

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

5. Ratio of Councillors to Electors in the various wards

It is expected that each local government will have similar ratios of electors to councillors across the wards of its district.

The Minister for Local Government and Regional Development has indicated that he will not consider changes to ward boundaries and representation that result in ward councillor/elector ratios that are greater than plus or minus 10% of the average councillor/elector ratio for that local government.

Options to consider

The Council will consider the following options and members of the community may suggest others:

- Option 1** Maintain the current seven (7) ward system.
- Option 2** Create four (4) wards using areas of broad community of interest to determine boundaries.
- Option 3** Create five (5) wards using areas of broad community of interest and some main roads as boundaries.
- Option 4** No wards.

The attached maps indicate the options.

Also under consideration will be the number of councillors for each ward and the district. For example, it may be that reducing the number of councillors will still provide good representation whilst enabling financial savings. Conversely, reducing the number of councillors may result in excessive workloads for elected members and less effective community representation.

Electors should also note that the names of the wards will also be considered. For example, rather than the current situation where some locality names are reflected in the ward names, it may be preferable to use names of historic significance or some appropriate and relevant geographical feature, e.g. Hills Ward, River Ward, Neerigen Ward.

Public submissions

Members of the community are invited to make a written submission about any aspect of ward boundaries representation, addressed to the Chief Executive Officer and lodge it at:

City of Armadale
7 Orchard Avenue (Locked Bag No. 2)
ARMADALE WA 6112

OR

at any of the three (3) Libraries located in Armadale, Kelmscott and Westfield.

OR

Fax: (08) 9399.0184

Submissions will also be accepted by email: info@armadale.wa.gov.au.

All submissions must be received by 4.00 pm on 19 May 2004.

Thank you for your interest and involvement in this review. Council welcomes your comments on any matters that may assist it to make informed and responsible decisions for the benefit of the people of the City of Armadale.

Councillor Linton Reynolds
MAYOR

R S Tame
CHIEF EXECUTIVE OFFICER