

CITY OF JOONDALUP

MINUTES OF THE COMMITTEE TO ADDRESS RATEPAYERS' CONCERNS – ANNUAL GENERAL MEETING OF ELECTORS 18.12.00 HELD IN CONFERENCE ROOM 3, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 19 MARCH 2001

ATTENDANCE AND APOLOGIES

Committee Members:

Cr D Carlos - Chairman
Cr S Magyar
Cr A Walker

In Attendance:

Mayor J Bombak *to 1823 hrs; absent from 1740 to 1742 hrs*
Cr J Hollywood

Officers:

Chief Executive Officer:	L DELAHAUNTY	<i>to 1752 hrs</i>
Director Resource Management:	J TURKINGTON	
Manager, Executive Services:	K ROBINSON	
Committee Clerk:	J AUSTIN	

APOLOGIES

Nil

The Chairman opened the meeting at 1708 hrs.

DECLARATION OF FINANCIAL/NON FINANCIAL INTEREST

Nil

ITEMS OF BUSINESS

Cr Carlos advised that the purpose of the meeting was to reconsider the recommendations made by the Committee at its meeting held on 22 and 28 February 2001, and to make any changes considered appropriate.

MOTION 1 RECEIVING OF THE 1999/00 ANNUAL REPORT AND FINANCIAL STATEMENTS

Motion from Annual General Meeting of Electors

MOVED Mr Gannon, SECONDED Mrs Wood that the 1999/2000 Annual Report and Financial Statements not be received and be referred to the State Attorney General and the State Auditor General to verify the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land. The Minister for Local Government has stated on public record that Councils do not have the power to raise a levy.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion, and seeks a further legal opinion from an alternative legal firm, or from Queens Counsel.

Committee Recommendation – February 2001 meeting

MOVED Cr Carlos SECONDED Cr Walker that IT BE RECOMMENDED THAT Council supports the ratepayers and refers to the State Attorney General or State Auditor General to validate the legality of the Commissioners' decision through the Minister for Local Government.

The Motion was Put and

CARRIED

MOVED Cr Carlos, SECONDED Cr Walker that IT BE RECOMMENDED THAT Council supports the ratepayers and refers the matter to the Minister for Local Government and requests her to validate the legality of the Commissioners' decision JSC30-08/99 to impose a security levy on each piece of rateable and non-rateable land in the year 1999/2000.

Discussion ensued. During discussion, Mayor Bombak left the Room at 1740 and returned at 1742 hrs.

The Motion was Put and

CARRIED

MOTION 2 RATING 2001/02 FINANCIAL YEAR

Motion from Annual General Meeting of Electors

MOVED Mr de Gruchy, SECONDED Mr Gannon that taking into account the \$12,000,000 plus surplus due at the end of the 2000/2001 financial year, the City of Joondalup aims for a decrease in the amount of Council rates levied upon ratepayers for the 2001/2002 year, referring to the rate levied by Council on the gross rental value as determined by the Valuer General's department.

The Motion was Put and

CARRIED

Officer's Recommended Response

A series of workshops will be held with Elected Members to develop the 2001/02 Budget during which, consideration will be given to the rates to be levied in the 2001/02 financial year. It is recommended that the Council takes into consideration the above motion, during the 2001/02 budget workshops.

Committee Recommendation – February 2001 meeting

No recommendation made.

MOVED Cr Walker, SECONDED Cr Carlos that the Committee supports the officer's recommendation and IT BE RECOMMENDED THAT:

- 1 a series of workshops be held with Elected Members to develop the 2001/02 Budget during which consideration will be given to the rates to be levied in the 2001/02 financial year;**
- 2 Council takes into consideration "Motion 2 - Rating 2001/02 Financial Year", as moved at the Annual General Meeting of Electors held on 18 December 2000, during the 2001/02 budget workshops.**

Discussion ensued.

The Motion was Put and

CARRIED

MOTION 3 CITY OF JOONDALUP LEISURE CENTRES - OPERATIONAL MANAGEMENT AND LEASE

Motion from Annual General Meeting of Electors

MOVED Mrs Wood, SECONDED Mr de Gruchy that the Motion CJ337-11/00 - Operational Management and Lease, City of Joondalup Leisure Centres be RESCINDED and that the matter be referred to:

- 1 the Minister for Local Government for a ruling;
- 2 the Minister for the Environment for a ruling;
- 3 the Minister for Lands for a ruling;
- 4 the Minister for Planning for a ruling;
- 5 the Australian Securities and Investments Commission regarding RANS' eligibility in Western Australia.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the motion and considers future options in conjunction with the public submissions received and its existing contractual obligations.

Committee Recommendation – February 2001 meeting

No recommendation made.

MOVED Cr Magyar, SECONDED Cr Carlos that:

- 1 the Committee NOTES the decision of Council of 27 February 2001 in relation to CJ037-02/01 Tender 072-99/00 - Operational Management and Lease, City of Joondalup Leisure Centres;**
- 2 IT BE RECOMMENDED THAT no further action be taken on this issue.**

Discussion ensued.

The Motion was Put and

CARRIED

MOTION 4 COMBINED RESIDENTS GROUP

Motion from Annual General Meeting of Electors

MOVED Mr Davies, SECONDED Mrs Zakrevsky that the combined residents group has monthly meetings commencing in February 2001 with the Mayor, the Chief Executive Officer and any interested Councillors at a date and time to be discussed.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion and authorise the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the groups intended Terms of Reference, and report back to the Council with further detail.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar, SECONDED Cr Walker that it be recommended that Council NOTES the above motion and authorises the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the group's intended Terms of Reference and thereafter convene regular monthly meetings and report back to the Council with further details.

The Motion was Put and

CARRIED

MOVED Cr Magyar, SECONDED Cr Walker THAT IT BE RECOMMENDED THAT Council NOTES “Motion 4 – Combined Residents Group” as moved at the Annual General Meeting of Electors held on 18 December 2000 and authorises the Mayor and Chief Executive Officer to have an initial meeting with the Combined Residents Group to discuss the group’s intended Terms of Reference and thereafter convene regular monthly meetings and report back to the Council with further details.

The Motion was Put and

CARRIED

MOTION 5 DATE OF ANNUAL GENERAL MEETING OF ELECTORS

Motion from Annual General Meeting of Electors

MOVED Mrs Zakrevsky, SECONDED Mrs Axford that Council changes the Annual General Meeting date to a more appropriate date if this is possible.

The Motion was Put and

CARRIED

Officer’s Recommended Response

It is recommended that the Council notes the above motion, and endeavours to hold future Annual General Meetings as early as possible where practical.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker, SECONDED Cr Magyar that it be recommended that Council notes the above motion and endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.

The Motion was Put and

CARRIED

MOVED Cr Walker, SECONDED Cr Magyar THAT IT BE RECOMMENDED THAT Council notes “Motion 5 – Date of Annual General Meeting of Electors” as moved at the Annual General Meeting of Electors held on 18 December 2000, and endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.

The Motion was Put and

CARRIED

MOTION 6 COMMUNITY CONSULTATION

Motion from Annual General Meeting of Electors

MOVED Mrs Zakrevsky, SECONDED Mr Zakrevsky that Council improves the spread and the clarity of communication with the community in their notification of:

- 1 special meetings;
- 2 matters of general and special interest;
- 3 “calls for submissions” when planning for amenities, both new and upgrading. Large, clearly worded billboard type advertising signs erected for a minimum period of 42 days on all sites where changes are contemplated or proposed or under review, e.g. changes in use or size or management and every home and business within a kilometre of the site receive an individual notice of the above, inviting comments.

The Motion was Put and

CARRIED

Officer’s Recommended Response

It is recommended that the Council notes the above motion and seeks a report examining further innovative ways it can improve its communications and interaction with the community on specific issues.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker, SECONDED Cr Magyar that it be recommended that Council:

- 1 notes the positive feedback from ratepayers regarding the notice boards at Sorrento and Mullaloo;
- 2 seeks to further improve its communication with ratepayers by utilising free-standing public notice boards in local shopping centres, community facilities and at train stations, advertising specific issues and events;
- 3 focuses on ensuring that the advertising literature is produced in a format which is easily read by persons with visual disabilities.

The Motion was Put and

CARRIED

MOVED Cr Walker, SECONDED Cr Magyar THAT IT BE RECOMMENDED THAT Council:

- 1 notes the positive feedback from ratepayers regarding the notice boards at Sorrento and Mullaloo;**

- 2 seeks to further improve its communication with ratepayers by utilising free-standing public notice boards in local shopping centres, community facilities and at train stations, advertising specific issues and events;
- 3 focuses on ensuring that the advertising literature is produced in a format which is easily read by persons with visual disabilities.

The Motion was Put and

CARRIED

MOTION 7 COMMUNITY PARTICIPATION

Motion from Annual General Meeting of Electors

MOVED Mr Zakrevsky, SECONDED Mr de Gruchy that Council takes note and acts on motions and studied recommendations from committees, ratepayers associations and individual ratepayers on the following points:

- 1 promotion of local industry;
- 2 allocation of personnel numbers referring to:
 - (a) Ranger and Security Services;
 - (b) Leisure Centres;
 - (c) Bush and dune regeneration and dry parks maintenance;
 - (d) volunteer groups

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion and continues to encourage community participation wherever possible, and continues to consider advice received from the community prior to making decisions. It is also recommended that the Council reinforces its commitment to local industry through its Strategic Plan and Regional Purchasing Policy.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar SECONDED Cr Walker that it be recommended that Council:

- 1 encourages greater community participation within the decision making process and considers the advice received from the community before making decisions;
- 2 reinforces its commitment to local industry wherever possible through its Strategic Plan, and Regional Purchasing Policy;
- 3 allocates competent personnel and funding to support:
 - (a) Ranger and Security Services;

- (b) community and leisure centres;
- (c) bush and dune regeneration and dry parks maintenance;
- (d) all community volunteer groups, eg community kindergartens and pre-school groups, environmental groups, residents and ratepayers groups.

The Motion was Put and

CARRIED

MOVED Cr Magyar SECONDED Cr Walker that it be recommended that Council:

- 1 encourages greater community participation within the decision making process and considers the advice received from the community before making decisions;**
- 2 reinforces its commitment to local industry wherever possible through its Strategic Plan, and Regional Purchasing Policy;**
- 3 allocates competent personnel and funding to support:**
 - (a) Ranger and Security Services;**
 - (b) community and leisure centres;**
 - (c) bush and dune regeneration and dry parks maintenance;**
 - (d) all community volunteer groups, eg community kindergartens and pre-school groups, environmental groups, residents and ratepayers groups.**

The Motion was Put and

CARRIED

The Chief Executive Officer left the Room at 1752 hrs.

MOTION 8 SECURITY CHARGE

Motion from Annual General Meeting of Electors

MOVED Mr Cusack, SECONDED Mr Sideris that the electors of the City of Joondalup hereby require that:

- 1 Council applies the service charge Section 54 (d) “property surveillance and security” of the Local Government (Financial Management) Regulations 1996 in accordance with the strict guidelines and criteria contained in Section 6.38 of the Local Government Act 1995, the specific criteria established by the Department of Local Government for the inclusion of Section 54 (d) was and is as follows:
 - (a) the proposed service is to be provided to, or onto land;

- (b) the proposed service is to be same for each property. To determine this, the nature of the service needs to be clearly defined. The description of the nature of the service to be provided should also establish that there is a clear relationship between:
 - (i) the work to be done and the charge to be levied; and
 - (ii) the benefit to be derived by the land owner in relation to the work done and the charge levied;
- 2 the cost of providing the proposed service will be the same, or approximately the same, for each property or, if not the same, is capable of being calculated on a fair and equitable basis and will relate to the charge to be levied;
- 3 if the same service is one for which funding options are available under other legislation then, as a general rule, those options should be used by the local government (or amended under that legislation to suit the needs of the proposal);

Section 6.38 (4) states that “a local government may only use the money raised from a service charge:

- (a) to meet the cost of providing the specific service for which the service charge was imposed;

We the electors of the City of Joondalup hereby expect Council to fund all the important initiatives such as graffiti control, neighbourhood watch, constable care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the motion, reaffirms its commitment made to the security referendum and indicates that the time to consider any future funding for property surveillance and security should be considered in conjunction with the adoption of the annual budget.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker SECONDED Cr Magyar that this Committee supports the view of the motion expressed by the electors of the City of Joondalup that it expects Council to fund all the important initiatives such as graffiti control, neighbourhood watch, Constable Care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

MOVED Cr Walker SECONDED Cr Magyar that this Committee supports the view of the motion expressed by the electors of the City of Joondalup that it expects Council to fund all the important initiatives such as graffiti control, neighbourhood watch, Constable Care, mural arts and urban design from general rates.

The Motion was Put and

CARRIED

MOTION 9 REFUND OF SECURITY CHARGE

Motion from Annual General Meeting of Electors

MOVED Mr Sideris, SECONDED Mr Cusack that this Annual General Meeting of Electors of the City of Joondalup directs the Council to:

- 1 return to all ratepayers within 30 days the security levy monies appropriated without law in 1999/2000;
- 2 return to all ratepayers within 30 days the security charge monies appropriated without due and proper process in the 2000/2001 Budget;
- 3 provide an apology within 30 days by way of personal letter to all ratepayers who have not paid either the levy or service charge or who have had their short paid rate payment manipulated to be in default of the Local Government Act.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council states that there are no valid grounds available to accede to this request.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar, SECONDED Cr Walker that this Committee recommends to Council that the imposition of a security levy by the Joint Commissioners of the City of Joondalup on 7 September 1999 failed to explain how it complied with written advice of the Department of Local Government, as published in "Update" March 1999, and as such the committee believes it to be an improperly applied levy, and the 1999/00 levy should be returned to the ratepayers as a credit against the 2001/02 rates.

The Motion was Put and

CARRIED

MOVED Cr Walker, SECONDED Cr Magyar that IT BE RECOMMENDED THAT:

- 1 this Committee recommends to Council that the imposition of a security levy by the Joint Commissioners of the City of Joondalup on 7 September 1999 failed to explain how it complied with written advice of the Department of Local Government, as published in “Update” March 1999, and as such the committee believes it may be prudent to wait for the decision from the Minister before acting further on this motion, and;**
- 2 this motion, together with “Motion 1 - Receiving of the 1999/00 Annual Report And Financial Statements”, be referred to the Minister for Local Government.**

Discussion ensued.

The Motion was Put and

CARRIED

MOTION 10 SECURITY CHARGE - LEGISLATION

Motion from Annual General Meeting of Electors

MOVED Mr Sideris, SECONDED Mr O’Brien that this Annual General Meeting of Electors of the City of Joondalup directs the Council to advise the Department of Local Government, Western Australian Municipal Association (WAMA) and the Minister for Local Government that the electors of the City of Joondalup do not support;

- 1 the broadening of the power of expenditure associated with monies appropriated by service charges;
- 2 the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include street-scaping and the like;
- 3 reject the principle of imposing additional taxes including flat taxes.

The Motion was Put and

CARRIED

Officer’s Recommended Response

It is recommended that the Council notes the above motion, and seeks a further definition from the Department of Local Government on the prescribed service of property surveillance and security, and the expenditure areas such funds may be utilised.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar, SECONDED Cr Walker that it be recommended that the wishes raised by the electors at the Annual General Meeting be acted upon and the Minister for Local Government, the Western Australian Municipal Association and the Department of Local Government be advised accordingly.

The Motion was Put and

CARRIED

MOVED Cr Magyar, SECONDED Cr Carlos that IT BE RECOMMENDED that Council advises the Minister for Local Government, the Western Australian Municipal Association, and the Department of Local Government that the electors at the Annual General Meeting requested Council notify the aforementioned that the electors of the City of Joondalup:

1 do not support:

- (a) the broadening of the power of expenditure associated with monies appropriated by service charges;
- (b) the broadening of the prescribed services allowable under Section 6.38 and Regulation 54 to include streetscaping and the like;

2 reject the principle of imposing additional taxes including flat taxes.

Discussion ensued.

The Motion was Put and

CARRIED

MOTION 11 PUBLIC QUESTION TIME

Motion from Annual General Meeting of Electors

MOVED Mr Sideris, SECONDED Mr Zakrevsky that this Annual General Meeting of Electors of the City of Joondalup directs the Council:

- 1 during public question time to read submitted questions in full;
- 2 to include a second public question time at the conclusion of the meeting.

The Motion was Put and

CARRIED

Officer's Recommended Response

It is recommended that the Council notes the above motion, and that this request be considered in conjunction with its review of the Standing Orders Local Law.

Committee Recommendation – February 2001 meeting

MOVED Cr Magyar SECONDED Cr Walker that it be recommended that this Committee advise Council of the requirements of the Local Government (Administration) Regulations 1996, Clause 7, Subsection 3 that each member of the public who wishes to ask a question is to be given an equal and fair opportunity to ask the question and receive a response, and inform Council of the requirements of the current Standing Orders Local Law regarding second public question time.

The Motion was Put and

CARRIED

Mayor Bombak left the Room at 1823 hrs.

MOVED Cr Magyar SECONDED Cr Walker that IT BE RECOMMENDED THAT:

1 this Committee:

- (a) advises Council of the requirements of the Local Government (Administration) Regulations 1996, Clause 7, Subsection 3 that each member of the public who wishes to ask a question is to be given an equal and fair opportunity to ask the question and receive a response;**
- (b) informs Council of the requirements of the current Standing Orders Local Law regarding second public question time;**

2 the issue of public question time be referred to the Standing Orders Committee for consideration.

Discussion ensued. It was requested that members of the public be made aware that questions raised during second public question time should only relate to decisions made at that meeting.

The Motion was Put and

CARRIED

MOTION 12 ADMINISTRATION PERFORMANCE

Motion from Annual General Meeting of Electors

MOVED Mr O'Brien, SECONDED Mr Sideris that this Annual Meeting of Electors of the City of Joondalup assembled on this Monday 18 December 2000, affirms that it has lost confidence in the Office of the Chief Executive of this municipality and calls upon the Minister for Local Government to immediately intervene and inquire into the City of Joondalup's current administrative performance, with particular emphasis on the loss of morale among the employees of our City.

The Motion was Put and

CARRIED

Officer's Recommended Response

- 1 It is recommended that the Council notes the above motion and the information subsequently received from Mr O'Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;
- 2 There appears to be insufficient grounds on Mr O'Brien's claims for the Council to approach the Minister for Local Government, and it is recommended that the Council advise Mr O'Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions.

Committee Recommendation – February 2001 meeting

MOVED Cr Walker SECONDED Cr Magyar that it be recommended that Council forwards the issue to the Minister for Local Government for clarification and her recommendations.

The Motion was Put and

CARRIED

MOVED Cr Walker, SECONDED Cr Magyar that the Committee supports the officer's recommendation and IT BE RECOMMENDED THAT:

- 1 Council notes "Motion 12 – Administration Performance", as moved at the Annual General Meeting of Electors held on 18 December 2000, and the information subsequently received from Mr O'Brien, and continues to develop new initiatives and programs to assist with staff morale wherever possible;**
- 2 There appears to be insufficient grounds on Mr O'Brien's claims for the Council to approach the Minister for Local Government, and it is recommended that the Council advise Mr O'Brien that he has a right to approach the Minister direct should he feel that he has matters to warrant such actions.**

Discussion ensued.

The Motion was Put and

CARRIED

CLOSURE

There being no further business, the Chairman declared the meeting closed at 1845 hrs.