

CITY OF JOONDALUP

MINUTES OF ANNUAL GENERAL MEETING OF ELECTORS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY, 15 OCTOBER 2001

OPEN AND WELCOME

The Mayor declared the meeting open at 1902 hrs.

ATTENDANCES

Mayor:

J BOMBAK, JP

Elected Members:

| | |
|----------------------|--------------------|
| Cr P KADAK | Lakeside Ward |
| Cr P KIMBER | Lakeside Ward |
| Cr D CARLOS | Marina Ward |
| Cr C BAKER | Marina Ward |
| Cr A NIXON | North Coastal Ward |
| Cr J F HOLLYWOOD, JP | North Coastal Ward |
| Cr T BARNETT | South Ward |
| Cr M O'BRIEN, JP | South Ward |
| Cr A L PATTERSON | South Coastal Ward |
| Cr G KENWORTHY | South Coastal Ward |
| Cr J HURST | Whitfords Ward |
| Cr C MACKINTOSH | Whitfords Ward |

Officers:

| | |
|--|--------------|
| Acting Chief Executive Officer: | J TURKINGTON |
| Director, Planning & Development: | C HIGHAM |
| Director, Infrastructure Management: | D DJULBIC |
| Acting Director, Resource Management: | A SCOTT |
| Executive Manager, Strategic Planning: | R FISCHER |
| Manager, Leisure and Ranger Services: | M STANTON |
| Manager, Council Support Services: | M SMITH |
| Manager, Marketing Services: | J LAWTON |
| Publicity Officer: | L BRENNAN |
| Committee Clerk: | J AUSTIN |

In attendance

Mr Peter Messer of Deloitte Touche Tohmatsu - Auditor

APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr P Rowlands
Mr A Bryant
Mr V Harman
Mr D Davies
Mr C Hall, Director Community Development

Leave of absence: Cr A Walker (10 – 31 October 2001 inclusive)

There were 57 members of the Public (55 of whom signed the register to record their attendance) and 1 member of the Press in attendance. *For Attachment, click here: [AGM011015.pdf](#)*

The Mayor advised that this meeting had been advertised in accordance with the Local Government Act 1995 on three occasions, being 28 September 2001 and 11 October 2001 in the Joondalup Community Newspapers and on 29 September 2001 in The West Australian.

ADDRESS BY MAYOR JOHN BOMBAK

Welcome to this, the second Annual General Meeting for the elected Council of the City of Joondalup.

We have had another successful year and our Annual Report video, which will be shown shortly, has brilliantly captured some of the best moments of our second year as an elected Council. We are now without doubt a modern, efficient, professional and customer focused organisation which delivers value for the ratepayers' dollar, and we are ideally poised to begin to put into action at last some of the major projects on the drawing board.

My report, and the report of the Acting Chief Executive Officer Mr John Turkington, is printed in full in the Annual Report you have been presented. In it, Mr Turkington reports that the 2000/01 financial year closed on a strong and positive footing. Mr Turkington and his team are to be congratulated for their efforts, as are all the staff who have again performed above expectations.

I will not repeat the many achievements which will be shown shortly on the video, other than to say we look forward to bigger and better things ahead. We have continued to forge close and beneficial partnerships with international visitors, in particular Jinan in China which I recently visited. I must acknowledge the role of the Joondalup Stakeholders in assisting the City to realise its vision as we strive to make Joondalup the second major CBD of Perth metropolitan area. In planning for that future we have produced a new Five Year Strategic Plan with the major works identified.

I take this opportunity to thank the many people who turn up to Council meetings and Briefing Sessions, some of whom are here this evening, and we need and encourage your input. I also acknowledge each of our Councillors who have worked tirelessly to represent their local communities. They put in many long hours and I sincerely thank each of them for their valuable contributions. I ask that they continue to provide this invaluable service with integrity and honesty over the next year.

As a Council we have now been through the consolidation phase and we are set to enter a new era for the City of Joondalup. We have identified major new projects, including the proposed

Performing Arts facility, the Ocean Reef Marina, a new City works depot site, secondary waste treatment, rejuvenation of the City's older suburbs, small business support and economic development. These are projects which under the new Chief Executive Officer, Mr Denis Smith, we as a Council will be able to get our teeth into, in an era which could be called an 'era for action'.

We have all achieved much, and working together we can achieve much, much more. I thank you all and now we will enjoy the Annual Report video, titled "The Best in the West".

Video Presentation

A video presentation was given, showing highlights of the 2000/01 year.

The Mayor then provided the definition of an "elector" and advised of voting entitlements.

THE 2000/2001 ANNUAL REPORT, INCLUDING THE FINANCIAL STATEMENTS

Mr S Magyar, Heathridge:

- Q1 Page 43 – Statement of changes in equity: It states that the balance at the end of the year is \$466,062 less than the balance at the end of the year 2000. Could an explanation be given of this?*
- A1 The statement of changes in equity shows the nett movement in the ownership that the community has in the assets of the City. During the course of the year, the City underwent some changes which were reflected in the operating statement. The nett difference between those accumulated surpluses are in essence due to the nett result of the operations that the City undertook during the course of the year.*
- Q2 Page 12 – Electronic agenda and voting system: When will the electronic voting system be up and running?*
- A2 The electronic voting system is being trialled through Briefing Sessions. It is planned to go live when the elected members become accustomed to the new way of voting.*
- Q3 Will the electronic voting system automatically record the votes of each Councillor on each issue, and will that record be made part of the official minutes of those meetings?*
- A3 The electronic voting system would be no different to any other system in the past and undoubtedly all the recording of resolutions will be documented.*
- Q4 Page 11 of Financial Statement: Can this meeting be informed of all parcels of land held by the City of Joondalup under the title of 'land held for resale' and in particular could it be confirmed or denied that the blocks of land owned freehold by the Council on the west side of Merrifield Place, Mullaloo are included in the classification of land held for resale?*
- A4 The information on that land held for resale is not available at this meeting but can be made available publicly if required. In relation to the ten lots owned by Council in Merrifield Place, at this time the Council has not made a decision in relation to those lots.*

Mr M Sideris, Mullaloo:

Q1 I note in the Auditor's comments at the introduction to the Financial Statement that the audit is undertaken on a test basis of evidence supplied. Can you inform what is meant by that?

A1 Response by Mr P Messer: As you would appreciate it is not possible to test every single transaction that occurs within an organisation the size of the City of Joondalup. As a consequence, it is standard auditing procedure to select a sample of transactions which have occurred and based on those transactions it is determined whether the systems in place can be relied upon. Those tests include looking at the internal controls put in place over the key financial areas within the City; the computer processes and the reporting within those; a test of purchases and rate notices. These are followed through the system and on the basis that no error is found within the sample, an opinion is formed, and that is the opinion which is in the accounts.

Q2 Is there any part of the audit process which goes outside the examination of what has been purchased and spent?

A2 Response by Mr P Messer: The process is extensive. Obviously if we became aware of certain circumstances which warrant investigation outside of that normal sampling process, we would increase the size of samples. For example, if we found a particular transaction which did not seem to have been processed in the appropriate form we would extend our processes to determine whether or not that was pervasive of the entire transaction base or not.

Q3 A number of issues were raised by ratepayers present at last year's Annual General Meeting of Electors, in particular concerns about the security levy and also due and proper process for the implementation of the security charge this financial year. Were the minutes of the Annual General Meeting of Electors made available to the auditors? If not, why not?

A3 Minutes of all committees and Council meetings are available to the auditors for investigation. During the audit, the auditors look through the minutes, in particular to see whether any matter requires further investigation and that opportunity was afforded to the auditors for this financial year also.

Response by Mr P Messer: All the minutes of all Council meetings and ratepayer meetings are provided to us. We were aware of the issues raised at the last ratepayers' meeting and I was in attendance at that meeting. During the audit of last year we were made aware of the issues raised at that meeting and we had reviewed the legal advice which Council had obtained in respect to those issues. Our position is not to interpret legal advice; if the legal advice states that the processes were in order we cannot challenge that legal interpretation.

Q4 Are you as auditors entirely satisfied that the Council undertook due and proper process?

A4 Response by Mr P Messer: We were satisfied with the responses we obtained from Council and from the opinions provided by its legal counsel.

- Q5 Reserves: Item 10, Page 27: Domestic Cart Refuse Collection: I understand the budget allocation was \$662,209, and for 2000 it was \$639,961. Why have you had a windfall of some \$500,000, and the auditors have made no comment regarding this?*
- A5 The refuse collection fee is levied based on certain undertakings that are anticipated to occur during the financial year. At 30 June, if there is an excess of revenue over the expenditures, that amount is then transferred into the Reserve to ensure that we do not cushion the following year's rates with an amount which was collected for refuse collection. Page 27 details there was an opening balance of \$639,000. There was transfers from the accumulated surplus into that Reserve of \$671,000 and \$175,000 transferred out of that Reserve for the MRF that Council is undertaking in conjunction with the Cities of Wanneroo and Swan.
- Q6 If your actual expenditure for 2000 was \$639,961 and your adopted budget amount for this financial year was \$662,209, why is the actual income \$1.1 million?*
- A6 This is the amount in the particular collection Reserve. The Reserve sits outside of the municipal fund. At the commencement of the financial year there was \$639,000 in that Reserve. As a consequence of the undertaking of domestic cart refuse collection, there was an excess of revenues over expenditures of \$671,000. That was then transferred into this Reserve. From this Reserve there was an amount of \$175,000 which was transferred to undertake the MRF operation. The \$671,000 was the surplus generated out of the refuse collection. The reason for that is within the budget last year, \$15,000 was estimated for services undertaken; the overall figure was about \$5,500, hence the additional revenues over expenditures which is transferred into this Reserve.
- Q8 What happens to the \$175,000 and the previous \$222,927?*
- A8 The \$175,000 was to undertake the MRF operation at Wanneroo. That will be refunded over the next five years at about \$35,000 per year and that will be credited back into this particular Reserve when those funds are received.

GENERAL BUSINESS

Cr O'Brien referred to Local Government (Administration) Regulations 15 and believed there was a requirement to first consider the Annual Report, then any General Business which the electors may wish to bring forward.

The Acting Chief Executive Officer advised that in accordance with the Local Government Act 1995, the Council at its meeting held on 25 September 2001 accepted the Annual Report and Financial Statements. The purpose of this evening's meeting was to discuss the contents of the Annual Report and Financial Statements, which has already occurred earlier in this meeting as detailed on the distributed agenda.

MOVED Cr O'Brien that this Annual General Meeting of Electors RECEIVES and ADOPTS the Annual Report.

Mayor Bombak sought clarification from the Acting Chief Executive Officer, who referred to Section 5.54 of the Local Government Act 1995 and stated there was no requirement for the Annual Report and Financial Statements to be adopted by the Annual General Meeting.

Discussion ensued, with Cr O'Brien reading Section 5.27 of the Local Government Act 1995 and Regulation 15.

Mayor Bombak ruled he would not accept the Motion.

MOVED Cr O'Brien SECONDED Mr K Zakrevsky that the meeting **DISSENTS** against the Mayor's ruling.

ADJOURNMENT OF MEETING – SERIOUS DISORDER

In accordance with Clause 4.7 of the City's Standing Orders Local Law, the Mayor declared the meeting **ADJOURNED** at 1949 hrs.

The meeting **RESUMED** at 2004 hrs and Mayor Bombak read Clause 4.7 – Serious Disorder - of the City's Standing Orders Local to the meeting.

MOVED Cr Hollywood SECONDED Cr Kimber that, in accordance with Clause 4.7 of the Standing Orders Local Law, the meeting **PROCEED** with the business of the meeting.

The Motion was Put and

CARRIED

The Motion Moved by Cr O'Brien and Seconded by Mr Zakrevsky was

Put and

LOST

Following a request for a show of hands, electors indicated 15 votes for the Motion and 30 votes against the Motion.

GENERAL BUSINESS

Mr Tony Kay, Granadilla Street, Duncraig, on behalf of the Warwick Bowling Club (Inc):

MOVED Mr Tony Kay, SECONDED Mr Alan Hogarth that the City of Joondalup **INTRODUCES** a policy for the development of synthetic bowling greens within the City of Joondalup and establishes a cost ratio that each party will have to contribute to the total cost to establish these greens.

Mr Kay spoke to the motion and discussion ensued. Following a query from Cr Hurst, the Manager Leisure and Ranger Services advised that Council is required under the CSRFF funding programme to prioritise and rank various applications received and forward them to the Department of Sport and Recreation. A report is to be presented to the Council on the matter at its meeting scheduled for 23 October 2001. If Council considered funding synthetic bowling greens, this would simply be listed and would not mean that other groups would be disadvantaged.

The Motion was Put and

CARRIED

Mr M Sideris, Mullaloo:

Q1 Why has the meeting not confirmed the minutes of the previous Annual General Meeting of Electors?

A1 There is no requirement to confirm previous minutes. All decisions made at electors' meetings are required to be considered at the next ordinary meeting of Council or if not possible, to the first ordinary meeting following that. The Council is not obliged to take action on decisions made at a Special Meeting of Electors, and it is hoped the minutes will be submitted to the next meeting of Council.

Q2 Regarding Standing Orders and what is generally accepted as meeting procedure, one would normally put the previous minutes of Annual General Meetings of Electors before the ratepayers and ask that they be accepted.

A2 This question will be taken on notice.

Q3 Minutes of electors' meetings are not placed on the City's web site.

A3 This matter will be rectified.

MOVED Mr M Sideris SECONDED Mr S Magyar that all minutes of Annual General Meetings of Electors be PLACED on the City's website.

The Motion was Put and

CARRIED

Mr Roy Phillips, Currambine:

Q1 What steps has the Joondalup Council taken to respond to the State Government's decision made two months ago to remove up to 35 police officers from Joondalup?

A1 This question will be taken on notice.

Q2 Recent media reports stated that Joondalup Council has spent \$18,000 in legal fees in appointing the new CEO, Mr Denis Smith. Is this figure correct and who authorised the expenditure of ratepayers' money?

A2 The figure for legal fees was \$18,943 of which \$1,700 was for GST. The Council authorised that expenditure.

- *Mayor Bombak requested that this matter be further investigated, as he understood that approximately \$15-16,000 had been spent on legal fees prior to negotiations being entered into with Mr Denis Smith.*

Q3 I refer to allegations raised at a Council meeting two months ago that a senior Council officer had misappropriated tens of thousands of ratepayers' dollars earmarked for a pathway at Mullaloo beach. Was this allegation correct, and if not has the person who made the allegation apologised to the Council officer concerned?

Q3 This question will be taken on notice.

Mr S Magyar, Heathridge:

MOVED Mr S Magyar SECONDED Mr K Zakrevsky that the electors call upon Council to acknowledge the importance of Section 18 of the Interpretations Act in relation to the second public question time and that Council conforms to its own Standing Orders and allows a second public question time at all ordinary meetings of Council.

Discussion ensued.

MOVED Cr Hurst, SECONDED Cr Mackintosh that the Motion BE NOW PUT.

The Procedural Motion was Put and

CARRIED

The Motion as Moved by Mr S Magyar and Seconded by Mr K Zakrevsky was Put and

CARRIED

MOVED Mr S Magyar that this meeting of electors requests the Council to put the Mayor's words in the last paragraph of the Mayor's message in the year 2000/2001 Annual Report into action by allowing members of the public to make short comments at public question time at the beginning and end of ordinary meetings of Council.

The Mayor ruled this motion out of order and the motion was not proceeded with.

Cr C Baker – on behalf of a ratepayer of Heathridge:

Q1 What is the anticipated cost to Joondalup City ratepayers of collecting the State Government's proposed new Fire and Emergency Services tax on homes. Is it too late to oppose this new tax on homes or have the relevant legislative enactments already been made?"

A1 This question cannot be answered as the legislation has not been finalised at this time.

Mr V Cusack, Kingsley:

Mr Cusack advised the following were joint motions with Mr David Davies, Connolly.

MOVED Mr V Cusack SECONDED Mr R de Gruchy that we the electors of the City of Joondalup request Council to make the following change to public question time:

- 1 that ratepayers must be allowed to make statements during question time or alternatively a specific time be set aside at the end of question time for statements which is a practice allowed for in a number of other Councils.**

Discussion ensued.

The Motion was Put and

CARRIED

MOVED Mr V Cusack SECONDED Mr R de Gruchy that we the electors of the City of Joondalup request Council to make the following change to public question time:

- 1** **there must be no interjection from Councillors at question time unless the question directly affects a particular Councillor. The responsibility to control question time resides solely with the chief elected representative, which in this case is the Mayor.**

The Motion was Put and

CARRIED

Mrs M MacDonald, Mullaloo:

Q1 Council decided to include the lots in Merrifield Place, Mullaloo as parkland in the precinct plan, and subsequently Council took the lots out on the basis of unresolved issues. Why can you not tell me what the unresolved issues are or what the Council intends with respect to these lots?

A1 There has been no decision made by Council on the future of the land. There is a number of issues which need to be looked at and until Council makes a decision on the land no advice can be given as to what Council's decision might be.

Q2 What is the relevance of this with respect to the precinct plan?

A2 During the public consultation phase, a number of comments were made regarding the land and it was decided to recommend to Council that the land be removed from the precinct plan, and this recommendation was adopted by Council.

MOVED Cr Baker SECONDED Cr O'Brien that the ten lots of land owned by the City of Joondalup in Merrifield Place, Mullaloo NOT BE SOLD and be retained by the City of Joondalup for the benefit of the community.

Discussion ensued.

The Motion was Put and

CARRIED

Vote of Thanks – Staff of the City of Joondalup

MOVED Cr Kadak, SECONDED Cr Kimber that Council gives a VOTE OF THANKS to all staff of the City of Joondalup for their dedication to and efforts for this Council and this community in 2000/2001.

The Mayor requested that the vote of thanks be conveyed to members of staff for their work throughout the year.

The Motion was Put and

CARRIED

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2103 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
P KIMBER
D CARLOS
C BAKER
J F HOLLYWOOD, JP
A NIXON
T BARNETT
M O'BRIEN, JP
A PATTERSON
G KENWORTHY
J HURST
C MACKINTOSH