

CITY OF JOONDALUP

MINUTES OF THE COMMITTEE TO ADDRESS RATEPAYERS' CONCERNS – ANNUAL GENERAL MEETING OF ELECTORS 18.12.00 HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON THURSDAY 22 FEBRUARY 2001 AND WEDNESDAY 28 FEBRUARY 2001.

ATTENDANCE AND APOLOGIES

Committee Members:

Cr D Carlos - Chairman
Cr S Magyar *to 1736 hrs*
Cr A Walker

In Attendance:

Cr J Hollywood *Absent from 1855 to 1856 hrs*

Mr M Sideris
Mr V Cusack
Mr K Zakrevsky
Mrs M Zakrevsky
Mrs C Wood
Mr D Davies
Ms J Axford
Mr M O'Brien
Mr N Gannon
Mr A Hillier

Officers:

Chief Executive Officer:	L DELAHAUNTY	<i>Absent from 1715 to 1736 hrs</i>
Director Community Development	C HALL	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Director Resource Management:	J TURKINGTON	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Director Planning and Development:	C HIGHAM	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Executive Manager, Strategic Planning:	R FISCHER	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Manager Council Support Services:	M SMITH	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Executive Assistant:	P MCQUE	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Senior Project Officer:	P DUNN	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Manager Marketing:	J LAWTON	<i>to 1737 hrs; absence 1715 to 1736 hrs</i>
Committee Clerk:	J AUSTIN	<i>Absent from 1715 to 1736 hrs</i>

APOLOGIES

Nil

The Chief Executive Officer opened the meeting at 1704 hrs.

ELECTION OF CHAIRMAN

Section 5.12 of the Local Government Act 1995 requires a committee appointed by a local government, to appoint a presiding member as the first item of business at its first meeting. Schedule 2.3 of the Act requires the Chief Executive Officer to preside. Nominations for the position of chairperson are to be given to the Chief Executive Officer in writing, with the vote to be conducted by ballot.

It is also advisable that at the same meeting the committee appoints a deputy presiding member, who would chair the meeting in the absence of the presiding member.

The Chief Executive Officer advised that written notice had been received from Cr Magyar nominating Cr Carlos for the position of Chairman. There being no further nomination, the Chief Executive Officer declared Cr Carlos elected unopposed. Cr Carlos assumed the Chair at this point, the time being 1705 hrs.

DECLARATION OF FINANCIAL/NON FINANCIAL INTEREST

Nil

ITEMS OF BUSINESS

Cr Carlos referred to the minutes of the Annual General Meeting of Electors held on 18 December 2000 and advised that some Councillors felt that the recommendations put forward were not the feelings of the meeting. He stated that the purpose of tonight's meeting was to obtain the views of ratepayers and, if necessary, for Councillors to prepare alternative recommendations for presentation to the Council. Cr Carlos pointed out however that the officers' original recommendations would remain.

Cr Carlos believed that the small group of ratepayers present tonight were representative of the persons that attended the AGM. He said this would be an open meeting, with opportunity given to all persons to present their views. Cr Carlos stated that Council officers were in attendance, to provide any necessary advice on the twelve motions provided.

Concern was raised by ratepayers at the presence of Council officers.

Cr Carlos advised he would suspend Standing Orders to enable an informal discussion to be held. Cr Carlos requested that officers leave the Room at this point, the time being 1715 hrs.

Officers returned at 1736 hrs. Cr Magyar was not present at this point.

Cr Carlos stated that ratepayers believed they will be inhibited by the presence of Council officers. Cr Carlos requested officers to leave, with the exception of the Chief Executive Officer and the Minute Secretary.

Officers left the Room at 1737 hrs.

Discussion was then raised on the following motions.

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

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

Section 5.54 of the Local Government Act 1995 requires that the Council is required to accept an annual report prior to the 31 December of each year. There is no requirement for the annual report to be submitted to the annual meeting of electors for 'receiving'. Local Government (Administration) Regulations 1996, regulation 15, states that the matters to be discussed at a general electors meeting are firstly, the contents of the annual report for the previous financial year and then any other general business.

The Council is governed by the Local Government Act 1995 which does not recognise any power from the State Attorney General and State Auditor General in relation to the motion under consideration.

Legal advice was sought in response to ongoing concerns raised by some members of the public questioning the legality of the security charge, due to the words 'security levy' being used in the Council resolution. The legal advice received was that it was evident from the Council resolution that the Commissioners intended to, and did, impose a service charge under section 6.38 of the Act. Section 6.38 was specifically referred to in the resolution and the decision to impose a service charge, which was incorrectly referred to as a levy in adopting the budget, does not invalidate the charge.

The Hon Minister for Local Government has correctly stated in Parliament that Councils' do not have the power to raise a levy, however, he also acknowledges that Councils' do have the power to raise service charges.

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.

Discussion raised at Committee level:

Cr Carlos outlined the recommendation of the Council's officers.

Discussion ensued in relation to the residents' concerns at the legality of the security charge and legal opinions obtained. The Chief Executive Officer read aloud the legal opinion, which had been obtained on 21 February 2000.

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

MOTION 2 RATING 2001/02 FINANCIAL YEAR

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

The Local Government Act 1995 requires that where a local government wishes to set aside money for a purpose in a future financial year, it is to establish a reserve account for each such purpose.

There are specific requirements relating to the use of such funds held in these reserves. Any change in the purpose of the funds held is to be disclosed in the annual financial report for the year in which the change occurs.

The \$12,254,170 is the estimated balance in the City's Reserve accounts at 30 June 2001. The City's Reserve accounts are set aside for specific purposes. Amongst these is the \$6.5 million in the Asset Replacement Reserve, which is allocated to assist with the acquisition and provision of a City depot. Other reserves are 'tied reserves', i.e. cash in lieu of providing car parking and public open space, which are for specific purposes in specific locations.

RESERVE	ESTIMATED BALANCE AS AT 30.6.01
	\$
Asset Replacement	6,559,585
Cash in Lieu of Parking	389,986
Cash in Lieu of Public Open Space	656,786
Domestic Cart Refuse Collection	662,209
Heavy Vehicles Replacement	386,077
Hodges Drive Drainage	167,211
Light Vehicles Replacement	550,531
Joondalup City Centre Public Parking	402,007
Ocean Reef Boat Launching Facility	47,806
Performing Arts Facility	1,000,000
Plant Replacement	484,811
Section 20A Land	27,000
Town Planning Scheme No 10 (Revoked)	920,161
TOTAL	12,254,170

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.

Discussion raised at Committee level:

Cr Carlos stated that the budget for 2001/02 was currently under consideration by elected members and advised that a number of Councillors are seeking a 'no rate increase'. Cr Carlos stated he was unsure whether this was possible but would support this view.

Discussion ensued in relation to the minutes of the AGM and the issue of the \$23 million surplus.

During discussion, Cr Hollywood left the Room at 1855 hrs and returned at 1856 hrs.

At the conclusion of discussion on Motion 2, Cr Carlos advised no change was required to be made to the recommendation.

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

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

Motion CJ337-11/00 – Operational Management and Lease of City of Joondalup Leisure Centres was:

“THAT Council:

- 1 DECLINES all previous tenders for Tender 72-99/00, Operational Management and Lease of the City's Leisure Centres;
- 2 AWARDS the Lease to RANS Management Group for five plus five years for the operational management and Lease of the City's Leisure Centres in accordance with the negotiated terms and conditions as outlined in Report CJ 290-10/00 and Report CJ337-11/00;

- 3 AUTHORISES the execution of the Lease from 1 February 2001 for a period of 5+5 years for the Management and Lease of City of Joondalup Leisure Centres under the common seal;
- 4 pursuant to the provisions of Section 6.11(1) of the Local Government Act 1995 CREATES a new Reserve Account titled Leisure Centre Capital Improvements for the purpose of Capital Improvements to the City's Leisure Centres operated by RANS Management Group;
- 5 NOMINATES Crs Wight and Carlos as representatives to the Leisure Centre Strategic Management Group;
- 6 as detailed in (2) above awards the lease to RANS, SUBJECT to confirmation being obtained that awarding the lease will not be in contravention of Section 3.59 of the Local Government Act 1995 and Sections 18 and 46 of the Land Administration Act 1997, should those sections apply”

A Council decision cannot be rescinded once acted upon. A Council decision can also not be rescinded by Electors at an Annual General Meeting.

The Council is currently inviting public comments on the Business Plan for the leasing of the three leisure centres Craigie, Sorrento/Duncraig and Ocean Ridge. The closing date for submissions on the Business Plan is 2 February 2001. The Council has also given public notice of its proposal to dispose of the three leisure centres by a lease. The closing date for submissions is 9 February 2001.

Officers have been liaising with the Departments of Land Administration and Local Government concerning the proposed lease of the City's leisure centres to RANS Management Group. The Department of Land Administration has approved in principle the lease agreement for the leisure centres and the lease when ready will be submitted to the Minister for Lands for endorsement.

Legal advice has been received that the lease does not contravene Sections 18 and 46 of the Lands Administration Act.

The Department of Local Government has advised that the business plan for the proposed lease of the leisure centre meets the requirements of the Local Government Act 1995.

Only leases on reserves, which exceed 10 years, require the approval of the Minister for Planning under Section 20 of the Town Planning Act. Bushplan does not apply to buildings. The Ministry of Planning has advised that it has an interest in the area only if the area is vegetated and there are proposals to clear the vegetated land.

The Department of Environmental Protection has advised that it would only become involved in this type of matter if it if it was referred to it by the Ministry for Planning.

The Australian Securities and Investments Commission have advised that RANS Management Group are registered with the Commission and are able to trade anywhere within Australia.

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.

Discussion raised at Committee level:

Cr Carlos advised that a report in relation to the leisure centres was to be considered by Council at its meeting to be held on Tuesday next, 27 February 2001.

Discussion ensued in relation the contractual arrangements to be made with RANS for the leasing of the leisure centres.

ADJOURNMENT

Cr Carlos adjourned the meeting at this point, the time being 1917 hrs and resumed the meeting at 1931 hrs.

Discussion resumed in relation to Motion 3, City of Joondalup Leisure Centres – Operational Management and Lease. Residents believed the issue had not been resolved and felt that Council should refer its decision until it had been referred to the various Ministers.

Cr Carlos stated that he could not predict what Council's decision would be when considering the issue at its Council meeting on Tuesday 27 February, but he advised he would be speaking against the outsourcing of the leisure centres.

ADJOURNMENT

In accordance with Clause 5.1 of the City of Joondalup Standing Orders Local Law, the Chairman at 1947 hrs declared the meeting be adjourned to Wednesday 28 February 2001 at 5.00 pm.

RESUMPTION OF MEETING

The meeting resumed on **WEDNESDAY 28 FEBRUARY 2001**, the following persons being present:

Committee Members:

Cr D Carlos - Chairman

Cr S Magyar

Cr A Walker

From 1720 hrs; absent from 1912 to 1916 hrs

In Attendance:

Cr J Hollywood

to 2007 hrs; absent from 1912 to 1916 hrs

Mr M Sideris

to 2043 hrs

Mr V Cusack

to 2043 hrs; absent from 1833 to 1835 hrs

Mr K Zakrevsky

to 2043 hrs

Mrs M Zakrevsky

to 2043 hrs

Mrs C Wood

to 2043 hrs

Mr Wood

to 2043 hrs

Mr D Davies

to 2043 hrs

Ms J Axford

to 2043 hrs

Mr M O'Brien

to 2043 hrs

Mr A Hillier

to 2043 hrs

Mr T O'Brien

to 2043 hrs

Officers:

Director Resource Management:

J TURKINGTON

Manager Executive Management:

K ROBINSON

Committee Clerk:

J AUSTIN

APOLOGIES

Late apology:

Cr A Walker

Apologies for absence:

Mr N Gannon

Mr R De Gruchy

Mr L Delahaunty, Chief Executive Officer

The Chairman declared the resumed meeting open at 1701 hrs.

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

Further discussion took place as residents believed that this item had not been resolved when discussed on 22 February 2001.

During discussion, Cr Walker entered the Room at 1720 hrs.

In conclusion, Cr Carlos advised that a report on the motions from the AGM will be submitted to Council at its meeting scheduled for 13 March 2001.

MOTION 4 **COMBINED RESIDENTS GROUP**

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

The City has requested Mr Davies to provide details of the membership of the Combined Residents Group.

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.

Discussion raised at Committee level:

Following a query from Cr Carlos, Mr Davies submitted amendments to the motion.

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

MOTION 5 **DATE OF 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

The Financial Statements have to be audited before an Annual General Meeting can be held, and this can sometimes delay the holding of the Annual General Meeting. Where possible, the City always endeavours to hold the Annual General Meeting as soon as practical. For example, the 1999 Annual General Meeting was held on 7 December.

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.

Discussion raised at Committee level:

Discussion ensued in relation to setting a suitable target date for future AGMs.

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

MOTION 6 COMMUNITY CONSULTATION

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

The Council currently advertises and seeks community input on a range of matters, far in excess of its legislative requirements. However, the Council is always reviewing ways it can improve its communications and interaction with the community. Means of communication the Council currently use is advertising in the West Australian and Wanneroo Times, the Council News publication, the Joondalup website, displays at the Whitfords Customer Service Centre, displays at the recreation centres and libraries, and letter drops where appropriate.

The Council is currently in discussions with the Wanneroo Times in relation to its circulation of the Joondalup district. The Wanneroo Times are currently running at 98% distribution based on regularly audited figures by Ernst and Young, who in turn submit their findings to the circulation audit board.

The Council will advertise major new initiatives through appropriate mediums in the future. As an example, all major works for the Year 2001 will be featured in a full page advertisement in the Wanneroo Times in the coming weeks. It is also proposed to display all public notices and adverts at the Whitfords Customer Service Centre in the near future.

It is worth noting that in a representative survey of City of Joondalup residents in May 2000, only 15% indicated they were not satisfied with the way the Council made information available.

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.

Discussion raised at Committee level:

Discussion ensued in relation to the Council advertising, with the following suggestions being made:

- that the 'watermark logos' not be used in advertising as this caused problems with reading the text which is printed over such watermarks;
- that free-standing notice boards be used at shopping centres;
- that a notice board be installed in libraries for Council business only.

The Committee advised that the suggestions raised will be referred to Marketing Services for attention and appropriate action.

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

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

The City is actively involved with many committees and ratepayers associations throughout Joondalup. Advice received from associations and committees are always considered by the Council, prior to the Elected Members making an informed decision which in their opinion is in the best interests of the whole community.

In relation to promotion of local industry, the City adopted the Regional Purchasing Policy in July 1999, annually contributes financially to the North West Metro Business Association, and also hosts the Joondalup Stakeholders Group.

In addition, the City is working in conjunction with the City of Wanneroo to develop an 'Online Portal' which will further promote local industry through the electronic community.

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.

Discussion raised at Committee level:

Discussion ensued in relation to promotion of local industry, and to the appropriate wording of the Committee's recommendation.

During discussion, Mr Cusack left the Room at 1833 and returned at 1835 hrs.

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

MOTION 8 **SECURITY CHARGE**

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

The Security Charge has been imposed pursuant to the provisions of Section 6.38 of the Local Government Act 1995 and Regulation 54 of the Local Government (Financial Management) Regulation 1996. The prescribed service of property surveillance and security, branded as the Safer Community Program, meets all the statutory requirements of Part 5, Rates and Services charges, Local Government (Financial Management) Regulations 1996 and Section 6.38 of the Local Government Act 1995.

The Council at its meeting of 8 August 2000, adopted the budget for the Safer Community Program and imposed the \$27 Security Charge to meet this budget. The Safer Community Program, is considered to be a comprehensive approach to the provision of property security and surveillance, and includes initiatives such as partnerships, graffiti control, neighbourhood watch, constable care and urban design. In adopting the program, the Council considered that all these initiatives provided a benefit to all property owners.

The Council elected to fund the Safer Community Program through a security charge rather than the general rate based on the principle that all properties in the district would receive the same benefits of the service, while the general rate creates a subsidisation scenario.

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.

Discussion raised at Committee level:

Discussion ensued in relation to the appropriate funding of the service, and the forthcoming referendum.

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

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

The prescribed service of property surveillance and security, branded as the Safer Community Program, meets all the statutory requirements of Part 5, Rates and Services charges, Local Government (Financial Management) Regulations 1996 and Section 6.38 of the Local Government Act 1995.

It must be noted that 42 properties from over 55,000 properties have not paid the \$27 security charge from the 1999/2000 financial year.

Officer's Recommended Response

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

Discussion raised at Committee level:

Discussion ensued in relation to the recording of the AGM and the need for the presentation of a proposal which was achievable.

Cr Carlos advised that the residents' concerns would be taken on notice. He said there was a problem with the practicality of residents' requests and the Committee would need to give consideration to a suitable recommendation.

MOTION 10 **SECURITY CHARGE - LEGISLATION**

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

The interpretation and application of service charge legislation was addressed last year. The Council resolved in part that "a submission be compiled to the Minister for Local Government, WAMA and the Local Government Department with a view to broadening the powers of the Act in relation to the expenditure of funds raised from the Security Charge".

This submission was forwarded in August 2000 and has the support of the North Zone, Local Government Association and WAMA Executive. It is also understood that WAMA have raised the matter with the Minister for Local Government and Local Government Department. The City's submission together with all relevant documents will be discussed with the Minister prior to a final position being established.

Recent discussions with officers of the Department of Local Government have indicated that a draft policy paper has been prepared. In view of the forthcoming election, this matter will now be progressed with the Minister following the formation of government. Departmental officers have made a firm commitment to clarify the matter with a view to defining more precisely the requirements.

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.

Discussion raised at Committee level:

The Committee advised it was in agreement with the residents' motion.

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

MOTION 11 PUBLIC QUESTION TIME

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

Previously all questions received in writing together with the response from the Administration were read in full during public question time. All responses were also provided in hard copy and made available to all members of the public prior to the meeting, time permitting.

The practice of providing hard copy answers to all questions submitted in writing continues to operate. In order to make more effective use of public question time and given that copies of the questions and answers are available to all members of the public, only a summary of the question is read aloud at the meeting. The Joint Commissioners also adopted this practice in an effort to reduce time wastage, and to offer the opportunity for other members of the public to ask questions. It is considered that the above practice is working effectively, however, if thought appropriate by

Council, all questions and answers can be read out aloud by the Chief Executive Officer. This course of action however is not preferred and it is recommended that the current practice be maintained.

In relation to the second public question time, this issue has been raised previously and the current standing orders do enable a second public question time at the end of the meeting if the Council resolves accordingly.

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.

Discussion raised at Committee level:

Discussion ensued in relation to the regulations regarding public question time.

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

Cr Hollywood left the Room at 2007 hrs.

MOTION 12 ADMINISTRATION PERFORMANCE

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

The Director Resource Management contacted Mr O'Brien in relation to his comments to ascertain the basis of his opinion covering staff morale. Mr O'Brien made reference to two former elected members of the former City of Wanneroo many years ago, but was unable to substantiate his newer claims against the current Administration.

The Chief Executive Officer has also made contact with the Executive Director of the Department of Local Government, and was advised that no complaints have been received from the community in relation to the continued performance of the City of Joondalup.

The City will take on board the above comments. The City has been on a path of continuous improvement since it was created in 1998, and it is always reviewing and assessing ways it can improve its service delivery to the community.

Last year the City of Joondalup won the WAMA Leadership in Best Practice Award. This is the highest award that can be won in local government in Western Australia. This award recognises the achievements that the City has gained during the past year, and serves to demonstrate that we are attempting to provide a high quality service to our community.

Independent market research has also been conducted over the past few years, with the level of satisfaction with the Council's services continually rising.

The Council is currently working on the development of a new Strategic Plan, which will further enhance exactly what the City hopes to achieve, and how it intends to achieve these outcomes during the coming years. There has been extensive public consultation with the development of this Plan, and it will provide a sound document upon which the community can assess the Council's performance.

In relation to morale of the staff, the City is continuously examining ways in which to make the City of Joondalup a better place to work. The current Strategic Plan details the Council's commitment to Organisational Culture. The City has recently adopted an Enterprise Bargaining Agreement, and is currently developing a Performance and Rewards System for staff.

Other initiatives to assist staff morale is the establishment of a training and development program, grievance procedures, and a personal e-mail box to the CEO to register any concerns. It should be noted that there has also been no industrial disputation at Joondalup in the last 18 months.

An internal staff survey was conducted in December 2000 amongst volunteering staff members. Over 138 completed staff surveys were returned. The survey asked staff to rate their level of overall satisfaction with the service provided by other staff members. This includes the willingness to help others, and being responsive to other staff members needs and enquiries. Whilst still being finalised, initial figures demonstrate a 74% satisfaction rate for internal service which indicates a high standard.

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.

Discussion raised at Committee level:

Discussion ensued.

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

In conclusion, Mr Sideris, on behalf of the residents, thanked the Committee and administration staff for the opportunity to present their views.

Cr Carlos requested that residents now leave the meeting, to enable members of the Committee to give consideration to the appropriate wording of Motion 9.

Residents left the Room at 2043 hrs.

MOTION 9 REFUND OF SECURITY CHARGE

Discussion ensued.

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

CLOSURE

There being no further business, the Chairman declared the meeting closed at 2112 hrs.