

# CITY OF JOONDALUP

## MINUTES OF SPECIAL COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY 9 JULY 2002

### OPEN AND WELCOME

The Mayor declared the meeting open at 1931 hrs.

### ATTENDANCES

#### Mayor

J BOMBAK, JP

#### Elected Members:

Cr P KADAK	Lakeside Ward	<i>Absent from 2025 hrs to 2028 hrs</i>
Cr P KIMBER	Lakeside Ward	<i>from 1932 hrs</i>
Cr D CARLOS	Marina Ward	
Cr C BAKER	Marina Ward	<i>from 1940 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	
Cr M O'BRIEN, JP	South Ward	<i>from 1933 hrs</i>
Cr G KENWORTHY	South Coastal Ward	<i>from 1939 hrs; absent from 2033 hrs to 2035 hrs</i>
Cr A L PATTERSON	South Coastal Ward	<i>to 2056 hrs; absent from 2027 hrs to 2029 hrs</i>
Cr J HURST	Whitfords Ward	
Cr C MACKINTOSH	Whitfords Ward	<i>from 1932 hrs</i>

#### Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Acting Director, Corporate Services and Resource Management:	A SCOTT
Manager, Audit & Executive Services:	K ROBINSON
Manager, Marketing, Communications & Council Support:	M SMITH
Manager, Community Development:	G HALL
Manager Project Policy & Planning:	R HARDY
Manager, Infrastructure Management:	P PIKOR
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN

**In Attendance**

Mr T Darbyshire, Kott Gunning  
Mr D Monument, Consultant

There were 13 members of the Public in attendance.

**ATTENDANCES AND APOLOGIES**

Apology: Cr Nixon

*Crs Mackintosh and Kimber entered the Chamber at this point, the time being 1932 hrs.*

**PUBLIC QUESTION TIME**

(Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked).

*Cr O'Brien entered the Chamber at this point, the time being 1933 hrs.*

**Mr R de Gruchy, Sorrento:**

*Q1 Is this meeting tonight going to be held open to the public?*

A1 That is for the Council to determine.

*Q2 Why is Council afraid of allowing its decision making process to be open to public examination?*

A2 That is a question of an intimidatory nature and is requested to be rephrased.

*Q3 In January 2001, after Council awarded the tender to RANS, Council officers were still trying to obtain audited financial accounts from RANS for 1998/99 and 1999/2000. Were these accounts ever presented to the City of Joondalup?*

A3 Yes.

*Q4 If so, were they considered satisfactory?*

A4 RANS Management Group provided unaudited financial statements. The information was analysed as much as possible but based on the fact they were unaudited the information provided could not be relied upon and therefore no opinion was expressed in relation to them.

*Q5 The City of Joondalup claims to be open and accountable. What action is being contemplated against those parties, including consultants, advisors and Council staff who were responsible for such a bad financial decision?*

A5 The decision was made by Council.

*Cr Baker entered the Chamber at this point, the time being 1940 hrs.*

*Q6 Was this Special Council meeting advertised in local and statewide newspapers so as to give the required 24 hours' notice?*

A6 Special Meetings require local public notice where practicable. An advertisement appeared in The West Australian on Monday 8 July 2002, and was placed on Notice Boards.

*Q7 What consultancy process has the City undertaken with the public in relation to the future of the three leisure Centres? Have staff at the three centres been consulted?*

A7 The staff of the three centres are under the care, control and management of RANS, not the City of Joondalup.

*Q8 What is the current situation concerning the bond of \$184,000 in relation to the three leisure centres? Is it available to the City of Joondalup?*

A8 That is a matter currently under legal investigation by lawyers of both the City and RANS Management Group.

*Q9 Would Council please advise the total amount of money paid to RANS at the commencement of their contract in May 2001 that covered the unused portion of membership fees that were prepaid by clients to the three leisure centres?*

A9 This question will be taken on notice.

**Mr M Pratt, Hillarys:**

*Q1 How often are the Health Department checks carried out at Craigie Leisure Centre?*

*Q2 Can you give use some idea of the actual attendance figures over the last two or three months?*

A1-2 These questions will be taken on notice.

*Cr Kenworthy entered the Chamber at this point, the time being 1939 hrs.*

**Mr K Zakrevsky, Mullaloo:**

*Q1 How many months' rent in advance was placed into the contract that should have been paid to the Council on either one, two or three of the leisure centres?*

A1 This question will be taken on notice.

**Mr S Magyar, Heathridge:**

*Q1 How many of the staff currently employed by RANS at the City of Joondalup leisure centres are former employees of the City?*

*Q2 How many of these employees are in the position of losing their leave or superannuation entitlements?*

*Q3 Can you advise where these former employees of the City stand in the list of creditors to recover what is owed to them?*

A1-3 These questions should be directed to RANS.

*Q4 Considering that many of RANS' employees were former employees of the City, can the Council assist them in recovering any of the entitlements which they may lose?*

A4 This is not known.

**DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

Nil

**PETITIONS SUBMITTED TO THE SPECIAL MEETING OF COUNCIL – 9 JULY 2002**

PETITION IN RELATION TO MANAGEMENT OF LEISURE CENTRES – [09050 04185 03034 46492]

Cr Walker tabled two petitions of 105 and 75 signatures on behalf of residents of the City of Joondalup requesting that Council takes the management of the Craigie Leisure Centre, the Sorrento/Duncraig and Ocean Ridge Community centres back under in-house Council administration.

This petition will be referred to Planning and Community Development for action.

**MOVED Cr Kadak SECONDED Cr Carlos that the petition requesting that Council takes the management of the Craigie Leisure Centre, the Sorrento/Duncraig and Ocean Ridge Community centres back under in-house Council administration be received and referred to the appropriate Business Unit for action.**

**The Motion was Put and**

**CARRIED**

**MOTION TO GO BEHIND CLOSED DOORS**

**MOVED Cr Hurst, SECONDED Cr Kimber that in accordance with Clause 5.6 of the City's Standing Orders, the meeting be held Behind Closed Doors to enable the Council to discuss Item JSC5-07/02 – RANS Management Group – Revised Options in response to the Special Council meeting of 2 July 2002 being an item which deals with contractual and legal matters.**

**The Motion was Put and**

**CARRIED (8/5)**

**Voting: In favour of the Motion:** Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Baker, Kimber, Kadak. **Against the Motion:** Crs Carlos, Hollywood, Walker, Rowlands, O'Brien.

Members of the public left the Chamber at this point, the time being 1947 hrs.

**MOTION TO GO TO OPEN DOORS**

**MOVED Cr O'Brien, SECONDED Cr Carlos that the meeting be now held with open doors.**

**MOVED Cr Baker SECONDED Cr Kimber that the Motion BE NOW PUT.**

**The Procedural Motion was Put and**

**CARRIED (10/3)**

**Voting: In favour of the Motion:** Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Rowlands, Walker, Baker, Kimber, Kadak. **Against the Motion:** Crs Carlos, Hollywood, O'Brien.

**The Motion as Moved by Cr O'Brien and Seconded by Cr Carlos was Put and**

**LOST (3/10)**

**Voting: In favour of the Motion:** Crs Carlos, Hollywood, O'Brien. **Against the Motion:** Mayor Bombak, Crs Mackintosh, Hurst, Kenworthy, Patterson, Rowlands, Walker, Baker, Kimber, Kadak.

**ITEMS OF BUSINESS**

**JSC5-07/02 CONFIDENTIAL REPORT - RANS MANAGEMENT GROUP - REVISED OPTIONS IN RESPONSE TO THE SPECIAL COUNCIL MEETING OF 2 JULY 2002**

**WARD – All**

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A full report has been provided to Elected Members under separate cover for consideration at the Special Council meeting on 9 July 2002.

*During discussion:*

*Cr Kadak left the Chamber at 2025 hrs and returned at 2028 hrs;*

*Cr Patterson left the Chamber at 2027 hrs and returned at 2029 hrs;*

*Cr Kenworthy left the Chamber at 2033 hrs and returned at 2035 hrs.*

**MOVED Cr Kimber, SECONDED Cr Hurst that Council:**

- 1** AGREES to operate all three leisure centres (Craigie, Sorrento/Duncraig and Ocean Ridge) in house on a short-term basis for a maximum period of six months, effective from the date that RANS vacates the premises or at a mutually agreed date;
- 2** REQUESTS the Chief Executive Officer to engage the services of a Centre Manager on a short term, fixed contract for a maximum period of six months, with all other employees associated with the management and operation of the three centres being engaged through external employment agency/agencies;
- 3** AGREES that the operation of the aquatic centre component of the Craigie Leisure Centre be restricted to a maximum period of three months. During this period of time, a detailed analysis be carried out of the future viability of this component of the facility, the configuration of the pool, filtration systems and associated facilities required to ensure that the facility meets existing and proposed Western Australian health requirements for public swimming centres;
- 4** CLOSES and decommissions forthwith the outside pool area and associated facilities, together with the indoor spa and sauna room;
- 5** AGREES to undertake a comprehensive communications strategy advising the community in terms of Council's decision.
- 6** REQUESTS the Chief Executive Officer in accordance with the Local Government Act to prepare a tender specification and Business Plans for the ongoing management and operation of the Craigie Leisure Centre;
- 7** REQUESTS the Chief Executive Officer to prepare a detailed report on the viability of the management and operation of the Sorrento/Duncraig and Ocean Ridge leisure centres;
- 8** THAT the expenditure in respect of (1) & (2) above be charged to Account 11.40.44.458.4230.0001;
- 9** AGREES to consider the matter surrounding the prepayments received by the RANS Management Group for programmes and services at the three leisure centres as part of a further comprehensive report.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (13/0)**

**MOTION TO GO TO OPEN DOORS**

**MOVED Cr O'Brien, SECONDED Cr Rowlands that the meeting be now held with open doors.**

**The Motion was Put and**

**CARRIED**

*Cr Patterson left the Chamber at this point, the time being 2056 hrs.*

Members of the public entered the Chamber at this point, the time being 2056 hrs.

In accordance with the City's Standing Orders Local Law, the Chief Executive Officer read the Motion in relation Confidential Report – Item JSC5-07/02 – RANS Management Group – Revised Options in response to the Special Council meeting of 2 July 2002.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2059 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 WALKER  
ROWLANDS  
M O'BRIEN, JP  
G KENWORTHY  
J HURST  
C MACKINTOSH