

minutes

Special Meeting of Council

MEETING HELD ON **MONDAY, 9 AUGUST 2010**

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CITY OF JOONDALUP

MINUTES OF SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON MONDAY,
9 AUGUST 2010

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.31 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors

| | | |
|-----------------------------|----------------------------------|----------------------|
| Cr KERRY HOLLYWOOD | North Ward – <i>Deputy Mayor</i> | |
| Cr TOM MCLEAN | North Ward | |
| Cr LIAM GOBBERT | Central Ward | |
| Cr GEOFF AMPHLETT | Central Ward | |
| Cr CHRISTINE HAMILTON-PRIME | South-West Ward | <i>From 7.37 hrs</i> |
| Cr MIKE NORMAN | South-West Ward | |
| Cr JOHN CHESTER | South-East Ward | |
| Cr BRIAN CORR | South-East Ward | |
| Cr RUSS FISHWICK | South Ward | |

Officers:

| | |
|--------------------|---|
| MR GARRY HUNT | Chief Executive Officer |
| MR JAMIE PARRY | Director, Governance and Strategy |
| MR MIKE TIDY | Director, Corporate Services |
| MR MARTYN GLOVER | Director Infrastructure Services |
| MR SEAN MCLAUGHLIN | Principal Legal Officer |
| MR MICHAEL EYRE | Acting Manager Governance and Marketing |
| MR TIM HEGNEY | Governance Coordinator |

In Attendance

Mr Graeme Slattery – Minter Ellison, Solicitors

There were no members of the Public and no member of the Press in attendance.

PUBLIC QUESTION TIME

Nil

PUBLIC STATEMENT TIME

Nil

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Mayor Troy Pickard 9 – 16 August 2010 inclusive

Apologies - Crs Taylor, Young and Diaz

DECLARATIONS OF INTEREST

Nil

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

JSC07-08/10 LEGAL MATTER - CONFIDENTIAL - CITY OF STIRLING VERSUS MINDARIE REGIONAL COUNCIL AND OTHERS SUPREME COURT ACTION CIV 1620/2010

C35-08/10 MOTION TO GO BEHIND CLOSED DOORS - [02154]

MOVED Cr Fishwick, **SECONDED** Cr Chester that Council:

- 1** in accordance with Section 5.23(2)(d) of the Local Government Act 1995 and Clause 67 of the City's Standing Orders Local Law 2005, **RESOLVES** to close the meeting to members of the public to consider Item JSC07-08/10 as this Item contains legal advice obtained, by the City of Joondalup and which relates to the matter to be discussed at the meeting;
- 2** **PERMITS** the following employees and advisors to remain in the Chamber while the meeting is sitting behind closed doors as detailed in part 1 above:
 - Chief Executive Officer, Mr Garry Hunt;
 - Director Governance and Strategy, Mr Jamie Parry;
 - Director Corporate Services, Mr Mike Tidy;
 - Director Infrastructure Services, Mr Martyn Glover;
 - Principal Legal Officer, Mr Sean McLaughlin;
 - Governance Coordinator, Mr Tim Hegney;
 - Minter Ellison Solicitors, Mr Graeme Slattery;
- 3** in accordance with Clause 54(5) of the City's Standing Orders Local Law 2005, **SUSPENDS** Clause 54 - Limitation on Members Speaking to allow debate on Items JSC07-08/10.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman.

Members of staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Corporate Services, Director Infrastructure Services, Principal Legal Officer, Governance Coordinator and Mr Graeme Slattery, Minter Ellison Solicitors Representative), left the Chamber at this point, the time being 7.33 hrs.

RULING OF THE MAYOR

In accordance with Clause 81 of the City's Standing Orders Local Law 2005, Mayor Pickard determined that Mr Graeme Slattery of Minter Ellison be permitted to provide a presentation and comments to the meeting in relation to Item JSC07-08/10.

JSC07-08/10 LEGAL MATTER - CONFIDENTIAL - CITY OF STIRLING VERSUS MINDARIE REGIONAL COUNCIL AND OTHERS SUPREME COURT ACTION CIV 1620/2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the Chief Executive Officer

FILE NUMBER: 03149

ATTACHMENTS: Nil.

Cr Hamilton-Prime entered the meeting at 7.37 hrs.

MOVED Cr Fishwick, SECONDED Cr Hollywood that the Council:

1 NOTES:

- 1.1 the progress of the City of Stirling Supreme Court action CIV 1620 of 2010 against the Mindarie Regional Council (MRC) and other Member Councils as detailed in this report;
- 1.2 the outcome of the compulsory Mediation Conference held on 3 August 2010, as detailed in this report;
- 1.3 that this resolution is not intended to and does not take effect unless the MRC and each Participant in the MRC pass the resolutions required by the Heads of Agreement (as detailed in Attachment 1 to report JSC07-08/10), on or before 12 August 2010;

- 2 **AGREES to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling against the MRC and Others (Proceedings) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by the Chief Executive Officers of the respective Parties;**

- 3 **CONSENTS** to the proposed withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with an agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;
- 4 **NEGOTIATES** in good faith with the City of Stirling, the MRC and the other participants in the MRC during the period until 30 April 2011, as to the adjustment of Assets and Liabilities of the MRC, consequent upon the City of Stirling withdrawing from the MRC;
- 5 **AUTHORISES** the Chief Executive Officer to negotiate with the MRC and other participants in the MRC as to the adjustment of the Assets and Liabilities of the MRC as detailed in part 4 above;
- 6 **ADVISES** the MRC and other Member Councils of its decision.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman.

C36-08/10

MOTION TO RE-OPEN THE MEETING - [02154] [08122]

MOVED Mayor Pickard, **SECONDED** Cr Amphlett that the Council re-opens the meeting to members of the public and in accordance with Clause 67 (5) of the Standing Orders Local Law 2005 the presiding member is to cause the motion passed by the Council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman.

No members of staff entered the Chamber at 8.24 hrs. No members of the public or press were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion and the record of voting in relation to JSC07-08/10 - Legal Matter - Confidential - City of Stirling Versus Mindarie Regional Council and Others Supreme Court Action CIV 1620/2010.

There being no further business, the Mayor declared the Meeting closed at 8.28 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD

Cr K HOLLYWOOD

Cr T McLEAN

Cr L GOBBERT

Cr G AMPHLETT

Cr J CHESTER

Cr B CORR

Cr C HAMILTON-PRIME

Cr M NORMAN

Cr R FISHWICK