

Council Minutes

UNCONFIRMED

SPECIAL COUNCIL MEETING

5.00pm, 29 January, 2009

Civic Centre,

Dundebar Road, Wanneroo

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MINUTES

Please refer to agenda for details of full reports and attachments.

Item 1 Attendances

JON KELLY

Mayor

Councillors:

FRANK CVITAN, JP	Central Ward
DOT NEWTON, JP	Central Ward
GLYNIS MONKS, JP	Central Ward
TRACEY ROBERTS	Coastal Ward
IAN GOODENOUGH, JP	Coastal Ward
BOB SMITHSON	Coastal Ward
LAURA GRAY, JP	North Ward (Arrived at 5.05pm)
BRETT TREBY	South Ward
ALAN BLENCOWE	South Ward
COLIN HUGHES	South Ward
MAUREEN GRIERSON	South Ward
NGUYET-ANH TRUONG	South Ward

Officers:

D SIMMS	Chief Executive Officer
K CAPLE	Director, Governance & Strategy
F BENTLEY	Director, Community Development
D BLAIR	Director, Infrastructure
L KOSOVA	Director, Planning & Development
N MAISEY	Public Relations Communications Officer
N BARKER	Minute Officer

Mayor Kelly opened the meeting at 5.03pm and then requested that it be adjourned as Cr Gray was caught up in traffic and had requested that she be given time to get to the meeting as the matter before Council concerned Cr Gray's Ward. Mayor Kelly put the following motion.

Procedural Motion

Moved Cr Newton, Seconded Cr Monks

That the meeting do now adjourn.

CARRIED UNANIMOUSLY

The following members were present:-

Mayor Jon Kelly and Councillors Cvitan, Newton, Monks, Roberts, Goodenough, Smithson, Treby, Blencowe, Hughes, Grierson and Truong.

Cr Gray entered the chamber at 5.05pm.

Moved Cr Newton, Seconded Cr Roberts

That the meeting be resumed.

CARRIED UNANIMOUSLY

The following members were present:-

Mayor Jon Kelly and Councillors Cvitan, Newton, Monks, Roberts, Goodenough, Smithson, Treby, Blencowe, Hughes, Grierson, Truong and Gray.

Item 2 Apologies and Leave of Absence

RUDI STEFFENS	Coastal Ward
PAUL MILES	North Ward
J PATON	Director, Corporate Services

There was 1 member of the public and 2 members of the press in attendance.

Item 3 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”.

PQ1-01/09 Mrs A Hine, Dundobar Rd, Wanneroo

Question 1 – Extraordinary Election – North Ward

- (a) *Did Council get legal advice on this vacancy, and if so, what advice was given, which firm was used and at what cost?*
- (b) *What would be the cost of staff time involved in supporting the extraordinary election?*
- (c) *How many people were notified of this meeting by email, phone, fax or telephone (apart from the Councillors)?*
- (d) *In the present climate why would Councillors want to spend \$20 000 on an election when there is a shortage of funds for the completion of major projects in Wanneroo. On top of that why vote against Administrations recommendation, as they are required to balance the budget on behalf of all ratepayers.*

(a) **Response by Chief Executive Officer**

The Local Government Act 1995 is clear as to what procedure is required to be followed in calling an extraordinary election. The Officers report on the current agenda clearly outlines the two options being presented to Council. Both are technically correct and it is up to Council to resolve the preferred course of action.

(b) **Response by Mayor Kelly**

The officer's report on the current agenda clearly articulates the costs that the Electoral Commission has quoted as well as the inclusion of a contingency amount.

(c) **Response by Chief Executive Officer**

Council Administration followed the procedure under the *Local Government Act 1995* for calling a Special Council meeting. Notices were also placed on Council Notice Boards and the press advised.

(d) **Response by Mayor Kelly**

For clarification it was the receipt of Cr Miles' resignation letter that has prompted the calling of the Special Council Meeting.

Item 4 Reports

Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Nil

SPC01-01/09 Extraordinary Election - North Ward Vacancy

File Ref:	S11/0018
Responsible Officer:	Director Governance & Strategy
Disclosure of Interest:	Nil
Attachment(s):	1

Recommendation

Option 1

That Council in accordance with *Section 4.16 (4) of the Local Government Act 1995* REQUEST the approval of the Electoral Commissioner to allow Council to fix the ordinary election day of 17 October 2009 as the day for holding the poll for the extraordinary election to fill the vacancy in the North Ward.

LAPSED FOR WANT OF A MOVER

OPTION 2

Moved Cr Gray, Seconded Cr Treby

That Council:-

- 1. DECLARE, BY ABSOLUTE MAJORITY in accordance with Section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election;**
- 2. DECIDE, BY ABSOLUTE MAJORITY in accordance with Section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election;**
- 3. SET the extraordinary election date for Thursday 07 May 2009; and**
- 4. Pursuant to Section 6.8 (1) of the Local Government Act 1995 APPROVE BY ABSOLUTE MAJORITY the unbudgeted expenditure of \$20,000 to fund the Extraordinary Election process.**

**CARRIED
BY ABSOLUTE MAJORITY
8/5**

For the motion: Mayor Kelly, Crs Goodenough, Gray, Monks, Newton, Roberts, Treby and Truong.

Against the motion: Crs Blencowe, Cvitan, Hughes, Smithson and Grierson.

Item 5 Closure

There being no further business, Mayor Kelly closed the meeting at 5.56pm.

In Attendance

Mayor Kelly and Councillors Cvitan, Newton, Monks, Roberts, Goodenough, Smithson, Gray, Treby, Blencowe, Hughes, Grierson and Truong.