

Council Minutes

UNCONFIRMED

**SPECIAL COUNCIL MEETING
7.00pm, 10 August, 2010
Civic Centre,
Dundebar Road, Wanneroo**

Recording of Council Meetings Policy

Objective

- To ensure that there is a process in place to outline access to the recorded proceedings of Council.
- To emphasise that the reason for recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Statement

Recording of Proceedings

- (1) Proceedings for meetings of the Council, Electors, Audit Committee and Public Question Time during Council Briefing Sessions shall be recorded by the City on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
- (2) Notwithstanding subclause (1), proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
- (3) No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council.

Access to Recordings

- (4) Members of the public may purchase a copy of recorded proceedings or alternatively listen to recorded proceedings with the supervision of a City Officer. Costs of providing recorded proceedings to members of the public will be the cost of the CD plus staff time to make the copy of the proceedings. The cost of supervised listening to recorded proceedings will be the cost of the staff time. The cost of staff time will be set in the City's schedule of fees and charges each year.
- (5) Elected Members may request a recording of the Council proceedings at no charge. However, no transcript will be produced without the approval of the Chief Executive Officer. All Elected Members are to be notified when recordings are requested by individual Members.

Retention of Recordings

- (6) Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the State Records Act 2000 (General Disposal Authority for Local Government Records). The current requirement for the retention of recorded proceedings is thirty (30) years.

Disclosure of Policy

- (7) This policy shall be printed within the agenda of all Council, Special Council, Electors and Special Electors meetings to advise the public that the proceedings of the meeting are recorded.



City of Wanneroo

UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING

HELD ON TUESDAY 10 AUGUST 2010

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MINUTES

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

Item 1 Attendances

JON KELLY

Mayor

Councillors:

DOT NEWTON, JP	Central Ward
GLYNIS MONKS, JP	Central Ward
DIANNE GUISE	Central Ward
TRACEY ROBERTS JP	Coastal Ward
IAN GOODENOUGH, JP	Coastal Ward
RUDI STEFFENS	Coastal Ward
BOB SMITHSON	Coastal Ward
LAURA GRAY, JP	North Ward
NORMAN HEWER	North Ward
BRETT TREBY	South Ward
ALAN BLENCOWE	South Ward
MAUREEN GRIERSON	South Ward
NGUYET-ANH TRUONG	South Ward
STUART MACKENZIE	South Ward

Officers:

D SIMMS	Chief Executive Officer
L KOSOVA	Director, Planning and Sustainability
D BLAIR	Director, Infrastructure
M PENSON	Chief Operations Officer
M BARRY	Manager Governance and Executive Services
S SPINKS	Manager City Business
P WINTON	Waste Services Manager
L BURT	Minute Officer

In Attendance:

M FERGUSON

Minter Ellison

Item 2 Apologies and Leave of Absence

There were no members of the public and no members of the press in attendance.

Mayor Kelly declared the meeting open at 7.00pm

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”.

Nil

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

Confidential Items

CR01-08/10 Mindarie Regional Council (MRC) Single Gate Fee and Supreme Court Action by the City of Stirling

File Ref: 3266
Responsible Officer: Director City Businesses
Disclosure of Interest: Nil

Moved Cr Treby, Seconded Cr Mackenzie

THAT Council move into a Confidential Session to discuss this item under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

CARRIED UNANIMOUSLY

The meeting was closed to the public and all recording ceased at 7.01pm.

During discussion, Mr Michael Ferguson from Minter Ellison provided legal advice to Council in relation to this issue.

Moved Cr Treby, Seconded Cr Mackenzie

That the meeting be reopened to the public.

CARRIED UNANIMOUSLY

The meeting was re-opened to the public and all recording recommenced at 7.24pm.

Mayor Kelly read aloud the motion.

Moved Cr Newton, Seconded Cr Gray

That Council:-

1. NOTES:

- a) **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;**
 - b) **the outcome of the compulsory Mediation Conference held on 3 August 2010, as detailed in this report; and**
 - c) **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 shown in Attachment 1, 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 Ors (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. **AGREES to the payment of costs from 22 June 2010 will be proportionate on the basis of the respective Local Governments' estimated 2010-2011 tonnages delivered to the MRC;**
 4. **CONSENTS to the proposed withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;**
 5. **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;**
 6. **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 specified in recommendation 5 above) and provide a further report for the consideration of the Council; and**
 7. **ADVISES the MRC and other Member Councils of its decision.**

CARRIED UNANIMOUSLY

Item 5 Closure

There being no further business, Mayor Kelly closed the meeting at 7.26pm.

In Attendance

JON KELLY

Mayor

Councillors:

DOT NEWTON, JP	Central Ward
GLYNIS MONKS, JP	Central Ward
DIANNE GUISE	Central Ward
TRACEY ROBERTS JP	Coastal Ward
IAN GOODENOUGH, JP	Coastal Ward
RUDI STEFFENS	Coastal Ward
BOB SMITHSON	Coastal Ward
LAURA GRAY JP	North Ward
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