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# **A G E N D A**

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## **SPECIAL MEETING OF COUNCIL**

**To be held on  
Tuesday 22<sup>nd</sup> February 2011  
7.00 pm  
City of Albany Council Chambers**

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## **NOTICE OF A SPECIAL COUNCIL MEETING**

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His Worship The Mayor and Councillors

The Special Council Meeting of the City of Albany will be held on Tuesday 22<sup>nd</sup> February 2011 in the Council Chambers, North Road, Yakamia commencing at 7.00 pm.

The purpose of the meeting is to consider the public submissions received regarding the Review of Wards and Representation, and to make a recommendation to the Local Government Advisory Board regarding the Review of Wards and Representation.

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**F James**  
Chief Executive Officer

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## 1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

### ITEM 1.0: MOTION

1. THAT Standing Order 3.1 be **SUSPENDED** to allow recording of proceedings.
2. THAT Standing Order 4.2(4) be **SUSPENDED** to allow CEO Faileen James to be seated on the mayor's right.

## 2.0 OPENING PRAYER

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

## 3.0 PUBLIC QUESTION AND STATEMENT TIME

Council's Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

**4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**Mayor** M J Evans JP

**Councillors:**

Breaksea Ward	J Bostock
Breaksea Ward	R Hammond
Frederickstown Ward	D Wellington
Frederickstown Ward	Vacant
Kalgan Ward	M Leavesley
Kalgan Ward	C Holden
West Ward	D Wolfe
West Ward	D Dufty
Vancouver Ward	D Bostock
Vancouver Ward	R Paver
Yakamia Ward	J Matla
Yakamia Ward	R Sutton

**Staff:**

Chief Executive Officer	F James
E/Director Corporate & Community Services	WP Madigan
E/Director Planning & Development Services	G Bride
Executive Director Works and Services	K Ketterer
Executive Manager Business Governance	S Jamieson
Minutes	J Williamson

**Public Gallery and Media:**

**Apologies/Leave of Absence:**

**5.0 DECLARATION OF INTEREST**

## 6.1: WARDS AND REPRESENTATION REVIEW

<b>File Number (Name of Ward)</b>	: GO.BOU.1(All Wards)
<b>Disclosure of Interest</b>	: Nil
<b>Previous Reference</b>	: OCM 14/12/10 Item 4.7 OCM 19/10/10 Item 4.10
<b>Attachment</b>	: Paper for Council Consideration of Wards and Representation 2011, including copies of public submissions <ul style="list-style-type: none"><li>• A. Copy of Minutes Recording Decision to Undertake Review</li><li>• B. Copy of Newspaper advertisement</li><li>• D. Consolidate Public Submissions</li><li>• E. Original Public Submissions</li><li>• F. Public Forum Presentation</li><li>• G. WA Electoral Commission Timeline</li></ul>
<b>Appendices</b>	: Nil
<b>Consulted References</b>	: <i>Local Government Act 1995 (the Act)</i>
<b>Reporting Officer</b>	: EM Business Governance (S Jamieson)
<b>Responsible Officer</b>	: Chief Executive Officer (F James)

### IN BRIEF

- That Council endorses a recommendation to the Local Government Advisory Board (LGAB)

### BACKGROUND

1. On 19/10/10, Council resolved to reaffirm its previous decision to reduce the number of elected members from twelve (12), plus a popularly elected Mayor, to eight (8) plus a popularly elected Mayor and authorised staff to commence the process of conducting a Ward and elected member review to ascertain the cause and effect of reducing the existing six (6) wards to four (4) with two (2) elected representatives for each ward and a directly elected Mayor.
2. On 14 Dec 10, Council endorsed the options for consideration as detailed in the Paper (attached). The Chief Executive Officer (Interim) Mr John Bonker, in consultation with the Local Government Advisory Board (LGAB), felt that even though Council resolved to reduce the existing six wards and the number of elected representatives, it was considered appropriate that other options should be considered and views from the public be sought.
  - **Option 1.** Four (4) wards with 2 elected representatives for each ward (8 councillors):
    - **Option 1A.** Description: Concentric circles radiating out from the City Centre.
    - **Option 1B.** Description: Corridors radiating out from the City Centre.
  - **Option 2.** Eight (8) wards with 1 elected representative for each ward (8 councillors)  
Description: Radiating out from City Centre.

- **Option 3.** No wards with 8 elected representatives (8 councillors)  
Description: No Wards
  - **Option 4.** Six (6) wards with 2 elected representatives for each ward (12 councillors)  
Description: No change. Retain current ward structure and representation.
3. Statutory advertising commenced on 23 Dec 2010 with public submissions accepted up until 5pm on 8 February 2011.
  4. At the close of the submission period (8 Feb 2011), 32 submissions had been received. Of those submissions 3 were from representative organisations, with members totalling over 700.

## DISCUSSION

5. The LGAB requires to be advised of Council's decision by no later than the first week of March 2011 to comply with the WA Electoral Commission Timeline. The LGAB timeline is as follows:
  - i) 01 Mar 11 Council submits a report to the LGAB for consideration;
  - ii) End April 2011-The LGAB meets to discuss City's proposal and submits report to the Minister for Local Government (the Minister); and
  - iii) End July 2011- If accepted by the Minister, the Minister will make a recommendation to the Governor for the making of the appropriate order.

The local government election timeline is detailed at Appendix G.

6. It is recommended that Council reviews the assessment made against each public submission and assessment criteria (options), as detailed in the Officers Report- Review of Wards and Representation.
7. A copy of the assessment is detailed in the Officer's Report.

## Summary of Public Submissions

Supported Option	Ind. Returns	Org. Returns	Sub-Total
<b>Option 1.</b> Four (4) wards with 2 elected representatives for each ward (8 councillors)			
○ <b>Option 1A.</b> Description: Concentric circles radiating out from the City Centre.	0	0	0
○ <b>Option 1B.</b> Description: Corridors radiating out from the City Centre.	0	1	1
<b>Option 2.</b> Eight (8) wards with 1 elected representative for each ward (8 councillors)	0	0	0
<b>Option 3.</b> No wards with 8 elected representatives (8 councillors)	4	1	5
<b>Option 4.</b> Six (6) wards with 2 elected representatives for each ward (12 councillors)	20	2	22
<i>None of the Above</i>	4	0	4
<b>Total Returns</b>			<b>32</b>

Wards or No Wards	
Wards	<b>27</b>
No Wards	<b>5</b>
<b>Total Returns</b>	<b>32</b>

8. Additional options considered are detailed in the Officer's (Discussion Paper) attached report.

### Reaching a decision

9. If Council proposes to maintain the status quo then reasons for this **must** be included in the resolution.
10. If the Council decides to make a change, then in accordance with s2.1(1)(b) of the *Local Government Act 1995* an **absolute majority** is required.
11. If another option is recommended to the LGAB, Council will be required to determine:
  - a. A full spill or a redistribution of Councillors positions; and
  - b. Ward Names.

### STATUTORY IMPLICATIONS

12. It should be noted that the City of Albany has not received an order from the Governor to change the number of elected members or number of wards.
13. Schedule 2.2 of the Act, clause 5: Local government may propose ward changes or make minor Proposals: A local government may, whether or not it has received a submission:
  - i. carry out a review of whether or not an order under section 2.2 (Districts may be divided into wards.), 2.3 (Names of districts and wards ) or 2.18 (Fixing and changing the number of councillors) should, in the council's opinion, be made;
  - ii. propose\* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is:
    - (i) one of a minor nature; and
    - (ii) not one about which public submissions need be invited;or
  - iii. propose\* to the Minister the making of an order changing the name of the district or a ward.

\* Absolute majority required.

14. Schedule 2.2 of the Act, clause 6 provides that a review of Ward Boundaries and the number of offices for councillor of each ward shall be undertaken at least once every eight years.
15. Section 2.2 of the Act – "**Districts may be divided into wards**" states that:
  - (2) The Governor, on the recommendation of the Minister, may make an order -
    - (a) dividing a district into wards;
    - (b) creating new wards in a district that is already divided into wards;
    - (c) changing the boundaries of a ward;
    - (d) abolishing any or all of the wards into which a district is divided; or
    - (e) as to a combination of any of those matters.
  - (3) For the purposes of this Act –
    - (a) An order that divides a district into wards is to be regarded as establishing a ward system for the district; and



(b) An order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.

(4) Schedule 2.2 (which deals with wards and representation) has effect.

(5) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

16. Section 2.3 of the Act – “**Names of districts and wards**” states that:

(2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.

(3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly

(4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

17. Section 2.18 of the Act – “**Fixing and changing the number of councillors**” states that:

(2) When an order is made under section 2.2 discontinuing a ward system for a district, the number of offices of councillor on the council remains unchanged unless the order specifies otherwise.

(3) The Governor, on recommendation of the Minister, may make an order –

(a) changing the number of officers of councillor on a council;

(b) specifying or changing the number of offices of councillor for a ward;

or

(c) as to a combination of those matters.

(4) The Minister can only make a recommendation under subsection (1) or (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

18. Schedule 2.2 of the Act, clause 9 “**Proposal by local government**”. On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit. \* **Absolute majority required.**

## **POLICY IMPLICATIONS**

19. There are some governance policy implications relating to this item which will be addressed as part of Council’s Governance Policy Review.

## **FINANCIAL IMPLICATIONS**

20. The financial implications of finalising the review process is minimal as it will be accommodated from within existing budgeted funds, and existing staff resources (General Management Services).

21. Staffing (FTE) – 8 hours (Approximately \$380)

<b>Ward Structure</b>	<b>Councillor Vacancies</b>	<b>Mayor Vacancy</b>	<b>Estimate \$</b>
6 Wards	6	1	86,000
6 Wards	6	1	67,000
6 Wards	12	1	92,000
4 Wards	2	1	57,000
4 Wards	8	1	85,000

**Assumptions**

- Number of electors in district 24,000
- Number of electors in proposed 4 wards approximately 6,000
- Non statutory advertising costs not included
- Cost estimates do not include any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- Cost estimates do not include one local government staff member to work in the polling place on election day
- Cost estimates to be confirmed upon confirmation of ward restructure

**PUBLIC CONSULTATION**

22. Local Public Notice was published in the Albany Weekender on 23 December 2010; giving 7.5 weeks’ notice.
23. A public forum was held on Thursday 27 January 2011, which attracted 25 members of the public.

**CONCLUSION**

24. If the Council proposes to maintain the status quo then reasons for this must be included in the resolution.
25. If the Council decides to make a change, then an absolute majority is required. The resolution of the Council must propose the making of an order under s2.2(1), s2.3 (3) and/or s2.18(3) of the Act.

**RECOMMENDATION**

<p><b>ITEM 6.1: RESPONSIBLE OFFICER RECOMMENDATION– REGARDING COUNCILLOR NUMBERS</b></p> <p>1. Reaffirm Council’s prior decision at the ordinary meeting of Council on 19/10/2010 to reduce the number of elected members from twelve (12) with a popularly elected mayor, to eight (8) with a popularly elected mayor.</p> <p>2. The Local Government to undertake another review of wards and representation in 3 years time.</p>
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**ITEM 6.1: RESPONSIBLE OFFICER RECOMMENDATION - WARDS**

**In accordance with Schedule 2.2 (9) of the Local Government Act 1995 (the Act), it is recommended to the Local Government Advisory Board that:**

- (i) An order be made under s 2.2 (1) to abolish the existing ward boundaries and divide the district into four new wards with boundaries as detailed in the Map for Option 1B as detailed in the Officer's Report – Review of Wards and Representation;**
- (ii) An order be made under s2.18 to designate the following number of offices of councillors for each ward: 2;**
- (iii) At the October 2011 elections, a full spill occurs and an election for 2 councillors for each ward be undertaken;**
- (iv) The local government to undertake another review of wards and representation in 3 years time.**

**7.0 CLOSURE OF MEETING**

**ITEM 8.0: DRAFT MOTION**

**THAT Council Resume Standing Order 3.1, to stop recording of proceedings.**

The Presiding member declared the meeting closed at\_\_\_\_\_.