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# MINUTES

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## **SPECIAL MEETING OF COUNCIL**

**Held on  
Tuesday, 10<sup>TH</sup> March 2009  
7.15pm  
City of Albany Council Chambers**

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**TABLE OF CONTENTS**

<b>ITEM</b>	<b>PAGE #</b>
<b>1.0 DECLARATION OF OPENING</b>	<b>4</b>
<b>2.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)</b>	<b>4</b>
<b>3.0 PUBLIC QUESTION TIME</b>	<b>4</b>
<b>4.0 DISCLOSURE OF FINANCIAL INTERESTS</b>	<b>4</b>
<b>5.0 ITEMS OF DISCUSSION</b>	<b>5</b>
5.1 Council Response To Structural Reform Strategy	
<b>6.0 NEXT ORDINARY MEETING DATES</b>	<b>11</b>
17 <sup>th</sup> March 2009	
<b>7.0 CLOSURE OF MEETING</b>	<b>11</b>
 <b>APPENDIX</b>	
<b>A.</b> Councillor Bostocks motion and reasoning.	

**1. DECLARATION OF OPENING**

Mayor Evans declared the special council meeting open at 7.20pm.

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

<b>Deputy Mayor</b>	M Evans, JP
<b>Councillors:</b>	
Breaksea Ward	J Bostock
Breaksea Ward	Vacant
Frederickstown Ward	VA Torr
Kalgan Ward	J Walker
Vancouver Ward	K Stanton
West Ward	AD Dufty
West Ward	D Wolfe
Yakamia Ward	J Matla
<b>Staff:</b>	
Chief Executive Officer	P Richards
Executive Director Corporate & Community Services	WP Madigan
Executive Director Works & Services	K Ketterer
Executive Director Development Services	R Fenn
Minutes Secretary	S Smith
<b>Public Gallery and Media:</b>	
3 media representatives were in attendance and 3 members of the public.	
<b>Apologies/Leave of Absence:</b>	
Vancouver Ward	R Paver
Frederickstown Ward	D Price
Manager Executive Services	S Jamieson
Kalgan Ward	R Buegge
Yakamia Ward	G Kidman

**MOVED: Councillor Walker**

**SECONDED: Councillor Walker**

**THAT Councillor Bostock be granted leave of absence from the March Ordinary Meeting of Council.**

**MOTION CARRIED 8-0**

**3.0 PUBLIC QUESTION TIME**

Nil.

**4.0 DISCLOSURE OF FINANCIAL INTERESTS**

Nil.

## **5.0 ITEMS OF DISCUSSION**

**ITEM NUMBER:** 5.1

**ITEM TITLE:** COUNCIL RESPONSE TO STRUCTURAL REFORM STRATEGY

### **THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:**

*Advocacy: Council advocating on behalf of the community on matters affecting the betterment of the City.*

<b>File Number or Name of Ward</b>	:	MAN 102 (All Wards)
<b>Summary of Key Points</b>	:	Engage the DLGRD
<b>Land Description</b>	:	Not applicable
<b>Proponent</b>	:	Department of Local Government and Regional Development
<b>Reporting Officer(s)</b>	:	Manager Executive Services (S Jamieson)
<b>Disclosure of Interest</b>	:	All Councillors - Impartiality All Staff - Impartiality
<b>Previous Reference</b>	:	Nil
<b>Bulletin Attachment(s)</b>	:	Nil
<b>Consulted References</b>	:	Local Government Act 1995 Department of Local Government & Regional Development (DLGRD) – Structural Reform Guidelines

### **BACKGROUND**

1. In February 2009, the Minister for Local Government, Hon John Castrilli MLA, announced his wide-ranging Local Government Reform Strategies. As part of this, he has encouraged each local government within Western Australia to embrace the opportunity for voluntary amalgamations to achieve structural reform in this State.
2. On the 4 Mar 09, the DLGRD released the Structural Reform Guidelines - these guidelines detail the principle strategies and information being sought by the Minister.
3. The Minister for Local Government has requested that each council advise him of their intention within six months from the date of his announcement; all stages are to be completed by 31 August, 2009.

### **DISCUSSION**

4. The principal strategies in the package focus on voluntary structural reform of local government. Specifically, these strategies encourage local governments to:
  - a. take steps to voluntarily amalgamate and form larger local governments;
  - b. reduce the total number of elected members to between six and nine; and
  - c. form appropriate regional groupings of councils to assist with the efficient delivery of services.

Item 5.1 continued

5. The key objectives of this strategy are:
  - a. By August 2009 all local governments have made an informed decision on voluntary amalgamation.
  - b. By August 2009 all local governments have decided the number of councillors required within a range of 6 to 9.
  - c. To ensure that local identity and community representation is maintained under a new governance model.
  - d. Local governments are to explore membership of appropriate regional groupings.
  - e. By September 2009 initial proposals for legislation changes made by the Legislative Reform Working Group are considered and final recommendations made to the Minister.
  - f. By December 2009 final proposals for amending legislation are completed.
  
6. The City of Albany has three courses of action. The options are:
  - a. Option One. Ignore the Ministers request and not engage in the process as outlined in the guideline document received by staff on 4<sup>th</sup> March, 2009. Therefore, the fate of the Council would be determined without an uninformed understanding of the specific desires of the greater Albany community.
  - b. Option Two. Engage the steering committee to help promote an informed view of reforms to be reached but not engage in the process fully - the stages are explained in greater detail later in this report. The committee system offers a partial element towards the full timetable of engagement.
  - c. Option Three. The City fully engages in the process, forms a project team as requested by the guidelines, conforms to the stipulated timetable and milestones and the project team is authorised by Council resolution to consult any and all Stakeholders on behalf of the City.
  
7. Option Three is the preferred course of action. It is recommended that the project team be established in line with the guidelines, namely the Mayor, the CEO and additionally the Deputy Mayor and Mr Peter Brown as the Project Manager. The project team should consider the following:
  - a. how the preferred amalgamated structure will improve social, economic and environmental capacity on behalf of their communities;
  - b. how the gaps identified in individual checklists will be addressed;
  - c. how community identity and representation will be preserved or improved;
  - d. community consultation strategies;
  - e. elected member representation;
  - f. membership of regional groupings;
  - g. the transition timeframe; and
  - h. estimate reasonable additional costs that are likely to be incurred as part of the transition.

Item 5.1 continued

## **PUBLIC CONSULTATION / ENGAGEMENT**

8. As part of developing the Reform Submission and to engender support and understanding of the preferred reform option, it is expected that elected members, staff and the community will be given an opportunity to contribute to open discussions on amalgamation and that their views will be represented in the Reform Submission to be forwarded to the Minister for Local Government.

## **GOVERNMENT CONSULTATION**

9. The Department of Local Government and Regional Development is available to provide more guidance and support as needed. A reform section has been established on the website at [www.dlgrd.wa.gov.au](http://www.dlgrd.wa.gov.au) which provides information on departmental initiatives to progress local government reform; along with contact details should further advice be required. Included in the reform section will be Frequently Asked Questions, providing answers to common questions asked by local governments about how to proceed with reform issues.

## **STATUTORY IMPLICATIONS**

10. Section 3.1 (2) of the Local Government Act 1995 (the Act), states that the general function of a local government is to provide for the good government of persons in a district.

## **FINANCIAL IMPLICATIONS**

11. The cost of administering this review process is initially estimated at \$28,000 dollars. This will cover:
  - a. An additional project administration officer full time;
  - b. An additional project officer part time; and
  - c. External consultation.
12. The State Government will provide financial assistance as needed to each local government towards the development of a Reform Submission (upon application and 'sign off' by DLGRD). The application process will be "fast tracked" so that this process does not delay the development of the City's Reform Submission.
13. It must be noted that at this stage it is not certain if the full cost of funding the Reform Submission will be covered by financial assistance.

Item 5.1 continued

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

14. The City of Albany will need to have demonstrated capacity in the following areas:
  - a. long term strategic planning;
  - b. detailed asset and infrastructure management planning;
  - c. future financial viability and planning;
  - d. equitable governance and community representation;
  - e. proficient organisational capacity;
  - f. effective political and community advocacy for service delivery;
  - g. understanding of and planning for demographic change;
  - h. effective management of natural resources;
  - i. optimal community of interest; and
  - j. optimal service delivery to community.
15. The City of Albany will also need to demonstrate progress and outcomes in the following areas:
  - a. membership of an effective regional grouping; and
  - b. previous structural reform.

**POLICY IMPLICATIONS**

16. The review process may require enhancements to be made to the Corporate Plan to address demonstrated capacity.

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

17. Section 3.1 (2) of the Local Government Act 1995 (the Act), states that the general function of a local government is to provide for the good government of persons in a district.
18. In undertaking these functions, local governments are to use their best endeavours to meet the needs of current and future generations through the integration of environmental protection, social advancement and economic prosperity.
19. Ignoring the reform strategy and associated actions could be viewed as not providing good government.

**SUMMARY CONCLUSION**

20. The preferred course of action is Option 3.
21. Option 3, ensures that regardless of the outcome, the City of Albany has provided good local and regional community representation.

Item 5.1 continued

**ITEM NUMBER – 5.1 OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

- i) THAT Council resolve to accept the timeline and milestones of the Local Government Reform process.
- ii) THAT Council establish an executive project team to coordinate the reform process, that will consist of:
  - a. His Worship the Mayor, Mr Milton Evans
  - b. Deputy Mayor, Councillor Des Wolfe
  - c. Chief Executive Officer, Mr Paul Richards
  - d. Project Manager, Mr Peter Brown
- iii) THAT the appointed project team:
  - a. undertake a preliminary strategic assessment based on the reform guidelines;
  - b. prepare and submit all reform 'products' in accordance with the reform process timetable;
  - c. identify and meet with any and all Stakeholders;
- iv) THAT the project team have an agreed initial budget of \$28,000 for staffing costs and external consultation, with cost recovery to be submitted in accordance with reform guidelines.

The Chief Executive Officer presented Councillors with a brief in regards to the proposed structural reform strategy, at the request of the Mayor.

**MOVED: MAYOR EVANS**

**SECONDED: COUNCILLOR STANTON**

**THAT Council suspend Standing Order 6.2 – Order of Call in Debate.**

**MOTION CARRIES: 8-0**

Executive Director Development Services left the Chambers at 7.30pm

Executive Director Development Services returned to the Chambers at 7.41pm

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR WALKER**

**THAT Council resume Standing Order 6.2.**

**MOTION CARRIED 8-0**

Item 5.1 continued

**MOVED: COUNCILLOR BOSTOCK  
SECONDED: COUNCILLOR TORR**

**This motion is to be laid on the table until the April OCM in line with State Structural Reform Guidelines, in order to ascertain at an informal meeting how Councillors wish to proceed.**

**MOTION LOST 3-5**

**For the Motion:** Councillors Bostock, Dufty and Torr

**Against the Motion:** Mayor Evans, Councillors Matla, Wolfe, Stanton and Walker

**MOVED: COUNCILLOR WALKER  
SECONDED: COUNCILLOR WOLFE**

**ITEM NUMBER: 5.1 – AMENDED OFFICER RECOMMENDATION**

**VOTING REQUIREMENT: SIMPLE MAJORITY**

- i) **THAT the City fully engages in the process, forms a project team as requested by the guidelines, conforms to the stipulated timetable and milestones and the project team is authorised by Council resolution to consult any and all Stakeholders on behalf of the City.**
- ii) **THAT Council establish an executive project team to coordinate the reform process, that will consist of:**
- a. **His Worship the Mayor, Mr Milton Evans**
  - b. **Deputy Mayor, Councillor Des Wolfe**
  - c. **Chief Executive Officer, Mr Paul Richards**
  - d. **Project Manager, Mr Peter Brown**
- iii) **THAT the appointed project team:**
- a. **undertake a preliminary strategic assessment based on the reform guidelines;**
  - b. **prepare and submit all reform ‘products’ in accordance with the reform process timetable;**
  - c. **identify and meet with any and all Stakeholders.**

**MOTION CARRIED 5-3**

**For the motion:** Mayor Evans, Councillors Matla, Wolfe, Stanton and Walker.

**Against the motion;** Councillors Torr, Dufty and Bostock

**REASON**

The financial implications of administering the review process do not require a re-allocation of additional funds, and will be accommodated from within existing budgeted funds, and existing staff resources.

Therefore, an absolute majority to allocate additional funds to the project is not required.

## **6.0 NEXT ORDINARY MEETING DATES**

17<sup>th</sup> March 2009

## **7.0 CLOSURE OF MEETING**

The meeting closed at 8.10pm.

Confirmed as a true and accurate record of proceedings.

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Milton John Evans, JP  
**MAYOR**

## **APPENDIX A.**

Special Meeting of Council 10 March 2009.

Item 5.1 Council Response to Structural Reform Strategy.

Mayor and Councillors We are this evening being asked to vote on a matter which is of great significance to the city and its ratepayers, before having any opportunity to properly discuss the issues involved.

This is not good Governance, is not what our electors expect, and is the reason I feel it necessary to bring this alternative motion.

It is not to be taken lightly, but there is also no need to overreact. Indeed the questions are relatively straight forward and there is ample time to consider them rationally before the state government requires an answer.

The essential questions are;

1. Is there a consensus among councillors as to whether we wish to explore the possibility of amalgamation? If the answer is no, nothing more need be done than to monitor the situation in the rest of the state.
2. If councillors decide to investigate amalgamation, who do they want to join? Realistically this can only be Mount Barker, Denmark or both.
3. How will we persuade anyone else to amalgamate with us? Because of our greater size it is most unlikely that either would contemplate such an action without being forced into it by higher authority.

The answer to these questions can be resolved without additional expenditure and will determine the level of our involvement with the States Amalgamation process. This motion is premature, since we have not yet dealt with even the first of these questions It is imperative that Council, as the decision makers and representatives of the community are fully informed of our aspirations and expectations before we embark on any process of submission.

I therefore move that this motion is laid on the table and that the entire Council as the decision making body properly explore the ramifications of these proposals at an informal, non decision making meeting before committing any expenditure, which will most probably turn out to be wholly unnecessary.

Alternative Motion:

This motion is to be laid on the table until the April OCM in line with State Structural Reform Guidelines., in order to ascertain at an informal meeting how Councillors wish to proceed.

Councillor Jill Bostock