

Special Council Meeting

Minutes for Thursday 12 June 2014

CONFIRMED



**shire of
kalamunda**

INDEX

1.0	OFFICIAL OPENING.....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED	3
3.0	PUBLIC QUESTION TIME	4
4.0	PETITIONS/DEPUTATION	4
5.0	ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION.....	4
6.0	MATTERS FOR WHICH MEETING MAY BE CLOSED	4
7.0	DISCLOSURE OF INTERESTS.....	4
8.0	REPORTS TO COUNCIL	4
	SCM 07. CONFIDENTIAL REPORT – METROPOLITAN LOCAL GOVERNMENT REFORM – CONSIDERATION OF LEGAL ADVICE.....	5
9.0	MEETING CLOSED TO THE PUBLIC.....	6
10.0	CLOSURE	8

MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 7.00pm, welcoming Councillors, staff and guests.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) (Presiding Member)	North Ward
Margaret Thomas JP	(until 8.04pm)	North Ward
Simon Di Rosso		North Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Frank Lindsey		South East Ward
Andrew Waddell JP		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Warwick Carter	Director Development Services
Charles Sullivan	Director Infrastructure Services
Gary Ticehurst	Director Corporate Services
Darrell Forrest	Manager Governance
Meri Comber	Governance Officer

Guests

Mr Ian Ker
Mr John Hammond

Members of the Public 0

Members of the Press 0

2.2 Apologies

Councillors

Dylan O'Connor	North West Ward
Bob Emery	North West Ward
Justin Whitten	South West Ward

2.3 Leave of Absence Previously Approved

Nil.

3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 PETITIONS/DEPUTATION

4.1 Nil.

5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

5.1 Nil.

6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

6.1 **SCM 07/2014. CONFIDENTIAL ITEM Metropolitan Local Government Reform – Consideration of Legal Advice - Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (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.**

7.0 DISCLOSURE OF INTERESTS

7.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

7.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

8.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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SCM 07. CONFIDENTIAL REPORT – Metropolitan Local Government Reform – Consideration of Legal Advice

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (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.

Previous Items	OCM 61/2014 (27 April 2014) OCM 53/2014 (24 March 2014) OCM 40/2014 (24 February 2014) OCM 116/2013 (26 August 2013) OCM 31/2013 (25 March 2013) OCM 214/2011 (19 December 2011)
Responsible Officer	Chief Executive Officer
Service Area	Office of Chief Executive Officer
File Reference	
Applicant	N/A
Owner	N/A
Confidential	Legal Advice Jackson Macdonald
Attachments 1 and 2	<u>Reason for Confidentiality</u> – <i>Local Government Act 1995</i> : Section 5.23 (2) (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.

Voting Requirements: Simple Majority

RESOLVED OCM 82/2014

That Council:

1. Notes the legal advice received from Mr Hammond and agrees to proceed with any legal action required to maintain Kalamunda as an independent and sustainable local government.
2. Authorises the Shire President and the Chief Executive Officer to represent the Shire in the seeking and initiating any legal action following receipt of further legal advice from Denis McLeod.

Moved: **Cr Noreen Townsend**

Seconded: **Cr John Giardina**

Vote: **For**
Cr John Giardina
Cr Frank Lindsey
Cr Geoff Stallard
Cr Allan Morton
Cr Noreen Townsend
Cr Andrew Waddell
Cr Sue Bilich
CARRIED (7/1)

Against
Cr Simon Di Rosso

9.0 MEETING CLOSED TO THE PUBLIC

9.1 Meeting Closed to the Public

Voting Requirements: Simple Majority

RESOLVED OCM 79/2014

1. That the meeting go behind closed doors to consider CONFIDENTIAL REPORT (provided under separate cover) Metropolitan Local Government Reform – Consideration of Legal Advice.

Moved: **Cr John Giardina**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (9/0)**

The meeting closed to the public at 7.03pm. There were no members of the public in the gallery. All Councillors, guests and staff remained in the Chambers.

9.2 Suspension of Standing Orders

Voting Requirements: Simple Majority

RESOLVED OCM 80/2014

1. That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be suspended in order to receive legal advice.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (9/0)**

Standing Orders were suspended at 7.04pm

Mr Ian Ker and Mr John Hammond provided Councillors with an explanation of the legal advice they have received. Councillors sought and received explanation on a number of issues.

The Shire President thank Mr Ker and Mr Hammond and they left the Chambers at 8.03pm.

Cr Margaret Thomas left the meeting at 8.04pm.

9.4 **Meeting Reopened to the Public**

Voting Requirements: Simple Majority

RESOLVED OCM 83/2014

1. That the meeting open to the public following consideration of CONFIDENTIAL REPORT (provided under separate cover) Metropolitan Local Government Reform – Consideration of Legal Advice.

Moved: **Cr Allan Morton**

Seconded: **Cr Simon Di Rosso**

Vote: **CARRIED UNANIMOUSLY (8/0)**

The meeting reopened to the public at 8.39pm

10.0 CLOSURE

- 10.1 There being no further business, the Presiding Member declared the meeting closed at 8.40pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2014