



MINUTES

ANNUAL GENERAL MEETING OF ELECTORS

Held on Thursday 15 December 2011

8.00pm

City of Albany Council Chambers

ANNUAL GENERAL MEETING OF ELECTORS
MINUTES – 15/12/2011
** REFER DISCLAIMER **

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ELECTORS MEETING PROCEDURE

In accordance with the *Local Government Act 1995*, being:

5.31. Procedure for electors meetings

The procedure to be followed at, and in respect of, electors meetings and the methods of voting at electors meetings are to be in accordance with the regulations.

5.32. Minutes of electors meetings

The CEO is to:

- (a) cause minutes of the proceedings at an electors meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors meeting are first considered.

5.33. Decisions made at electors meetings

- (1) All decisions made at an electors meeting are to be considered at the next ordinary council meeting or, if that is not practicable-
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,

whichever happens first.

- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

The procedures for the conduct of an electors meeting are prescribed in the *Local Government Act (Administration) Regulations 1996*, being:

reg 15. Matters for discussion at general electors meetings-s. 5.27(3). *For the purposes of the section 5.27(3), the matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.*

reg 17. Voting at electors meetings-s 5.31

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*
- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.*

reg 18. Procedures at electors meetings-s 5.31

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

I. DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

8.00pm The Mayor declared the meeting open.

II. OPENING PRAYER

The Mayor read the opening prayer.

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

**III. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE
PREVIOUSLY APPROVED**

Mayor D Wellington

Councillors:

Frederickstown Ward	G Stocks
Frederickstown Ward	Vacant
Kalgan Ward	Y Attwell
Kalgan Ward	C Holden
Breaksea Ward	V Calleja
Vancouver Ward	D Bostock
West Ward	G Gregson
West Ward	D Dufty
Yakamia	A Hortin JP

Staff:

Chief Executive Officer	F James
Acting Executive Director Corporate Services	P Wignall
Executive Director Planning and Development Services	G Bride
Acting Executive Director Community Services	L Hill

Minutes J Williamson

Public Gallery and Media:

Approximately 10 members of the public and no members of the media were in attendance.

Apologies/Leave of Absence:

Vancouver Ward	S Bowles
Breaksea Ward	R Hammond

IV. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

ITEM 4.1: RESOLUTION

**MOVED: COUNCILLOR DUFTY
SECONDED: COUNCILLOR GREGSON**

**THAT the minutes of the Annual General Meeting of Electors held on 8 February 2011, as previously distributed, be confirmed as a true and accurate record of proceedings.
CARRIED**

Record of Vote

Against the Motion: Councillor D Bostock

V. RECEIPT OF ANNUAL REPORT FOR THE 2010/2011 FINANCIAL YEAR

ITEM 5.0: RESOLUTION

**MOVED: COUNCILLOR ATWELL
SECONDED: COUNCILLOR GREGSON**

**THAT the City of Albany Annual Report for the 2010/2011 Financial Year be received.
CARRIED**

VI. GENERAL BUSINESS

The matters to be discussed at a general electors meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

8.03pm Mr Don Phillips, Frenchman Bay Road, Albany

Summary of key points:

- Waste Levy. He had carried out extensive enquiries with the Department of Local Government and it was his belief that the levy is illegal. Requested that Council show the ratepayers where they have a mandate to charge the levy.

CEO Ms Faileen James responded that she had today advised the Director General of the Department of Local Government that the City has acted on legal advice of the effect of the relevant provisions of the *Waste Avoidance Resource Recovery Act 2007*, and that as neither the Minister nor the Department has the power to require that the City to interpret legislation in a certain manner when there is no judicial ruling on the matter, the City will rely on its legal advice and stands by its position regarding imposition of the levy.

- Local Government, which is unconstitutional, exists purely under State statute. If the State decrees that the charge is illegal, and the City of Albany states that the levy stands, what does this mean?

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Mayor Wellington responded that the only way to reach a definitive answer was to have the matter heard in a court of law before a judge. Advice received from lawyers experienced in local government matters in Western Australia is advising the City that the City's position is correct.

- The City exists as a municipality under State law, to go to court would be a total waste of ratepayers funds. For the municipality to challenge a State law it would need to go to court to get a determination.

Mayor Wellington reiterated his response that unless there is a legal decision, it is not a law. There is a position taken by the State government, and a different position taken by the City of Albany under advice from both of their legal teams.

- It is unconscionable to charge ratepayers the levy when they do not receive a waste service such as farmers in rural areas. It is a matter of principle.

Mayor Wellington responded that the Waste Levy is to create a reserve fund to enable the City to provide a Waste Disposal Site into the future.

8.08pm Mr Peter Trapnell, 24 Cliff Street, Albany

Summary of key points:

- What funding arrangements have been made to manage the Albany Entertainment Centre post 2013 if the State government withdraws its funding

Mayor Wellington responded that there are discussions underway for State government funding to be ongoing, with a contribution from the City and for the current management of the Entertainment Centre to be retained.

- Traffic calming devices on Parade and Grey Streets.

This question was taken on notice by CEO Ms Faileen James.

- The wait time on hotel development sites reported in the newspaper was said to be three years. Why is this so long?

Mayor Wellington responded that unfortunately this time span is usual and encompasses both State and Federal legislation, processes and approvals.

- Are cruise ships being considered as accommodation for the Centenary of Anzac?

Mayor Wellington responded that this matter was already under consideration.

8.13pm Mr John O’Dea, Bushby Road, Lower King

Summary of key points:

- Cull Road development causing drainage and stormwater issues to adjoining landowners.

CEO Ms Faileen James responded that the City had obtained an independent hydrology report for the site and the City is now looking at what works need to be undertaken to improve the drainage. Ms James has been in contact with adjoining landowners Mr and Mrs Woods regarding these works, and the City had also undertaken not to resume any land owned by Mr and Mrs Woods.

- Would like to pay a \$50 fee to remove the art work from the front of the Council Chambers
- Charges increasing for waste disposal at refuse sites-an unacceptable impost on charitable organisations
- Questioned whether the mayoral allowance was performance based

Mayor Wellington responded that an election was a form of performance management and it was up to the public to decide if they were happy with the Mayor’s performance

- Intersection of Nanarup Road and Prideaux Road needs to be upgraded and re marked

CEO Ms Faileen James took the question on notice.

8.20pm Mrs Jill Bostock, Rainbows End, Little Grove

Summary of key points:

- Disagreed with the formality of the meeting. This is an Electors’ meeting which is very different to a normal Council meeting, and is normally more inviting. Why has it been made so formal and at such a late hour, when the community needs to be encouraged to attend?

Mayor Wellington responded that initially the City had an agreement to host an information session in the Civic Rooms for Rio Tinto which was scheduled to finish at 8.00pm. Following advertising of the AGM of Electors, the Civic Rooms were considered unsuitable for the Rio Tinto event given late information regarding anticipated numbers and they relocated to the Town Hall. Unfortunately, by then, due to advertising of the AGM of Electors, the time of the meeting was unable to be changed.

The format of the meeting is at the discretion of the Presiding Member.

8.22pm Mr Michael Pemberton, Shorts Place, Mira Mar

Summary of key points:

- ALAC-caters for all members of the community. Will the results of the recent ALAC survey be released to the public?
- Did the survey lead to price increases and reduction in operating hours at ALAC?

Acting Executive Director Community Services Ms Linda Hill responded that a Customer Service Survey was undertaken and the results were currently being analysed. The results will inform the ALAC Business Plan which is currently being written. The City aims to provide feedback to the community regarding the survey early in 2012.

The price increase was a result of benchmarking against similar facilities and the increased running costs of the centre.

- What is the budgeted shortfall for the City to bear with regard to operating the Albany Entertainment Centre?

Mayor Wellington responded that the City had already contributed the agreed amount of \$400,000 this year. The State government would need to cover any shortfall in revenue. The State government would need to continue to fund the Albany Entertainment in the short term, and there are ongoing negotiations between the City and the State government as to the Albany Entertainment Centre's operations into the future.

8.30pm Mrs Wendy Woods, Cull Road, Lockyer

Summary of key points:

- Ms James has carried out research regarding the Cull Road subdivision. The consultants have inspected the current drainage provisions and there is a drainage basin which is being repaired.
- Thanked new and old Councillors for their work and wished all a Merry Christmas

VII. CLOSURE OF MEETING

There being no further business the Presiding Member declared the meeting closed at 8.32pm.

(Unconfirmed minutes)

Dennis W Wellington
MAYOR