

agenda

Special Meeting of Council

NOTICE IS HEREBY GIVEN THAT A SPECIAL MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY 2 APRIL 2024**

COMMENCING AT **6.30pm**

For Council to consider the following Notice of Motions:

- Item 11.1 – Adoption of Zero-Based Budgeting
- Item 11.2 – Amendments to Delegated Authority
- Item 11.3 – Establishment of a Budget Committee.

JAMES PEARSON

Chief Executive Officer
28 March 2024

Acknowledgement of Traditional Custodians

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

This document is available in alternate formats upon request



PUBLIC QUESTION TIME

Residents and / or ratepayers of the City of Joondalup are requested to lodge questions in writing by **9.00am on Monday 1 April 2024**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council Meeting.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

CIVIC CENTRE EMERGENCY PROCEDURES

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep).
- Evacuation Tone (Whoop...Whoop...Whoop).

On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



CODE OF CONDUCT

Council Members and Committee Members are to observe the City's adopted *Code of Conduct for Council Members, Committee Members and Candidates*. The following general principles guide the behaviours of Council Members (being the Mayor and Councillors) and other committee members while performing their role at the City:

Personal Integrity

- (1) A council member or committee member should –
 - (a) act with reasonable care and diligence; and
 - (b) act with honesty and integrity; and
 - (c) act lawfully; and
 - (d) identify and appropriately manage any conflict of interest; and
 - (e) avoid damage to the reputation of the City.
- (2) A council member or committee member should –
 - (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the City in relation to the performance of their role.

Relationship with others

- (1) A council member or committee member should –
 - (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

Accountability

A council member or committee member should –

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to Council or Committee meetings, Briefing Sessions or Strategy Sessions; and
- (d) be open and accountable to, and represent, the community in the district.

Employees are bound by the City's *Code of Conduct for Employees* which details similar provisions to be observed.

COUNCIL MEETINGS

The following procedures for the conduct of Council Meetings were adopted at the Council meeting held on 21 April 2020:

INTRODUCTION

The modern role of Council is to set policy and strategy and provide goals and targets for the local government (the City). The employees, through the Chief Executive Officer, have the task of implementing the decisions of Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by Council
- seek points of clarification
- ask questions
- be given adequate time to research issues
- be given maximum time to debate matters before Council,

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

PURPOSE OF COUNCIL MEETINGS

Council Meetings will involve Elected Members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public. Council Meetings are formal meetings where Elected Members consider and make decisions on matters.

PROCEDURES FOR COUNCIL MEETINGS

The following procedures will apply to Council Meetings that are conducted by the City.

- 1 Council meetings will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Council meetings will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Council meeting will be provided to all Elected Members, members of the public and external advisors (where appropriate).

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- 4 The Mayor is to be the Presiding Member at Council meetings. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Council meetings. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Council meeting.
 - 5 There is to be no debate among Elected Members on any matters raised during the Council meeting.
 - 6 Relevant employees of the City will be available to respond to questions on matters listed on the agenda for the Council meeting.
 - 7 All Elected Members will be given a fair and equal opportunity to participate in the Council meeting.
 - 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
 - 9 Good governance principles recommend that Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Council meetings. When disclosing an interest, the following provisions apply:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021* and the City's *Code of Conduct*.
 - (b) Elected Members disclosing a financial interest, or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
 - (c) The remaining Elected Members may agree that an Elected Member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining Elected Members agree:
 - (i) is so trivial or insignificant as to be unlikely to influence the disclosing Elected Member's conduct in relation to the matter
or
 - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the minutes kept for the Council meeting.
 - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
 - 10 A record shall be kept of all Council meetings.

COUNCIL AND COMMITTEE MEETINGS

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 20 September 2022:

Where a meeting of a committee is open to the public the procedures for public question time and public statement time apply. In this regard, these procedures are amended by substituting "Council" with "Committee" to provide proper context.

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public question time will be limited to two minutes per person, with a limit of two verbal questions per person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes and may be extended in intervals of up to 10 minutes by resolution of Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed 35 minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and their decision is final;
 - nominate a City employee to respond to the question;
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.

- 9 Where an Elected Member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that does not relate to a matter affecting the City;
 - or
 - making a statement during public question time,
- they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act .

Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only)

- 1 Only City of Joondalup **residents and/or ratepayers** may submit questions to the City in writing.
- 2 Questions asked at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Questions asked at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of five (5) written questions per City of Joondalup resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at a Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.

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- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
 - 9 Questions and any response will be summarised and included in the minutes of the Council meeting.
 - 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act.

DISCLAIMER

Responses to questions asked verbally are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Council Meetings were adopted at the Council meeting held on 20 September 2022:

- 1 Members of the public are invited to make public statements verbally at Council meetings.
- 2 Statements made at an Ordinary Council meeting must relate to a matter that affects the City of Joondalup. Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public statement time will be limited to two minutes per person.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not relate to a matter affecting the City, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Statements will be summarised and included in the minutes of the Council meeting.

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CITY OF JOONDALUP

Notice is hereby given that a Special meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 2 April 2024** commencing at **6.30pm**.

VISION

“A global City: bold, creative and prosperous.”

PRIMARY VALUES

- Transparent.
- Accountable.
- Honest.
- Ethical.
- Respectful.
- Sustainable.
- Professional.

DISTINGUISHING VALUES

Bold

We will make courageous decisions for the benefit of our community and future generations.

Ambitious

We will lead with strength and conviction to achieve our vision for the City.

Innovative

We will learn and adapt for changing circumstances to ensure we are always one step ahead.

Enterprising

We will undertake ventures that forge new directions for business and the local community.

Prosperous

We will ensure our City benefits from a thriving economy built on local commercial success.

Compassionate

We will act with empathy and understanding of our community's needs and ambitions.

AGENDA

1 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

Note: Members of the public are advised that prior to the opening of the Special meeting of Council, Mayor the Hon. Albert Jacob, JP will acknowledge the traditional custodians of the land and say a prayer.

2 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

3 DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

4 PUBLIC QUESTION TIME

(Please Note: Section 7(4)(b) of the *Local Government (Administration) Regulations 1996* states that Special meeting of Council 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.)

5 PUBLIC STATEMENT TIME

Statements made at a Special meeting of Council must relate to the purpose for which the meeting has been called.

6 APOLOGIES AND LEAVE OF ABSENCE

6.1 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Cr Nige Jones	29 March to 4 April 2024 inclusive.
Cr Daniel Kingston	2 April to 10 April 2024 inclusive.
Cr John Raftis	8 April to 10 April 2024 inclusive.
Cr Phillip Vinciullo	3 to 13 April 2024 inclusive.
Cr Adrian Hill	28 June to 15 July 2024 inclusive.

7 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

8 REPORTS

9 REPORTS OF COMMITTEES

10 REPORTS OF THE CHIEF EXECUTIVE OFFICER

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 NOTICE OF MOTION NO. 1 - ADOPTION OF ZERO-BASED BUDGETING

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Elected Members have given notice of the intention to move the following Motion at the Special Council meeting to be held on 2 April 2024:

That Council:

- 1 **REQUESTS** the Chief Executive Officer to give the draft budget to Council at least 28 days prior to any of the following being presented to a Meeting of Council:
 - 1.1 Any draft budget for adoption;
 - 1.2 Any proposal for levying differential rates for that that financial year;
- 2 **REQUESTS** the Chief Executive Officer in relation to the 2024/25 Budget presents the following:
 - 2.1 Chief Executive Officer to provide a line item report detailing the 24/25 Budget amounts, to include all costs associated with the functions of the City;
 - 2.2 Chief Executive Officer to provide written submissions from each department director justifying and providing evidence to support their budget analysis, including the identification of discretionary and nondiscretionary amounts within the 2024/2025 budget;
- 3 **REQUESTS** the Chief Executive Officer to prepare the 2025/26 and ongoing annual Budget using a Zero-Based Budgeting method;
- 4 **NOTING** that Zero-Based Budgeting in this motion means, a method of budgeting which:
 - 4.1 starts from a zero-base, and in which all expenses must be justified for the new financial year;
 - 4.2 does not start with the previous budget, is not based on previous expense levels, or makes adjustments based on the previous budget as needed.

REASON FOR MOTION

To enable Council to compile an efficient and economically viable budget for the period 2024/2025 and for future years adopt a Zero-Based Budgeting method to effectively set rates to suit the current financial climate for that year.

The operations of the City have grown significantly over the past 25 years and it is believed that Council now needs to undertake the budget process in a more holistic method ensuring the Council and rate payers receive more transparency in future years to justify the rates setting procedures.

OFFICER'S COMMENT

An Officer's Comment will be provided.

11.2 NOTICE OF MOTION NO. 2 - AMENDMENTS TO DELEGATED AUTHORITY

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Elected Members have given notice of the intention to move the following Motion at the Special Council meeting to be held on 2 April 2024:

That Council:

- 1 **BY AN ABSOLUTE MAJORITY AMENDS** the Register of Delegation of Authority as adopted in Attachment 3 to Report CJ096-06/23 with the following amendments:
 - 1.1 Delete the section 1.1.5 choice of acceptable tender from an expression of interest;
 - 1.2 Delete the section 1.1.6 choice of tender;
 - 1.3 Delete the section 1.1.9 disposing of property;
 - 1.4 Delete the section 1.1.10 acquisition of interest in land by lease or other short term instrument;
 - 1.5 Delete the section 1.1.16 authorising payment from the trust fund;
 - 1.6 Amend the section 1.1.12 establishing panels of pre-qualified suppliers:

Amendment to now read “Authority extends to the supply of goods and services valued up to \$100,000.”;
 - 1.7 Amend the section 1.1.13 extension of existing contracts:

Amendment to now read “Authority to approve any contract extensions on tenders approved by council valued up to \$250,000.”;
 - 1.8 Amend the section 1.1.23 waiver of fees and granting of concessions:

Amendment to now read “authority to waive or grant a concession in relation to any amount of money under \$2000 which is owed to the city other than rates and service charges.”;
 - 1.9 Amend the section 1.1.24 write off of monies in CONDITIONS SECTION of 1.1.24 to now read as follows, Subject to:
 - 1.9.1 individual items to \$3000;
 - 1.9.2 a report being provided to the audit and risk committee on the next sitting of the audit and risk committee upon the exercising of this delegation.

REASON FOR MOTION

No reason was provided for the Notice of Motion.

OFFICER'S COMMENT

An Officer's Comment will be provided.

11.3 NOTICE OF MOTION NO. 3 - ESTABLISHMENT OF A BUDGET COMMITTEE

In accordance with Clause 4.6 of the *City of Joondalup Meeting Procedures Local Law 2013*, Elected Members have given notice of the intention to move the following Motion at the Special Council meeting to be held on 2 April 2024:

That Council:

1 BY AN ABSOLUTE MAJORITY ESTABLISHES a Budget Oversight Committee, with the role being to:

- 1.1 assist in overseeing the allocation of the local government's finances and resources;
- 1.2 assist in ensuring that there is an appropriate structure for administering the local government;
- 1.3 consider detailed estimates of expenditure laid before the Committee each quarter, or as required;
- 1.4 consider whether the objectives of expenditure are being achieved, or may be achieved more economically;
- 1.5 make recommendations to Council on modifications to the annual budget;

2 BY AN ABSOLUTE MAJORITY APPOINTS the following members and deputy members to the Budget Oversight Committee:

Members

- 2.1 Mayor;
- 2.2 Central Ward - Cr _____;
- 2.3 North Ward - Cr _____;
- 2.4 North Central Ward - Cr _____;
- 2.5 South Ward - Cr _____;
- 2.6 South-East Ward - Cr _____;
- 2.7 South-West Ward - Cr _____;

Deputy Members

- 2.8 Central Ward - Cr _____;
- 2.9 North Ward - Cr _____;
- 2.10 North Central Ward - Cr _____;
- 2.11 South Ward -Cr _____;
- 2.12 South-East Ward - Cr _____;
- 2.13 South-West Ward - Cr _____;

- 3 BY AN ABSOLUTE MAJORITY AMENDS the Register of Delegation of Authority as adopted in Attachment 3 to Report CJ096-06/23, with the following amendments:**
- 3.1 Amend the conditions of each delegation listed at item 3.2 with an additional clause that ‘subject to detailed estimates of expenditure to be laid before the Budget Oversight Committee before the power or duty is exercised.’;**
- 3.2 list of delegations to be amended with the additional clause to their conditions:**
- 3.2.1 Delegation 1.1.15 Payments from Municipal Fund;**
- 3.2.2 Delegation 1.1.16 Authorising Payment from the Trust Fund;**
- 3.2.3 Delegation 1.1.24 Write off of Monies;**
- 3.2.4 Delegation 1.1.21 Payments from Municipal Fund.**

REASON FOR MOTION

The formation of a budget committee to oversee the financial management of municipal funds and ensure that the appropriate funding is being allocated to the works as directed by the Council.

The committee acts as a conduit for the Council by way of assessing the CEO’s quarterly reports and expenditure and advising to the Council on the health of the estimates received from the CEO at those quarterly meetings.

OFFICER’S COMMENT

An Officer’s Comment will be provided.

12 CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY /
PROXIMITY INTEREST**

To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP

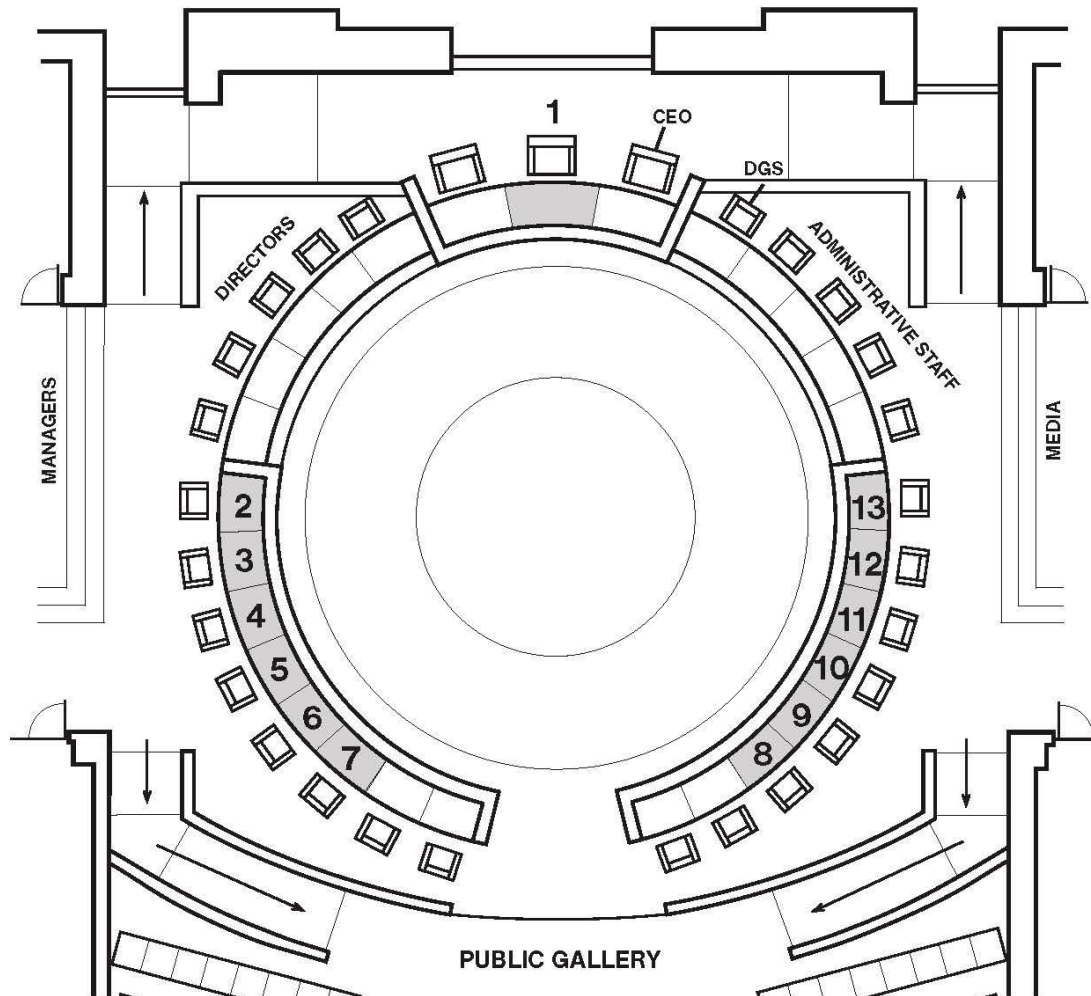
Name / Position		
Meeting Type		
Meeting Date		
Item No. / Subject		
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality*	*Delete where not applicable
Extent of Interest		
Signature		
Date		

Section 5.65(1) of the *Local Government Act 1995* states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or*
- (b) at the meeting immediately before the matter is discussed.”*

Council Chamber – Seating Diagram



Mayor

1 His Worship the Mayor, Hon. Albert Jacob (Term expires 10/25)

North Ward

- 2 Cr Adrian Hill (Term expires 10/25)
- 3 Cr Lewis Hutton (Term expires 10/27)

North-Central Ward

- 4 Cr Daniel Kingston (Term expires 10/25)
- 5 Cr Nige Jones (Term expires 10/27)

Central Ward

- 6 Cr Christopher May, JP (Term expires 10/25)
- 7 Cr Rebecca Pizzey (Term expires 10/27)

South-West Ward

- 8 Cr Christine Hamilton-Prime, JP (Term expires 10/25)
- 9 Cr Phillip Vinciullo (Term expires 10/27)

South-East Ward

- 10 Cr John Chester (Term expires 10/25)
- 11 Cr Rohan O'Neill (Term expires 10/27)

South Ward

- 12 Cr Russ Fishwick, JP (Term expires 10/25)
- 13 Cr John Raftis (Term expires 10/27)