



**Shire of Busselton**  
*Geographe Bay*

## **Special Council Agenda**

*23 February 2009*

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

SHIRE OF BUSSELTON

AGENDA FOR THE SPECIAL COUNCIL MEETING TO BE HELD ON 23 FEBRUARY 2009

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**SHIRE OF BUSSELTON****MEETING NOTICE AND AGENDA – 23 FEBRUARY 2009**

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**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

**NOTICE** is given that a Special Meeting of the Council will be held in Council Chambers, Administration Building, Southern Drive, Busselton on Monday, 23 February 2009, commencing at 10:00 am.

Your attendance is respectfully requested.

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**ANDREW MACNISH**  
**CHIEF EXECUTIVE OFFICER**

19 February 2009

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## **A G E N D A**

**1. ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

**2. PURPOSE OF THE MEETING**

This meeting has been called in accordance with Section 5.4(a)(ii) of the Local Government Act. On 18 February 2009, the CEO received signed notice from five Councillors (Crs Binks, Stubbs, Tuffin, Emery and Masters) calling for this meeting, setting out the date and purpose of the meeting.

The meeting, as set out in the notice, has been called "to consider conducting a review of the Standing Orders, changing the layout of the Council Chambers, obtaining Ron Back's governance workshop report, availability of the Lot 16 West Street file, provision of a report and/or figures that support the need for the proposed new administration centre and other general governance issues."

**3. PUBLIC QUESTION TIME****4. DECLARATION OF DUE CONSIDERATION**

The Presiding Member will request Councillors to acknowledge, in accordance with Clause 8.1 of the Standing Orders, that they have given due consideration to the matters contained within the Agenda.

**5. DECLARATIONS OF INTERESTS****6. PRESENTATIONS BY PARTIES WITH AN INTEREST****7. BUSINESS OF THE MEETING****7.1 BUSINESS OF THE MEETING**

**FILE NO:** COM1  
**ATTACHMENTS:** Nil

**PRECIS**

Signed notice in accordance with Section 5.4 of the Local Government Act 1995 was given to the CEO, directing that a Special Meeting of the Council be convened in the Council Chambers on Monday, 23 February 2009, commencing at 10.00 a.m.

**BACKGROUND**

The abovementioned notice states that the purpose of the meeting is:

**PART A**

To consider and vote on the following proposed resolutions:

1. That:
  - (a) the Council agree to carry out a review of its Local Law relating to the Proceedings and Business of Council (Standing Orders);
  - (b) a copy of the "Model" Standing Orders prepared by WALGA be used as the base document for the review and that the CEO arrange for a copy of the document to be circulated to all Councillors within seven days of the date of this meeting;

- (c) Ron Back be engaged by the CEO to conduct a workshop or workshops as required, of all Councillors to determine the content of a set of Standing Orders that the Councillors wish to have formally adopted to replace the existing Standing Orders;
- (d) the funding for the engagement of Ron Back be drawn from the same COA that has been utilised for the engagement of Ron Back to conduct the recent Governance Workshop;
- (e) the CEO take appropriate steps to ensure that the necessary resources are available for the Councillor Workshops, including secretarial support, to enable all the workshops to be conducted before the end of April 2009;
- (f) when the Councillors have completed the review of the Standing Orders and have arrived at an appropriate set of Standing Orders to replace the existing Standing Orders, a special meeting of Council be convened before the end of May 2009 to consider the formal resolutions required to commence the promulgation process.

2. That:

- (a) The CEO take appropriate action to carry out the following changes to the layout of the Council Chambers:
  - (i) remove surplus tables from the raised portion of the Council Chambers after allowing for only the Shire President, CEO and Minute Clerk to remain on the raised section;
  - (ii) provide a table approximately at the rear of where Councillor Emery sits to accommodate two Directors;
  - (iii) provide a table approximately at the rear of where Councillor Tuffin sits to accommodate two Directors;
  - (iv) shift the centre and western end Councillor tables to taper in towards the middle of the room to allow the lectern and a small space on either side of the lectern, between Councillors Tuffin and Emery;
- (b) The CEO arrange to have the abovementioned changes put in place within seven days of the date of this meeting and ensure that this new layout is in place for each Council Meeting, whether Ordinary or Special and each Briefing Session over the next three months;
- (c) The Council review the new layout after the expiration of three months.

3. That the Shire President contact Ron Back as a matter of urgency to obtain is report on the recently held Governance Workshop. Further, as soon as Mr Back's report is received, the Shire President to circulate a copy to all Councillors and arrange to have allocated at a briefing session during March appropriate time to enable Councillors to discuss the report.
4. That the CEO make available in the Councillors' room, the file relating to Lot 16 West Street to enable the file to be perused by Councillor Ryan and any other interested Councillors to enable Councillor Ryan and the other interested Councillors to perform their functions under the Local Government Act. The CEO to notify all Councillors by email when the file is available for perusal in the Councillors' room. The file is to remain in the Councillors' room for two full days. This decision is to be actioned by the CEO within seven days of the date of this meeting.
5. That the CEO provide all Councillors with a copy of the report and/or the figures that support the need for the proposed new Administration Centre. Without limiting the generality of the information to be provided to all councillors, the report is to clearly set out the following:
  - (a) current staff numbers, where they are located and the floor area of each location. (The locations being: the main administrative building, the area that was the former Civic Centre, the building across Southern Drive from the offices, the temporary buildings on site and the Shire Depot.) The projected extra staff (numbers and positions) expected to be employed in each of the next 10 years. This information to be circulated to all Councillors within 14 days of the date of this meeting.

## **PART B**

Discussion on any other general governance issues of concern to individual Councillors.

### **CONSULTATION**

Nil

### **STATUTORY ENVIRONMENT**

Nil (or as self evident in the officer's input).

### **POLICY IMPLICATIONS**

Nil (or as self evident in the officer's input).

### **FINANCIAL IMPLICATIONS**

Nil (or as self evident in the officer's input).

## **STRATEGIC IMPLICATIONS**

Workshops are an excellent way for focusing important discussion. In no way however should their output be assumed to be a Council position (which is only expressed through a resolution at a bona-fide Council meeting). The quality of workshop and consultancy output depends to a significant degree on the guiding brief and facilitation expertise and as such, the requirements for these should be articulated up front.

## **PART A**

### **OFFICER RECOMMENDATION**

1. That -
  - (a) This review be scheduled as a task in the 09/10 Corporate Plan, thus allowing four months to receive and review the newly proposed 'Model' standing orders (the new Model being currently with the legislative review committee).
  - (b) The existing 'Model' standing orders be sourced and circulated to Councillors as soon as practicable and the new Model's estimated time of availability also be advised.
  - (c) Pursuant to (b) and (c), an initial workshop be scheduled for all Councillors to be run internally, (if as a result of that exercise, the Council subsequently seeks alternative advice, then that option would be perfectly acceptable and open to it), within one month of the circulation of the new Model standing orders.
  - (d) Funding for Governance training for Ron Back in 08/09 has come from COA 100.10000.3587. The Purchasing Policy calls for expected engagement amounts greater than \$1000 to be verbally quoted and for amounts above this but less than \$5000, two quotes are required. As such Ron Back be requested to supply a quote against a brief to be worded herein (by the Council) and thus this approach ensures transparency and conforms to usual controls.
  - (e) The CEO ensure the first 'Governance' workshop be scheduled as soon as convenient to elected members after the publication of the new model standing orders.
  - (f) The Council not set a date to do something three months hence (when indeed a Council meeting can be convened with a minimum of a few days or even hours notice).

**STAFF COMMENT**

2. Any table configuration that promotes the fact that the Council meeting is one primarily concerned with optimal debate facilitating excellent decision-making (and that the public is present as silent observers other than for public question time) is supported. The Council should be mindful of instances where advice is required from Executive staff and some Councillors will have their backs turned to them.
3. This is supported with the proviso the draft report is reviewed for its deliverables against those required by the brief.
4. The CEO is required to comply with lawful and reasonable directions of the Council. The CEO has articulated his concerns at the degree to which the proposed motion is completely lawful. Unfettered and unjustified (to the degree the proposed access to the Lot 16 West Street file satisfied "compliance with performing their functions under the Local Government Act") access potentially exposes parties involved to Section 5.93 of the Local Government Act (the most severe penalties under the Local Government Act).

**OFFICER RECOMMENDATION**

It is therefore recommended that given the above, the Council resolve that legal advice on the matter be obtained from solicitors specialising in Local Government law and this be funded from COA 300.10500.3244. This advice will be sought within seven days.

5. The design brief for the project previously presented to the Council (16 July 2008) when it considered the Civic Precinct Project includes in it:
  - (a) a comparison of staffing numbers against population growth over the 10 years from 1995 - 2005.
  - (b) staffing numbers as at January 2006 (as this is when the document was produced for the Civic Precinct Project)
  - (c) staffing projections made at the time to 2017.

Given the now dated information and the Council's new resolution to progress with the design parameters for the new Community Hub, included in the tender documentation is a requirement for the Architect/successful tenderer to review staffing projections as one of the key parameters influencing design and timing of staged construction. This exercise will be conducted by this independent professional in the appropriate context and to their practiced methodology where the Council will retain the approval for anything resulting from this process/analysis.

**OFFICER RECOMMENDATION**

Given this, it is recommended this process be left as the Council has already framed/facilitated rather than have staff conduct their own separate analysis ahead of time and ahead of the Council's review of the 10 year financial plan, (note that the draft plan will be available to be workshopped by elected members proposed for 20 March)..

**PART B****OFFICER RECOMMENDATION**

The Council note that immediately at the conclusion of this special meeting, individual councillors will be able to discuss any other general governance issues of concern, (and as such will reserve the right to occupy the chamber and close the door if deemed necessary).

**8. CLOSURE**

