



City of Belmont

SPECIAL COUNCIL MEETING

MINUTES

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22 December 2020

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CONFIDENTIAL ATTACHMENTS INDEX

- Confidential Attachment 1 - Item 7.1 refers**
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- Confidential Attachment 5 - Item 7.2 refers**
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- Confidential Attachment 8 - Item 7.2 refers**
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MINUTES OF THE SPECEIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 22 DECEMBER 2020 COMMENCING AT 6.38PM.

MINUTES

PRESENT

| | |
|--------------------------------------|------------|
| Cr P Marks, Mayor (Presiding Member) | East Ward |
| Cr G Sekulla, JP, Deputy Mayor | West Ward |
| Cr B Ryan | East Ward |
| Cr J Powell | South Ward |
| Cr S Wolff | South Ward |
| Cr L Cayoun | West Ward |
| Cr R Rossi, JP | West Ward |

IN ATTENDANCE

| | |
|---------------------------------------|---|
| Mr J Christie | Chief Executive Officer |
| Ms M Bell | Director Corporate and Governance |
| Ms J Gillan | Director Development and Communities |
| Ms M Reid | Director Infrastructure Services |
| Ms AM Forte | Executive Manager People and Organisational Development |
| Mr J Olynyk, JP (<i>dep 7.01pm</i>) | Manager Governance |
| Mr D Boylan (<i>dep 7.01pm</i>) | Manager City Facilities and Property |
| Mr S Morrison | Manager Works |
| Ms K Spalding | Coordinator Marketing and Communications |
| Ms D Morton | Media and Communications Adviser |
| Mrs H Mark | Governance Officer |

GUESTS

| | |
|-----------------------------------|-----------------------------|
| Mr M Reid (<i>arr 7.03pm</i>) | Partner, Jackson McDonald |
| Mr D Burton (<i>arr 7.03pm</i>) | Partner, Jackson McDonald |
| Ms J Olynyk (<i>arr 7.03pm</i>) | Solicitor, Jackson McDonald |

MEMBERS OF THE GALLERY

There were no members of the public in the gallery and no press representative.

1. OFFICIAL OPENING

6.38pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

Before I begin I would like to acknowledge the Traditional Owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

The Presiding Member invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgment and ability. I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr M Bass (Absent)
Cr J Davis (Apology)

East Ward
South Ward

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

| Name | Item No and Title | Nature of Interest (and extent, where appropriate) |
|-------------|---|---|
| Mr J Olynyk | 7.2 Seeking Instructions Regarding Legal Matter (FID855639) | Related to one of the advising lawyers. |

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)
AND DECLARATIONS BY MEMBERS**

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

6.40pm The Presiding Member drew attention to the Disclaimer.

The Presiding Member advised the following:

'I wish to draw attention to the Disclaimer Notice contained within the Agenda document and advise members of the public that any decisions made at the meeting tonight can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.'

**4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL
MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING**

Nil.

5. PUBLIC QUESTION TIME

5.1 QUESTIONS FROM MEMBERS OF THE PUBLIC

Note:

As there were no members of the public present, the Presiding Member did not open Public Question Time.

6. REPORTS OF ADMINISTRATION

Nil.

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note:

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995* in order to discuss Confidential Item 7.1 and Confidential Item 7.2, Council will need to go behind closed doors.

6.40pm ***ROSSI MOVED, SEKULLA SECONDED*** that in accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting proceed behind closed doors to discuss Confidential Item 7.1. – Belmont Hub Café – Disposal Process and Confidential Item 7.2 - Seeking Instructions Regarding Legal Matter (FID855639).

CARRIED 7 VOTES TO 0

Note:

There were no members of the public in the gallery.

7.1 BELMONT HUB CAFÉ – DISPOSAL PROCESS (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C))

ATTACHMENT DETAILS

| <u>Attachment No.</u> | <u>Details</u> |
|---|--|
| Confidential Attachment 1 - Item 7.1 refers | <u>Report Item - Belmont Hub Café – Disposal Process (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c))</u> |

OFFICER RECOMMENDATION

That Council:

1. Delegate authority for the Chief Executive Officer to consider any submissions received and, subject to the Chief Executive Officer determining that submissions do not require consideration by Council, proceed with the disposal of property and ensure reasons for the decision are recorded.
2. Delegate Authority to the Chief Executive Officer to proceed to negotiate the disposal of the property by leasehold interest in a portion of 213 Wright Street, Cloverdale (being Belmont Hub Café), up to a value of \$2,500,000 plus GST following consideration of submissions and to execute the required documentation.

Item 7.1 Continued

AMENDED OFFICER RECOMMENDATION

WOLFF MOVED, POWELL SECONDED

That Council:

- 1. Delegate authority for the Chief Executive Officer to consider any submissions received and, subject to the Chief Executive Officer determining that submissions do not require consideration by Council, proceed with the disposal of property, as per Recommendation 1 of [Confidential Attachment 4](#) and ensure reasons for the decision are recorded.**

- 2. Delegate Authority to the Chief Executive Officer to proceed to negotiate the disposal of the property by leasehold interest in a portion of 213 Wright Street, Cloverdale (being Belmont Hub Café), up to a value of \$2,500,000 plus GST following consideration of submissions and to execute the required documentation.**

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

- 7.01pm** Having declared an Impartiality Interest in Item 7.2 Seeking Instructions Regarding Legal Matter (FID855639), the Manager Governance departed the meeting and did not return.
- 7.01pm** The Manager City Facilities and Property departed the meeting and did not return.
- 7.03pm** Mr M Reid, Mr D Burton and Ms J Olynyk from Jackson McDonald were invited into the meeting.

7.2 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER (FID855639) (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C)(D))

ATTACHMENT DETAILS

| <u>Attachment No.</u> | <u>Details</u> |
|---|---|
| Confidential Attachment 5 - Item 7.2 refers | <u>Report Item – Seeking Instructions Regarding Legal Matter (FID855639) (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(d))</u> |

Note:

The Manager Governance declared an interest that may affect impartiality in Item 7.2 Seeking Instructions Regarding Legal Matter (FID855639) as he is related to one of the advising lawyers.

OFFICER RECOMMENDATION

SEKULLA MOVED, WOLFF SECONDED

That Council directs the Chief Executive Officer to undertake the actions recommended as outlined within the Confidential Report, as amended, regarding Legal Matter FID855639.

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

9.08pm **WOLFF MOVED, POWELL SECONDED** that the meeting again be open to the public.

CARRIED 7 VOTES TO 0

9.08pm The meeting came out from behind closed doors. No members of the public returned to the meeting.

8. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.08pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these Minutes of the Special Council Meeting held on 22 December 2020 were confirmed as a true and accurate record at the Ordinary Council Meeting held 23 February 2021:

Signed by the Person Presiding:  _____

PRINT name of the Person Presiding: **PHILIP MARKS**
