



**CITY OF VINCENT**

# **SPECIAL COUNCIL MEETING**

**15 DECEMBER 2015**

## **Notice of Meeting and Agenda**

Notice is hereby given that a Special Council Meeting of the City of Vincent will be held at the Administration and Civic Centre, at 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 15 December 2015** at 6.30pm.

The purpose of the meeting is to consider the following items:

- 7.1 2014/15 Annual Report;
- 7.2 Further Report – Tender No. 512/15 Alterations and Additions to Charles Veryard Reserve Pavilion North Perth.; and
- 7.3 CONFIDENTIAL ITEM: The Chief Executive Officer's Contract of Employment, Salary Review and future KPIs.

Len Kosova  
CHIEF EXECUTIVE OFFICER

**ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY**

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## **PROCEDURE FOR PUBLIC SPEAKING TIME**

The City of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the City, either verbally or in writing, at a Council meeting.

Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/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 Council Member or City Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the City, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking 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 (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **RECORDING OF COUNCIL MEETINGS**

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the City's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy No. 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

## **SPECIAL COUNCIL MEETING**

### **ORDER OF BUSINESS**

**1. (a) Declaration of Opening**

**(b) Acknowledgement of Country Statement**

“Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land”.

**2. Apologies/Members on Approved Leave of Absence**

2.1 Deputy Mayor, Cr Roslyn Harley was on approved leave of absence.

**3. Public Question Time and Receiving of Public Statements**

*Under Section 7(4)(b) of the Local Government (Administration) Regulations 1996, Council at a Special Meeting is not required to answer a question that does not relate to the purpose of the meeting.*

**4. Applications for Leave of Absence**

Nil.

**5. Announcements by the Presiding Member (Without Discussion)**

**6. Declaration of Interests**

6.1 Financial - Local Government Act 1995, s5.60A

6.2 Proximity - Local Government Act 1995, s5.60B

6.3 Impartiality - Local Government (Administration) Regulations 34

**7. Reports**

7.1 2014/15 Annual Report;

7.2 Tender No. 512/15 – Alterations and Additions to Charles Veryard Reserve Pavilion, North Perth; and

7.3 CONFIDENTIAL ITEM: The Chief Executive Officer’s Contract of Employment, Salary Review and future KPIs

**8. Closure**

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**7.1 Annual Report 2014-2015 – Adoption and Annual General Meeting of Electors 2016**

<b>Ward:</b>	Both	<b>Date:</b>	11 December 2015
<b>Precinct:</b>	All	<b>File Ref:</b>	SC246 / SC2048
<b>Attachments:</b>	<a href="#">1</a> – Draft Annual Report 2014-2015		
<b>Tabled Items:</b>			
<b>Reporting Officer:</b>	Len Kosova, Chief Executive Officer		
<b>Responsible Officer:</b>	Len Kosova, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

**That Council:**

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2014/2015 Financial Year, included as Attachment 1 and **NOTES** that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on Tuesday 2 February 2016 at 5.30pm in the City’s Council Chambers, to present the City of Vincent Annual Report for the 2014/2015 Financial Year;
3. **NOTES** that in accordance with Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 2 February 2016 and of the availability of the City of Vincent Annual Report for the 2014/2015 Financial Year, as soon as practicable after the report has been accepted by Council; and
4. Pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, **PROVIDES** the Director General of the Department of Local Government and Communities with a copy of the City of Vincent Annual Report for the 2014/2015 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor’s Report on that Financial Report, as included in Attachment 1.

**PURPOSE OF REPORT:**

The purpose of this report is to accept the 2014/2015 Annual Report and set a date for the Annual General Meeting of Electors.

**DETAILS:**

The Local Government Act 1995 requires every local government to prepare an Annual Report and hold an Annual General Meeting (AGM) of Electors. The Annual Report must (among other things) incorporate the Financial Report and the Auditor’s Report on the Financial Report, whilst also reporting on the achievements against the Strategic Community Plan. The Annual Report for 2014/2015 included as Attachment 1 satisfies these requirements.

Section 5.27 of the Local Government Act 1995 requires the AGM to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government (i.e. 56 days from 15 December 2015, being no later than Tuesday 9 February 2015).

It should be noted that the copy of the Draft Annual Report included as Attachment 1 is only a 'Word document' version and does not necessarily reflect the appearance of the final published document. The attached version of the Annual Report will be subject to further formatting and styling changes (but not content changes, unless required by Council) to be determined by the CEO prior to publication, once accepted by Council. This approach ensures that any changes required by Council can be readily incorporated in the document with minimal delay and without major re-formatting of a 'non-Word document'.

#### **PROCESS:**

The process and timetable for drafting the Annual report and arranging the AGM is largely influenced by the availability of the City's Auditor and receipt of the Auditor's Report.

To ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, and to allow for the festive season non consultation period, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 2 February 2016, commencing at 5.30pm, prior to the Council Briefing on that night.

#### **CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made publicly available in advance of that meeting.

It is intended to make the Annual Report available in electronic formats and on the City's website, with only limited printed, bound colour copies being produced for viewing at the Library and Local History Centre and the City's Customer Service Centre.

#### **LEGAL/POLICY:**

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December after that financial year.

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

- (1) *The Local Government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the CEO;*
  - (c) and (d) deleted*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
  - f. *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act states:

**5.54 Acceptance of Annual Reports**

- (1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the Local Government no later than 31 December after that financial year.*

*\* Absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the Local Government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

**5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the Local Government.*

Section 5.27 states:

**5.27 Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the Local Government but not more than 56 days after the Local Government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* requires every local government to provide a copy of its Annual Financial Report to the Director General of the Department of Local Government and Communities within 30 days of the local government's CEO receiving the Auditor's Report on that Financial Report. Given that the Annual Financial Report and Auditor's Report form part of the City's Annual Report for the 2014/2015 Financial Year, it is appropriate to submit a copy of the complete Annual Report to the Department as occurred last year.

**RISK MANAGEMENT IMPLICATIONS:**

**Low/Medium:** The risk associated with not adopting the 2014/2015 Annual Report and failure to set a date for the 2016 Annual General Meeting of Electors will result in non-compliance with the requirement of the Local Government Act 1995.

**STRATEGIC IMPLICATIONS:**

This is in keeping with the City's Strategic Plan 2013-2023:

*"4.1.2 Manage the organisation in a responsible, efficient and accountable manner."*

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**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Annual Report is prepared by the City's Administration, and as such these costs are absorbed by the City's Operating Budget.

**COMMENTS:**

In order for the City to meet its legislative requirements, it is recommended that Council accepts the Annual Report for 2014/2015 and convenes the Annual General Meeting of Electors on Tuesday 2 February 2016 at 5.30pm, immediately prior to the Council Briefing scheduled for 6.00pm on that day.

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**7.2 Tender No. 512/15 – Alterations and Additions to Charles Veryard Reserve Pavilion, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	9 December 2015
<b>Precinct:</b>	Precinct 6 – Smith’s Lake	<b>File Ref:</b>	SC2460
<b>Attachments:</b>	1 – Letter from DEVCO Builders Pty Ltd 2 – Confidential Schedule of Prices and Assessment		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officers:</b>	K Bilyk, Project Officer J van den Bok, Manager Parks & Property Services G Garside, Manager Financial Services R Lotznicker, Director Technical Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

**That Council:**

1. **NOTES that;**
  - 1.1 the tender for Alterations and Additions to Charles Veryard Reserve Pavilion was previously awarded to DEVCO Builders Pty Ltd;
  - 1.2 DEVCO Builders Pty Ltd have withdrawn their bid;
  - 1.3 there is approximately \$504,000 available in the 2015/16 Budget for Alterations and Additions to Charles Veryard Reserve Pavilion; and
  - 1.4 the price submitted by the second ranked tenderer, Solution4Building Pty Ltd, to undertake the works is \$570,159;
2. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with Section 6.8 (1) of the *Local Government Act 1995*, the additional expenditure of \$67,000 associated with the Alterations and Additions to Charles Veryard Reserve Pavilion, to be funded from the Capital Reserve; and
3. **ACCEPTS** the Tender No. 512/15 from Solution4Building Pty Ltd for the Alterations and Additions to Charles Veryard Reserve Pavilion at a price of \$570,159 as per the schedule of rates in the tender submission and general conditions of tendering.

**PURPOSE OF REPORT:**

To obtain approval for awarding Tender No. 512/15 – Alterations and Additions to Charles Veryard Reserve Pavilion as per the plan approved by Council at its Ordinary Meeting held on 16 December 2014.

**BACKGROUND:**

**Ordinary Meeting of Council – 17 November 2015:**

At the Ordinary Meeting held on 16 December 2014, the Chief Executive Officer was authorised to advertise a tender in January 2015 to upgrade the clubrooms and pavilion at Charles Veryard Reserve in accordance with the project architect’s plans/specifications.

Tender 512/15 – Alterations and Additions to Charles Veryard Reserve Pavilion was subsequently advertised on 2 September 2015 and tenders were received from the following registered companies:

- DEVCO Builders Pty Ltd;
- ZD Constructions Pty Ltd;
- Adrina Project Management Pty Ltd;
- Macfield Construction Pty Ltd;
- CPD Group;
- PRC Building Services Pty Ltd;
- Hyde & Son Master Builders; and
- Solution4Building Pty Ltd.

Following consideration of this matter Council made the following decision:

*“That Council ACCEPTS the Tender No. 512/15 from DEVCO Builders Pty Ltd Pty Ltd for the Alterations and Additions to Charles Veryard Reserve Pavilion as per the schedule of rates in the tender submission and general conditions of tendering”.*

**DETAILS:**

The contract for Tender No. 512/15 was prepared and provided to DEVCO Builders Pty Ltd in late November 2015.

Prior to signing the contract, on 7 December 2015 the Director Technical Services received a letter from DEVCO Builders Pty Ltd advising that they wished to withdraw their submission for Tender No. 512/15 due an error in their estimating program (a copy of DEVCO Builders Pty Ltd.’s letter is provided in Attachment 1).

The company who ranked 2<sup>nd</sup> was Solution4Building Pty Ltd. Their tendered price was \$570,159.

**Tender Details:**

<b>Contract Type</b>	<b>Lump Sum Contract</b>
Contract Term	Not applicable – the duration of the construction works will be approximately 6 months.
Commencement Date	Not applicable – the construction works will commence in November 2015.
Expiry Date	Not applicable – the construction works will be completed by 30 April 2016.
Extensions of Contract	Not applicable.
Rise and Fall Included	Not applicable.

**Tender Assessment:**

The tenders were assessed by a Tender Evaluation Panel and each tender was assessed using the selection criteria below in accordance with the tender documentation.

<b>CRITERIA</b>	<b>WEIGHTING</b>
Financial Offer/Fee Proposal	50%
Relevant experience, expertise and project team	30%
History and viability of the company	10%
Methodology, key issues and risk	10%
<b>Total</b>	<b>100%</b>

**Revised Tender Evaluation Ranking:**

Scores were allocated by the panel for each criteria as noted above and the table exhibited in Attachment 2 indicates the prices submitted.

Selection Criteria	Weighting	DEVCO Builders Pty Ltd	Solution4 Building Pty Ltd	CPD Group	PRC Building Services	Macfield Construction	Hyde & Son	Adrina Project Management	ZD Constructions
Financial Offer	50%	50	46.2	37.6	39.7	37.3	39.8	33.3	41.2
Relevant experience, expertise and project team	30%	<del>25.5</del>	24	24	22.5	22.5	18	21	18.8
History and viability of the company	10%	<del>8.5</del>	8	8.3	7.3	7.3	6.8	7.5	5.8
Methodology, key issues and risk	10%	<del>7.8</del>	8	8.3	7	7	6.3	7.8	2
<b>Total</b>	<b>100%</b>	<b>91.8</b>	<b>86.2</b>	<b>78.2</b>	<b>76.5</b>	<b>74.1</b>	<b>70.9</b>	<b>69.6</b>	<b>67.8</b>
<b>Ranking</b>		<b>1<sup>st</sup></b>	<b>2<sup>nd</sup></b>	<b>3<sup>rd</sup></b>	<b>4<sup>th</sup></b>	<b>5<sup>th</sup></b>	<b>6<sup>th</sup></b>	<b>7<sup>th</sup></b>	<b>8<sup>th</sup></b>

**Administration Comments:**

As reported to Council on 17 November 2015, both DEVCO Builders Pty Ltd and Solution4Building Pty Ltd had submitted competitive prices for the proposed project. Both companies showed to have extensive experience within the building and construction industries and had extensive experience within local and state government authorities, completing similar type projects.

Administration subsequently contacted Solution4Building Pty Ltd and advised them that the preferred tender had withdrawn their tender bid. Solution4Building Pty Ltd have advised that they are interested in undertaking the project for their submitted price of \$570,159.

Now that DEVCO Builders Pty Ltd has withdrawn their tender, Administration is recommending that Council awards Tender No. 512/15 to Solution4Building Pty Ltd.

**CONSULTATION/ADVERTISING:**

The local community around Charles Veryard Reserve and the three clubs using the facilities were consulted in regard to this proposal.

**LEGAL/POLICY**

The tender was advertised and assessed in accordance with the *Local Government Act 1995* Tender Regulations and the City's Code of Tendering Policy 1.2.2 and Purchasing Policy No. 1.2.3.

### **RISK MANAGEMENT IMPLICATIONS:**

**Medium:** The proposed project works are relatively minor in complexity and do not encroach into the uncontrolled fill (former landfill) area of Charles Veryard Reserve; therefore, the risks are considered minimal. The upgrade works to the existing building will ensure that compliance with current building codes and standards are achieved, reducing the potential risk of further accident or injury to patrons.

### **STRATEGIC IMPLICATIONS:**

In accordance with the City's *Strategic Plan 2013-2023*, Objective 1 states:

*"1.1: Improve and maintain the natural and built environment and infrastructure.  
1.1.5: Enhance and maintain the City's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment".*

### **SUSTAINABILITY IMPLICATIONS:**

With the use of Water Sensitive Urban Design (WSUD) and Sustainable Design principles in this project, the alterations and additions to the Charles Veryard Reserve Pavilion will align with the City's sustainability objectives.

### **FINANCIAL/BUDGET IMPLICATIONS:**

#### **Background:**

- In 2014/15, officers met with the Mayor and identified a number of upgrade requirements for the Charles Veryard Reserve Pavilion given that the Cardinals Junior Football Club would be relocating to this facility.
- Prior to meeting with all three clubs the original estimate of the building project was \$320,000.
- Following a number of stakeholder meetings with both the clubs and architect the project scope increased due to the club's input and requirements.
- In mid-2014, officers met with the clubs and architect to discuss and finalise requirements for the project. From late 2014 to mid-2015 the architect and consultants provided scope and plans for the project.

Note: \$24,900 was spent on architectural and consultancy fees in 2014/15.

- In 2015/16, \$295,000 was carried forward from the 2014/15 Budget.
- \$240,000 of additional funding was provided in the 2015/16 Budget to undertake additional safety requirements/works outlined by the clubs and works identified during the public consultation as being an issue (public toilets)\*.
- \$40,000 of additional funding was provided in the 2015/16 Budget for the upgrade of electrical wiring and fixtures with \$1,000 spent to date.

Note: Total budget for 2015/16 = \$575,000.

- In 2015/16, a shed was constructed at a cost of \$67,000 as this was required onsite for both the Cardinals Junior Football Club and the Tuart Hill Cricket Club to safely store their cricket wicket roller and wicket covers. A BCA Compliance audit was also undertaken at a cost of \$3,000. Total spent = \$70,000.
  - Funds remaining in the 2015/16 Budget to upgrade the clubrooms and pavilion at Charles Veryard Reserve are \$504,000 i.e. \$465,000 for the building upgrade plus \$39,000 for the upgrade of electrical wiring and fixtures.
  - The tender price submitted by Solution4Building Pty Ltd is \$570,159 and therefore there is a funding shortfall of almost \$67,000.
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Note\*: One of the main contributing factors to the increased cost was the requirement to relocate the public toilets from the back of the existing building to the front which was deemed a priority for safety reasons as there would be many younger children onsite during the winter season with the Cardinals Junior Football Club's use of the venue.

**Budget:**

The total budget available for the Charles Veryard buildings in 2015-16 was \$575,000 (spread over two projects). \$70,000 of this funding was used for the construction of a new shed at the reserve. Therefore the remaining funds, as outlined above, are \$504,000 to fund the upgrade of the pavilion. Of this, \$95,000 is funded from the Capital Reserve and the balance is from Municipal funds.

The increase in the cost of the contract to upgrade the pavilion means that an additional \$67,000 of funding is required.

At this stage no savings have been identified from other Municipal-funded projects. Therefore it is recommended that the additional \$67,000 be funded from the Capital Reserve.

The 2015/16 Budget estimated the total available funds in the Capital Reserve at 30 June 2016 to be \$162,756 (after funding \$95,000 towards this project). This reserve therefore has the capacity to absorb another \$67,000 in funding for these projects. It is recommended that the budget for the transfer from the Capital Reserve to Municipal Fund be increased by \$67,000 to \$162,000 fund this project.

**Provisional Sums:**

Provisional sums for additional works, i.e. electrical works, scoreboard (supply and install), electric BBQ (supply and install), and rendering/painting of external brickwork surfaces of \$34,210 were also submitted (as requested in the tender).

These additional works are not critical and whilst it would be ideal to undertake, in particular the rendering/painting of external brickwork, as part of the overall project these works can be deferred and funds listed for consideration in the 2016/17 draft budget.

The electrical works were listed as a result of the electrical consultant's inspection and included an upgrade of the existing wiring and electrical fixtures in the older part of the building. However, since installation of the new pavilion switchboard (as part of the sports lighting project upgrade) various wiring circuits have already been replaced within the building and it is envisaged that only minimal electrical upgrade works will have to be undertaken.

**COMMENTS:**

Reference checks revealed that all tenderers are capable of providing the required services to complete this project. Solution4Building Pty Ltd have provided a most competitive pricing schedule and have successfully completed similar projects for other local governments with excellent results.

**Conclusion:**

While Solution4Building Pty Ltd have not previously undertaken any projects within the City of Vincent, the Director/Construction Manager has had over 30 years' experience in the construction and building industry and they completed a number of contracts at both local and state government levels. They have shown they are well structured and have the capacity and resources to complete the proposed works.

It is requested that the officer's recommendation to award Tender No. 512/15 to Solution4Building Pty Ltd for the Alterations and Additions to Charles Veryard Reserve Pavilion, North Perth, be supported.

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**7.3 CONFIDENTIAL ITEM: Chief Executive Officer's Contract of Employment, Salary Review and Future KPIs**

<b>Ward:</b>	-	<b>Date:</b>	11 December 2015
<b>Precinct:</b>	-	<b>File Ref:</b>	P/F
<b>Attachments:</b>			
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	Mayor John Carey with input from CEO, Len Kosova and Paul Syme – Consultant Portland Broome		
<b>Responsible Officer:</b>	Mayor John Carey		

**DETAILS:**

Pursuant to Section 5.23(2) of the Local Government Act 1995 and clause 2.14 of the City of Vincent Local Law Relating to Standing Orders, this item is to be discussed "behind closed doors" as it relates to the Chief Executive Officer's Annual Performance Review.