



CITY OF VINCENT

**SPECIAL
COUNCIL MEETING**

Minutes

15 DECEMBER 2015

ENHANCING AND CELEBRATING OUR DIVERSE COMMUNITY

This document is available in other formats and languages.

Minutes of the Special Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 15 December 2015, commencing at 6.30pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor John Carey, declared the meeting open at 6.30pm and read the following Acknowledgement of Country Statement:

(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

(a) Apologies:

2.1 Cr Matt Buckels was an apology.

(b) Members on Approved Leave of Absence:

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

(c) Present:

Mayor John Carey	Presiding Member
Cr Emma Cole	North Ward
Cr Susan Gontaszewski	South Ward
Cr Dan Loden	North Ward
Cr Jimmy Murphy	South Ward
Cr Laine McDonald	South Ward (until 7.07pm)
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer
Rick Lotznicker	Director Technical Services
Gabriela Poezyn	Director Planning Services
John Paton	Director Corporate Services
Ryan Hall	A/Director Community Services
Jerilee Highfield	Executive Assistant, Minutes Secretary

Media

Nil.

Nil Members of the Public.

4. Applications for Leave of Absence

5. Announcements by the Presiding Member (Without Discussion)

6. Declaration of Interests

- 6.1 Chief Executive Officer Len Kosova declared a financial interest in this matter as it affects his contract of employment and remuneration with the City.

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

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

Ward:	Both	Date:	11 December 2015
Precinct:	All	File Ref:	SC246 / SC2048
Attachments:	1 – Draft Annual Report 2014-2015		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	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.

Moved Cr Loden, Seconded Cr Cole

That the recommendation be adopted.

Debate ensued.

AMENDMENT:

Moved Cr Cole, Seconded Cr Loden

That the Officer Recommendation be amended as follows:

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 subject to the following amendments and NOTES that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
 - 1.1 In “The Year in Review” Section, include key highlights from the Mt Hawthorn town Centre enhancements;
 - 1.2 In “The Year in Review” Section include the commencement of extensive community consultation on the city’s major planning policy reforms;
 - 1.3 in the “Organisational Structure” on page 20, add John Paton’s photograph as the current Director Corporate Services;
 - 1.4 In the “Economic Development” Section, include Council’s simplification of the outdoor eating area fee structure in the 2014/2015 year and development of action plans for town centres to promote retail activity
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.

AMENDMENT PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harley was on approved leave of absence for the Meeting.)
(Cr Buckels was an apology for the Meeting.)

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)**

(Cr Harley was on approved leave of absence for the Meeting.)
(Cr Buckels was an apology for the Meeting.)

COUNCIL DECISION ITEM 7.1

That Council:

2. 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 subject to the following amendments and **NOTES** that the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
 - 1.1 In “The Year in Review” Section, include key highlights from the Mt Hawthorn town Centre enhancements;
 - 1.2 In “The Year in Review” Section include the commencement of extensive community consultation on the city’s major planning policy reforms;
 - 1.3 in the “Organisational Structure” on page 20, add John Paton’s photograph as the current Director Corporate Services;
 - 1.4 In the “Economic Development” Section, include Council’s simplification of the outdoor eating area fee structure in the 2014/2015 year and development of action plans for town centres to promote retail activity
 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.
-

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

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

COUNCIL DECISION ITEM 7.2

Moved Cr Loden, Seconded Cr Gontaszewski

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)

(Cr Harley was on approved leave of absence for the Meeting.)
(Cr Buckels was an apology for the Meeting.)

PROCEDURAL MOTION

At 6.40pm **Moved Cr Cole, Seconded Cr McDonald**

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, proceeds “behind closed doors” to consider the confidential report relating to Item 7.3, which relates to the Chief Executive Officer’s Performance Review.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

**(Cr Harley was on approved leave of absence for the Meeting.)
(Cr Buckels was an apology for the Meeting.)**

There were no members of the public present.

PRESENT:

Mayor John Carey	Presiding Member
Cr Emma Cole	North Ward
Cr Susan Gontaszewski	South Ward
Cr Dan Loden	North Ward
Cr Jimmy Murphy	South Ward
Cr Laine McDonald	South Ward
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer <i>(the CEO remained in the Chamber at the request of the Council)</i>
Paul Syme	Consultant, Portland Broome
Jerilee Highfield	Executive Assistant, Minutes Secretary

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

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

Disclosure of Interest – The Chief Executive Officer, Len Kosova has disclosed a direct financial interest in this matter as it affects his contract of employment and remuneration with the City.

COUNCIL DECISION ITEM 7.3

Cr McDonald departed the Chamber and the Meeting at 7.07pm and did not return.

Moved Cr Topelberg, **Seconded** Cr Murphy

That Council:

1. Having reviewed the Chief Executive Officer's (CEO's) Remuneration Package in accordance with Clause 5.7 of the CEO's existing contract of employment, **INCREASES** the CEO's salary in Clause 5.2(a) of the contract by \$20,000 (7.99%) and **BACKDATES** that salary increase to the CEO's anniversary date of 4 August 2015;
2. **NOTES** that the CEO's Total Reward Package (inclusive of the salary increase referred to in 1. above) will still be below the upper limit of the salary band set by the Salaries and Allowances Tribunal for the City of Vincent as a Band 2 local government;
3. **NOTES** the following proposed amendments to the CEO's employment contract and **REQUIRES** the new contract documentation to be workshopped among Council Members before being presented to Council for determination in February 2016:
 - 3.1 **Clause 2.2 (Contract Term)** being amended to specify a five (5) year term;
 - 3.2 **Clause 3.3(a)** being amended to specify a timeframe for a review of the CEO's performance;
 - 3.3 **Clause 5.3(a)** being amended to delete reference to the specific vehicle purchased for the CEO in 2014 (Volkswagen Passat 130TDI station wagon at a cost to the City of \$41,410) and inserting in its place the provision of a vehicle up to that purchase price, with the private use value and related FBT remaining unchanged;
 - 3.4 **Clause 5.7 (Remuneration Review)** being amended to require a remuneration review in a specified timeframe each year, to align with the timing of the performance review and following the Salaries and Allowances Tribunal's determinations which are usually handed down in mid-June each year; and
 - 3.5 **Clause 5.10 (Professional Development)** being amended to include a professional development allowance; and

4. **REQUIRES the CEO's Draft KPI framework contained in Attachment 2 to be workshopped among Council Members before being presented to Council for determination in February 2016.**

CARRIED UNANIMOUSLY (6-0)

(Cr Harley was on approved leave of absence for the Meeting.)
(Cr Buckels was an apology for the Meeting.)
(Cr McDonald departed the Meeting and did not return.)

PROCEDURAL MOTION

At 7.15pm Moved Cr Topelberg, Seconded Cr Loden

That the Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (6-0)

(Cr Harley was on approved leave of absence for the Meeting.)

(Cr Buckels was an apology for the Meeting.)

(Cr McDonald departed the Meeting and did not return.)

8. CLOSURE

There being no further business, the Presiding Member, Mayor John Carey, declared the meeting closed at 7.15 pm with the following persons present:

Mayor John Carey	Presiding Member
Cr Emma Cole	North Ward
Cr Susan Gontaszewski	South Ward
Cr Dan Loden	North Ward
Cr Jimmy Murphy	South Ward
Cr Joshua Topelberg	South Ward
Len Kosova	Chief Executive Officer
Paul Syme	Consultant, Portland Broome
Jerilee Highfield	Executive Assistant, Minutes Secretary

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 15 December 2015.

Signed:Presiding Member John Carey.

Dated this day of 2015.