



CITY OF VINCENT

MINUTES

Special Council Meeting

24 October 2017

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**MINUTES OF CITY OF VINCENT
SPECIAL COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 24 OCTOBER 2017 AT 18:30**

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski (Deputy Mayor) Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Jimmy Murphy Cr Joshua Topelberg	Presiding Member South Ward North Ward North Ward South Ward South Ward South Ward
IN ATTENDANCE:	Len Kosova John Paton John Corbellini Michael Quirk Craig Wilson Tim Evans Emma Simmons	Chief Executive Officer Director Corporate Services Director Development Services Director Community Engagement A/Director Technical Services Manager Governance and Risk Governance and Council Support
Media:	Nil.	
Public:	Approximately 15 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole, declared the meeting open at 6.31pm and read the following Acknowledgement of Country statement:

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Cr Roslyn Harley
Cr Dan Loden

3 PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

Nil.

4 CORPORATE SERVICES

4.1 ELECTION OF DEPUTY MAYOR

TRIM Ref: D17/138589

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Nomination Form - Deputy Mayor 
2. Swearing in Declaration for Deputy Mayor 

RECOMMENDATION:

That Council elects Cr _____ as Deputy Mayor for the ensuing two years.

COUNCIL DECISION ITEM 4.1

The Chief Executive Officer advised Council that only one nomination had been received for the position of Deputy Mayor, from Cr Susan Gontaszewski. Mayor Emma Cole called for any further nominations but none were forthcoming. Cr Gontaszewski was therefore elected unopposed to the position of Deputy Mayor.

Moved: Cr Topelberg, Seconded: Cr Hallett

That Council elects Cr Gontaszewski as Deputy Mayor for the ensuing two years.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

4.2 APPOINTMENT OF COUNCIL MEMBERS TO REGIONAL COUNCILS AND THE METRO WEST JOINT DEVELOPMENT ASSESSMENT PANEL

TRIM Ref: D17/138796

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: Nil

RECOMMENDATION:

That Council:

1. APPOINTS the following Council Members to represent the City of Vincent on the below Regional Councils:**1.1. Mindarie Regional Council (1 Council Member) for the term 24 October 2017 to 18 October 2019**

Member:

1. Cr

1.2. Tamala Park Regional Council (1 Council Member) for the term 24 October 2017 to 18 October 2019

Member:

1. Cr

Alternative Member:

1. Cr

2. APPOINTS the following Council Members to represent the City of Vincent on the Metro West Joint Development Assessment Panel (DAP) until 26 April 2020:

Member:

1. Cr Loden*;

2. Cr Topelberg*^;

Alternate Members:

1. Cr

2. Mayor Cole*

Note:

* Already appointed until 26 April 2020, pursuant to Council's resolution on 7 February 2017.

^ Membership subject to re-election at the 21 October 2017 election.

COUNCIL DECISION ITEM 4.2

Moved: Cr Topelberg, Seconded: Cr Murphy

That Council:

1. **APPOINTS** the following Council Members to represent the City of Vincent on the below Regional Councils:

- 1.1. **Mindarie Regional Council** (1 Council Member) for the term 24 October 2017 to 18 October 2019

Member:

1. Mayor Cole

- 1.2. **Tamala Park Regional Council** (1 Council Member) for the term 24 October 2017 to 18 October 2019

Member:

1. Mayor Cole

Alternative Member:

1. Cr Murphy

2. **APPOINTS** the following Council Members to represent the City of Vincent on the Metro West Joint Development Assessment Panel (DAP) until 26 April 2020:

Member:

1. Cr Loden
2. Cr Topelberg

Alternate Members:

1. Cr Gontaszewski
2. Mayor Cole

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

4.3 APPOINTMENTS TO THE CITY'S AUDIT COMMITTEE

TRIM Ref: D17/139809

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Confidential Assessment of Submissions for External Independent Membership of the City's Audit Committee - Confidential

RECOMMENDATION:

That Council, in accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, APPROVES BY ABSOLUTE MAJORITY:

1. the appointment of the following Council Members to the Audit Committee for the term 24 October 2017 to 18 October 2019:

1. _____;
2. _____;
3. _____;
4. _____.

2. the appointment of the external independent members to Audit Committee for the term 24 October 2017 to 18 October 2019:

1. _____;
2. _____.

Moved: Cr Topelberg, Seconded: Cr Hallett

That the Council appoint members to the Audit Committee.

PROPOSED AMENDMENT

Moved: Cr Gontaszewski, Seconded: Cr Murphy

That a new recommendation 1 be inserted, the remaining recommendations be renumbered as follows:

That Council:

1. **AMENDMENDS the Audit Committee Terms of Reference so that membership of the Committee comprises of five Council Members and two external independent members:**

2. in accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, APPROVES BY ABSOLUTE MAJORITY:

4. 2.1 the appointment of the following Council Members to the Audit Committee for the term 24 October 2017 to 18 October 2019:

1. _____;
2. _____;
3. _____;
4. _____.

- ~~2.~~ 2.2. the appointment of the external independent members to Audit Committee for the term 24 October 2017 to 18 October 2019:

1. _____;
2. _____.

AMENDMENT CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

COUNCIL DECISION ITEM 4.3

That Council:

1. **AMENDMENTS** the Audit Committee Terms of Reference so that membership of the Committee comprises of five Council Members and two external independent members:
2. in accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, **APPROVES BY ABSOLUTE MAJORITY:**

- 2.1 the appointment of the following Council Members to the Audit Committee for the term 24 October 2017 to 18 October 2019:

1. Mayor Cole
2. Cr Gontaszewski
3. Cr Hallett
4. Cr Harley
5. Cr Topelberg

- 2.2 the appointment of the external independent members to Audit Committee for the term 24 October 2017 to 18 October 2019:

1. Conley Manifis
2. Elizabeth Hunt.

CARRIED UNANIMOUSLY BY ABSOLUTE MAJORITY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

CORRECTION NOTE:

Council resolved to appoint Cr Loden to the Audit Committee and did not appoint Cr Hallett. The appointment of Cr Hallett was minuted incorrectly.

At its Ordinary Council Meeting of 6 February 2018, Council resolved as follows (in part):

"That Council:

1.
2. *NOTES that there was an error on page 8 of the confirmed minutes of the 24 October 2017 Special Council Meeting in which it was incorrectly minuted that Cr Hallett was appointed to the Audit Committee whereas in fact Cr Loden was appointed. An administrative note will be added to the published minutes drawing attention to the error."*

5 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Moved: Cr Hallett, Seconded: Cr Murphy

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” at the conclusion of the items, to consider the confidential report.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

At 6.45pm all staff members other than the CEO left the meeting and live streaming was stopped.

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski (Deputy Mayor)	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Jimmy Murphy	South Ward
	Cr Joshua Topelberg	South Ward
IN ATTENDANCE:	Len Kosova	Chief Executive Officer

5.1 CONFIDENTIAL REPORT: APPOINTMENT OF DIRECTOR ENGINEERING

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

Local Government Act 1995 - Section 5.23(2):

- (a) a matter affecting an employee or employees
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

LEGAL:

2.14 Confidential business

- (1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

COUNCIL DECISION ITEM 5.1

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That Council, pursuant to section 5.37(2) of the Local Government Act 1995, ACCEPTS the recommendation of the Chief Executive Officer to employ the preferred candidate, Mr Andrew Murphy, as the City's Director Engineering on a Five (5) Year Performance Based Contract, subject to the terms and conditions as determined by the Chief Executive Officer.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

PROCEDURAL MOTION

Moved: Cr Gontaszewski, **Seconded:** Cr Topelberg

That the Council resume an “open meeting”.

CARRIED UNANIMOUSLY (7-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg and Cr Murphy

Against: Nil

(Cr Harley was an apology for the meeting.)

(Cr Loden was an apology for the meeting.)

6 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.07pm with the following persons present:

PRESENT:	Mayor Emma Cole Cr Susan Gontaszewski (Deputy Mayor) Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Jimmy Murphy Cr Joshua Topelberg	Presiding Member South Ward North Ward North Ward South Ward South Ward South Ward
IN ATTENDANCE:	Len Kosova	Chief Executive Officer

Media: Nil

Public: Nil

These Minutes were confirmed by Council as a true and accurate record of the Special Council Meeting held on 24 October 2017.

Signed: Mayor Emma Cole

Dated this day of2017