

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 7 July 2009, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

- Cr Helen Doran-Wu – apology due to family commitments.
- Cr Izzi Messina – will be arriving late due to work commitments.
- Rob Boardman, Director Development Services – apology due to personal commitments (annual leave).

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.12pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Mike Rootsey	Director Corporate Services
Rick Lotznicker	Director Technical Services

1 Member of the Public

(c) Members on Leave of Absence:

Nil.

3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

The following submissions were made by persons in the Public Gallery:

1. John Waddingham of 23 Anzac Road, Leederville – Spoke on Item 7.1. Stated he was sceptical as to the stated reasons for why the meeting will be closed to the public. Stated while he had not seen the report, he thought it unlikely a report of this nature would contain any information specific to any employee. He acknowledged that boundary changes and amalgamations, if they occur, may affect some employees, but everyone already knew that. In the event of amalgamation, employees in the front line of job changes would be senior executives and they would be present at the closed meeting anyway. On the matter of commercial sensitivity of proceedings, he felt that because the Town's report was a position paper which had yet to be assessed by or negotiated with other entities and finalised, it was most unlikely to contain anything of 'actionable' commercial value. Asked Council Members if they agreed with the reasons given? Asked if this is also happening in other Councils. Advised he looked at the WALGA and Department of Local Government websites and learnt, amongst other things, that community consultation processes were recommended for the April and May Stage 2 of the reform submission and that many Councils have already or are conducting community consultation. Stated a WALGA survey reviewed that the community is interested in this issue and want to have a say. Stated the Department and WALGA recognise the potential impact on some of the employees and have or are creating mechanisms to protect employees interests. Feels the Town hasn't offered any opportunity for community consultation.

The Presiding Member, Mayor Nick Catania responded as follows:

1. There are many reasons as to why the report should be kept confidential.
2. The City of Stirling conduct their meetings about Structural Reform, on a confidential basis.
3. After tonight's meeting, there will be community consultation carried out well within the limits recommended by the Minister and WALGA. Therefore, everyone would have a chance to have their say.

There being no further speakers, public question time closed at approx. 6.15pm.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (Without Discussion)

Nil.

6. DECLARATION OF FINANCIAL INTEREST

Nil.

7.1 CONFIDENTIAL REPORT: Local Government Reform 2009 – Progress Report No. 3

Ward:	-	Date:	1 July 2009
Precinct:	-	File Ref:	ORG0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" to consider the confidential report, circulated separately to Council Members, relating to the Local Government Reform Strategies 2009, as this contains matters affecting an employee or employees and a matter that, if disclosed, could be reasonably expected to reveal information that has a commercial value to a person; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

COUNCIL DECISION ITEM 7.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

The Chief Executive Officer advised the Council as to the reasons why the meeting is recommended to be confidential. Stated that the matter of boundary amalgamation is having an effect on employees and obviously they are concerned about their future employment.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That clause (ii) be amended to read as follows:

“(ii) **AUTHORISES REQUESTS** the Chief Executive Officer to make public the Confidential Report immediately, or any part of it, at the appropriate time.”

The Chief Executive Officer advised that his advice is that the Council resolved on 28 April 2009 that this report and any subsequent reports or matters relating to it be kept confidential. Therefore he does not believe the amendment can be accepted without a Rescission Motion of the previous Council Decision, which due process must be followed.

The Presiding Member, Mayor Nick Catania ruled the amendment Out of Order and therefore could not be accepted, as the Council Decision of 28 April 2009 had not been rescinded.

**MOTION PUT AND CARRIED ON THE
CASTING VOTE OF THE PRESIDING MEMBER (5-4)**

For: Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Burns, Cr Farrell, Cr Messina

Against: Cr Ker, Cr Lake, Cr Maier, Cr Youngman

(Cr Doran-Wu was an apology for the meeting.)

At 7.27pm 1 member of the public departed the Chamber. There were no journalists were present.

At 7.27pm the Council proceeded “Behind Closed Doors” to consider the follow item:

7.1 CONFIDENTIAL REPORT: Local Government Reform 2009 – Progress Report No. 3

Ward:	-	Date:	1 July 2009
Precinct:	-	File Ref:	ORG0031
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) ***RECEIVES*** the Progress Report No. 3 on the Town of Vincent Project Team held on 26 June 2009 concerning Structural Reform;

- (ii) ***APPROVES the recommendations of the Town of Vincent Project Team as detailed in the Project Team Confidential Minutes attached to this Report as Appendix 7.1, as follows:***

(A) Checklist – Timeline – Stages 2-5

- (a) *that the Checklist – Timeline for Stages 2-5 as shown in Confidential Appendix 7.1A, be adopted;*
(b) *that the information on the "Reform Submission - Local Government Advisory Board Criteria" as shown in Appendix 7.1B, be received;*

(B) Checklist – Timeline – Stage 1

- (a) *that the Stage 1 Town Checklist (as amended 16 June 2009), as shown in Appendix 7.1C, be received;*

(C) Community Identity and Council Member Representation

- (a) *NOTES that the Chief Executive Officer will carry out research concerning options and provide this information to the Project Team, in order that it can further consider the matter;*

(D) Community Consultation

- (a) *that the Town of Vincent carry out the following Community Consultation until 14 August 2009;*
1. *Special Edition Newsletter to be printed and delivered to all residential and business properties in the Town's, at an estimated cost of \$16,430;*
 2. *Display of Posters in Town owned buildings, at an estimated cost of \$1,000;*
 3. *A Public Meeting be held at the Town of Vincent Administration and Civic Centre towards the end of July 2009 (and after the Special Edition Newsletter has been issued), at an estimated cost of \$1,000; and*
 4. *A Town of Vincent Web-page – on-line survey be carried out – work to be done by Town's IT Officers and costs absorbed by the Town's Information Technology Operating Budget;*

(E) Elected Member Representation

- (a) *that;*
1. *the information about local government elected member representation, as shown in Tables 4.2.5(1) and 4.2.5(2), (detailed in the Town's Project Team Meeting Minutes) be received;*
 2. *the number of Council Members at the Town of Vincent not be reduced (if the current boundaries remain unaltered);*
 3. *the current method of election of the Mayor remain unchanged and continue to be carried out by the Electors; and*
 4. *it be noted that the matter is to be further revisited if alterations to the Town's current boundaries occurs;*

(F) Membership of Regional Grouping;

- (a) *that the Chief Executive Officer be requested to provide further information on possible Local Government Regional Grouping options;*

(G) Town Boundaries – Consideration of Options

- (a) *that the Chief Executive Officer be requested to provide further information on options 1, 8, 9, 10 and 11, as detailed in the Town's Project Team Minutes;*

(H) Review of the Local Government Reform Steering Group's findings and Recommendations Regarding Reform Matters

- (a) *NOTES that this item has been DEFERRED until the findings and recommendations from the Department of Local Government on the Town's Checklist be received;*
- (iii) *DEFERS making a final decision on the future of the Town's boundaries/structural reform until it has received further information concerning the options available and the outcome of submissions it receives as a result of the proposed community consultation;*
- (iv) *AUTHORISES the Chief Executive Officer, in liaison with the Mayor and the Town's Project Team, to;*
- (a) *implement and progress the recommendations (as amended by clause (ii)(G)(a) above) of the Town of Vincent Project Team as detailed in this report and the Town's Project Team Minutes; and*
- (b) *prepare a reform submission for the Council's consideration and adoption, prior to being submitted to the Minister for Local Government by 31 August 2009;*
- (v) *NOTES:*
- (a) *the Town's Chief Executive Officer has submitted an Application for Funding to the Department of Local Government for \$10,000;*
- (b) *the letters from the City of Stirling and City of Bayswater, as shown in Appendix 7.1D and 7.1E; and*
- (c) *that no correspondence has been received from the City of Perth or the Town of Cambridge; and*
- (vi) *CONSIDERS that the Town, as currently constituted, is a sustainable local government and expresses a very strong preference for retaining its existing boundaries.*

COUNCIL DECISION ITEM 7.1

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains matters affecting an employee or employees. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

At the Ordinary Meeting of Council held on 28 April 2009 the Council considered a report on Local Reform Strategies 2009 and resolved (in part) as follows:

“(iv) RESOLVES that until the Chief Executive Officer makes public the final confidential report to the Chair of the Local Government Reform Steering Committee, or any part of it, concerning the Council's response to the Minister for Local Government's directive of 5 February 2009 for Councils to advise him of their intentions to amalgamate or reduce the number of Council elected members, this report and any subsequent reports and/or matters relating to it, be kept CONFIDENTIAL.”

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

Section 5.94 of the Act provides the public is entitled to inspect a wide range of information about the Town. Section 5.95(6) excludes information that has been prescribed as confidential from this entitlement.

In the interests of enabling the Council to engage in free and open debate in determining the Town's response to the Minister's directive of 5 February 2009, it is suggested information which is to be considered during deliberations be prescribed as confidential.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 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.

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

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

PROCEDURAL MOTION

At 7.34pm Moved Cr Burns, Seconded Cr Farrell

That an “open meeting” be resumed.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Doran-Wu was an apology for the meeting.)

8. CLOSURE

The Presiding Member, Mayor Nick Catania JP, declared the meeting closed at 7.34pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Mike Rootsey	Director Corporate Services
Rick Lotznicker	Director Technical Services

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 7 July 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009