



MINUTES

SPECIAL MEETING OF COUNCIL

Held on
Thursday 6 June 2013
6.00pm
City of Albany Council Chambers

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

[6:00:09 PM](#) The Mayor declared the meeting open.

ITEM 1.0: RESOLUTION

MOVED: COUNCILLOR GREGSON

SECONDED: COUNCILLOR HORTIN

THAT Council SUSPEND Standing Order clause 3.1 to allow recording of proceedings.

CARRIED 11-0

2.0 OPENING PRAYER

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

3.0 PUBLIC QUESTION AND STATEMENT TIME

Council’s Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

There were no members of the public in attendance.

4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor D Wellington

Councillors:

Breaksea Ward	R Hammond
Frederickstown Ward	C Dowling
Frederickstown Ward	G Stocks
West Ward	D Dufty
West Ward	G Gregson
Kalgan Ward	Y Attwell
Vancouver Ward	D Bostock
Vancouver Ward	S Bowles
Yakamia Ward	R Sutton
Yakamia Ward	A Hortin

Staff:

Chief Executive Officer	G Foster
Executive Director Corporate Services	G Adams
Executive Director Community Services	C Woods
Executive Director Works and Services	M Thomson
Executive Director Planning & Development Services	D Putland
Minutes	J Williamson

Public Gallery and Media:

One member of the media was in attendance.

Apologies/Leave of Absence:

Kalgan Ward	C Holden (Apology)
Breaksea Ward	V Calleja (Apology)

5.0 DECLARATION OF INTEREST

[Elected members of Council and staff are asked to use the forms prepared for the purpose, aiding the proceedings of the meeting by notifying the presiding member prior to the conduct of the meeting]

Name	Item Number	Nature of Interest
Mr Graham Foster	6.1	Financial. The discussion concerns Mr Foster's future employment with the City of Albany. Mr Foster left the Chamber and was not present during the discussion and vote.

6.0 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil.

6.1: APPOINTMENT OF CHIEF EXECUTIVE OFFICER

File Number (Name of Ward)	: PER040
Summary of Key Points	: Appointment of Chief Executive Officer
Proponent	: City of Albany
Previous Reference	: OCM 20/11/12 Item 16.1 OCM 19/03/13 Item 1.1 Recommendation 3
Disclosure of Interest	: Nil
Consulted References	: • <i>Local Government Act 1995</i> • <i>Local Government Operational Guidelines – Number 10 – Appointing a CEO</i>
Responsible Officer	: Executive Director Corporate Services

IN BRIEF

- Council to offer the position of Chief Executive Officer to Mr Graham Foster for a fixed term of one year.

RECOMMENDATION**ITEM 6.1: RESOLUTION****VOTING REQUIREMENT: ABSOLUTE MAJORITY****MOVED: COUNCILLOR HAMMOND****SECONDED: COUNCILLOR GREGSON**

1. THAT Mr Graham Foster be OFFERED the position of Acting Chief Executive Officer (the title to be referred to as Chief Executive Officer) for a term of one year, commencing on 1 July 2013.
2. THAT Council develop Key Performance Areas and Key Performance Indicators to be provided by 3 July 2013.

**CARRIED 11-0
ABSOLUTE MAJORITY**

BACKGROUND

1. The position of Chief Executive Officer is a designated Senior Employee position in accordance with section 5.37 of the *Local Government Act 1995*.
2. At the Ordinary Council meeting held on 20 November 2012, Council resolved:
 1. Council *APPOINT* Mr Graham Foster as the Acting Chief Executive Officer with the City of Albany commencing on 3 December 2012 for an initial period to 30 June 2013 with subsequent extensions to be negotiated to a maximum period of twelve months.
 2. Council *ENDORSES* the Contract of Employment and incorporates a package of \$250,000 per annum, pro rata.
 3. For the purposes of effective handover, Council *ENDORSES* a contract extension for Linda Hill to 21 December 2012 under the current contractual terms and conditions.
 4. Council *NOTE* the following:
 - a. *Local Government Act 1995*:

Section 5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
 - (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.
* Absolute majority required.
- b. *Section 5.39. Contracts for CEO and senior employees*
 - (1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
 - (2) A contract under this section —
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
 - (4) A contract under this section is to be renewable and subject to subsection (5) , may be varied.

3. At the Ordinary Council Meeting held on 19 March 2013, Council resolved:

THAT the Key Performance Indicators for the Acting Chief Executive Officer (as listed below) are ACCEPTED and NOTED as the Key Performance Areas as outlined in the Contract of Employment between the City of Albany and Graham Foster, and in accordance with the Local Government Act 1995.

- *Completion of requirements under the Integrated Strategic Planning framework;*
- *Production of a responsible draft budget for consideration by Council;*
- *Production of a paper on Economic Development in Albany for consideration by Council;*
- *Produce a Parking Policy and Strategy for consideration by Council;*
- *Provide training for Councillors in:*
 - *Meeting procedures*
 - *Roles and Responsibilities*
 - *Town Planning*
- *Provide for better communication and consultation with the Community by producing an Engagement Policy and processes to be followed by officers; and*
- *Contribute to the ANZAC Interpretive Centre Implementation Committee.*

In addition, the following Key Performance Indicator is to be included in the Acting Chief Executive Officer Contract of Employment:

- *Council Training for the CEO Appraisal Committee*

STATUTORY IMPLICATIONS

4. In accordance with *Local Government Act 1995*, the following sections and regulations pertain to the appointment process for a CEO.
- s5.36 (Local Government Employees)
 - s5.39 (Contracts for CEO and senior employees)

Local Government (Administration) Regulations 1996

- reg18A (Advertisement for position of CEO or senior employee — s. 5.36(4) and 5.37(3))
- reg18C (Selection and appointment process for CEO's)
- reg18E (Offence to give false information in application for employment with local government)

FINANCIAL IMPLICATIONS

5. All cost associated with appointing the Chief Executive Officer and the proposed remuneration package is within budget.

COMMENT

6. It is recommended that Council meet behind closed doors if councillors require to discuss details in regards to the appointment in accordance with section 5.23(2) of the *Local Government Act 1995*, being:
- (a) A matter affecting an employee or employees
 - (b) The personal affairs of any person
 - (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.

7.0 CLOSURE OF MEETING

ITEM 7.1: RESOLUTION

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR DUFTY

THAT Standing Order 3.1 be RESUMED to stop recording of proceedings.

CARRIED 11-0

There being no further business the Presiding Member declared the meeting closed at [6:02:02 PM](#)

(Unconfirmed Minutes)

Dennis W Wellington
MAYOR