

**XIV. MOTIONS WITH NOTICE**

**XV. MOTIONS OF WHICH NOTICE WAS GIVEN AT THE PREVIOUS MEETING**

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK-DESIGNATION OF SENIOR STAFF**

6.57PM: Councillor Attwell returned to the Chamber.

**ITEM 15.1: NOTICE OF MOTION BY COUNCILLOR BOSTOCK**

**MOVED: COUNCILLOR BOSTOCK**

**SECONDED: COUNCILLOR SUTTON**

**THAT the holders of the following staff positions be designated as “Senior Employees” under the provisions of the *Local Government Act 1995* s. 5.37 (1)**

- 1. Executive Director Corporate Services**
- 2. Executive Director Community Services**
- 3. Executive Director Planning and Development Services**
- 4. Executive Director Works and Services**

**CARRIED 13-0**

**Councillor’s Reason:**

Under the new management structure Councillors must work directly with Executive Directors on a daily basis and should have input into their appointment and dismissal, according to s. 5.37, 5.38 and 5.39 of the LGD. 1995.

**Officer’s Response (Chief Executive Officer):**

The CEO recommends neither support nor opposition to the motion.

The opportunity for recruitment and employment of the above four positions will become less flexible given the terms of the *Local Government Act 1995*.

**XVI. URGENT BUSINESS TO BE APPROVED BY DECISION OF THE MEETING**

**16.1:MOTION BY MAYOR WELLINGTON-ANZAC**

**ITEM 16.1: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR GREGSON**

**THAT Item 16.1 Motion by Mayor Wellington, be ACCEPTED as an urgent item.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**ITEM 16.1: RESOLUTION**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR DUFTY**

**THAT the meeting go behind closed doors.**

**CARRIED 13-0**

**ITEM 16.1: RESOLUTION**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR CALLEJA**

**THAT Standing Order 5.7: Order of Debate, be SUSPENDED to allow discussion.**

**CARRIED 13-0**

ITEM 16.1: MOTION BY MAYOR WELLINGTON  
VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT:

1. The City call for consultancy services (Request for Offer) to undertake, as a matter of urgency, detailed business analysis, including financial, risk and asset-management analysis, regarding the City's involvement in, commitment to and City of Albany and community economic development opportunities of, the Albany-based Anzac Centenary and its associated activities.
2. Payment of such business analysis be funded from the City's Anzac Centenary Reserve.
3. Outcomes of such business analysis guide Council in its budget allocations for the 2012-13 financial year, and its models of operationalising its commitment to Anzac Centenary, including whether the City can afford to own and operate the proposed Anzac Interpretive Centre.

**ITEM 16.1: RESOLUTION**

**MOVED: COUNCILLOR ATTWELL**

**SECONDED: COUNCILLOR SUTTON**

**THAT Standing Order 5.7-Order of Debate, be RESUMED.**

**CARRIED 13-0**

**ITEM 16.1: RESOLUTION**

**MOVED: COUNCILLOR CALLEJA**

**SECONDED: COUNCILLOR HORTIN**

**THAT the meeting come out from behind closed doors.**

**CARRIED 13-0**

**ITEM 16.1: RESOLUTION**

**MOVED: COUNCILLOR GREGSON**

**SECONDED: COUNCILLOR DOWLING**

**THAT Amended Motion 1 and Confidential Motion 2 be carried en bloc.**

**CARRIED 13-0**

**ITEM 16.1: RESOLUTION 1 (AMENDED MOTION)**

- 1. The City appoint a consultant to undertake business analysis regarding the City's involvement in, and commitment to, the Albany based Anzac Departure of the Convoys, including for the purposes of advising State Government Department of Premier and Cabinet of the challenges and costs of that event.**
- 2. That Council notes given the urgency of this work request for offer will be made to a limited number of consultants that the CEO is of the opinion has the experience and skills to complete this work.**

**CARRIED EN BLOC**

**Mayor's Reason:**

The Council has made a significant commitment in the City's participation in Anzac Centenary. To date no detailed business analysis or risk assessment has been undertaken regarding such commitment. Similarly, the Council has not sufficiently considered the current and long term resource implications of such commitment nor budgeted for the resource allocation that will likely be required.

Risk analysis undertaken by the City and provided to the last Audit and Finance Committee shows there are many significant risks to the City from its involvement in this Centenary Commemoration. Included in this is the acquisition and management of new infrastructure, including infrastructure at Mounts Adelaide and Clarence.

When considering infrastructure ownership and management obligations, the City is very aware of the poor experience it has had in whole-of-life asset planning regarding the Albany Entertainment Centre. It has learnt valuable lessons from the experience, and wishes to ensure that any infrastructure the City acquires as part of the Anzac Centenary Commemoration has rigorous business planning underpinning it, and does not become a burden to ratepayers.

The whole-of-asset life issues for high-technology-based buildings such as the proposed Anzac Centenary Centre at Mt Adelaide should not be underestimated. Governance and management models for the assets will need determination. The Federal Government representative on the ACAA Board has stated that the Federal Government has no firm expectations on whether the City will own and operate the Interpretative Centre.

The construction of this building from a project management perspective is a risk, given the considerable challenges in building into the side of Mt Adelaide, an adequate contingency amount for the project is difficult to gauge, and should construction difficulties be encountered, the budget for the construction could escalate quickly and the amount budgeted for could be insufficient.

As the CEO has explained to Council members previously regarding general asset-management, the cost of construction of an asset is usually small, when compared to the whole-of-life operating and depreciation costs of such assets. High-technology infrastructure is usually even more expensive to own and or operate because of the continually changing technology environment. Future ownership and management obligations for the Interpretative Centre must be clarified as a matter of urgency.

The business model of operating the Interpretative Centre and the Mounts Precinct generally MUST be considered NOW. While there is huge opportunity for the City to have a heritage military precinct that is world-class (with the tourism and other economic benefits that that accrues), the design, functionality and broader precinct operating models must be determined, before design and construction is complete. The design of the Interpretative Centre, and particularly ancillary design issues relating to traffic management, pedestrian thoroughfares etc will influence the effectiveness of any operating model.

Further, conversations with the Department of Premier and Cabinet have now commenced regarding funding and managing the Anzac Commemorative Events and associated infrastructure generally.

The Department's senior officer has requested that the City provide the Department with as much information as possible regarding the anticipated challenges and costs of the City's involvement in the Anzac Commemorations. To provide this information, a consultant must be engaged to undertake that work, as the CEO has informed me, the City has no internal capacity to do that work, without ceasing other priority Council requested work. The Department has asked for that information within the next two to three weeks if possible.

**Officer's Comment (CEO F James):**

I support the reasons provided by the Mayor. If the City does not engage a consultant as a matter of urgency to complete this work before 5 May 2012, the work to be undertaken by the architects for the Anzac Interpretive Centre development will be delayed, and or costs wasted. Knowledge of the operating model for that Centre is essential for the design and construction of the Centre. The timeline for the next step for work by the architects is 10 may 2012. The operating business model for the Centre MUST be considered by Council prior to then.

If this work is not undertaken the city will bear extremely high risk in (possible) further asset ownership and management of the Centre. The City must try to minimise that risk now

ORDINARY COUNCIL MEETING MINUTES

- 17/04/2012

\*\*REFER DISCLAIMER\*\*

**ITEM 16.1: NOTICE OF MOTION BY COUNCILLOR ATTWELL - TO REVOKE PREVIOUS DECISION OF COUNCIL.**

**NOTICE OF MOTION TO REVOKE A PREVIOUS DECISION OF COUNCIL.**

In accordance with Regulation 10 (1b) of the *Local Government (Administration) Regulations 1996*, we the undersigned hereby move to have Item 1.1.1: RESOLUTION 2 -Audit Committee, which was moved at the Ordinary Council Meeting held on 15 November 2011, be revoked.

Name Yvonne Attwell Signature [Signature] Date 12.4.12  
Name Robert Sutt Signature [Signature] Date 12-4-12  
Name Donna Duff Signature [Signature] Date 12-4-12  
Name Vincent Chilesa Signature [Signature] Date 12-4-12  
Name Roy Hammond Signature [Signature] Date 12-4-12

**ITEM 16.1 REVOCATION MOTION BY COUNCILLOR ATTWELL**

**VOTING REQUIREMENT : SIMPLE MAJORITY**

**THAT** the Motion resolved at AUDIT COMMITTEE Item 1.1.1: RESOLUTION 2 DATED 15.11.11

1. THAT Council rescinds its previous policies stated below, and delegates to the CEO the authority to rescind or amend any Human Resources (HR) operational policies of the City including:

- a) Operation Human Resources Policy (Adopted by Council 15/05/07)
- b) Customer Service Policy (Adopted by Council 17/03/09)
- c) Code of Conduct (Adopted by Council 21/10/08)
- d) Communications Policy (Adopted by Council 20/07/10)
- e) Elected Member Attendance at Conferences Policy (Adopted by Council 19/12/06)
- f) Legal Representation for Elected Members, Employees and Volunteers Policy (Adopted by Council 14/12/10)
- g) IT System Security and Information Management Policy (Adopted by Council 21/10/08)
- h) Plant and Vehicle Policy (Adopted by Council 17/11/09).
- i) Service Complaint Policy (Adopted by Council 21/08/07)

(Note: All of the above policies were adopted by Council prior to February 2011)

2. THAT Council delegate to the CEO the authority to develop and regularly review new HR operational policies for the City as required.

3. The Council directs the CEO to provide to the Audit and Finance Committee, for its information, a copy of amended or new HR operational policies created under this delegation.

Be REVOKED.

**This Motion was withdrawn by Councillor Attwell following discussion within Council. This matter is to be presented for discussion at a Governance Committee meeting.**

ITEM 16.2: MOTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

THAT Item 16.2 be ACCEPTED as an urgent item.

**Councillor's Reason:**

These policies were presented without explanation as to containment and delegation granted to the CEO. This should not have occurred without knowing what they should be replaced with.

Council should not give such wide ranging delegation without more information.

We need to reinstate the policies and request that changes be submitted to Council for consideration before acceding to change.

ITEM 16.2: MOTION BY COUNCILLOR ATTWELL

VOTING REQUIREMENT: SIMPLE MAJORITY

1. THAT the rescinded HR Policies:

- a. Operational Human Resources Policy (Adopted by Council 15/05/07)
- b. Customer Service Policy (Adopted by Council 17/03/09)
- c. Code of Conduct (Adopted by Council 21/10/08)
- d. Communications Policy (Adopted by Council 20/07/10)
- e. Elected Member Attendance at Conferences Policy (Adopted by Council 19/12/06)
- f. Legal Representation for Elected Members, Employees and Volunteers Policy (Adopted by Council 14/12/10)
- g. IT System Security and Information Management Policy (Adopted by Council 21/10/08)
- h. Plant and Vehicle Policy (Adopted by Council 17/11/09)
- i. Service Complaint Policy (Adopted by Council 21/08/07)

Be REINSTATED.

2. THAT Council directs the CEO to provide to the Audit and Finance Committee, for its consideration, any proposed amendments or new HR operational policies.

**ITEM 16.3: MOTIONS BY COUNCILLOR SUTTON**

**ITEM 16.3: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR GREGSON**

**THAT Item 16.3 be ACCEPTED as an urgent item.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**ITEM 16.3: MOTION 1 BY COUNCILLOR SUTTON**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR HAMMOND**

**THAT Staff Movements, including name of employee and position, be reported  
CONFIDENTIALLY to Council on a monthly basis.**

**CARRIED 13-0**

**ITEM 16.3: MOTION 2 BY COUNCILLOR SUTTON**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR GREGSON**

- 1. All permanent staff who have resigned in the past 12 months, where they are reasonably able to be contacted, and any permanent staff who resign in the future from the City are requested to complete an exit questionnaire developed by the City of Albany HR Manager in conjunction with the Governance Committee.**
- 2. The exit questionnaire will be approved by Council.**
- 3. A copy of that information be provided to the relevant Executive Director, with Councillors being able to discuss exit questionnaires with that Executive Director.**
- 4. A reporting mechanism to Council regarding exit questionnaire information be developed by the City of Albany HR Manager in conjunction with the Governance Committee.**
- 5. The release of that information to any Councillor must be with the consent of the employee.**

**CARRIED 12-1**

**Record of Vote**

Against the Motion: Councillor Holden



**ITEM 16.3: MOTION 3 BY COUNCILLOR SUTTON**

**MOVED: COUNCILLOR SUTTON**

**SECONDED: COUNCILLOR HAMMOND**

**THAT there be a sixty day moratorium on employment of new staff until the completion of the current budget process.**

**TIED 6-6**

**MAYOR EXERCISED HIS CASTING VOTE**

**LOST 6-7**

**Record of Vote**

For the Motion:

Councillors Attwell, Sutton, Hammond, Stocks, Gregson and Dowling

**ITEM 16.4: MOTION BY COUNCILLOR HAMMOND**

**ITEM 16.4: RESOLUTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HAMMOND**

**SECONDED: COUNCILLOR SUTTON**

**THAT this item be accepted as an urgent item.**

**CARRIED 13-0  
ABSOLUTE MAJORITY**

**ITEM 16.4: MOTION BY COUNCILLOR HAMMOND**

**MOVED: COUNCILLOR HAMMOND**

**SECONDED: COUNCILLOR SUTTON**

**THAT the Governance Committee establish a Complaints Panel as soon as practicable prior to the next Ordinary Council Meeting in order to facilitate and specifically consider any behavioural issues arising in the workplace that may be characterised as discriminatory, harassment or bullying.**

**CARRIED 13-0**

**ITEM 16.5: URGENT BUSINESS APPROVED BY THE MEETING**

**ITEM 16.5: MOTION**

**MOVED: COUNCILLOR BOWLES  
SECONDED: COUNCILOR DOWLING**

**THAT the meeting go behind closed doors.**

**CARRIED 13-0**

**ITEM 16.5: MOTION**

**MOVED COUNCILLOR CALLEJA  
SECONDED: COUNCILLOR GREGSON**

**THAT Standing Order 5.7- Order of Debate, be SUSPENDED to allow discussion**

**ITEM 16.5: MOTION**

**MOVED: COUNCILLOR HORTIN  
SECONDED: COUNCILLOR DOWLING**

**THAT the meeting come out from behind closed doors.**

**CARRIED 13-0**

**ITEM 16.5: MOTION**

**MOVED: COUNCILLOR ATWELL  
SECONDED: COUNCILLOR SUTTON**

**THAT Standing Order 5.7-Order of Debate, be RESUMED.**

**CARRIED 13-0**

**ITEM 16.5: RESOLUTION**

**MOVED: COUNCILLOR CALLEJA**

**SECONDED: COUNCILLOR BOWLES**

**THAT in accordance with the Council Policy and Procedures-Handling of Complaints By or Against the CEO, Council will appoint:**

- 1. An independent assessor, Henderson, Power and Associates, to investigate and assess the current allegations made against the CEO of the City of Albany which has recently been received by the Mayor, Dennis Wellington, on April 5.**
- 2. An independent panel, as recommended by the Department of Local Government, of two former or current Mayors to be made available to the appointed assessor to report the outcomes of the investigations.**
- 3. Outcomes and recommendations regarding appropriate actions from this complaint will be required to be reported to Council, the CEO and the complainant.**

**CARRIED 13-0**

**XVII. REQUEST FOR REPORTS FOR FUTURE CONSIDERATION.**

**XVIII. ANNOUNCEMENT OF NOTICES OF MOTION TO BE DEALT WITH AT THE NEXT MEETING.**

**XIX. ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC**

**XX. NEXT ORDINARY MEETING DATE**

Tuesday 15 May 2012

**XXI. CLOSURE OF MEETING**

**ITEM 21.0: MOTION**

**MOVED: COUNCILLOR HOLDEN  
SECONDED: COUNCILLOR DUFTY**

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

**CARRIED 13-0**

There being no further business the Presiding Member declared the meeting closed.

*(Unconfirmed Minutes)*

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Dennis W Wellington  
**MAYOR**

**STATUS REPORT ON DEFERRED ITEMS  
FROM PREVIOUS MEETINGS**

<b>Meeting Date</b>	<b>Item Number</b>	<b>Details/Status</b>
16/11/2010	2.6	Surrender Lease over Hangar Site 2 at Albany Airport. <b>REQUIRES FURTHER CONSIDERATION BY COUNCIL PENDING THE COMPLETION OF THE AIRPORT MASTERPLAN/BUSINESS PLAN.</b>
19/04/2011	4.7	Audit Committee Recommendations. That Council request the Chief Executive Officer to further review the investment of Surplus Funds Policy through the Finance Strategy Committee, prior to recommendation to Council. <b>PENDING. - AWAITING DEVELOPMENT OF FIVE YEAR (FINANCE) PLAN.</b>

**APPENDIX B**

**TABLED DOCUMENTS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
	NIL	

**TABLED DOCUMENTS BY ELECTED MEMBERS**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
Mayor Wellington	Mayors Report	GO.COM.3
Councillor Dufty	Resignation of Ms Wignall	GO.COM.3

**TABLED DOCUMENTS BY STAFF**

<b>NAME</b>	<b>REFERENCE</b>	<b>FILE</b>
	NIL	

TABLED ADDRESS BY COUNCILLOR DUFTY

17/4/2012

It is with considerable disappointment and sadness that we acknowledge the former Acting E.D Corporate Services and Manager Finance Pamela Wignall will be leaving the employ of the City.

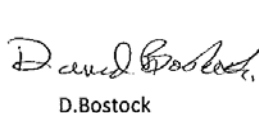
During the past 4 years Pam Wignall has made a mammoth positive contribution, during which time she has endured a great deal and in the process earned the respect of staff, councillors, business community and ratepayers alike.

She has exhibited the highest level of professionalism, competence, judgement and dedication and unblemished integrity throughout her tenure in office.

Her departure is most regrettable and will impact greatly"

Signed

Crs Y. Atwell

  
D.Bostock

  
S.Bowles.

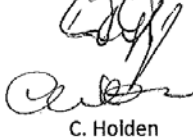
  
N. Callejah

  
D. Duffy

  
C.Dowling

  
R. Hammond

  
A.Hortin

  
C. Holden

  
R.Sutton

  
G.Stocks

  
G. Gregson.



**MAYORS REPORT**

**MAYOR'S REPORT TO COUNCIL**

**TUESDAY, 17 APRIL 2012**

Councillors, Staff, members of the public.....

Below is a brief summary of Mayoral Office activities since the last Ordinary Council Meeting held on 20 March 2012:

- Heritage Council Skywest Lecture – speaker and panel member and subsequent meeting with senior Heritage Council representatives.
- Congratulations and thanks to the staff and Councillors involved in the planning and running of the Great Southern Staff Forum hosted by the City of Albany, which included delegates from the City of Albany, other Local Governments in the region and private enterprise.
- Emu Point Coastal Erosion Working Group Meeting.
- Opening of the new Van Eyk Unit (an addition to Friendship House) by the Rotary Club of Albany East.
- Netball State round
- Great Southern Institute of Technology Awards Night.
- Albany Chamber of Commerce and Industry Awards presentation evening. Congratulations to not just the winners but to all those who became involved and made it such a successful evening.
- Albany Basketball Grand Finals and prize presentations at the ALAC as a guest of the Albany Basketball Association.
- Albany Art Prize opening.
- Meetings with the Shadow Minister for Transport, Hon. Ken Travers MLC and Local Member Mr Peter Watson MLA - a number of issues of importance to the future development of Albany were raised.
- Met with Jennifer O'Neil of the UWA Albany Centre and also with senior officials of Silver Chain - both meetings centered around our respective organizations and opportunities to work together on issues of mutual benefit to Albany.
- Vancouver Arts Centre Centennial Art Prize Opening.
- Albany Soapbox Championships 50<sup>th</sup> Anniversary race meet opening.
- XXXX Gold Albany Cup as a guest of the Albany Racing Club.
- Members of Council hosted a sundowner with representatives of the Albany media.
- Opening of the new Bethany Funeral Home premises.
- Albany Rifle Club Annual Trophy Awards Night and Dinner
- CEO and I met in Perth with Mr Richard May, advisor to the Premier, regarding State Government involvement in the Centenary of ANZAC commemorations.