

**MINUTES OF THE ELECTORS' GENERAL MEETING, HELD AT THE TOWN HALL ON MONDAY, 3 FEBRUARY 2014 COMMENCING AT 6.36PM.****1. OPENING OF MEETING****1.1****Present**

Mayor J O'Neill	Presiding Member
Cr C Collinson	
Cr S Martin	(From 6.40pm)
Cr M McPhail	
Cr M Rico	
Cr A Watkins	

Mr S Wearne	Chief Executive Officer
Mr L Mainwaring	Executive Manager Finance and Administration
Mr J Douglas	Manager Planning Services
Ms S Cocks	Principal Environmental Health Officer
Ms J May	Minute Secretary

There were five members of the public in the gallery at the commencement of the meeting.

**2. WELCOME TO GALLERY AND INTRODUCTION OF ELECTED MEMBERS AND STAFF**

Mayor O'Neill welcomed members of the public and then introduced elected members and staff.

**3. APOLOGIES**

An apology was submitted on behalf of Cr I Cope.

Mayor O'Neill advised the gallery that Cr Barry de Jong had recently resigned from Council.

**4. CONFIRMATION OF MINUTES OF PREVIOUS ANNUAL MEETING OF ELECTORS**

*Mayor O'Neill advised that as the content of the last Annual Electors' Meeting involved East Fremantle Oval he wished to declare a financial/proximity interest in this matter and left the meeting at 6.38pm.*

By decision of the remaining elected members and in the absence of the Deputy Mayor, Cr Collinson assumed the Chair.

The CEO advised that the Mayor had queried the accuracy of these Minutes in relation to page 4 (4<sup>th</sup> paragraph from bottom) where it was minuted "Mr Edinger then commented that Mr O'Neill has been part of the earlier discussions with the Club in relation to the development of the Oval over the years he had served on Council."

Cr Martin entered the meeting at 6.40pm.

The CEO advised that the Mayor believed it should read "Mr Edinger then commented that Mr O'Neill had done nothing about the Oval whilst on Council".

The CEO advised that, as drawn to the Mayor's attention prior the meeting, the Minutes of last year's Electors' Meeting had been tabled at the Council Meeting held two weeks later, where both the Mayor and Mr Edinger had been present, and neither had queried the accuracy of the minutes at that time. .



The CEO stated he could not recall what was said at the time and then queried whether any person present this evening, who had attended last year's meeting, had any recollection of Mr Edinger's comments.

Cr Martin advised that she had been present at last year's Electors' Meeting and Mr Edinger had made the comment as minuted.

Mrs Newton who had also been present at last year's meeting advised that the wording should be slightly amended to reflect Mr O'Neill had been part of discussions on Council. Mrs Flynn supported this change.

It was also noted that in the following paragraph Mr O'Neill had been incorrectly noted as "Cr" O'Neill.

**Mrs Newton – Mrs Flynn**

**That the Minutes of the Electors' Meeting held on 4 February 2013 be received and confirmed with the following corrections to page 4:**

- **The fourth paragraph from the bottom of the page to read:**  
***"Mr Edinger then commented that Mr O'Neill had been part of earlier discussions whilst on Council in relation to the development of the Oval."***
- **"Cr" O'Neill being amended to "Mr" O'Neill at the commencement of the following paragraph.**

CARRIED

*Mayor O'Neill returned to the meeting at 6.55pm and it was noted he neither spoke nor voted on the previous item.*

Mayor O'Neill resumed the Chair.

## **5. MATTERS FOR DISCUSSION**

### **5.1 Contents of the Annual Report**

#### **5.1.1 Condition of Town Hall**

Mr Newton stated he had raised the state of the Town Hall at last year's Electors' Meeting however 12 months later, there had been no improvement in its external appearance.

The Manager Planning Services advised that painting to the exterior of the Town Hall would be commencing this week with tenders being called this Saturday for repair/replacement of the wooden window frames and doors and glazing. It was not intended to carry out any landscaping works around the building until these works were completed.

#### **5.1.2 Community Surveys**

Mrs Flynn drew attention to the community surveys mentioned on page 13 of the CEO's Report and requested the following information:

- When was the earlier survey (90% response rate) conducted?
- Was she able to access the more recent survey carried out approximately two years ago?

Mrs Flynn suggested a new survey to gauge the community's current view on amalgamation may be merited.

The CEO advised that:

- the earlier survey was conducted in 2008 or 2009. Cr Martin believed the survey was conducted in 2008 prior to her being elected to Council.
- Mrs Flynn could make arrangements to view the later survey.



- the Mayor had raised the issue of a new survey with him, however, in his view, if the purpose of the survey was to gauge residents' current views on amalgamation would seem to have little point given:
  - (i) it would not be possible to prepare a survey (with elected member input), distribute to residents and then assess the findings prior to the deadline (13 March 2014) for submissions to the Local Government Advisory Board and
  - (ii) because the outcome of community surveys do not form part of the statutory criteria which the Board considers
  - (iii) the Minister and Premier (who will either endorse or reject any recommendations of the Board) have made it clear they have no interest in the outcome of such community surveys.

The Mayor advised that he had also raised the issue of a community survey in Council's last newsletter and believed amalgamation was one of a range of issues that should be raised with residents to establish what were the aspects of East Fremantle Council should fight to retain in any amalgamation.

In response to the deadline referred to by the CEO, the Mayor noted the City of Cockburn's opposition to the government's plans and suggested the government's timetable could blow out by a number of years.

Crs McPhail and Martin indicated their support for the conduct of a survey to residents.

Mrs Newton expressed her dissatisfaction with the lack of communication to the residents of the Town regarding the amalgamation issue, advising that she has only obtained information from the newspaper or whilst in Fremantle.

The CEO commented that, in addition to numerous newspaper articles and statements by the Government, Local Government Advisory Board, Professor Robson etc, he assumed most residents would be primarily interested in Council's position on amalgamation and he was endeavouring to clarify this, given the majority of elected members were newly elected and may not support the previous Council's position.

The CEO also commented that the Mayor had addressed the amalgamation issue in Council's newsletter which was issued in December.

The CEO outlined the current situation regarding amalgamations as far as the surrounding local governments were concerned and advised that the Local Government Advisory Board had arranged to meet with Council on Wednesday, 5 March 2014 to discuss the Town's position, with the deadline for submissions being 13 March 2014.

**Mrs Flynn – Mr Newton**

**That Council consider surveying residents on a range of issues including amalgamation, which reflect aspects of East Fremantle that are important to retain should amalgamation go ahead.** CARRIED

**Cr Rico – Cr McPhail**

**That the 2012-2013 Annual Report be received.**

CARRIED UNANIMOUSLY

## 5.2 **General Business**

### 5.2.1 **Original Signage to Front of Town Hall Building**

Mrs Newton referred to the current Town Hall restoration works and raised the issue of the "Mechanics Institute & Library" lettering which Mrs Newton said had been removed from the front façade of the Town Hall during renovation works in the 1980's.



**Mr Newton - Mrs Newton**

**That the CEO be requested to investigate the reinstatement of the “Mechanics Institute & Library” lettering, that had been removed from the front façade of the Town Hall in the 1980’s, as part of the renovation works to the building. CARRIED**

**5.2.2 Poor Turnout to Electors’ Meeting**

Mr Flynn expressed his disappointment with the small turnout to tonight’s meeting.

The CEO noted the meeting had been advertised in both local newspapers, on the web and on Council’s noticeboard.

Mr Flynn requested that Council give consideration to advertising future electors’ meetings more widely to encourage better attendance.

**5.2.3 CEO Remuneration**

Mrs Newton expressed her strong objection to the “rushed” process of extending the CEO’s contract by five years just prior to the October elections last year. Mrs Newton considered granting the CEO a five year extension to his contract when the Town was looking at the threat of amalgamation within two years, an unfair financial burden on the Town and not in the best interests of its residents. She considered Council’s actions were immoral and did not constitute good governance. She believed the CEO should have been granted perhaps a two or three year contract with an option to extend.

The CEO stated that:

- There had been nothing “rushed” about the process and in fact the opposite had been the case.
- He had initiated discussions on a new contract in December 2012, over 12 months before his existing contract expired, in accordance with the relevant provision of his contract.
- Formal negotiations, facilitated by an independent industrial advisor from WALGA, had commenced in February 2013.
- In accordance with the relevant provision of his former contract, Council should have finalised those negotiations in April 2013.
- In fact the negotiations (mainly involving elected member deliberations which the CEO was generally excluded from) only concluded in late September 2013, with the matter finally resolved on 1 October 2013.
- Given the above, the CEO considered the contract extension process had been highly protracted and was clearly not “rushed”.
- Regarding the 5 year extension, the CEO advised this had been the case with his previous contract extensions, which was a standard term in the industry, and that many other CEOs (not to mention other senior staff, where exactly the same situation applied) were at this time being granted new 5 year contracts or extensions of their existing contracts regardless of impending amalgamations. The CEO noted Council’s philosophy in relation to any amalgamation had been one of “business as usual” and queried why a different philosophy would be adopted in relation to his contract, particularly when the same matter was not being raised in relation to other senior staff, where the same issues applied.



- The CEO further pointed out that Mrs Newton's references to the "unfair financial burden on the Town" appeared predicated on the notion that in the event of an amalgamation, the CEO would have the balance of his contract paid out by Council when this was completely incorrect. By law, such a payout for CEOs was limited to 12 months

Thus if the CEO had been granted a 3 year contract from October 2013 - October 2016 (which Mrs Newton suggested she would have been happy with (and leaving aside the "option to extend" which Mrs Newton also suggested) and an amalgamation occurred on July 1 2015 as proposed, then the payout would have been limited to 1 year, exactly as would apply in the event of a 5 year contract.

Further, on the best advice available to Council at the time, in respect of which no new information has been received, the payout would be made by the State Government, not East Fremantle ratepayers.

- The CEO concluded that he considered Mrs Newton's description of the Council decision as "immoral" to be completely unjustified and highly offensive.

Mr McPhail sought clarification as to whether, if there was an amalgamation, whether the balance of the contract would be paid out or would the contract be terminated.

The CEO reiterated that, unlike the Town's other employees who currently have no set limit under the Act regarding a termination payout which they could seek, albeit the government was considering legislation in this regard, CEOs who have more than 12 months remaining of their contract, are still only entitled to a maximum of 1 year's salary.

Cr Martin stated that the extension of the CEO's employment had been a very long process, involving intense scrutiny of all aspects of the contract. Elected members had exercised due diligence to arrive at an appropriate outcome.

**5.2.4 Thank you**

Mrs Newton thanked Council staff and elected members for their efforts during the year.

**6. CLOSURE OF THE MEETING**

There being no other business Mayor O'Neill thanked everyone for attending and declared the meeting closed at 8.05pm.