



FRANKSTON CITY
COUNCIL

Special Meeting

A G E N D A

12 November 2015



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer		Tim Frederico Director Corporate Development
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Council Core
Business Support
Coordinator

Cr Tayler

Cr. Spelman

Cr Taylor

Cr. O'Reilly

Cr Cunial

Cr. Hampton

Cr. Aitken

Cr. Doolley

Cr. Mayer

EMT

EMT

Media

Media

Gallery



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that an Ordinary Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 12 November 2015 at 7pm (Statutory Meeting).

Chief Executive Officer to ask all present to stand for the Opening Prayer

OPENING WITH PRAYER

Almighty God, we ask for your blessing upon this Council. Direct and prosper its deliberations to the advancement of your glory and the true welfare of the people of Frankston City. Amen.

Chief Executive Officer to read the Acknowledgement of Traditional Owners.

ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

We respectfully acknowledge that we are situated on the traditional land of the Boonerwung and Bunurong in this special place now known by its European name, Frankston. We recognise the contribution of all Aboriginal and Torres Strait Islander people to our community in the past, present and into the future.

BUSINESS**1. APOLOGIES**

Nil

2. DISCLOSURES OF INTEREST AND DECLARATIONS OF CONFLICT OF INTEREST**3. ITEMS BROUGHT FORWARD****4. CONSIDERATION OF REPORTS OF OFFICERS**

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Dennis Hovenden

CHIEF EXECUTIVE OFFICER

2/11/2015

Report for Information**4.1 Appointment of Temporary Chairperson for the Meeting**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To appoint a temporary Chairperson for the meeting.

Recommendation (Director Chief Executive Office)

That Cr xx be the temporary Chairperson for the meeting.

The Chief Executive Officer to declare the Special Meeting open and invite nominations for the election of a temporary chairperson.

ATTACHMENTS

Nil

Report for Information**4.2 Recognition and Appreciation of services given to the Community by the Mayor for Mayoral Term**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To recognise and appreciate the services given to the community by the Mayor.

Recommendation (Director Chief Executive Office)

That a letter under seal be presented to Cr Sandra Mayer in recognition of her service to the Frankston Community during the previous term.

Cr Mayer to speak

ATTACHMENTS

Nil

Report for Information**4.3 Recognition and Appreciation of services given to the Community by the Deputy Mayor for Previous Term**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To recognise and appreciate the services given to the community by the Deputy Mayor.

Recommendation (Director Chief Executive Office)

That a letter under seal be presented to Cr Aitken in recognition of his service to the Frankston Community during the previous term.

Cr Aitken to speak

ATTACHMENTS

Nil

Report for Information**4.4 Setting of Allowance to Councillors**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To determine the allowance to be paid to each Councillor.

Recommendation (Director Chief Executive Office)

That:

1. The Councillor allowance for 2016 be set at the maximum annual payable amount as published in the Government Gazette and that the amount be paid in advance in monthly instalments.
2. The superannuation contribution under the Commonwealth taxation legislation be paid into the Councillors' nominated approved fund, on a quarterly in arrears basis, in addition to the Councillor allowance.

Report

Under section 73B of the *Local Government Act 1989*, Council is able to pay an allowance to each Councillor at the maximum amount in accordance with the notice approved by the Minister for Local Government.

Notice to increase the new limits and ranges of Councillor allowances for 2015 was published in the Victorian Government Gazette on 6 November 2014.

At its meeting on 12 November 2014, Council resolved to set the 2015 Councillor allowance at the maximum amount of 28,202 per annum.

The allowance is to be paid monthly in advance and the superannuation contribution component is to be paid quarterly in arrears in addition to the allowance amount.

Council has historically increased its allowances to the maximum amount set by the Minister.

The allowance and superannuation figures for 2016 have yet to be determined and are subject to approval by the Minister for Local Government. It is anticipated that the amounts will be set by the end of this year.

ATTACHMENTS

Nil

Report for Information**4.5 Setting of Mayoral Allowance**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To determine the allowance to be paid to each Councillor.

Recommendation (Director Chief Executive Office)

That:

1. The Mayoral allowance for 2016 be set at the maximum annual payable amount as published in the Government Gazette and that the amount be paid in advance in monthly installments.
2. The superannuation contribution under the Commonwealth taxation legislation be paid into the Councillors' nominated approved fund, on a quarterly in arrears basis, in addition to the Councillor allowance.

Report

Under section 73B of the *Local Government Act 1989*, Council is able to pay an allowance to the Mayor at the maximum amount in accordance with the notice approved by the Minister for Local Government.

Notice to increase the new limits and ranges of Mayoral allowances for 2015 was published in the Victorian Government Gazette on 6 November 2014.

At its meeting on 12 November 2014, Council resolved to set the 2015 Mayoral allowance at the maximum amount of \$90,081 per annum.

The allowance must be paid monthly in advance. It is proposed to pay the superannuation contribution quarterly in arrears. As in previous years it is proposed to provide the usual administration support for the Mayor. It is also proposed to provide a car, if required.

Council has historically increased its allowances to the maximum amount set by the Minister.

The allowance and superannuation figures for 2016 have yet to be determined and are subject to approval by the Minister for Local Government. It is anticipated that the amounts will be set by the end of this year.

ATTACHMENTS

Nil

Report for Information**4.6 Election and Installation of Mayor for the Ensuing Year**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To invite nominations for the Office of Mayor.

Recommendation (Director Chief Executive Office)

That Cr xx be nominated for the Office of Mayor.

The Chairperson asks the nominee, "Do you accept the nomination?"

Cr. Xx (the Nominee) "I accept the nomination"

The Governance Local Law provides:**7. Election of the Mayor**

- (1) *A meeting to elect the Mayor must be held*
 - (a) *as soon as practicable after the declaration of the results of a general election of Councillors;*
 - (b) *as soon as practicable after the fourth Saturday in October, in years between general elections of Councillors; and*
 - (c) *as soon as practicable after the office of Mayor otherwise becomes vacant.*

8. Method of Voting

The election of the Mayor must be carried out by a show of hands.

9. Determining the election of the Mayor

- (1) *The temporary Chair must open the meeting at which the Mayor is to be elected, and invite nominations for the office of Mayor.*
- (2) *Any nomination for the office of Mayor must be seconded.*
- (3) *Once nominations for the office of Mayor have been received and those nominated have accepted their nomination, the following provisions will govern the election of the Mayor:*
 - (a) *if there is only one nomination, the candidate nominated is deemed to be elected;*
 - (b) *if there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates;*

4.6 Election and Installation of Mayor for the Ensuing Year**Report for Information**

- (c) *in the event of a candidate receiving an absolute majority of the votes, the candidate is declared to have been elected;*
- (d) *in the event that no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;*
- (e) *if one of the remaining candidates receives an absolute majority of the votes, he or she is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;*
- (f) *in the event of two or more candidates have an equality of votes and one of them having to be declared:*
 - (i) *a defeated candidate; and*
 - (ii) *duly elected**the declaration will be determined by lot.*
- (g) *if a lot is conducted, the Chief Executive Officer will have the conduct of the lot and the following provisions will apply:*
 - (i) *each candidate will draw one lot;*
 - (ii) *the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes, except that if two or more such Councillors surnames are identical, the order will be determined by the alphabetical order of the Councillors first names; and*
 - (iii) *as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a receptacle. If the lot is being conducted to determine who is a defeated candidate, the word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates unless there is only one candidate remaining, in which case that candidate will be declared to have been duly elected).*

Note: The election should be confined to the acceptance of nominations and no discussion or debate should be permitted.

A. Former Mayor to assist the Mayor with Cloaking

B. Councillors and Chief Executive Officer to be invited to congratulate the Mayor

4.6 Election and Installation of Mayor for the Ensuing Year

Report for Information

- I. Temporary Chairperson invites the Mayor to assume the chair.
- II. Councillors (if they wish) to indicate support for the Mayor for ensuing mayoral term.
- III. Mayor to respond and outline intentions for the Mayoral term.

ATTACHMENTS

Nil

Report for Information**4.7 Election of Deputy Mayor**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To invite nominations for the Office of Deputy Mayor.

Recommendation (Director Chief Executive Office)

That Cr xx be nominated for the Office of Deputy Mayor.

The Mayor asks the nominee, "Do you accept the nomination?"

Cr xx (the Nominee) "I accept the nomination"

The Governance Local Law provides:**10. Election of Deputy Mayor and Chairs**

(1) *At a meeting to elect the Mayor, Council may determine to elect a Deputy Mayor.*

(2) *Any election for:*

(a) *the office of Deputy Mayor; or*

(b) *temporary Chair, in cases where a temporary Chair needs to be elected under Clause 11*

will be regulated by Clauses 7-9 (inclusive) of this Local law, as if, in the case of any election for Deputy Mayor, the reference to the:

(c) *temporary Chair is a reference to the Mayor; and*

(d) *Mayor is a reference to the Deputy Mayor.*

ATTACHMENTS

Nil

Report for Information**4.8 Delegates to External/Internal Organisations**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To appoint Councillors as delegate(s) to external and internal committees.

Recommendation (Director Chief Executive Office)

- A. That the following appointments to external organisations be made:
1. The Mayor, Cr Hampton and Cr Aitken be appointed as the delegates to the Anzac Day Celebrations Sub Committee.
 2. At the discretion of the CEO, an officer be appointed as the delegate to the Association of Bayside Municipalities.
 3. The Mayor be appointed as the delegate to the Australian Local Government Association (ALGA).
 4. The Mayor and Cr Mayer be appointed as the delegates to the Australian Local Government Women's Association.
 5. Cr Aitken and Cr Cunial be appointed as the delegates to the Frankston Charitable Fund Committee of Management.
 6. The Mayor be appointed as the delegate to the Frankston Regional Aquatic Centre Pty Ltd Board.
 7. Cr Cunial and Cr Hampton be appointed as the delegates to the Metropolitan Waste Management Forum.
 8. Cr Tayler be appointed as the delegates to the Mornington Peninsula Regional Tourism Board – Leaders Forum.
 9. The Mayor be appointed as the delegate to the South East Melbourne Mayoral Group.
 10. Cr Tayler, Cr Spelman and Cr O'Reilly be appointed as the delegates to the Youth Advisory Council.
- B. That the following appointments to internal committees be made:
1. The Mayor and Cr Hampton be appointed as the delegates to the Audit Committee.
 2. That Cr Aitken, Cr Dooley and Cr Spelman be appointed as the delegate to the Ballam Park Homestead Advisory Committee.
 3. That Cr Hampton be appointed as the delegate to the Cash-in-Lieu Car Parking Scheme Steering Committee.
 4. Cr Hampton be appointed as the delegate to the Centenary Park Golf Club Communications Committee.
 5. All Councillors be appointed as the delegates to the Chief Executive Officer's Performance Review Committee.

4.8 Delegates to External/Internal Organisations**Report for Information**

6. Cr Aitken and Cr Spelman be appointed as the delegates to the Community Grants Committee of Management.
 7. Cr Taylor and Cr Dooley be appointed as the delegates, and Cr O'Reilly as the substitute delegate to the Frankston Arts Centre Board of Management
 8. Cr Cunial, Cr Spelman and Cr Hampton be appointed as the delegates to the Frankston Cemetery Trust.
 9. The Mayor, Cr Hampton and Cr Mayer be appointed as the delegates to the Frankston City News Committee.
 10. At the discretion of the CEO, an officer be appointed as the delegates to the Frankston Environment Advisory Committee.
 11. Cr Hampton and Cr Taylor be appointed as the delegates to the Frankston War Memorial Working Group.
 12. Cr Aitken, Cr Cunial and Cr Mayer be appointed as the delegate to the Historic Assets and Promotion Committee.
 13. All Councillors be appointed as the delegates to the Local Area Planning Committees.
 14. The Mayor and Deputy Mayor be appointed as the delegates to the Miscellaneous Grants Committee.
 15. The Mayor, Cr Dooley and Cr Taylor be appointed as the delegates to the Planning Scheme Review Committee.
 16. Cr Hampton be appointed as the delegate to the Soccer Liaison Committee.
 17. Cr Aitken, Cr Tayler and Cr Mayer be appointed as the delegate to the Urban Design Advisory Committee.
- C. That as far as practicable and after negotiation with the Councillor or Councillors involved, the meeting times and dates for Committees, where a Councillor or Councillors are delegates, be arranged having regard to the availability of all participants including Councillor(s).

A. External Delegates

Council participates in a number of industry organisations servicing various Council interests and it is anticipated that Council would appoint a delegate to each of the following organisations.

B. Internal Committees

Councillors are members of the following Council convened committees.

ATTACHMENTS

Nil

Executive Summary

4.9 Proposed Meeting Dates 2016

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To adopt Council Meeting dates for 2016.

Recommendation (Chief Executive Office)

That:

1. Council continues with the three (3) weekly meeting cycle, to commence from Monday 1 February 2016, to consider both Planning and Ordinary matters, with the last Council meeting to conclude on Monday 10 October 2016, due to the 2016 Council Elections.
2. The meeting dates be advertised to the public by way of Public Notice.

Key Points / Issues

- The current three (3) weekly meeting cycle has been in existence since March 2014.
- The cycle was changed to provide Councillors with the opportunity to give input and/or provide ideas for inclusions into reports that are listed for the forthcoming meeting.
- The cycle has provided Councillors with the opportunity to review and discuss reports and officer recommendations, in advance of the meeting, assisting Council in making well-informed decisions.
- The regular occurrence of Council meetings has also reduced the duration of meetings and the amount of items considered on the Agenda and has largely eliminated the need for most late reports.
- It is proposed to continue with the three (3) weekly meeting cycle and for this to commence from Monday 1 February 2016.

Financial Impact

It is noted that the State Government has indicated the Council rate increase will be capped at or about CPI from the 2016/2017 financial year. Over a five year period this will reduce Council's revenue by a cumulative amount of approximately \$22 million. This will have a severe impact on Council's ability to maintain services, deliver key initiatives and improvements and maintain adequate levels of capital expenditure.

It is also noted that in 2015/2016, Council's debt will peak at \$37.199 million. While this debt has been used to deliver key community assets such as the Peninsula Aquatic Recreation Centre (PARC) and Frankston Yacht Club, the cost of servicing this debt with a rate cap in place will severely limit Council's ability to provide further improved facilities and services.

4.9 Proposed Meeting Dates 2016**Executive Summary**

There are no financial implications.

Consultation**1. External Stakeholders**

No external stakeholders have been consulted.

2. Other Stakeholders

The Chief Executive Officer and Director Corporate Development have been consulted.

Analysis (Environmental / Economic / Social Implications)

A well-structured meeting schedule assists the public in attending meetings and provides some confidence in transparency in decision making.

Legal / Policy / Council Plan ImpactCharter of Human Rights and Responsibilities

The Charter of Human Rights and Responsibilities has been considered in the preparation of this report but is not relevant to the content of the report.

Legal

Under Section 89 of the *Local Government Act 1989*, Council has an obligation to consider general business via Ordinary and Special Meetings which are open to the public. Council must provide the public with sufficient notice of meeting dates (at least seven (7) days prior), where practicable. By Council resolution, meetings may be closed to the public to consider confidential matters as outlined in the Act.

Policy Impacts

There are no policies that impact the decision of this report.

Officer's Declaration of Interests

Council officers involved in the preparation of this report have no Conflict of Interest in this matter.

Risk Mitigation

There are no identified risk issues for Council.

Conclusion

It is recommended that Council continues with the three (3) weekly meeting cycle, to commence from Monday 1 February 2016.

ATTACHMENTS

Attachment A: 2016 Council Meeting Schedule

MEETING SCHEDULE - 2016	
Meeting date	Meeting No. / Type
Monday, 1 February 2016	Council Meeting
Monday, 22 February 2016	Council Meeting
Tuesday, 15 March 2016	Council Meeting
Monday, 4 April 2016	Council Meeting
Tuesday, 26 April 2016	Council Meeting
Monday, 16 May 2016	Council Meeting
Monday, 6 June 2016	Council Meeting
Monday, 27 June 2016	Council Meeting
Monday, 18 July 2016	Council Meeting
Monday, 8 August 2016	Council Meeting
Monday, 29 August 2016	Council Meeting
Monday, 19 September 2016	Council Meeting
Monday, 10 October 2016	Council Meeting

Executive Summary**4.10 Nomination of Newspaper for Publication of Public Notices**

Enquiries: (Michelle Tipton: Chief Executive Office)

Council Plan

Community Outcome:	3. Sustainable City
Strategy:	3.3 Ensure good governance and management of Council resources
Priority Action	3.3.2 Implement a schedule of reviews of services, plans, policies and protocols to ensure good governance

Purpose

To nominate a newspaper for publication of public notices.

Recommendation (Director Chief Executive Office)

For the purposes of choosing a newspaper in which a notice is to be published, so that Council can fulfil any obligation imposed by *the Local Government Act 1989* to give public notice, Council nominates the following newspaper in which notice will be published:

1. The *Frankston Standard Leader*, except if paragraph 2 applies; or
2. The *Age*, if the notice relates to the preparation of a Budget or a Revised Budget or if, in the opinion of the Chief Executive Officer or any other member of Council staff with administrative responsibility for giving public notice, notice should not be given in the *Frankston Standard Leader* because publication of the notice cannot conveniently be deferred until the next edition of the *Frankston Standard Leader* is published.

Report

Public Notice is defined in s.3 of the *Local Government Act 1989* as:

" A notice published in a newspaper generally circulating in the municipal district of the Council chosen for the purpose by:

- (a) if the notice is required to be given by the Council, the Council."

Council currently uses the *Frankston Standard Leader* for publication of general public notices, and it is recommended that this practice continues. The *Frankston Standard Leader* is published and distributed weekly on a Monday, and copy for publication is due by the afternoon of the preceding Wednesday. On occasions the timelines associated with a weekly publication present problems in terms of compliance with statutory timelines, and accordingly it is recommended that Council officially nominates a second newspaper with a quicker publication turnaround, i.e. a daily newspaper.

ATTACHMENTS

Nil