



FRANKSTON CITY
COUNCIL

Special Meeting

A G E N D A

23 May 2016



COUNCIL CHAMBERS

Dennis Hovenden Chief Executive Officer	Cr. Dooley Mayor	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

Media

Cr. Aitken

Cr. Mayer

Planning Manager

EMT

EMT

Media

Guest Speaker

Gallery



THE COUNCIL MEETING

Welcome to this Meeting of the Frankston City Council

The Council appreciates residents, ratepayers and other visitors taking their places in the Public Gallery, as attendance demonstrates an interest in your Council and community affairs. Community spirit is encouraged.

This information sheet is designed to help you to understand the procedures of Council and help you to gain maximum value from your attendance.

The law regarding the conduct of Council meetings enables the public to observe the session. However, to ensure the manageability of Council meetings, opportunities for public participation are limited to Question Time and registered submissions in accordance with Council's guidelines, which are available from Council's CEO Office (call 9768 1632) and on our website, www.frankston.vic.gov.au. It is not possible for any visitor to participate in any Council debate unless specifically requested by the Chairperson to do so.

If you would like to have contact with Councillors or Officers, arrangements can be made for you to do so separately to the meeting. Call Frankston City Council on 9768 1632 and ask for the person you would like to meet with, to arrange a time of mutual convenience.

When are they held?

Generally speaking, the Council meets formally every three (3) weeks on a Monday and meetings start at 7.00 pm, unless advertised otherwise.

Council meeting dates are posted in the Davey Street and Young Street entrances to the Civic Centre (upper level) and also on our website, www.frankston.vic.gov.au.

Governance Local Law No. 1 – Meeting Procedure

34. Chair's Duty

Any motion which is determined by the Chair to be:

- (1) *defamatory of or embarrassing to any Councillor, member of Council staff or other person;*
- (2) *abusive or objectionable in language or nature;*
- (3) *a direct negative of the question before the Chair;*
- (4) *vague or unclear in intention;*
- (5) *outside the powers of Council; or*
- (6) *irrelevant to the item of business on the agenda and has not been admitted as Urgent Business, or purports to be an amendment but is not,*

must not be accepted by the Chair.

88. Chair May Remove

- (1) *The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction, or cause the removal of any object or material that is deemed by the Chair as being objectionable or disrespectful.*
- (2) *Any person removed from the meeting under sub-clause 0 must not return to the meeting without the approval of the Chair or Council.*

It is intended that this power be exercisable by the Chair, without the need for any Council resolution. The Chair may choose to order the removal of a person whose actions immediately threaten the stability of the meeting or wrongly threatens his or her authority in chairing the meeting.

The Penalty for an offence under this clause is 2 penalty units which is \$200

The Formal (Ordinary) Meeting Agenda

The Council meeting agenda is available for public inspection immediately after it is prepared, which is normally on the Thursday afternoon five days before the meeting. It is available from the Reception desk at the Civic Centre (upper level), on our website www.frankston.vic.gov.au or a copy is also available for you in the chamber before the meeting.

The following information is a summary of the agenda and what each section means:-

· **Items Brought Forward**

These are items for discussion that have been requested to be brought forward by a person, or a group of people, who have a particular item on the Agenda and who are present in the Public Gallery. Before the start of the meeting, an Officer will ask those in the Public Gallery whether they wish a matter to be considered early in the meeting.

· **Presentation of Written Questions from the Gallery**

Question Time forms are available from the Civic Centre and our website, www.frankston.vic.gov.au. Questions may also be submitted online using the Question Time web form. "Questions on notice" are to be submitted and received by Council before 12 noon on the Friday before the relevant Ordinary Meeting.

"Questions without notice" may be submitted in the designated Question Time box in the public gallery on the evening of the meeting, just prior to its commencement. Forms are available in the Council Chamber.

A maximum of 3 questions may be submitted by any one person at one meeting. There is no opportunity to enter into debate from the Gallery.

More detailed information about the procedures for Question Time is available from Council's CEO Office (call 9768 1632) and on our website, www.frankston.vic.gov.au.

· **Presentation of Petitions and Joint Letters**

These are formal requests to the Council, signed by a number of people and drawing attention to matters of concern to the petitioners and seeking remedial action from the Council. Petitions received by Councillors and presented to a Council meeting are usually noted at the meeting, then a report is prepared for consideration at the next meeting.

· **Presentation of Reports**

Matters requiring a Council decision are dealt with through officer reports brought before the Council for consideration. When dealing with each item, as with all formal meeting procedures, one Councillor will propose a motion and another Councillor will second the motion before a vote is taken.

· **Presentation of Delegate Reports**

A Councillor or member of Council staff who is a delegate may present to Council on the deliberations of the external body, association, group or working party in respect of which he or she is a delegate or an attendee at a Council approved conference / seminar.

· **Urgent Business**

These are matters that Councillors believe require attention and action by Council. Before an item can be discussed, there must be a decision, supported by the majority of Councillors present, for the matter to be admitted as "Urgent Business".

· **Closed Meetings**

Because of the sensitive nature of some matters, such as personnel issues or possible legal action, these matters are dealt with confidentially at the end of the meeting.

· **Opportunity to address Council**

Any person who wishes to address Council must pre-register their intention to speak before 4.00pm on the day of the meeting, by telephoning Council's CEO Office (call 9768 1632) or by submitting the online web form or by using the application form both available on the website, www.frankston.vic.gov.au.

The submissions process is conducted in accordance with guidelines which are available from Council's CEO Office and on our website. All submissions will be limited to 3 minutes in duration, except for Section 223 submitters, who have a maximum of 5 minutes. No more than ten (10) members of the public are to be permitted to address the Council. Further speakers will be permitted to address the meeting at the discretion of the Chair. All speakers need to advise if they are speaking on behalf of an organisation and it is deemed that they have been appropriately authorised by that said organisation.

Public submissions and any subsequent discussion will be recorded as part of the meeting, and audio recordings of Council meetings are made available to members of the public upon request. If a submitter does not wish to be recorded, they must advise the Chair at the commencement of their public submission.

Disclosure of Conflict of Interest

If a Councillor considers that they have, or might reasonably be perceived to have, a direct or indirect interest in a matter before the Council or a special committee of Council, they will declare their interest and clearly state its nature before the matter is considered. This will be done on every occasion that the matter is considered by the Council or special committee.

If a Councillor has an interest in a matter they will comply with the requirements of the Local Government Act, which may require that they do not move or second the motion and that they leave the room in which the meeting is being held during any vote on the matter and not vote on the matter.

If a Councillor does not intend to be at the meeting, he or she will disclose the nature of the interest to the Chief Executive Officer, Mayor or Chairperson prior to the meeting commencing.

Agenda Themes

The Council Agenda is divided into three (3) themes which depict the Council Plan's Strategic Objectives, as follows:

1. Planned City for Future Growth.
2. Liveable City.
3. Sustainable City.

MAYOR



NOTICE PAPER

ALL COUNCILLORS

NOTICE is hereby given that a Special Meeting of the Council will be held at the Civic Centre, Davey Street, Frankston, on 23 May 2016 at 7.00 pm.

COUNCILLOR STATEMENT

All members of this Council pledge to the City of Frankston community to consider every item listed on this evening's agenda:

- *Based on the individual merits of each item;*
- *Without bias or prejudice by maintaining an open mind; and*
- *Disregarding Councillors' personal interests so as to avoid any conflict with our public duty.*

Any Councillor having a conflict of interest in an item will make proper, prior disclosure to the meeting and will not participate in the debate or vote on the issue.

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.

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. PUBLIC QUESTION TIME

Nil

4. HEARING OF SUBMISSIONS

Nil

5. ITEMS BROUGHT FORWARD

6. NOTICES OF MOTION

- | | | |
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| 6.1 | NOM 1204 - East West Wells Street Project Review..... | 2 |
| 6.2 | NOM 1205 - Business Cards..... | 3 |

7. URGENT BUSINESS

As provided for in **Section 84 (4)** of the *Local Government Act 1989*, Council's *Local Law No 1, Governance Local Law, Item 17. Special Meetings* at Pg 8 states:

(4) Unless all Councillors are present and unanimously agree to deal with any other matter, only the business specified in the notice is to be transacted.

8. CONFIDENTIAL ITEMS

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| C.1 | Delegated Powers Reports - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions | 4 |
| C.2 | Minutes of the Frankston Arts Board - March Meeting | 4 |
| C.3 | Frankston Regional Aquatic Centre Pty. Ltd. – Management Services Agreement. | 4 |
| C.4 | Award of Contract No. 2015/16-47 Schedule of Rates Trade Services | 4 |

Dennis Hovenden

CHIEF EXECUTIVE OFFICER

18/05/2016

6.1 NOM 1204 - East West Wells Street Project Review

On 10 May 2016 Councillor Taylor gave notice of his intention to move the following motion:

That the CEO requests Council's Audit and Risk Management Committee to ask Council's Internal Auditors to instigate a review of the implementation of Council's policies and procedures in the management and delivery of the "East West Wells Street" project. In reviewing the project, Council wishes to understand what lessons and improvements can be identified to ensure the knowledge gained in the delivery of this large infrastructure project is embedded in the process for the delivery of other major projects.

COMMENTS BY DIRECTOR CORPORATE DEVELOPMENT

It is noted that, given the size, cost and complexity of the project, it is good practice to conduct a post project review to ensure all learnings, both positive and negative, are understood and used to underpin improved project

ATTACHMENTS

Nil

6.2 NOM 1205 - Business Cards

On 11 May 2016 Councillor Glenn Aitken gave notice of his intention to move the following motion:

That Council investigate the issue of supplying business cards to Councillors.

COMMENTS BY CHIEF EXECUTIVE OFFICERS

Provision of resources to Councillors including business cards is catered for within the Local Government Act 1989.

Whilst Council does not have a formal policy directly related to business cards, there are longstanding principles associated with respect to the supply of business cards. The provision of 250 cards for each request by a Councillor has been the accepted norm and there has been no problems encountered in the past.

Councillors make the request to the Chief Executive Office department and the draft card is prepared for sign off by the Councillor. Once approved the printing is undertaken and the Councillors receive their cards.

Depending on the level of activity being undertaken by individual Councillors, the provision of 250 cards could last the Councillor anything up to six months.

Council covers the costs associated with the business cards as Councillors require them as a part of the resources required to undertake their duties of office.

ATTACHMENTS

Nil

8. CONFIDENTIAL ITEMS

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

Recommendation

That the Special Council Meeting be closed to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:

C.1 Delegated Powers Reports - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions

Agenda Item C.1 Delegated Powers Reports - Miscellaneous Grants and Frankston Arts Centre Discounts and Concessions is designated confidential as it relates to Any other matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

C.2 Minutes of the Frankston Arts Board - March Meeting

Agenda Item C.2 Minutes of the Frankston Arts Board - March Meeting is designated confidential as it relates to proposed developments (s89 2e)

C.3 Frankston Regional Aquatic Centre Pty. Ltd. – Management Services Agreement.

Agenda Item C.3 Frankston Regional Aquatic Centre Pty. Ltd. – Management Services Agreement. is designated confidential as it relates to contractual matters (s89 2d)

C.4 Award of Contract No. 2015/16-47 Schedule of Rates Trade Services

Agenda Item C.4 Award of Contract No. 2015/16-47 Schedule of Rates Trade Services is designated confidential as it relates to contractual matters (s89 2d)