



City of
Melville

**MINUTES
OF THE
ANNUAL GENERAL MEETING OF ELECTORS
HELD AT THE
MOUNT PLEASANT BAPTIST COMMUNITY COLLEGE
AT 6.30PM ON
WEDNESDAY, 5 DECEMBER 2018**

DISTRIBUTED: 18 December 2018



MINUTES OF THE ANNUAL GENERAL MEETING OF ELECTORS HELD IN THE MOUNT PLEASANT BAPTIST COLLEGE, 497 MARMION STREET, BOORAGOON, COMMENCING AT 6.32PM ON WEDNESDAY 5 DECEMBER 2018.

1. WELCOME TO COUNTRY

The Presiding Member invited Elder Marie Taylor to perform the Welcome to Country

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr T Barling (Deputy Mayor)
Cr N Robins
Cr C Robartson
Cr N Pazolli, Cr S Kepert
Cr G Wieland, Cr J Barton
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

Bateman – Kardinya - Murdoch
Bateman – Kardinya - Murdoch
Bull Creek - Leeming
Applecross – Mount Pleasant
Bicton – Attadale – Alfred Cove
Central
Palmyra – Melville - Willagee

3. IN ATTENDANCE

Mr M Tieleman
Ms K Johnson
Ms C Young
Mr S Cope
Mr M McCarthy
Mr L Hitchcock

Ms J Arbel
Mr J Clark
Ms C Newman
Ms J Head
Mr W Thornton
Mr N Fimmano
Ms T Wright
Mr R Shaw
Ms D Smith
Ms K Thornton
Ms M Smith-Poulton

Chief Executive Officer
A/Director Corporate Services
Director Community Development
Director Urban Planning
Director Technical Services
Executive Manager Governance and
Legal Services
Strategic Communication Advisor
Governance and Compliance Advisor
Governance Coordinator
Governance Officer
Civic Facilities Coordinator
Property Coordinator
A/Executive Assistant
Customer Relations Officer
Customer Relations Officer
Administration Officer
Administration Trainee

At the commencement of the meeting there were 305 Electors of the City of Melville, 15 Non-Electors and one member of the press in attendance.

4. APOLOGIES

Cr M Woodall

Bull Creek - Leeming

5. LEAVE OF ABSENCE

Nil.

6. INTRODUCTION OF ELECTED MEMBERS AND OFFICERS

The Presiding Member introduced the Elected Members and the Chief Executive Officer and advised that a number of the City Executive Team and staff were in attendance.

7. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

8. BUSINESS

8.1 NOTICE OF ANNUAL GENERAL MEETING OF ELECTORS

The following Notice of Meeting was advertised in the West Australian Newspaper on Saturday, 17 November 2018 and the Melville Times Community Newspaper on Tuesday, 20 November 2018, in addition to being displayed on public notice boards at all the City of Melville libraries, the Civic Centre and the City's website. The notice read:

“Annual General Meeting of Electors

Electors are invited to the Annual General Meeting of Electors to be held on **Wednesday, 5 December 2018** at the **Mount Pleasant Baptist Community College, 497 Marmion Street, Booragoon** commencing at **6.30pm**.

Order of Business:

1. To receive the Community Annual Report 2017-2018 for the year ended 30 June 2018.
2. General Business.

Elected Members and staff welcome your questions regarding the City of Melville, the Community Annual Report 2017-2018 or any matter relating to the Notice of Meeting. A question form can be obtained from www.melvillecity.com.au/agm2018 or contact Corporate Support on **9364 0607** for alternative arrangements.

In order for complex questions to be answered at the Meeting, questions must be received by **5.00pm on Wednesday, 28 November 2018**.

Copies of the Community Annual Report 2017-2018 will be available on the City of Melville website from Friday, 23 November 2018 and printed copies from Friday, 30 November 2018 at the City of Melville Civic Centre and all City of Melville Libraries.

Marten Tieleman
Chief Executive Officer”

The Presiding Member advised the meeting that in addition to the statutory notices, the City listed the event on the City's website, and placed advertisements in the Melville Times on Tuesday, 27 November and Tuesday, 4 December, and Fremantle Herald on Saturday, 24 November and Saturday, 1 December. eNews/emails were sent to 15,916 resident subscribers, and 2,884 business subscribers. The City also published social media posts and separate CEO and Mayoral video releases inviting the community to attend.

8.2 MANNER OF CONDUCT OF THE MEETING

1. It is a requirement to advise that in the event of an emergency, everyone should take direction from officers who will guide you to the exit points of the building.
2. The Toilets location will be advised.
3. All present are required to sign the attendance register at the entry to the Meeting Room.
4. Each person who participates in a vote or speaks must be an Elector of the City of Melville.
5. The proceedings are being taped for the purpose of production of the Minutes and speakers are requested to use the microphones each time they speak.

The Minutes will include a summary of any questions asked and a summary of the response provided.

6. No other audio or visual recording is to be undertaken without the permission of the Presiding Member.
7. Speakers are asked to clearly give their name and address each time they speak.
8. Upon a motion being proposed, each speaker is to address the Chair.
9. Only Electors of the City of Melville may move or second a motion.
10. Any motion moved must be viable and legal
11. All addresses are to be limited to a maximum of five (5) minutes. Extension of time is permissible only with the agreement of a simple majority of Electors present (*Local Government (Administration) Regulations 1996 Regulation 17*)
12. Regulation 15 of the Local Government (Administration) Regulations prescribes the matters to be discussed at a general electors meeting as, firstly, the contents of the annual report for the previous financial year and then any other general business.
13. Everyone is expected to behave in a manner that is respectful and tolerant of each other, and of each other's opinions and various matters of interest at this meeting.
14. No-one should use offensive or objectionable expressions in reference to any Member, employee of the Council, or any other person (9.16 and 10.7 of Meeting Procedures Local Law).
15. In order to protect the safety and welfare of all in attendance, there will be zero tolerance to any negative reflection of any individual or group, or disturbances of the meeting. They will be asked to withdraw their comment and apologise or leave immediately.
16. All Elected Members and Directors attend this meeting to observe the proceedings and hear comments from Electors. All questions and comments should be directed to the Mayor who may invite a response from the Chief Executive Officer, Presiding Members of Committees, Directors or Elected Members.

At 6:45pm the Presiding Member asked for general agreement from the meeting that the meeting would conclude at approximately 8:30pm. Mr G Gear indicated his disagreement with this.

At 6:46pm the Presiding Member called Mr G Gear to order for disrupting the meeting and advised him of his first and final warning.

At 6:56pm a member of the audience was called to order.

At 6:56pm the Presiding Member advised that if there was further disruption the meeting would be adjourned.

9. PRESENTATION OF CITY OF MELVILLE COMMUNITY ANNUAL REPORT 2017-2018 INCLUDING FINANCIAL REPORT FOR THE YEAR ENDED 30 JUNE 2018.

The 2017-2018 Community Annual Report outlines the City of Melville's progress towards the vision and aspirational objectives set out in the *Strategic Community Plan 2016-2026 - People, Places, Participation*.

The Annual Report also measures the City's performance against what we set out to achieve in our Corporate Business Plan 2016-2020 and is our opportunity to report back to you - the community.

Listed in the Community Plan are six key outcome areas, identified as the community's aspirations, illustrating your vision for the future and focusing the City's efforts towards achieving a City that is Clean and Green, Safe and Secure, has Growth and Prosperity with Sustainable and Connected Transport, and offers Healthy Lifestyles and a Sense of Community.

Today we are proud to deliver the Annual Community Report to you, our community, and report back on what we have been doing during the 2017-2018 financial year to achieve your community aspirations.

Community Annual Report 2017/2018 presentation
<https://www.melvillecity.com.au/our-city/city-management/annual-reports>

At 6:57pm moved Mr A Bajada, of Bicton, seconded Mr N Holtzman of Booragoon –

That the Community Annual Report 2017-2018 for the Year Ended 30 June 2018 be received.

At 6:58pm the Presiding Member submitted the motion which was declared

CARRIED

9. GENERAL BUSINESS

9.1 Public Question Time - Questions Received in Writing Prior to the Meeting

9.1.1 Mr E Nielsen, Booragoon

Question 1

Summary of preface/question

Mr Nielsen made reference to a video clip in which Mr Tieleman made comment on his appointment as Chief Executive Officer and his initial target of strengthening the relationships between the Council and community. Mr Nielsen questioned why the Special Meeting of Council was not advertised?

Response

The report to the Special Meeting of Council was confidential and as this report was the sole matter discussed, the *Local Government Act 1995* does not require advertising the meeting. The minutes of the meeting are available on the City's website.

Question 2

This kind of modus operandi does nothing towards strengthening the relationships or working together, so why do it?

Response

It is the responsibility of the Council to appoint a Chief Executive Officer and it is not a matter that is subject to community consultation.

Question 3

There had already been calls for the City to postpone electing a new CEO until the outcomes of the Inquiry into the City were known, and for good reasons, so why the rush to elect a new CEO on the 'eve' of the much awaited findings?

Response

The City has not received any notification to postpone the appointment of the Chief Executive Officer. The appointment of a Chief Executive Officer is important to provide stability and direction for the administration of the City.

The City has not been advised when the Authorised Inquiry Report will be made public.

9.1.2 Mr B Coupar, AttadaleQuestion 1

In view of the fact that Main Roads Western Australia has future plans to widen Canning Highway, thereby encroaching on the land planned to be a part of Urbnsurf's Wave Park, what does Melville Council intend to do about this?

Response

The extent of the widening has been supplied to Urbnsurf by Main Roads Western Australia (MRWA) to incorporate into their plans. MRWA will also be involved in the approval process.

9.1.3 Mr C Delane, LeemingQuestion 1Summary of preface and question

Mr Delane drew a comparison between CEO's of the "big four banks" and the recruitment of the City's new Chief Executive Officer. Mr Delane asked about the culture of the City and Council and how Mr Tieleman proposes to change the culture to a more accommodating culture?

Response

The culture of the City in engaging with the community is encompassed in its customer service charter and the Council policy, for carrying out stakeholder engagement activities. Furthermore at its 20 November 2018 Ordinary Meeting of Council, the Council endorsed an officer recommended stakeholder Engagement Strategy as a guiding document for the implementation of Council Policy CP-002 Stakeholder Engagement Policy. This recommendation was endorsed by the Council unanimously.

At 7:03pm Mr Smith, due to his repeated interjections was requested to leave the meeting and left the meeting at 7:04pm.

The Mayor noted that Mr Smith was not an elector of the City.

Question 2

Will the City give serious consideration to the introduction of a financial Key Performance Indicator, applicable to both Management and Council, that puts a focus on and measures/motivates control/reduction of both operational and capital expenditure in order to counter the unchecked spending of the past?

Public Question Time Continued - Mr C Delane, Leeming

Response

The City does not have “unchecked” operating or capital “spending”. Should this be the case it is more likely that the City would have an operating deficit instead of a healthy operating surplus.

A Statement of Variances by Program and Sub Program is reported to the Council each month, which is available to the public on the City’s website in the monthly agenda item 6002 titled Statements of Financial Activity for MM/YY. Monthly financial reporting on operating and capital income and expenditure is presented each month as part of Executive Performance Reporting.

Detailed financial reports with variance reporting is provided to Management on a monthly basis and detailed daily financial reporting is provided to staff at a Directorate, Service Area and Budget Responsible Officer level.

Carry forward budgets are restricted to capital works and reserve funded projects and indicators exist for the amount of carry forward projects each year. Budget amendments are reported to, and approved by the Council on a monthly basis which are presented in the minutes and are available on the website. The status of major projects including their financial performance is presented to and considered by the Executive on a monthly basis and project officers meet on a fortnightly basis to review project progress.

An extensive midyear budget review is conducted each year and presented to and approved by the Council as are monthly budget amendments. Financial ratios are reported in the annual financial statements each year and the financial sustainability of the Council is also reported on the State Government “My Council” website.

9.1.4 Mr C Delane, Leeming (second set of questions submitted)

Question 1

Whilst the City has minimum obligations as to how it notifies residents and ratepayers about the Annual General Meeting of Electors (and other general meetings), why does it not go beyond these mandatory requirements and utilise all readily available means of direct communication (such as e-mail) to notify those members of the community for whom the City already has their electronic contact details, for doing otherwise has the hallmarks of deliberately limiting awareness?

Response

Over and above the City’s statutory obligations to advertise the 2018 Annual General Meeting of Electors (AGM), the City of Melville additionally developed and ran a marketing campaign with the objective of promoting awareness, encouraging and inviting the wider community to attend the 2018 AGM.

The campaign involved a number of promotional communications including an event listing on the City’s website, newspaper advertising in the Melville Times on Tuesday, 27 November and Tuesday, 4 December, and Fremantle Herald on Saturday, 24 November and Saturday, 1 December, eNews/email to 15,916 resident subscribers, eNews/email to 2,884 business subscribers, various social media posts with a reach of over 4,000 and separate CEO and Mayoral video releases inviting the community to attend with a reach of over 14,000 people.

Public Question Time Continued - Mr C Delane, Leeming

Question 2

Given the enormous volume of information in the Annual Report for residents and ratepayers (who are not overly familiar with such documents and their contents) to digest, why is so little notice of the Electors AGM provided (i.e. between when the Annual Report is made available and the holding of the AGM)? (A cynic would suggest that this ridiculously short time-frame is a deliberate tactic by the City to limit the number of questions that may arise and/or the amount of debate about the contents of the Annual Report.)

Response

The adoption of the Community Annual Report is directly effected by the timeliness of the receipt and acceptance of the external auditor's report which is then referred to the Council for adoption of the whole Annual Report as required by the *Local Government Act 1995*.

An option for the City is to hold the General Meeting of Electors in February of the next year however the delay is not a preferred option. Holding the Meeting closer to Christmas has not been favoured due to the time required to produce minutes of the meeting as required by legislation.

Unlike public companies, questions on the Annual Report are not restricted to the Annual General Meeting of Electors and the community can ask questions at any time.

Question 3

The meaning of the following statement in the preamble to this form is unclear: "Submitting of a written question allows for the matter to be investigated and answers to be prepared in detail. Please consider whether your question would be better explained to you personally or at the Annual General Meeting of Electors.", as are the limited options available to guide CoM on the action required by the sender.

Does it mean that questions submitted on this form will NOT be read out and answered at the AGM?

Response

Questions and answers will be read out unless a question is taken on notice to allow an answer to be prepared.

Question 5

What does "your question would be better explained to you personally" mean - personally at the AGM or elsewhere at another time?

Response

Depending on the complexity of the question, it may be better to provide a personal response to allow opportunity for more details specific to the question to be provided.

9.1.5 Ms E Nicholson, Booragoon

With respect to the City of Melville's purchase of Collateralized Debt Obligations (CDOs), I have asked this question before but as the CEO's response at the time was evasive so I ask again.

Question 1

What are the actual losses the City has sustained from the purchase and sale/default of all sixteen CDOs?

Response

The City invested \$21.22million in CDO's. To date the City has received \$22.83million in principal and interest from those investments nett of all costs and legal fees. Further distributions are still to be received and the City will provide an update on the final financial position, when known.

A "CDO Investment Update" report is published on the City's website.

Question 2

In the loss calculation, would you also please provide the expected legal and any other recovery costs that the City has paid?

Response

The City has paid \$52,931 directly to its legal advisors. Legal fees have also been paid by the litigation funder and have not been separately identified from their funder's fees.

Question 3

Would you please show the following information for each CDO:

- i. Name.*
- ii. Face Value.*
- iii. Maturity Date.*
- iv. Initial contracted Interest rate/annum.*
- v. Date & amount of capital recovered by sale.*
- vi. Interest received from the date of purchase to the date of sale or default.*
- vii. Legal and any other recovery costs (incl. paid to date and which are expected to be paid in the future).*

Response

The required disclosures in relation to each investment that the City made is presented in the Investment Report to the Council each month, and these are available on the City's website. This information contains details of the name of each CDO, their face value, interest rate, the book and market value of each investment and the gain or loss since 30 June 2010.

At the time of litigation the CDO's were combined and dealt with by the liquidators as a lump sum. As such, the final individual interest and capital recovery for each CDO has not been disclosed and is not known.

A statement relating to the history of the \$21.22m invested, the recoveries, and recovery and legal costs, is available on the City of Melville website.

9.1.6 Mr McDermott, Melville

Mr McDermott raised a number of issues in relation to the Illuminated Advertising Structure recently installed at the junction of Canning Highway and Preston Point Road, Attadale.

These matters have been referred to the relevant departments at the City for consideration and response to Mr McDermott in due course.

Clarification – The matters raised by Mr McDermott were of an operational nature and due to a misunderstanding were completed on a form as being questions to the Annual General Meeting of Electors.

MOTION – MR G GEAR, ALFRED COVE

A 7:15pm Mr G Gear of Alfred Cove submitted a motion to the meeting.

At 7:16pm The Presiding Member advised that the motion contained negative reflection and would not be accepted and requested that Mr G Gear resume his seat.

At 7:16pm The Presiding Member called the Meeting and Mr G Gear to order and request that Mr G Gear sit down.

At 7:16pm Mr G Gear moved a motion of dissent with the Presiding Member's ruling, which, due to their being no provision for such a motion to be moved by attendees at electors meetings, the Presiding Member did not accept.

At 7:16pm Mr Gear was requested to leave and left the meeting at 7:17pm.

At 7:17pm a number of members of the audience were requested to leave for disrupting the meeting.

At 7:18 the Presiding Member advised that anyone who wished to leave could do so at this point.

At 7:18pm Cr Kepert left the meeting and did not return

At 7:19pm The Presiding Member called the meeting to order.

MOTION – MS M SANDFORD, APPLECROSS

A 7:20pm Ms M Sandford of Applecross moved, seconded Mr T Lubin of Attadale –

That the Melville City Council:

- (a) terminate the lease of the proposed wave park site to UrbnSurf (Perth) Pty Ltd (Lease); or
- (b) in the event that the Council elects not to terminate the Lease, and the Lease is terminated for any other reason,

then within 21 days of termination of the Lease representatives of the City of Melville, and Melville City Council, will arrange to meet with representatives of the Alfred Cove Action Group for a briefing in relation to an unsolicited proposal by the Alfred Cove Action Group to establish the Melville Bird Sanctuary and Discovery Centre on part of the proposed wave park site.

At 7:21pm Cr Barling left the meeting at returned at 7:22pm.

At 7:26pm Mr T Lubin, in speaking to the motion advised that he would require two additional minutes to the usual allocation of five minutes.

At 7:26pm Mr D Maynier of Attadale moved, seconded Mr G Crawford of Attadale –

That Mr Lubin be granted an additional two minutes to speak on the motion.

At 7:26pm the Presiding Member declared the motion

CARRIED

Motion 1

At 7:20pm Ms M Sandford of Applecross moved, seconded Mr T Lubin of Attadale –

That the Melville City Council:

- (a) terminate the lease of the proposed wave park site to UrbnSurf (Perth) Pty Ltd (Lease); or
- (b) in the event that the Council elects not to terminate the Lease, and the Lease is terminated for any other reason,

then within 21 days of termination of the Lease representatives of the City of Melville, and Melville City Council, will arrange to meet with representatives of the Alfred Cove Action Group for a briefing in relation to an unsolicited proposal by the Alfred Cove Action Group to establish the Melville Bird Sanctuary and Discovery Centre on part of the proposed wave park site.

At 7:33pm the Presiding Member declared the motion

CARRIED

MOTION – MR C ROSS, APPLECROSS

At 7:34pm Mr C Ross of Applecross moved, seconded Mr D Maynier of Attadale –

That the Council of the City of Melville resolves that the City of Melville make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.

- (i) Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Melville to the West Australia Local Government Local Government Association in the applicable year; and**
- (ii) The Council directs the CEO to immediately implement this resolution.**

At 7:40pm Mr S Wallace was issued with a warning for disrupting the meeting, and then requested to leave, and he left the meeting.

At 7:41pm Mr M McLerie was issued with a final warning.

Motion 2

At 7:34pm Mr C Ross of Applecross moved, seconded Mr D Maynier of Attadale –

That the Council of the City of Melville resolves that the City of Melville make an annual payment, in perpetuity, to the West Australian Ratepayers and Residents Association Incorporated.

- (i) Such payment to be the same dollar for dollar amount as the subscription fee paid by the City of Melville to the West Australia Local Government Local Government Association in the applicable year; and**
- (ii) The Council directs the CEO to immediately implement this resolution.**

At 7:44pm the Presiding Member declared the motion

CARRIED

MOTION – MR D MAYNIER, ATTADALE

A 7:45pm Mr D Maynier of Alfred Cove submitted a motion to the meeting.

At 7:45pm The Presiding Member advised that the motion contained negative reflection and would not be accepted and requested that Mr D Maynier resume his seat.

At 7:46 The Presiding Member advised Mr G Crawford he was out of order and requested he leave the meeting, and he left the meeting.

MOTION – MS V ROBARTSON, PALMYRA**Motion 3**

At 7:44pm Ms V Robartson of Palmyra moved, seconded Mr J Wedgewood of Palmyra –

That this Annual General Meeting of electors requests the City of Melville to reject any proposal to construct the new Outer Harbour in Kwinana until such time as Fremantle Port has reached 90% of its maximum capacity. The maximum capacity to be determined after all reasonable and viable systems and infrastructure have been implemented and constructed to reach Fremantle Port's maximum potential handling capacity.

At 7:50pm the Presiding Member declared the motion

LOST

MOTION – MR M MCLERIE, BICTON**Motion 4**

At 7:51pm Mr M McLerie of Bicton moved, seconded Ms V Oldham of Murdoch –

The Friends of Bert Jeffery Park call on the City of Melville to abandon plans for any building at Bert Jeffery Park.

At 8:08pm the Presiding Member declared the motion

CARRIED

MOTION – MR P BEST, WILLAGEE

At 8:08pm Mr P Best of Willagee moved, seconded Mr M Ducat of Willagee –

That the Council considers in the allocation of resources and funding in 2019-2020 budget deliberations to upgrading the sporting facilities at Winnacott Reserve and Webber Reserve in Willagee,

At 8:15pm a gentleman of Applecross requested that Marmion Reserve be included in the motion. The mover and seconder of the motion accepted the requested inclusion.

Note: The gentleman's name is not clear in the recording and it was not possible to confirm his name from the recording of the meeting against the register of attendees.

Motion 5

At 8:08pm Mr P Best of Willagee moved, seconded Mr M Ducat of Willagee –

That the Council considers in the allocation of resources and funding in 2019-2020 budget deliberations to upgrading the sporting facilities at Winnacott Reserve and Webber Reserve in Willagee and Marmion Reserve, Myaree.

At 8:16 pm the Presiding Member declared the motion

CARRIED

MOTION – MR P BEST, WILLAGEE**Motion 6**

At 8:17pm Mr P Best of Willagee moved, seconded of Mr M McLerie of Bicton –

That the Council provide alternative accommodation for the volunteers currently located at the Community Information Centre at Garden City, where they can continue to provide their valued services to the City.

At 8:21pm the Presiding Member declared the motion

CARRIED

Public Question - Questions Received at the Meeting

At 8:22pm Mr R Kronberger of Applecross indicated that he was still seeking a response to a question posed on the 20 June 2017 in relation to clause 9.6.2 of the Wave Park lease which indicates that the Council is committed to giving the developer of the site \$200,000 towards the demolition of the Melville Bowling Club site and he would like to know why the City is making such a donation?

The Presiding Member took this question on notice.

10. CLOSURE

On behalf of the Elected Members and Staff of the City of Melville, His Worship the Mayor, as Presiding Member, thanked everyone for their attendance and wished everyone a Merry Christmas and a Happy, Healthy and Safe New Year.

There being no further business, His Worship the Mayor R Aubrey, as Presiding Member, declared the meeting closed at 8:23pm