



City of Nedlands

Agenda

Special Council Meeting 16 June 2020

Dear Council Member

A Special Meeting of the City of Nedlands is to be held on Tuesday 16 June 2020 online via Teams commencing at 5.45 pm for the purpose of appointing a Deputy Mayor, appointing replacement members for the Public Art & CEO Performance Review Committee and approving execution of a deed of variation with the Commonwealth Department of Health for the provision of Home Support Services.

A Livestream link for the public is available on the City's website.

The public can continue to participate by submitting questions and addresses via the required online submission forms at:

<http://www.nedlands.wa.gov.au/intention-address-council-or-council-committee-form>

<http://www.nedlands.wa.gov.au/public-question-time>

Mark Goodlet
Chief Executive Officer
11 June 2020

Table of Contents

Declaration of Opening	3
Present and Apologies and Leave of Absence (Previously Approved)	3
1. Election of the Deputy Mayor	4
2. Public Question Time	5
3. Addresses by Members of the Public.....	5
4. Disclosures of Financial and/or Proximity Interest	6
5. Disclosures of Interests Affecting Impartiality.....	6
6. Declarations by Members That They Have Not Given Due Consideration to Papers.....	6
7. Appointment of Replacement Member to the CEO Performance Review Committee.....	7
8. Appointment of Replacement Member to the Public Art Committee.....	10
9. Grant Agreement 4-7UEGHER – Deed of Variation to funding Agreement Commonwealth Department of Health	13
Declaration of Closure	15

City of Nedlands

Notice of a Special Meeting of Council to be held online via Teams on Tuesday 16 June 2020 at 5.45 pm for the purpose of appointing a Deputy Mayor, appointing replacement members for the Public Art & CEO Performance Review Committee, approving execution of a deed of variation with the Commonwealth Department of Health for the provision of Home Support Services.

Special Council Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 5.45 pm and will draw attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Leave of Absence Nil.
(Previously Approved)

Apologies None at distribution of this agenda.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

1. Election of the Deputy Mayor

Council	16 June 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Due to the resignation of Deputy Mayor Hassell, Council is now required to appoint a new Deputy Mayor.

The election of a Deputy Mayor is based on First Past the Post and is to be conducted in accordance with the Local Government Act 1995, section 2.15, schedule 2.3 clauses 4, 7 and 8 of the Local Government Act 1995 and voting will be by secret ballot. NOTE: There is no provision for proxy voting. The Chief Executive Officer (CEO) will be the Returning Officer for this election.

Local Government Act 1995, Schedule 2.3 states:

8. How deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.

- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.
- (3) When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

Ballot Result

Following the ballot result, the successful Councillor will be appointed and sworn into the position of Deputy Mayor for a term ending immediately prior to the next Local Government Election in October 2021.

2. Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

3. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

4. Disclosures of Financial and/or Proximity Interest

The Presiding Member to remind Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

5. Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Councillors and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x I disclose that I have an association with the applicant (or person seeking a decision). This association is (nature of the interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

6. Declarations by Members That They Have Not Given Due Consideration to Papers

Members who have not read the business papers to make declarations at this point.

7. Appointment of Replacement Member to the CEO Performance Review Committee

Council	16 June 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Executive Summary

The purpose of this report is to appoint a replacement member to the Chief Executive Officer's Performance Review Committee due to Councillor Hassell's resignation.

Recommendation to Council

Council appoints Councillor (insert name) to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2021.

ABSOLUTE MAJORITY REQUIRED

Discussion/Overview

Background

The Chief Executive Officer's Performance Review Committee meets from time to time on an as required basis. Current members for the period ending October 2021 are Mayor de Lacy and Councillors, Coghlan, Horley and Wetherall.

Terms of Reference for Chief Executive Officer's Performance Review Committee

Purpose

Under delegated authority to manage the performance appraisal process of the Chief Executive Officer in order to meet both Council's statutory obligations in accordance with the provisions of Section 5.38(1) of the Local Government Act 1995 and any terms and conditions of the employment contract of the Chief Executive Officer.

Scope

In managing the performance appraisal process, the Committee:

- (a) May recommend an independent consultant to Council for the purposes of conducting the performance appraisal;
- (b) Is to determine and set in place, an appropriate performance appraisal process;
- (c) Is to make recommendations to Council regarding:
 - a. The setting of goals and objectives
 - b. The measurement of key performance indicators (KPIs); and
 - c. Changes to the remuneration package within the terms of the Chief Executive Officer's contract; and
- (d) May draw on the resources and professional advice of the Manager Human Resources and any additional assistance that the Manager Human Resources may recommend to determine the process and plan and conduct the appraisal.

Any goals, objectives, KPI measurement or remuneration package changes approved by Council must be acknowledged in writing by both the Mayor and the Chief Executive Officer.

All Elected Members are to be briefed of the outcomes of the appraisal prior to any decision by Council.

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.
2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.
5. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
6. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 5 above.

Meetings

1. The Council Committee operates under the Council's Standing Orders Local Law.
2. The quorum for a meeting will be 50% of the offices of the Chief Executive Officer's Performance Review Committee as per section 5.19 of the Local Government Act 1995.
3. The Committee shall formally meet three times a year. A schedule of meetings will be developed and agreed to by the members. Additional meetings may be called by the Presiding member.
4. The Committee's Administrator will be non-voting member and an employee of the City. The Administrator's responsibility is to serve as a secretariat to the Committee by preparing agendas and minutes and ensuring timely distribution to all members; to ensure that meetings are effectively organised and recorded and to provide administrative support for the purposes of the Committee.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Manager Human Resources
- Chief Executive Officer; (when invited)
- Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer.

Reporting

The Committee shall report annually to the Council Summarising its activities during the previous financial year.

8. Appointment of Replacement Member to the Public Art Committee

Council	16 June 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Executive Summary

The purpose of this report is to appoint a replacement member to the Public Art Committee due to Councillor Hassell's resignation.

Recommendation to Council

Council appoints Councillor (insert name) to the Public Art Committee for the period ending immediately prior to the next Local Government Elections in 2021.

ABSOLUTE MAJORITY REQUIRED

Background

The Arts Committee was established in 2014 and meets from time to time. Current Councillor members for the period ending October 2021 are Mayor de Lacy, Councillors Hodsdon, Hay and Smyth.

Terms of Reference for the Art Committee**Purpose**

The Public Art Committee will be established under the Local Government Act 1995 to implement public art projects within the City of Nedlands.

Aim

To ensure that the City of Nedlands includes artworks of a high standard in the public domain.

Scope

The Committee will undertake the following within the City of Nedlands:

1. Initiate, consider and decide on proposals for public artworks.

2. Oversee the implementation of public artworks.
3. Consider external proposals for public artworks to be donated to the City of Nedlands.
4. Promote awareness of the City's existing public artworks.
5. Review the City's art collection and make recommendations to Council on its conservation.
6. Review Council's Public Art Policy as required and make recommendations to Council on any proposed changes.
7. Develop a draft Percent for Art Policy and make recommendation to Council on its adoption.

Procedure

After adoption of the City's budget by Council each year and before commencing its work for the ensuing year the Committee shall:

- Consider the budget and any other available funds for art works to be acquired in the ensuing year.
- Formulate a plan of priorities and objectives for the year including the proposed siting of any public art works.
- Present that plan for review and amendment or approval by the Council.

Delegated Authority

The Committee has delegated authority to implement public artworks of not more than \$10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year's budget. Artworks over \$10,000 shall be recommended to Council for approval.

Membership

1. Mayor and four (4) Councillors (one from each Ward) with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting
2. Two community representatives with professional expertise in public art, who are residents of the City.
3. One youth representative with an interest in public art, aged 12 – 25 years, who is a resident of the City.
4. Non-residents of the City of Nedlands may be appointed as non-voting members.

Meetings

1. The Council Committee operates under the Council's Standing Orders Local Law.
2. The quorum for a meeting will be 50% of the offices of the Arts Committee as per section 5.19 of the Local Government Act 1995.
3. Meetings are open to community and Councillors.
4. Voting members are listed under Membership above.
5. Non-voting members may participate in all aspects of the meeting other than voting.
6. Non-voting attendees (as distinct from non-voting members) will have observer status.
7. The presiding member will be elected by the member of the Committee.
8. Election of the presiding member will take place at the first meeting of the Committee following its reconstitution after each ordinary election.
9. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member of the Committee.
10. The term of presiding member expires with the expiry of the Committee immediately before the next ordinary Council election.
11. If the presiding member will not be present at a meeting of the Committee then a temporary presiding member shall be elected by the members of the Committee attending the meeting.
12. Meetings will be held quarterly or as required.

Staff

The following staff will attend meetings to provide support and advice:

- Manager Community Development, as required.
- Tresillian Arts Centre Coordinator, as required.
- Any other officer, as required.

Terms of Reference

The Terms of Reference will be reviewed annually.

9. Grant Agreement 4-7UEGHER – Deed of Variation to funding Agreement Commonwealth Department of Health

Council	16 June 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Commonwealth Department of Health Deed of Variation

Executive Summary

This report is being presented to Council to advise of a deed of variation for grant funding received from the Commonwealth Department of Health for a continuance of the current agreement for the provision of Home Support Services to City of Nedlands residents.

Recommendation to Council

Council:

- 1. acknowledges receipt of the Deed of Variation to the current grant funding agreement for the provision of Commonwealth Home Support Services from the Department of Health;**
- 2. agrees to accept the recommendation that the deed of variation be executed by the City and the services continue to be provided to City residents until June 30th 2022; and**
- 3. authorises the Chief Executive Officer to sign the deed of variation on behalf of the City.**

Discussion/Overview

Background

The City's long term State and Commonwealth funded Home and Community Care (HACC) agreement was replaced by the Commonwealth Home Support Program (CHSP) with effect from 01 July 2018 when the Commonwealth Standard Grant Agreement was executed between the City and the Commonwealth Department of Health to deliver the CHSP services to City Residents for an initial term of 2 years to 30 June 2020.

There is a desire by the Commonwealth for a continuance of the service provision beyond that date and a Deed of Variation to extend the initial agreement to June 30th 2022 was offered by the Commonwealth Department of Health on 07 May 2020.

Key Relevant Previous Council Decisions:

This grant funding agreement has been reviewed by Community Services and Procurement and it is their recommendation that a continuance of the current CHSP service provision to City Residents is desirable and is in accordance with the *Strategic Direction* in the Councils long term (2013 – 2023) **Strategic Community Plan**.

Consultation

The Provision of the CHSP services directly addresses *The Communitys' Vision* and *Council's Vision* and provides a significant contribution to the desired *Council Outcomes* for Nedlands as a liveable and thriving City, in particular:

- Healthy and Safe;
- High Standard of Services; and
- Great Communities

In Summary the continued provision of the CHSP services City officers demonstrates an on-going commitment by Council to the quality of life and wellbeing of our residents and enables them to enjoy continued independence and comfort whilst living at home.

Budget/Financial Implications

The grant funding is paid quarterly in advance, with the first payment due to be received by the City on 01 July 2020. In order to meet this payment date, the City is required to return the executed deed of variation to the Department on or before 20th June 2020.



Australian Government

Department of Health

Organisation ID:	2-EQWV1N
Agreement ID:	4-7UEGHER
Program Schedule ID:	4-7UEGHQW

Deed of Variation in relation to Home Support

1. Date

This Deed is made on 7 May 2020.

2. Parties

This Deed is made between:

1. The Commonwealth, as represented by Department of Health, ABN 83 605 426 759 (the 'Commonwealth'); and
2. City of Nedlands, ABN 92 614 728 214 (the 'Grantee').

3. Context

- A. The Parties entered in an agreement on 25 June 2018 under which the Commonwealth gave a Grant to the Grantee for Home Support (the 'Agreement').
- B. The Parties have agreed to amend the Agreement on the terms and conditions contained in this Deed.

4. Amendments

With effect from the date of execution of this Deed, the Agreement is amended:

Funding for existing Activities under this Agreement is adjusted as per the table below. This table shows only those existing Activities with funding varied under this Deed:

Activity Name	Activity Id	Financial Year	Current Grant Amount (excl. GST)	Variation Amount (excl. GST)	New Total Grant Amount (excl. GST)
Flexible Respite - Care Relationships and Carer Support	4-82LTM44	2018-2019	\$4,194.03	\$0.00	\$4,194.03
Flexible Respite - Care Relationships and Carer Support	4-82LTM44	2019-2020	\$4,256.94	\$0.00	\$4,256.94
Flexible Respite - Care Relationships and Carer Support	4-82LTM44	2020-2021	\$0.00	\$4,320.79	\$4,320.79
Flexible Respite - Care Relationships and Carer Support	4-82LTM44	2021-2022	\$0.00	\$4,394.24	\$4,394.24

Item 9 - Attachment 1

Home Maintenance - Community and Home Support	4-82LTM6J	2018-2019	\$54,693.01	\$0.00	\$54,693.01
Home Maintenance - Community and Home Support	4-82LTM6J	2019-2020	\$55,513.41	\$0.00	\$55,513.41
Home Maintenance - Community and Home Support	4-82LTM6J	2020-2021	\$0.00	\$56,346.11	\$56,346.11
Home Maintenance - Community and Home Support	4-82LTM6J	2021-2022	\$0.00	\$57,303.99	\$57,303.99
Personal Care - Community and Home Support	4-82LTM9D	2018-2019	\$139,755.00	\$0.00	\$139,755.00
Personal Care - Community and Home Support	4-82LTM9D	2019-2020	\$141,851.33	\$0.00	\$141,851.33
Personal Care - Community and Home Support	4-82LTM9D	2020-2021	\$0.00	\$143,979.10	\$143,979.10
Personal Care - Community and Home Support	4-82LTM9D	2021-2022	\$0.00	\$146,426.74	\$146,426.74
Transport - Community and Home Support	4-82LTMDV	2018-2019	\$164,467.69	\$0.00	\$164,467.69
Transport - Community and Home Support	4-82LTMDV	2019-2020	\$166,934.71	\$0.00	\$166,934.71
Transport - Community and Home Support	4-82LTMDV	2020-2021	\$0.00	\$169,438.73	\$169,438.73
Transport - Community and Home Support	4-82LTMDV	2021-2022	\$0.00	\$172,319.19	\$172,319.19
Domestic Assistance - Community and Home Support	4-82M2CDI	2018-2019	\$189,230.65	\$0.00	\$189,230.65
Domestic Assistance - Community and Home Support	4-82M2CDI	2019-2020	\$192,069.11	\$0.00	\$192,069.11
Domestic Assistance - Community and Home Support	4-82M2CDI	2020-2021	\$0.00	\$194,950.15	\$194,950.15
Domestic Assistance - Community and Home Support	4-82M2CDI	2021-2022	\$0.00	\$198,264.30	\$198,264.30
Social Support - Group - Community and Home Support	4-82M2CG9	2018-2019	\$202,637.28	\$0.00	\$202,637.28
Social Support - Group - Community and Home Support	4-82M2CG9	2019-2020	\$205,676.84	\$0.00	\$205,676.84
Social Support - Group - Community and Home Support	4-82M2CG9	2020-2021	\$0.00	\$208,761.99	\$208,761.99

Item 9 - Attachment 1

Social Support - Group - Community and Home Support	4-82M2CG9	2021-2022	\$0.00	\$212,310.94	\$212,310.94
Social Support - Individual - Community and Home Support	4-82M9QVC	2018-2019	\$238,666.47	\$0.00	\$238,666.47
Social Support - Individual - Community and Home Support	4-82M9QVC	2019-2020	\$242,246.47	\$0.00	\$242,246.47
Social Support - Individual - Community and Home Support	4-82M9QVC	2020-2021	\$0.00	\$245,880.17	\$245,880.17
Social Support - Individual - Community and Home Support	4-82M9QVC	2021-2022	\$0.00	\$250,060.13	\$250,060.13
Total			\$2,002,192.94	\$2,064,756.57	\$4,066,949.51

The Activity/s included in this Deed (other than the provision of any final reports) end on 30 June 2022, which is the Activity/s New Completion Date, unless otherwise specified in the attached Program Schedule.

The Agreement ends on 31 October 2022 or when the Grantee has provided all of the reports and repaid any Grant amount as required under this Agreement.

Revised payment amounts, reporting milestones and other detailed amendments resulting from this Deed are described in the Program Schedule, including any attachments, enclosed.

5. Entire agreement and interpretation

- 5.1 The parties confirm all the other provisions of the Agreement and, subject only to the amendments contained in this Deed, the Agreement remains in full force and effect.
- 5.2 This Deed and the Agreement, when read together, contain the entire agreement of the parties with respect to the parties' rights and obligations under the Agreement.
- 5.3 Unless otherwise specified or the context otherwise requires, terms that are defined in the Agreement have the same meaning in this Deed.

Signatures

Organisation ID:	2-EQWV1N
Agreement ID:	4-7UEGHER
Program Schedule ID:	4-7UEGHQW

Executed as a deed

Signed, sealed and delivered for and on behalf of the Commonwealth of Australia by the relevant Delegate, represented by and acting through Department of Health, ABN 83 605 426 759 in the presence of:

(Name of Departmental Representative)

(Signature of Departmental Representative)
...../...../.....

(Position of Departmental Representative)

(Name of Witness in full)

(Signature of Witness)
...../...../.....

Signed, sealed and delivered by City of Nedlands, ABN 92 614 728 214 in accordance with its rules, and who warrants that he/she is authorised to sign this Deed:

(Name and position held by Signatory)

(Signature)
...../...../.....

(Name and position held by second Signatory/Name of Witness)

(Signature of second Signatory/Witness)
...../...../.....

Explanatory notes on the signature block

- If you are an **incorporated association**, you must refer to the legislation incorporating the association as it will specify how documents must be executed. This process may differ between each State and Territory. If an authorised person is executing a document on behalf of the incorporated association, you should be prepared to provide evidence of this authorisation upon request.
- If you are a **company**, generally two signatories are required – the signatories can be two Directors or a Director and the Company Secretary. Affix your **Company Seal**, if required by your Constitution.
- If you are a **company with a sole Director/Secretary**, the Director/Secretary is required to be the signatory in the presence of a witness (the witness date must be the same as the signatory date). Affix your **Company Seal**, if required by your Constitution.
- If you are a **partnership**, the signatory must be a partner with the authority to sign on behalf of all partners receiving the grant. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are an **individual**, you must sign in the presence of a witness (the witness date must be the same as the signatory date).
- If you are a **university**, the signatory can be an officer authorised by the legislation creating the university to enter into legally binding documents. A witness to the signature is required (the witness date must be the same as the signatory date).
- If you are a **trustee of a Trust**, the signatory must be a trustee (NOT the Trust) – as the trustee is the legal entity entering into the Agreement. If requested by you, the words ‘as trustee of the XXX Trust’ could be included at the end of the name.

Schedule – Amendments to the Agreement

- *The Program Schedule 4-7UEGHQW is deleted and replaced with the updated Program Schedule 4-7UEGHQW enclosed.*

Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.