



Special Council Meeting

13 March 2024

Minutes

To: The President and Councillors.

Here within are the Minutes of the Special Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

The Special Meeting of Council was for the purpose of appointment of a temporary CEO and all matters related thereto.

Tabitha Bateman

ACTING CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

Disclaimer

Any discussion regarding a planning matter or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

<http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at

<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.



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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following a Special Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 14 March 2024.



Tabitha Bateman

ACTING CHIEF EXECUTIVE OFFICER

Confirmed Minutes

These minutes were confirmed at a meeting held on 27 March 2024.

Signed: 

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 1.07pm and read aloud an Acknowledgement of Country:

"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."

2 RECORDS OF ATTENDANCEMembers

Cr R Madacsi	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Shire President
Cr D Wrench	Councillor
Cr S Dival	Deputy Shire President (<i>via zoom</i>)
Cr J Prater	Councillor

Staff

Ms T Bateman	Acting CEO, Executive Manager Corporate and Community Services
Mr C Sullivan	Executive Manager Infrastructure, Assets & Services (<i>via zoom</i>)
Mr M Werder	Project Manager
Mrs M Rebane	Executive Assistant

Visitors

Nil.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Cr C Duri	Councillor
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3 DISCLOSURE OF INTEREST

The Acting CEO advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

4 PUBLIC QUESTIONS**4.1 PUBLIC QUESTION TIME**

Nil

5 PUBLIC SUBMISSIONS

Nil

6 OFFICER REPORTS

6.1 EXECUTIVE SERVICES

6.1.1 Appointment of Temporary CEO

Date of Report:	13 March 2024
Applicant or Proponent:	Shire of Toodyay
File Reference:	STR87
Author:	M Rebane – Executive Assistant
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	28 Feb 2024
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

PURPOSE OF THE REPORT

To consider the appointment of a Temporary CEO.

BACKGROUND

At the February 2024 Council Meeting Council resolved the following:

That Council

1. *Confirms the 1st preference and 2nd preference candidates for the position of Temporary Chief Executive Officer (CEO) as per **Confidential Attachment 2**.*
2. *Confirms a Temporary CEO is to be appointed at the earliest opportunity.*
3. *Notes notwithstanding Clause 5 (c) of the Council Policy - Temporary Employment or Appointment of CEO (The Policy), it is expected the term of the position of Temporary CEO shall be until the appointment of a substantive CEO.*
4. *Request the President to, in accordance with the Policy, negotiate and agree a remuneration and benefits package with the Temporary CEO, equivalent to the value of the substantive CEO's current total package, including the provision of housing or accommodation within the Temporary CEO package if required, with administrative assistance from the Executive Manager of Corporate and Community Services.*
5. *In the event that the value of the total remuneration package cannot be agreed with the Temporary CEO directs the President to bring the proposed package to Council for consideration and approval, prior to agreeing with the Temporary CEO.*
6. *Requests the President to negotiate with and confirm the appointment of the first preference candidate as Temporary CEO in accordance with Council Policy.*

7. *In the event that the first preference candidate is unavailable, requests the President to, in accordance with the Policy, negotiate with and confirm the appointment of the second preference candidate as Temporary CEO.*
8. *Request the President to, in accordance with the Policy, execute the appointment of the Temporary CEO.*

COMMENTS AND DETAILS

The Shire President called a meeting for the purpose of appointment of a Temporary CEO.

IMPLICATIONS TO CONSIDER

Consultative:

Nil

Strategic:

Shire of Toodyay Council Plan 2023-2033

The Shire regulates compliance with legislation, regulations, local laws and policies.

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Temporary Employment and Appointment of CEO

Standards for CEO Recruitment, selection, performance and termination

Financial:

There are financial implications that will be considered as part of the mid-year budget review.

Legal and Statutory:

s.5.36 and s.5.39 *Local Government Act 1995*.

Risk related:

The recruitment process for a CEO will take some time which is the reason why Council moved a resolution at their February 2024 meeting to appoint a temporary CEO. The risk is high (15) should Council delay the appointment. This report mitigates the risk.

Workforce related:

The Executive Manager Corporate and Community Services will be responsible for assisting the Shire President with contractual paperwork for the temporary CEO's appointment.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 1

That Council:

(to be formulated at the Special Council Meeting)

The Presiding Member requested a motion be moved in accordance with Standing Orders 5.2 (2) that the meeting be closed to the public.

MOTION/COUNCIL RESOLUTION NO. SCM083/03/24**MOVED** Cr J Prater**SECONDED** Cr D Wrench

That, in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public at 1.09pm to allow the part of the meeting that deals with confidential business to continue behind closed doors in accordance with Section 5.23 (2) of the *Local Government Act 1995* as matters being considered deal with the following —

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person

Voted For: Crs R Madacsi, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 6/0

The Presiding Member requested a motion be moved to suspend Standing Orders.

MOTION/COUNCIL RESOLUTION NO. SCM084/03/24**MOVED** Cr J Prater**SECONDED** Cr R Madacsi

That in accordance with Standing Orders Clause 5.2 (5) while the resolution under sub-clause 5.2 (2) remains in force, the operation of Standing Orders Clause 7.9 is to be suspended until the Council, by resolution, decides otherwise.

Voted For: Crs R Madacsi, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 6/0

In accordance with Standing Orders 5.2 (3) the Presiding Member directed the Project Manager and Acting CEO to leave except the Members; and Executive Assistant.

All members of the public departed the Council Chambers at 1.10pm.

The livestream went behind closed doors at 1.10pm.

The Executive Manager Infrastructure, Assets and Services departed the meeting at 1.13pm.

Discussions were held behind closed doors.

MOTION/COUNCIL RESOLUTION NO. SCM085/03/24**MOVED** Cr M McKeown**SECONDED** Cr D Wrench

That the meeting be adjourned at 2.11pm, to be resumed in another 25 minutes.

Voted For: Crs R Madacsi, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Nil**MOTION CARRIED 6/0****OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM086/03/24****MOVED** Cr D Wrench**SECONDED** Cr R Madacsi

That Council:

1. Appoints the Executive Manager Corporate and Community Services as Acting CEO until a permanent CEO is appointed with remuneration in accordance with Council Policy Temporary Employment or Appointment of CEO;
2. Requests the Acting CEO to engage a suitably qualified person to act in the role of Executive Manager Corporate and Community Services throughout the duration of the Acting CEO's tenure; and
3. Engages a suitably experienced on-site mentor to provide ongoing guidance and support to the Acting CEO.

Voted For: Crs R Madacsi, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Nil**MOTION CARRIED 6/0**

MOTION/COUNCIL RESOLUTION NO. SCM087/03/24**MOVED** Cr M McKeown**SECONDED** Cr R Madacsi

That Council move from behind closed doors at 3.11pm and Standing Order 7.9 be resumed.

Voted For: Crs R Madacsi, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 6/0

The Council Chambers were re-opened at 3.12pm.

The Acting CEO returned at 3.13pm.

In accordance with Standing Order 5.2(7), the Presiding Member read aloud the following resolutions for the benefit of members of the public:

SCM086/03/24– *Resolution made by Council to appoint the Acting CEO.*

7 CLOSURE OF MEETING

The Presiding Member congratulated the Executive Manager Corporate and Community Services and declared the meeting closed at 3.14pm.