

Special Meeting of Council

Minutes

Section 5.22 of the Local Government Act 1995

22 September 2020

Unconfirmed Minutes

These minutes were approved for distribution on 29 September 2020.



Suzie Haslehurst
CHIEF EXECUTIVE OFFICER

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

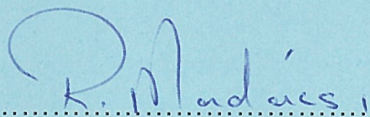
The "Confirmed" Minutes are then signed off by the Presiding Person.

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

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

Confirmed Minutes

These minutes were confirmed at a meeting held on 27 October 2020.

Signed: 

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

Shire of Toodyay

SPECIAL MEETING – 22 SEPTEMBER 2020

CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	1
2. RECORDS OF ATTENDANCE	1
2.1 APOLOGIES.....	1
3. DISCLOSURE OF INTERESTS	1
4. PUBLIC QUESTIONS (relating to the purpose of the meeting).....	1
5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting).....	1
6. PURPOSE OF MEETING	1
6.1 Management Contract Essential Terms - Toodyay Recreation Centre and all matters related thereto; and	2
6.2 Chief Executive Officer's Key Performance Indicators (KPI's) 2020/2021 and all matters related thereto.	4
7. CLOSURE OF MEETING	5

THERE ARE NO PUBLIC ATTACHMENTS

Shire of Toodyay

MINUTES

SPECIAL COUNCIL MEETING – 22 SEPTEMBER 2020

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 3.00pm.

The Shire President requested that all present turn their mobile phones off and asked that microphones not be used.

2. RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr B Bell	
Cr T Chitty	
Cr P Greenway	
Cr P Hart	
Cr M McKeown	
Cr S Pearce	
Cr B Rayner	

Staff

Ms S Haslehurst	Chief Executive Officer
Mrs M Lamb	Communication & Compliance Officer
Mrs C Luangala	Manager Corporate & Community Services
Mr K Nieuwoudt	Manager Planning & Development
Mrs M Rebane	Executive Assistant

Visitors

Nil

2.1 APOLOGIES

Nil

3. DISCLOSURE OF INTERESTS

The Chief Executive Officer 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 (relating to the purpose of the meeting)

Nil

5. PUBLIC SUBMISSIONS (relating to the purpose of the meeting)

Nil

6. PURPOSE OF MEETING

In accordance with Standing Orders 5.2 (1) the CEO recommended to the Shire President that the meeting be closed to members of the public.

The Shire President requested a motion be moved in accordance with Standing Orders 5.2 (2) that the meeting be closed to the public in accordance with Section 5.23(2) (a), (c) and (e) of the *Local Government Act 1995* for the purpose of adhering to Section 5.23(3) of the *Local Government Act 1995* which states that “a decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”

MOTION/COUNCIL RESOLUTION NO. 259/09/20

MOVED Cr Rayner

SECONDED Cr Hart

1. That, in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public at TIME 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
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government; and
2. 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 or the committee, by resolution, decides otherwise.

MOTION CARRIED 9/0

The Council Chambers were closed to the public at 3.01pm.

6.1 Management Contract Essential Terms - Toodyay Recreation Centre and all matters related thereto; and

The Officer Report and Attachment in relation to Agenda Item 6.1 was considered to be confidential in accordance with section 5.23 (2) (c) and (e) of the Local Government Act 1995:

- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

where the trade secret or information is held by, or is about, a person other than the local government.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorses the essential terms of the Facilities Management Contract for the Toodyay Recreation Centre as outlined in this report.

Cr Rayner moved the Officer's Recommendation as follows:

That Council endorses the essential terms of the Facilities Management Contract for the Toodyay Recreation Centre as outlined in this report.

There were no objections.

Cr Greenway and Cr Chitty entered Council Chambers at 3.03pm.

Cr Pearce seconded the motion.

Clarification was sought.

Debate commenced.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 260/09/20

MOVED Cr Pearce

SECONDED Cr Ruthven

That Council resumes Standing Orders 7.9 at 3.10pm.

MOTION CARRIED 9/0

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 261/09/20

MOVED Cr Rayner

SECONDED Cr Pearce

That Council endorses the essential terms of the Facilities Management Contract for the Toodyay Recreation Centre as outlined in this report.

MOTION CARRIED 8/1

In accordance with Section 5.21(4)(b) of the Local Government Act 1995, the votes of all members present was recorded. Councillors Madacsi, Ruthven, Rayner, Chitty, Greenway, Pearce, Hart and McKeown voted for the motion. Councillor Bell voted against the motion.

6.2 Chief Executive Officer's Key Performance Indicators (KPI's) 2020/2021 and all matters related thereto.

This Officer Report and Attachment in relation to Agenda Item 6.2 was considered to be confidential in accordance with section 5.23 (2) (a) of the Local Government Act 1995 as they deal with a matter affecting an employee or employees.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council adopts the 2020/21 Performance Criteria for the Chief Executive Officer as attached at Attachment 2 to this report.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 262/09/20

MOVED Cr Pearce

SECONDED Cr Ruthven

That Standing Orders Clause 7.9 is to be suspended until the Council, by resolution, decides otherwise.

MOTION CARRIED 9/0

The Communication & Compliance Officer, Manager Corporate & Community Services and Manager Planning and Development departed the Council Chambers at 3.14pm.

Cr Chitty moved a motion as follows:

That Council makes an addition to the Governance area of the 2020/21 Performance Criteria for the Chief Executive Officer.

Cr Ruthven objected to the motion.

Cr Greenway seconded the motion.

Debate commenced.

Clarification was sought at 3.40pm with respect to the reinstatement of Standing Orders 7.9.

MOTION/COUNCIL RESOLUTION NO. 263/09/20

MOVED Cr Pearce

SECONDED Cr Ruthven

That Standing Orders Clause 7.9 be resumed at 3.40pm.

MOTION CARRIED 9/0

The substantive motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 264/09/20

MOVED Cr Chitty

SECONDED Cr Greenway

That Council makes an addition to the Governance area of the 2020/21 Performance Criteria for the Chief Executive Officer.

MOTION CARRIED 9/0

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 265/09/20

MOVED Cr Madacsi

SECONDED Cr Greenway

That Standing Orders Clause 7.9 is to be suspended at 3.43pm until the Council, by resolution, decides otherwise.

MOTION CARRIED 8/1

In accordance with Section 5.21(4)(b) of the Local Government Act 1995, the votes of all members present was recorded. Councillors Madacsi, Ruthven, Rayner, Chitty, Greenway, Bell, Hart and McKeown voted for the motion. Councillor Pearce voted against the motion.

Clarification was sought in relation to amendments to be made to the Performance Criteria prior to adoption of it.

Discussion ensued.

MOTION /COUNCIL RESOLUTION NO. 266/09/20

MOVED Cr Bell

SECONDED Cr Rayner

That Standing Orders Clause 7.9 be resumed at 3.55pm.

MOTION CARRIED 9/0

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 267/09/20

MOVED Cr Ruthven

SECONDED Cr Madacsi

That Council adopts the 2020/21 Performance Criteria, as attached at Attachment 2, as amended.

MOTION CARRIED 9/0

MOTION RECOMMENDATION/COUNCIL RESOLUTION NO. 268/09/20

MOVED Cr Bell

SECONDED Cr Rayner

That Council moves from behind closed doors at 3.55pm.

MOTION CARRIED 9/0

7. CLOSURE OF MEETING

The Chairperson declared the meeting closed at 3.55pm.