

Special Meeting of Council

Minutes

Section 5.22 of the Local Government Act 1995

23 April 2020

6.1 Proposed CEO Contract - Preferred Candidate

Unconfirmed Minutes

These minutes were approved for distribution on 23 April 2020.



Chileya Luangala

ACTING 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.

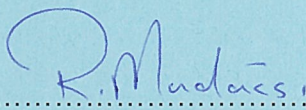
The "Confirmed" Minutes are then signed off by the Presiding Person.

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 28 April 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 – 23 APRIL 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 Proposed CEO Contract - Preferred Candidate | 1 |
| 7. CLOSURE OF MEETING | 3 |

THERE ARE NO ATTACHMENTS

Shire of Toodyay

MINUTES

SPECIAL MEETING – 23 APRIL 2020

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 11.35am.

2. RECORDS OF ATTENDANCE

Members

| | |
|---------------|--|
| Cr B Manning | Shire President |
| Cr R Madacsi | Deputy Shire President |
| Cr B Bell | |
| Cr T Chitty | |
| Cr P Greenway | |
| Cr P Hart | <i>Via Microsoft Teams at 11.35am.</i> |
| Cr S Pearce | |
| Cr B Rayner | |
| Cr B Ruthven | |

Staff

| | |
|----------------|---------------------|
| Mrs C Luangala | Acting CEO |
| Mrs M Rebane | Executive Assistant |

2.1 APOLOGIES

Nil

3. DISCLOSURE OF INTERESTS

Nil

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

6.1 Proposed CEO Contract - Preferred Candidate

The Special meeting was called by the Shire President in accordance with section 5.4 of the Local Government Act 1995 for the purpose of considering the Proposed CEO contract for the Preferred Candidate and all matters related thereto.

Cr Madacsi moved a motion as follows

That Council authorise the Shire President to make an amended offer to the preferred candidate in accordance with the terms set out in the draft contract.

Cr Ruthven seconded the motion.

The Acting CEO departed Council Chambers at 11.37am.

Debate commenced.

Clarification was sought.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. 124/04/20

MOVED Cr Madacsi

1. That, in accordance with Standing Orders Clause 5.2 (2), Council close the meeting to members of the public at 11.40am 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;
 - (b) the personal affairs of any person; 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
 - (d) legal advice obtained, or which may be obtained, 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, by resolution, decides otherwise.

MOTION CARRIED 9/0

The Shire President provided an overview in relation to the amendments to the DRAFT Contract provided to Councillors via email, under a separate confidential cover.

Discussion ensued.

Cr Pearce moved an amendment to the motion as follows:

That in Section 5.4 (4) of the Contract the words “fuel (except on annual leave)” be amended to read “fuel (except on leave)”

Cr Rayner seconded the amendment.

The amendment was put.

AMENDMENT MOTION/COUNCIL RESOLUTION NO. 125/04/20

MOVED Cr Pearce

SECONDED Cr Rayner

That in Section 5.4 (4) of the Contract the words “fuel (except on annual leave)” be amended to read “fuel (except on leave)”

AMENDMENT CARRIED 8/1

Debate continued on the substantive motion.

The motion was put.

MOTION/COUNCIL RESOLUTION NO. 126/04/20

MOVED Cr Madacsi

SECONDED Cr Ruthven

That Council authorise the Shire President to make an amended offer to the preferred candidate in accordance with the terms set out in the draft contract subject to the following:

- That in Section 5.4 (4) of the Contract the words “fuel (except on annual leave)” be amended to read “fuel (except on leave)”

MOTION CARRIED 7/2

In accordance with Section 5.21(4)(b) of the *Local Government Act 1995*, Cr Rayner requested that the vote of all members present be recorded. Councillors Manning, Madacsi, Chitty, Greenway, Hart, Pearce and Ruthven voted for the motion. Councillors Rayner and Bell voted against the motion.

7. CLOSURE OF MEETING

The Chairperson declared the meeting closed at 12.03pm.