



Special Council Meeting Minutes

**Monday, 1 August 2016
6.00pm**

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NOTE: a) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

Minutes of the Special Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 1 August 2016. The Shire President declared the meeting open at 6.03pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: J ErrenPresiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
J See
M Rich
B Urban

Officers: Mr G ClarkActing Chief Executive Officer
Mr D ForsterActing Director Engineering
Ms K Cornish Governance Advisor
Ms K PeddieExecutive Assistant to the CEO (Minute Taker)

Leave of Absence: Nil

Apologies: Mr A Hart
Mr A Schonfeldt

Observers: Nil

Members of the Public – 2
Members of the Press – Nil

2. Public Question Time:

Nil

3. Public Statement Time:

Nil

4. Petitions and Deputations:

Nil

5. Declaration of Councillors and Officers Interest:

Nil

6. Receipts of Minutes or Reports and Consideration for Recommendations:

SCM012/08/16	Adoption of Terms of Reference for CEO Employment Committee(SJ407)
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	1 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

Introduction

Council is to consider amending the name of a committee of Council, currently known as 'Staff Management Working Group' to 'CEO Employment Committee'. Council is also to consider adopting a Terms of Reference for the newly named CEO Employment Committee.

Background:

The Staff Management Working Group is a committee of Council, Councillors are appointed to this committee under section 5.10 of the Local Government Act. Appointment to the committee is determined at a Special Council Meeting following ordinary local government elections for a term that expires on the date of the subsequent ordinary local government elections.

The CEO is the only employee of the Shire that is recruited, appointed and managed by the Council. It is therefore appropriate that the name of the committee that is established to assist with the recruitment, and assessing of the CEO's performance be suitably named the 'CEO Employment Committee'. Therefore this report recommends the current '*Staff Management Working Group*' be re-named to '*CEO Employment Committee*'.

To provide clear guidance to the '*CEO Employment Committee*' on its role and function, a Terms of Reference should be established. The terms of reference sets out such matters as:

- role of the committee;
- committee structure;
- terms of appointment;
- meetings of the committee;
- powers of the committee; and
- voting

It is important to note that this Committee does not hold any delegated authority. No decisions are able to be made by this committee, unless delegated to do so by a Council resolution. The committee make recommendations to Council who are the determining authority for all decisions relating to the CEO Employment Committee.

Relevant Previous Decisions of Council:

SCM004/10/15 – Four (4) Elected Members were appointed to the Staff Management Working Group for the term – 19 October 2015 to 21 October 2017.

Community / Stakeholder Consultation:

No community or stakeholder consultation is required on this matter.

Comment:

It is important that Council provide a terms of reference to a committee of Council to clarify the role and operation of the committee. The Terms of Reference detail how the task or role in

question will be defined, developed and verified and ensures a common understanding of the scope amongst members of the Committee.

The recommended change of name of this committee intends to more accurately reflect the role and purpose of the Committee. And as previously highlighted in this report, the CEO Employment Committee holds no delegated authority and therefore is unable to make decisions. The Committee's role is to make recommendations to Council based upon its Terms of Reference.

There may be an expectation that the membership of the committee be reviewed. The membership of all committees are determined by Council after each election. The purpose of this report is for Council to decide on the name and the terms of reference so no recommendation has been made as to the membership of the committee.

Attachments:

- [SCM012.1/07/16](#) – CEO Employment Committee - Terms of Reference (E16/5168)

Alignment with our Strategic Community Plan:

Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities
Key Action 1.3.4	Provide effective management of the Chief Executive Officer's performance

Statutory Environment:

Part 5, Division 2 of the Local Government Act 1995.

Financial Implications:

There are no direct financial implications regarding this matter.

Voting Requirements: Absolute Majority**Officer Recommendation:****That Council:**

1. Amends the name of the Committee of Council, currently titled as 'Staff Management Working Group' to 'CEO Employment Committee and reaffirms that this is a Committee of Council as designated under section 5.8 of the Local Government Act.
2. Adopts the Terms of Reference for the CEO Employment Committee as contained in attachment SCM012.1/07/16.

SCM012/08/16 COUNCIL DECISION / Amended Motion**Moved Cr Rich, seconded Cr Gossage**

In accordance with section 12.2 of the Shire Standing Orders Local Law the question be adjourned (item SCM012/07/16) and further consultation with the Chief Executive Officer is to occur. The item is to be brought back to Council at a Special Council Meeting on Monday 8 August 2016.

CARRIED ABSOLUTE MAJORITY 5/4
Cr Erren, Cr See, Cr Ellis and
Cr Hawkins requested their votes
against the motion be recorded.

COUNCIL DECISION

Moved Cr Urban, seconded Cr Hawkins

That the meeting be closed to members of the public at 6.19pm to allow Council to Discuss Confidential Items SCM013/08/16 Chief Executive Officer Application Package, in accordance with section 5.23(2) of the Local Government Act 1995.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting while Confidential Item SCM013/08/16 Chief Executive Officer Application Package was discussed. The doors were closed at 6.20pm.

Acting Director Engineering left the Chambers at 6.20pm

SCM013/07/16	Confidential Item: Chief Executive Officer Application Package (H0477)
Author:	Leani Simpson – Manager Human Resources
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	21 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

COUNCIL DECISION

Moved Cr Urban, seconded Cr Ellis

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 6.21pm to further discuss item SCM013/08/16.

CARRIED UNANIMOUSLY

COUNCIL DECISION

Moved Cr See, seconded Cr Urban

That Standing Orders be re-instated at 6.58pm

CARRIED UNANIMOUSLY

Voting Requirements: Simple Majority

SCM013/08/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr See, seconded Cr Urban

That Council approve the Chief Executive Officer Application Package as contained in attachment SCM013.1/07/16 (with amendments as highlighted in red text) in accordance with *regulation 18C of the Local Government (Administration) Regulations 1996*.

CARRIED UNANIMOUSLY

COUNCIL DECISION:

Moved Cr Piipponen, seconded Cr Gossage

That the meeting be reopened to the public at 6.59pm.

CARRIED UNANIMOUSLY

Members of the public returned to the Chambers and the Presiding Members advised that the officers recommendation was unanimously carried for item SCM013/08/16.

7. Motions of Which Notice has been Given:

Nil

8. Urgent Business:

Nil

9. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.00pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 22 August 2016

.....
Presiding Member

.....
Date
