



MINUTES

SPECIAL MEETING OF COUNCIL

held on

Saturday 24 October, 2020



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.

Item 1 Opening of Meeting

The President declared the meeting open at 2.05pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

Item 3 Recording of Attendance**3.1 Attendance****Council**

President Councillor Karen Chappel
Deputy President Councillor Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona
Councillor Ken Stokes

Staff

Acting Chief Executive Officer	Robert Paull
Chief Executive Officer Recruitment Consultant	Lydia Highfield

Members of the Public

Nil

3.2 Attendance by Telephone / Instantaneous Communications

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies

Nil

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

Nil

Item 4 Applications for Leave of Absence**Item 5 Response to Previous Questions****Item 6 Public Question Time**

Important note:

‘This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.’

6.1 Public Question Time

Nil

6.2 Public Statement Time

Nil

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

Nil

Item 8 Announcements by Presiding Member without Discussion

Nil

Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The Elected Members to declare that they have given due consideration to all matters contained in the agenda.

- President Councillor Karen Chappel
- Deputy President Councillor Dean Carslake
- Councillor Jane Coaker
- Councillor Debbie Collins
- Councillor Yvette Harris
- Councillor Shirley Katona
- Councillor Ken Stokes

Item 10 Confirmation of Minutes of Previous Meetings

Nil

Item 11 Reports of Officers

11.1 Chief Executive Officer

The Chief Executive Officer's Report forms part of the 'Confidential' Agenda.

11.2 Executive Manager Corporate & Community Services

Nil

11.3 Economic Development Manager

Nil

11.4 Executive Manager Works & Assets

Nil

Item 12 Reports of Committees

Nil

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Nature

Nil

Lydia Highfield left the Chambers at 2:06pm and did not return.

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**15.1 Closure of the Meeting to the Public**

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item as he won't be seeking to apply for the role.

OFFICER'S RECOMMENDATION/RESOLUTION

201030 Moved: Cr Stokes Seconded: Cr Coaker

That Council closes the meeting to the public under section 5.23 (2) c) and e (ii) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider the recruitment of a permanent Chief Executive Officer.

CARRIED BY SIMPLE MAJORITY 7/0

PURPOSE

This item seeks Council's approval under s5.23 (2) (e) of the *Local Government Act 1995* to move into camera or closed session to consider the following confidential matter:

- Recruitment of a Permanent Chief Executive Officer.

DETAIL

Item 15.2 is presented with a recommendation to progress the recruitment of a permanent Chief Executive Officer.

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

All Councillors.
Chief Executive Officer Recruitment Consultant.

LEGISLATION AND POLICY CONSIDERATIONS***Local Government Act 1995***

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- a matter affecting an employee or employees;*
- the personal affairs of any person;*
- 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;*

- (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;*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person;*
 - (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;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property;*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

Shire of Morawa Standing Orders Local Law 2011

The key parts include:

- 6.2 (1) *The CEO may recommend that part of the meeting is closed.*
- 6.2 (2) *The Council may decide to close a meeting or part of a meeting.*
- 6.2 (3) *The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*
- 6.2 (5) *Clause 8.9 (re speaking twice)*
- 6.2 (7) *The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

Any known financial implications are addressed in the respective reports.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management considerations.

CONCLUSION

That Council closes the meeting to the public under section 5.23 (2) (e) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011* s 6.2 (2) so that it can consider a report addressing the recruitment of a permanent Chief Executive Officer.

ATTACHMENT

Nil

15.2 Recruitment of a Permanent Chief Executive Officer

Author: Acting Chief Executive Officer

Authorising Officer: Acting Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item as he won't be seeking to apply for the role.

OFFICER'S RECOMMENDATION

That with regards to the recruitment of a permanent Chief Executive Officer, Council:

1. Note the confidential advice provided by the CEO recruitment consultant with respect to selecting the preferred candidate as an outcome of interviews;
2. Agree that candidate .xx. is Council's preferred candidate and is suitably qualified for the position of the CEO in accordance with section 5.36 (2) of the *Local Government Act 1995*;
3. Request the CEO recruitment consultant to progress to referee checks and other relevant checks for the preferred candidate .xx.;
4. Where after the relevant checks on the preferred candidate provided by the recruitment consultant to Council, Council agree the preferred candidate, made an offer of appointment to the position of CEO;
5. The offer referred to in 4. above be in accordance with the general terms of employment contract and salary range adopted by Council on 17 September 2020;
6. The President and Deputy President be authorised to finalise the employment contract to be negotiated within the advertised salary package and benefits as per SAT band 4 range; and
7. A further report in relation to appointing the preferred candidate as CEO of the Shire of Morawa and endorsement of the employment contract be provided to Council.

RESOLUTION

201031 Moved: Cr Carslake Seconded: Cr Stokes

That with regards to the recruitment of a permanent Chief Executive Officer, Council:

1. Note that 12 applications were received by the Shire's Chief Executive Officer (CEO) recruitment consultant for the advertised position of CEO, and all applications were provided to Council and were considered;
2. Note the confidential advice provided by the CEO recruitment consultant with respect to selecting the preferred candidate as an outcome of interviews;

3. Agree that candidate 11 is Council’s preferred candidate and is suitably qualified for the position of the CEO in accordance with section 5.36 (2) of the *Local Government Act 1995*;
4. Request the CEO recruitment consultant to progress to referee checks and other relevant checks for the preferred candidate 11;
5. Where after the relevant checks on the preferred candidate provided by the recruitment consultant to Council, Council agree the preferred candidate, made an offer of appointment to the position of CEO;
6. The offer referred to in 4. above be in accordance with the general terms of employment contract and salary range adopted by Council on 17 September 2020;
7. The President and Deputy President be authorised to finalise the employment contract to be negotiated within the advertised salary package and benefits as per SAT band 4 range; and
8. A further report in relation to appointing the preferred candidate as CEO of the Shire of Morawa and endorsement of the employment contract be provided to Council.

CARRIED BY ABSOLUTE MAJORITY 7/0

Reason for Change

Council sought to identify that 12 applications for the CEO’s position were received and that they were all considered. Council confirmed its preferred candidate for the role of CEO.

15.3 Reopening of the Meeting to the Public

OFFICER’S RECOMMENDATION/RESOLUTION

201032 Moved: Cr Collins Seconded: Cr Coaker

That Council reopens the meeting to the public.

CARRIED BY SIMPLE MAJORITY 7/0

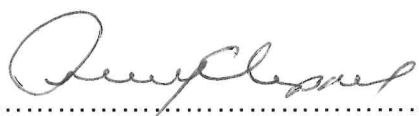
Item 16 Closure

16.1 Date of Next Meeting

The next meeting will be the Ordinary Meeting of Council to be held on Thursday, 19 November 2020 commencing at 5.30pm.

16.2 Closure

There being no further business, the President declared the meeting closed at 2:12.pm.



..... Presiding Member