



**MINUTES**

**SPECIAL COUNCIL MEETING**

**TUESDAY, 12 SEPTEMBER 2017**

**10.05<sup>AM</sup>**

**SHIRE COUNCIL CHAMBERS**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

**Special Meeting of Council**  
**12 September 2017 10.05 am**  
**Shire of Morawa Administration Centre**  
**Council Chambers**

**MINUTES**

**1. Opening**

1.1 Declaration of Opening

The President declared the meeting open at 10.05 am.

1.2 Recording of those Present

Cr K Chappel	President
Cr D Carslake	Deputy President
Cr D Agar	
Cr D Collins	

Mr S Fletcher	Acting Chief Executive Officer
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1.3 Recording of Apologies

Apologies have been received from Cr M Thornton

1.4 Recording Leave of Absence Previously Approved

Cr K Stokes

1.5 Announcements by President without Discussion

Nil

1.6 Visitors to Meeting

Nil

**2. Public Question Time and Deputations**

Nil

**3. Declarations of Interest**

Nil

**4. Reports of Committees and Officers**

<i>Item No/ Subject:</i>	<b>4.1 Closure of Meeting to the Public</b>
<i>Date of Meeting:</i>	<b>12 September 2017</b>
<i>Date &amp; Author:</i>	<b>12 September 2017 – Sean Fletcher – Acting Chief Executive Officer</b>
<i>Responsible Officer:</i>	<b>Sean Fletcher - Acting Chief Executive Officer</b>
<i>Applicant/Proponent:</i>	<b>Sean Fletcher - Acting Chief Executive Officer</b>
<i>File Number:</i>	
<i>Previous minute/s &amp; Reference:</i>	

### **SUMMARY**

This item seeks Council's approval under s5.23 (2) (a) of the *Local Government Act 1995* to move into camera or closed session to consider a proposal regarding the contract for the preferred candidate for the position of CEO at the Shire of Morawa.

### **DECLARATION OF INTEREST**

Nil

### **ATTACHMENTS**

Nil

### **BACKGROUND INFORMATION**

Nil

### **OFFICER'S COMMENT**

In item 4.2 Council needs to consider a proposal regarding the contract of the preferred candidate for the CEO at the Shire of Morawa.

### **COMMUNITY CONSULTATION**

Nil

### **COUNCILLOR CONSULTATION**

Nil

## **STATUTORY ENVIRONMENT**

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

## **POLICY IMPLICATIONS**

Nil

## **FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **RISK MANAGEMENT**

Nil

## **VOTING REQUIREMENTS**

Simple Majority

## **OFFICER'S RECOMMENDATION**

Council closes the meeting to the public under section 5.23 (2) (a) 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 proposal regarding the contract for the preferred candidate regarding the position of Chief Executive Officer at the Shire of Morawa.

## **COUNCIL RESOLUTION**

<b>20170903</b>	<b>Moved:</b>	<b>Cr Agar</b>
	<b>Seconded:</b>	<b>Cr Collins</b>

**Council closes the meeting to the public under section 5.23 (2) (a) 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 proposal for the contract for the preferred candidate regarding the position of Chief Executive Officer at the Shire of Morawa.**

**CARRIED 4/0**

**The meeting was closed at 10.06 am.**

**COUNCIL RESOLUTION**

20170904                      **Moved:**                      **Cr Collins**  
   **Seconded:**                      **Cr Carslake**

**Absolute Majority**

**That Council:**

- 1. In accordance with Section 5.36 (2)(b) of the *Local Government Act 1995* confirms and is satisfied with the contract with Mr Chris Linnell as presented in attachment 4.2a.**

**CARRIED 4/0**

**COUNCIL RESOLUTION**

20170905                      **Moved:**                      **Cr Agar**  
   **Seconded:**                      **Cr Collins**

**A Simple Majority**

- 2. Under section 5.36(2)(a) of the *Local Government Act 1995* appoints Mr Chris Linnell for a term of three years commencing on Monday 6 November 2017 and expiring on 5 November 2020.**
- 3. In accordance with Section 9.49A of the *Local Government Act*, authorises the affixing of the Common Seal to the CEO's contract.**
- 4. In accordance with Section 6.2 (3)(b) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012* re-opens the meeting to the public.**

**CARRIED 4/0**

- 5.            Application for Leave of Absence**

Nil

- 6.            Next Meeting**

The next ordinary meeting of the Morawa Shire Council will be held on Thursday 21 September 2017.

- 7.            Meeting Closure**

The President declared the meeting closed at 10.08 am.

.....Presiding Person