



MINUTES

Special Council Meeting

12 January 2021

5:30pm

Coolgardie

DISCLAIMER

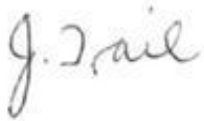
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.

A handwritten signature in dark ink, appearing to read "J. Trail", is positioned above the printed name and title.

James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer prior to 12:30pm on the day of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

- Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:
- (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members, having regard to the requirements of sub regulations (2) and (3).
- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
- (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

2. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:**10.3 Unopposed Business**

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

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**MINUTES OF SHIRE OF COOLGARDIE
ORDINARY SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, BAYLEY STREET, COOLGARDIE
ON TUESDAY, 12 JANUARY 2021 AT 5:30PM**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President M Cullen declared the meeting open at 5:30pm and welcomed fellow Councillors, visitors and staff and thanked them for their attendance.

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

PRESENT:

Cr Malcolm Cullen (President), Cr Tracey Rathbone (Deputy President), Cr Sherryl Botting, Cr Tammee Keast, Cr Kathie Lindup

IN ATTENDANCE:

James Trail (Chief Executive Officer), Leanne Shilton (Coolgardie Place Manager).

MEMBERS OF THE PUBLIC:

Jan McLeod

APOLOGIES

Cr Eugen Winter

LEAVE OF ABSENCE

Nil

3 DECLARATIONS OF INTEREST

3.1 Declarations of Financial Interests – Local Government Act Section 5.60A

3.2 Declarations of Proximity Interests – Local Government Act Section 5.60B

3.3 Declarations of Impartiality Interests – Administration Regulation 34C

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS OF OFFICERS

8.1 Executive Services**8.1.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER**

Location: Shire of Coolgardie
Applicant: Nil
Disclosure of Interest: Nil
Date: 6 January 2021
Author: Steven Tweedie, Consultant

SUMMARY

The Chief Executive Officer has liaised with the Shire President (in accordance with Policy 3.42) to negotiate and secure approval for the proposed taking of annual leave during the period 15th January to 25th January inclusive.

An Acting CEO needs to be appointed for the period of the CEO's leave.

BACKGROUND

The Shire's Register of Delegations delegates authority to the CEO to appoint an Acting CEO for up to 4 weeks based on the following conditions:

- Chief Executive Officer must inform the Shire President of all proposed Acting Chief Executive Officer arrangements.
- For longer periods of absence, the Chief Executive Officer shall submit a recommendation for the determination by the Council.
- The CEO may only appoint either the Director of Operations, or Director of Economic and Community Development as Acting CEO, any other proposal must be determined by Council.

The CEO has determined that, in this instance, he does not propose to exercise the delegation by appointing either Director as ACEO, and as such, Council needs to make the appointment.

COMMENT

A review of the Register of Delegation and Council policy highlights several matters when the register is next reviewed to consider:

- providing the CEO with delegated authority to appoint any suitably qualified person – that is, in the opinion of the CEO, as ACEO for up to 10 working days (2 weeks)
- providing the CEO with delegated authority to appoint any Director, as ACEO for up to 20 working days (4 weeks) - this is current position
- retaining the existing requirement that all appointments of an ACEO for longer than 20 working days (4 weeks) be determined by Council

It is not proposed to amend the Register of Delegations or Policy Manual at this time as State Government legislation is pending regarding Council Policy on the appointment of ACEO and once such legislation is in place then it may necessitate a review in any event. If not, then the suggested changes will be considered when the Register of Delegations is next reviewed.

CONSULTATION

Cr Malcolm Cullen, Shire President

James Trail, CEO

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Council Policy 3.24 and Delegation 1.16

FINANCIAL IMPLICATIONS

None arising from this Report

STRATEGIC IMPLICATIONS

Accountable and effective leaders

High quality corporate governance, accountability and compliance

ATTACHMENTS

Nil

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION

That Council,

APPOINTS Ms Francesca Lefante to the position of Acting Chief Executive Officer commencing 15th January 2021 and concluding on 25th January 2021,

DETERMINES the cash salary to be paid to the Acting Chief Executive Officer to be \$ 195,000 per annum,

AUTHORISES the Shire President to execute the acting appointment, by way of a letter to Ms Lefante who will be the Acting Chief Executive Officer.

COUNCIL RESOLUTION #1/2021

Moved: Cr Sherryl Botting

Seconded: Cr Tracey Rathbone

That Council,

APPOINTS Ms Francesca Lefante to the position of Acting Chief Executive Officer commencing 15th January 2021 and concluding on 25th January 2021,

DETERMINES the cash salary to be paid to the Acting Chief Executive Officer to be \$ 195,000 per annum,

AUTHORISES the Shire President to execute the acting appointment, by way of a letter to Ms Lefante who will be the Acting Chief Executive Officer.

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Tammee Keast and Kathie Lindup

Against: Nil

CARRIED 5/0

9 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

9.1 Elected Members

Nil

9.2 Council Officers

Nil

10 CLOSURE OF MEETING

The Shire President M Cullen declared the meeting closed at 5:34pm and thanked all for their attendance.