



CONFIRMED

MINUTES

Special Council Meeting

22 April 2025

3.30pm

**Kambalda Recreation Centre, Barnes Drive,
Kambalda**

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Applicants and other interested parties should refrain from taking any action until such time as written advice is received confirming Council's decisions with respect to any particular issue

ACKNOWLEDGEMENT OF COUNTRY

The Shire of Coolgardie acknowledges the Traditional Owners of the land on which we meet and acknowledges their continuing cultural connection to the Land, Waters and Community. We pay our respect to Elders past, present and emerging.

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**MINUTES OF SHIRE OF COOLGARDIE
SPECIAL COUNCIL MEETING
HELD AT THE KAMBALDA RECREATION CENTRE, BARNES DRIVE, KAMBALDA
ON TUESDAY, 22 APRIL 2025 AT 3.30PM**

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President, Malcolm Cullen, opened the meeting at 3:35pm and welcomed his fellow Councillors, staff and members of the public, and thanked them for their attendance.

1.1 WELCOME TO COUNTRY ANNOUNCEMENT

“The Shire of Coolgardie acknowledges the Traditional Owners of the land, on which we meet and pay our respects to Elders past, present and emerging”

2 DECLARATION OF COUNCIL MEMBERS

The Shire President invites Council Members to declare that they have read the agenda and supporting documents and able to make informed decision on all matters accordingly.

3 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

PRESENT:

Cr Malcolm Cullen (Shire President), Cr Tracey Rathbone (Deputy President), Cr Rose Mitchell, Cr Sherryl Botting, Cr Daphne Simmons (via electronic means), Cr Corey Matthews

IN ATTENDANCE:

Aaron Cook (Acting Chief Executive Officer) via electronic means, Rebecca Horan (Director Governance and Administration), Kasey Turner (Executive Assistant)

APOLOGIES

Nil

LEAVE OF ABSENCE

Cr Kathie Lindup

MEMBERS OF THE PUBLIC

Nil

4 DECLARATIONS OF INTEREST

Nil

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

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

4.3 Declarations of Impartiality Interests – Shire of Coolgardie Code of Conduct for Council Members, Committee Members and Candidate for Election, Code of Conduct for Employees

5 PUBLIC QUESTION TIME

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MINUTES

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS OF OFFICERS

9.1 Executive Services**9.1.1 MR JAMES TRAIL RESIGNATION**

Location: Nil
Applicant: Mr James Trail
Disclosure of Interest: Nil
Date: 22 April 2025
Author: Cr Malcolm Cullen, Shire President

SUMMARY

This item is presented for Council to accept the resignation of Mr James Trail as the Chief Executive Officer of the Shire of Coolgardie.

BACKGROUND

Mr Trail has been the Chief Executive Officer of the Shire of Coolgardie for over 9 years. Mr Trail was suspended by Council from his role on the 14 November 2024 pending an investigation.

Although the investigation has not yet been completed, Mr Trail formally tendered his resignation in writing to the Shire President through his solicitors on 17 April 2025.

COMMENT

This agenda item is presented to Council to endorse the Shire President accepting the resignation of Mr Trail from his role as the Chief Executive Officer effective as of the date of notice from the 17 April 2025 with the contract completion date being the 10 July 2025.

As the investigation is well advanced, it is incumbent on Council to allow it to continue to completion.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

As this resignation is voluntary by Mr Trail there are no statutory obligations concerning this matter.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Other than normal termination payments being made to Mr Trail for his entitlements there are no other financial implications.

STRATEGIC IMPLICATIONS**Accountable and effective leaders**

Ensuring a well-informed Council makes good decisions for the community

ATTACHMENTS

1. **Resignation Letter - Confidential**

VOTING REQUIREMENT

Simple Majority

OFFICER RECOMMENDATION

That Council:

1. Accept the resignation of Mr James Trail, provided on the 17 April 2025 with his contract ending on the 10 July 2025;
2. Authorise the Shire President to instruct the Shire's lawyers Civic Legal to write to Mr Trail's lawyers MDC legal to inform him of the acceptance of resignation; and
3. Authorise the Shire President to instruct the independent investigator Conor McFahey of PSL Legal to continue the investigation into Mr Trail to completion.

COUNCIL RESOLUTION #39/2025

Moved: Cr Rose Mitchell

Seconded: Cr Tracey Rathbone

That Council:

1. **Acknowledge the resignation of Mr James Trail, provided on the 17 April 2025 with his contract ending on the 10 July 2025 and authorise the Shire President to instruct the Shire's lawyers Civic Legal to write to Mr Trail's lawyers MDC legal to inform him of the acknowledgment of resignation.**
2. **As Mr Trail remains an employee of the Shire, Council is to continue with the investigation process which will include directing Mr Trail to participate in the investigation as requested by the investigator. Once the investigation is complete a further report to Council will be made.**
3. **Authorise the Shire President to instruct the independent investigator Conor McFahey of PSL Legal to continue the investigation into Mr Trail to completion.**

In Favour: Crs Malcolm Cullen, Tracey Rathbone, Sherryl Botting, Rose Mitchell and Corey Matthews

Against: Cr Daphne Simmons

CARRIED 5/1

Reason for amendment: To provide further clarity to the elected members subject to the information and advice provided by the Shire's lawyers.

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

Nil

10.1 Elected Members

10.2 Council Officers

11 CLOSURE OF MEETING

The Meeting closed at 3:50pm.