



SHIRE OF COOLGARDIE

MINUTES

FOR THE

SPECIAL MEETING OF COUNCIL

31 August 2016

6.00pm

COOLGARDIE

SHIRE OF COOLGARDIE

NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Elected Member

A Special Meeting of the Shire of Coolgardie will be held on Wednesday 31 August 2016 in the Coolgardie Council Chambers, Bayley Street, Coolgardie, commencing at 6.00pm



PAUL WEBB
CHIEF EXECUTIVE OFFICER

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.



**PAUL WEBB
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 fifteen (15) minutes prior to the commencement 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.

10. 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.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

TUESDAY _____ 2016

Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

(Print Name)

(Signature)

(Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9080 2111 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

“With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

APPLICATION FOR LEAVE OF ABSENCE



I Cr, _____ hereby request leave of absence for the following

Dates, From _____ to _____

Signed Cr: _____

Date _____



Shire of Coalgardie

Our Community, Our People, Our Future

Notice of Special Meeting

In accordance with Regulation 12 of the Local Government (Administration) Regulations, notice is hereby given that a Special Meeting of Council will be held on Wednesday 31 August 2016, commencing at 6.00pm at Coalgardie Council Chambers.

For the purpose of:

- Appointment of Acting Chief Executive Officer
- Financial Exit Package Chief Executive Officer

Further information may be obtained from the Shire President on 9080 2111.

Tracey Rathbone
Acting Shire President

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1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Deputy President declared the meeting open at 6.00pm and welcome fellow Councillors, visitors, and staff and thanked them for their attendance.

2.0 ATTENDANCE, APOLOGIES AND NOTIFICATION OF GRANTED LEAVE OF ABSENCE

2.1 PRESENT:

Councillor, T Rathbone
Councillor, N Karafilis
Councillor, K Johnstone
Councillor, B Logan

MEMBERS OF STAFF:

Executive Assistant, Elly McKay
Executive Assistant, Maryann Roberts

MEMBERS OF THE PUBLIC:

NIL

2.2 APOLOGIES:

Cr, Malcolm Cullen

2.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED:

Cr, Lindup
Cr, Botting

3.0 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

2.3 DECLARATIONS OF IMPARTIALITY INTERESTS – ADMINISTRATION REGULATION 34C

NIL

4.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

NIL

5.0 PUBLIC QUESTION TIME

NIL

6.0 REPORTS

NIL

COUNCIL RESOLUTION: #210/16

MOVED: COUNCILLOR, K JOHNSTONE

SECONDED: COUNCILLOR, B LOGAN

**That the meeting be closed to the public at 6.10pm to discuss items 7.1 Financial Exit Package
Chief Executive Officer.**

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #211/16

MOVED: COUNCILLOR, K JOHNSTONE

SECONDED: COUNCILLOR, N KARAFILIS

That Council suspend standing orders at 6.12pm.

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #212/16

MOVED: COUNCILLOR, N KARAFILIS

SECONDED: COUNCILLOR, K JOHNSTONE

That Council resume standing orders at 7.00pm.

CARRIED 4/0

7.0 CONFIDENTIAL ITEMS

Agenda Reference: 7.1 Financial Exit Package Chief Executive Officer

OFFICER'S RECOMMENDATION:

That Council

1. Accept the letter of resignation from the CEO with a finish date of Friday 9 September 2016
2. Endorse the Financial Exit Package as detailed in Confidential Attachment 1
3. Endorse the attached Media release (Confidential Attachment 2)

LAPSED NO MOVER OR SECONDER

COUNCIL RESOLUTION: #213/16

MOVED: COUNCILLOR, K JOHNSTONE

SECONDED: COUNCILLOR, N KARAFILIS

That Council

1. Authorise Deputy Shire President to negotiate deed of settlement with the Ceo that captures the details of the agreed Financial exit package by close of business Friday 02 September 2016
2. Authorise the Deputy Shire President to sign and affix the Common Seal in accordance with part 19.1(2) of the Standing Orders Local Law to any required documentation.
3. Endorse the Deputy Shire President to release a media statement.

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #214/16

MOVED: COUNCILLOR, K JOHNSTONE

SECONDED: COUNCILLOR, B LOGAN

That Council suspend standing orders at 7.05Pm.

CARRIED 4/0

COUNCIL RESOLUTION: #215/16

MOVED: COUNCILLOR, B LOGAN

SECONDED: COUNCILLOR, K JOHNSTONE

That Council resume standing orders at 7.38pm.

CARRIED 4/0

Agenda Reference: 7.2 Appointment of Acting Chief Executive Officer

COUNCIL RESOLUTION: #216/16

MOVED: COUNCILLOR, K JOHNSTONE

SECONDED: COUNCILLOR, N KARAFILIS

That Council

- 1. Appoint Jill O'Brien as Acting CEO from Saturday 3 September 2016 until 31 October 2016.**
- 2. Endorse the Acting Ceo to engage any necessary resources as per the 2016/2017 budget.**
- 3. Jill O'Brien's remuneration during the period as Acting CEO be equivalent to the current remuneration being paid to the outgoing CEO.**
- 4. Authorise the Chief Executive Officer to raise a PO to JT Professional Services Pty Ltd for \$9,600 ex GST to assist with implementation of probity review action list, local laws, policies, Strategic Community Plan, Risk and the Long Term Financial Plan**
- 5. Request the Chief Executive Officer to have JT Professional Services Pty Ltd sign a confidentiality agreement with the Shire of Coolgardie prior to remote VPN Access being provided**
- 6. Call for expression of interest for the position Acting CEO for a 12 month period commencing 1 November 2016.**

CARRIED ABSOLUTE MAJORITY 4/0

COUNCIL RESOLUTION: #217/16

MOVED: COUNCILLOR, K JOHNSTONE

SECONDED: COUNCILLOR, N KARAFILIS

That Council re opened the meeting to the public at 7.40pm

CARRIED 4/0

8.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

NIL

9.0 CLOSURE

Deputy Shire President declared the meeting closed at 7.41pm and thanked all for their attendance.