



COUNCIL MINUTES

Special Meeting of Council

7.00pm, Tuesday 10 January 2023

Council Chambers, 6177 Great Northern Highway, Bindoon



PUBLIC QUESTION TIME

1. Time Permitted

A minimum of 15 minutes is permitted for Public Question Time at Council Meetings. If there are not sufficient questions to fill the allocated time, the Presiding Member will move to the next item. If there are more questions to be considered within 15 minutes, the Presiding Member will determine whether to extend Public Question Time. Each person seeking to ask questions during Public Question Time may address the Council for a maximum of two minutes each.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public wishing to participate in Public Question Time at the Council Meeting who wish to submit written questions, are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Public Question time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public wishing to ask a question must state his or her name and address before asking a question. If the question relates to an item of the Agenda, the item number and title should be stated.

3. General Rules

The following general rules apply to Public Question Time:

- Public Questions should only relate to the business of the local government and should not be a personal statement or opinion.
- Only questions relating to matters affecting the local government will be considered at a Council Meeting, and only questions that relate to the purpose of the meeting will be considered at a Special Council Meeting.
- Questions may be taken on notice and responded to after the meeting.
- Questions may not be directed to specific Elected Members or a Shire employee.
- Questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or Shire employee.
- First priority will be given to persons who have submitted their questions in writing.
- Second priority will be given to persons who are asking questions relating to items on the current Council Meeting Agenda.

DEPUTATIONS

1. Time permitted

A minimum of 10 minutes is permitted for Deputations.

2. Protocol

No member of the public may interrupt the Council Meeting proceedings or enter into conversation.

Members of the public making a Deputation at the Council Meeting are requested to lodge them with the Chief Executive Officer the Tuesday by **5pm on the day before the meeting**

The Presiding Member will control Deputation time and ensure that each person wishing to ask a question is given a fair and equal opportunity to do so. Members of the public making a Deputation must state his or her name, company (if applicable) and address before commencing. Members must also state the item number and title on the Agenda.

3. General Rules

The following rules apply when making a Deputation:

- (a) Deputation is not to exceed five persons, only two of whom may address the Council, although others may respond to specific questions from Members.
- (b) Deputations must not exceed 10 minutes without the agreement of the Council.
- (c) Additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

RECORDING AND ACCESS TO RECORDINGS OF COUNCIL MEETINGS POLICY

Objective

To ensure that there is a process in place to outline access to the recorded proceedings of Council.

To emphasise that the reason for the recording of Council Meetings is to ensure the accuracy of Council Minutes and that any reproduction is for the sole purpose of Council business.

Recording of Proceedings

1. Proceedings for meetings of the Council, Electors, and Public Question Time during Council meetings shall be recorded by the Shire on sound recording equipment, except in the case of meetings of the Council where the Council closes the meeting to the public.
2. Notwithstanding clause 1, proceedings of a meeting of the Council which is closed to the public shall be recorded where the Council resolves to do so.
3. No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without approval as per ***Local Government (Council Meetings) Local Law 2014***, c6.15.

Access to Recordings

4. The record of proceedings is to be loaded on to the Shire's website once the minutes have been made available.

Retention of Recordings

5. Recordings pertaining to the proceedings of Council Meetings shall be retained in accordance with the ***State Records Act 2000***.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.

PREFACE

When the Chief Executive Officer approves these minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

UNCONFIRMED MINUTES

These minutes were approved for distribution on 16 January 2023.

Leo Pudhota
Executive Manager Technical Services

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on _____

Signed _____

NOTE: the Presiding Member at the meeting at which these minutes are confirmed is the person who signs above.

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.



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Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Yued people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land, we acknowledge and respect their continuing culture, and the contributions made to this region.

ITEM 1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 7:00pm.

ITEM 2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Attendance

The following members will be in attendance:

Cr Aaron King	President
Cr Mary Angus	Deputy President
Cr Carmel Ross	
Cr John Curtis	
Cr David Dewar	
Cr Mark Campbell	
Cr Kylie Hughes	

The following staff will be in attendance:

Leo Pudhota	Acting Chief Executive Officer
Denaye Kerr	Executive Assistant

Members of the General Public: 0

Media: 0

Apologies

Melinda Prinsloo	Acting Chief Executive Officer
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Approved leave of absence

Nil

ITEM 3. DISCLOSURE OF INTEREST

ITEM 4. PUBLIC QUESTION TIME

Response to previous public questions taken on notice

Nil

Public question time

Nil

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. PURPOSE OF MEETING

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010123

Moved Cr Ross, seconded Cr Angus

That Council moves into a confidential session to discuss the following items:

- SCM01 – 01/23 **CONFIDENTIAL ITEM**: Appointment of Chief Executive Officer

Under the terms of the *Local Government Act 1995, Section 5.23(2)(b)(c)*:

“(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(b) The personal affairs of any person; and

(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

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.01PM

Leo Pudhota and Denaye Kerr left the Council Chambers at 7.01pm

Denaye Kerr returned to the Council Chambers at 7.03pm

SCM01 – 01/23 **CONFIDENTIAL ITEM**: Appointment of Chief Executive Officer

Applicant	Shire of Chittering
File ref	22/02/83
Author	CEO Recruitment Committee & Executive Assistant to CEO
Authorising Officer	Acting CEO, Leo Pudhota
Disclosure of interest	Neither the Author nor Authorising Officer have any Impartiality, Financial or Proximity Interests that requires disclosure
Voting requirements	Absolute Majority (per local government act)
Attachments	1. CEO Recruitment Committee Meeting Minutes CONFIDENTIAL 2. Peter Casey, Mills Recruitment – Selection Report CONFIDENTIAL

Reason for Confidentiality

In accordance with the *Local Government Act 1995 Section 5.23(2)(b)(c)*:

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(b) the personal affairs of any person; and

(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

	Authority / Discretion	Definition
<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>When Council initiates or adopts a policy position, or a local law</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include development applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i>
<input type="checkbox"/>	Information	<i>Includes items for information purposes only and do not require a decision of Council (to 'note' only)</i>

FORESHADOWED MOTION / COUNCIL RESOLUTION 020123

Moved Cr Hughes, seconded Cr Campbell

That Council:

1. Receives and confirms the minutes of the CEO Recruitment Committee Meeting held on Monday 19 December 2022.
2. Receives the 'Chief Executive Officer – Selection Report' prepared by Mr Peter Casey, Principal Consultant, Mills Recruitment.
3. Resolves that Applicant 2 is the preferred applicant for the role of Chief Executive Officer, Shire of Chittering.
4. Directs Mr Peter Casey, from Mills Recruitment to:
 - a. Contact Applicant 2 and advise that they are the preferred applicant for the role of Chief Executive Officer, Shire of Chittering.
 - b. Provide the draft contract of employment to Applicant 2, reflecting the following set terms:
 - i. A term of three (3) years;
 - ii. Maximum total reward package of \$200,000pa;
 - iii. Six months qualifying period;
 - iv. Six months termination payment;
 - v. Relocation expenses of up to \$7,500.
 - c. Liaise with Council and Applicant 2 to mutually agree all negotiable terms of contract including, but not limited to the commencement date, and makeup of the total reward package.
5. Arrange the execution of the finalised contract and to publicly advise of the appointment of Applicant 2 at a Special Meeting of Council to be advised at a later date.

CARRIED 4 / 3

TIME: 7.49PM

For: Cr Hughes, Cr Campbell, Cr Curtis, Cr Dewar**Against: Cr King, Cr Angus, Cr Ross**

PROCEDURAL MOTION / COUNCIL RESOLUTION 030123

Moved Cr Angus, seconded Cr King

That Council come out from behind closed doors.

CARRIED UNANIMOUSLY 7 / 0

TIME: 7.49PM

Leo Pudhota returned to the Council Chambers at 7.50pm

Public reading of resolution that may be made public

There were no public present when the meeting was reopened, therefore, the resolution was not read aloud.

ITEM 7. CLOSURE

The Presiding Member closed the meeting at 7.50pm.