



COUNCIL MINUTES

Special Meeting of Council

7pm, Monday 14 September 2020

Council Chambers, 6177 Great Northern Highway, Bindoon



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***.

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 22 September 2020.



Matthew Gilfellon
Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 21 October 2020.

Signed 

Note: The Presiding Member at the meeting at which the minutes were 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

Cr Gibson declared the meeting open at 7:00PM

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

Attendance

The following Members were in attendance:

Cr Don Gibson, President (Presiding Member)
Cr John Davis, Deputy
Cr Carmel Ross
Cr Kylie Hughes
Cr Peter Osborn
Cr Mary Angus
Cr John Curtis

The following Shire staff will be in attendance:

Melinda Prinsloo Executive Manager Corporate Services
Natasha Mossman Council Support Officer (Minute Secretary)

Members of
The public: 0

Media: 0

Apologies

Nil

Approved leave of absence

Nil

ITEM 3. DISCLOSURE OF INTEREST

Nil

ITEM 4. PUBLIC QUESTION TIME

Public question time

Nil

ITEM 5. PRESENTATIONS / PETITIONS / DEPUTATIONS

Petitions

Nil

Presentations

Nil

Deputations

Nil

ITEM 6. PURPOSE OF MEETING

Matters for which the meeting may be closed

OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010920

Moved Cr Gibson / Seconded Cr Ross

That Council moves into a confidential session to discuss item:

- SCM01-09/20 Addressing an Action Affecting an Employee
- SCM02-09/20 Addressing an Action Relating to an Employee

under the terms of the *Local Government Act 1995*, Section 5.23(2):

“(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 part of the meeting deals with the following:

(a) a matter affecting an employee or employees;”

CARRIED 7/0

7:01PM

SCM01-09/20 Addressing an Action Affecting an Employee

Reason for Confidentiality

Local Government Act 1995, Section 5.23 Meetings generally open to public

“(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:

(a) a matter affecting an employee or employees; and”

SCM02-09/20 Addressing an Action Relating to an Employee

Reason for Confidentiality

Local Government Act 1995, Section 5.23 Meetings generally open to public

“(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:

(a) a matter affecting an employee or employees;”

Public reading of resolution that may be made public

The meeting was not reopened to the public, and therefore the following Resolutions were not read aloud.

SCM01-09/20 Addressing an Action Affecting an Employee

MOTION / COUNCIL RESOLUTION 020920

Moved Cr Ross / Seconded Cr Hughes

That the Council resolve to:

1. Disagree with the action taken by Cr Gibson with respect to the unauthorised public reading on 9 September 2020, and issuing of a letter to the Chief Executive Officer reflecting adversely on his performance of his duties.
2. Provide a written apology to the Chief Executive Officer for the public manner in which a confidential employee matter was handled.
3. Develop a procedure for receiving ongoing performance feedback on the Chief Executive Officer, which is procedurally fair and in accordance with the relationship between the Chief Executive Officer and Council as stipulated by the *Local Government Act 1995*.

CARRIED 4/3

7:22PM

SCM02-09/20 Addressing an Action Relating to an Employee

FORESHADOWED MOTION / COUNCIL RESOLUTION 030920

Moved Cr Angus / Seconded Cr Gibson

That Council provide the Chief Executive Officer the opportunity until 30 September 2020 to action the motion or provide a written explanation for not doing so to Council before issuing a written warning for failing to implement Council Resolution 241119.

CARRIED 4/3

7:37PM

ITEM 7. CLOSURE

Cr Gibson closed the meeting at 7:40 PM