



# **CONFIRMED MINUTES**

## **SPECIAL COUNCIL MEETING**

**6 JULY 2023**

I certify that the minutes of the meeting of the Special Council held on Thursday, 6 July 2023 were confirmed on Tuesday, 11 July 2023.

\_\_\_\_\_  
Presiding Person



**CONFIRMED MINUTES  
SPECIAL COUNCIL MEETING  
6 JULY 2023**

**ATTENTION/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 Council Member or employee, or on the content of any discussion occurring during the course of the Meeting. Persons should be aware that regulation 10 of the *Local Government (Administration) Regulations 1996* establishes procedures to revoke or change a Council decision. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person.

The Shire of Mundaring 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 Council Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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**SPECIAL COUNCIL MEETING  
COUNCIL CHAMBER – 6.30PM**

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**1.0 OPENING PROCEDURES**

The Presiding Person declared the meeting open at 6.30pm.

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded.

**1.1 Announcement of Visitors**

Nil

**1.2 Attendance/Apologies/Approved Leave of Absence**

<b>Council Members</b>	Cr James Martin (President & Presiding Person)	South Ward
	Cr Trish Cook	South Ward
	Cr Luke Ellery (Deputy President)	South Ward
	Cr Paige McNeil	Central Ward
	Cr Amy Collins	Central Ward
	Cr Doug Jeans	Central Ward
	Cr John Daw	East Ward
	Cr Claire Hurst	East Ward
	Cr Neridah Zlatnik	East Ward
	Cr Karen Beale	West Ward
<b>Staff</b>	Megan Griffiths	Acting Chief Executive Officer
	Garry Bird	Director Corporate Services
	Ana Fernandez	Minute Secretary
<b>Apologies</b>	Cr Jo Cicchini	West Ward
	Cr Matthew Corica	West Ward
<b>Absent</b>	Nil	
<b>Leave of Absence</b>	Nil	
<b>Guests</b>	Nil	
<b>Members of the Public</b>	1	

**Members of the Press** Nil

## **2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

## **3.0 DECLARATION OF INTEREST**

### **3.1 Declaration of Financial Interest and Proximity Interests**

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

Nil

### **3.2 Declaration of Interest Affecting Impartiality**

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

Director Corporate Services disclosed an interest affecting impartiality in item 6.1.1 (Appointment of Chief Executive Officer) and item 6.1.2 (Chief Executive Officer - Contract of Employment) as the CEO is their employer.

Acting Chief Executive Officer disclosed an interest affecting impartiality in item 6.1.1 (Appointment of Chief Executive Officer) and item 6.1.2 (Chief Executive Officer - Contract of Employment) as the CEO is their employer.

## **4.0 PUBLIC QUESTION TIME**

15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

Public Question Time is to be conducted in accordance with Shire of Mundaring Meeting Procedures Local Law 2015.

Nil

## **5.0 PRESENTATIONS**

### **5.1 Deputations**

John Bell                      Item 6.1 – Report of CEO Recruitment Committee 29 June 2023

## 5.2 Petitions

Nil

## 5.3 Presentations

Nil

## 6.0 CONFIDENTIAL REPORTS

### Meeting Closed to Public at 6.37pm

*The Local Government Act 1995, Part 5, Section 5.23 states in part:*

- (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 —
- (a) a matter affecting an employee or employees; and
  - (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; and
  - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
  - (e) a matter that if disclosed, would reveal —
    - (i) a trade secret; or
    - (ii) information that has a commercial value to a person; or
    - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
  - (f) a matter that if disclosed, could be reasonably expected to —
    - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
    - (ii) endanger the security of the local government's property; or
    - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
  - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
  - (h) such other matters as may be prescribed.

<b>COUNCIL DECISION RECOMMENDATION</b>	<b>SC1.07.23</b>		
Moved by	Cr Daw	Seconded by	Cr Ellery

That Council Closes the meeting to members of the public, in accordance with s5.23(2) of *the Local Government Act 1995*, in order to consider the confidential reports as detailed below:

**6.1 Reports of CEO Recruitment Committee 29 June 2023**

Item 6.1 is considered confidential in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

**CARRIED 10/0**

**For:** Cr Martin, Cr Cook, Cr Ellery, Cr McNeil, Cr Collins, Cr Jeans, Cr Daw, Cr Hurst, Cr Zlatnik and Cr Beale

**Against:** Nil

## 6.1 REPORTS OF CEO RECRUITMENT COMMITTEE 29 JUNE 2023

### 6.1.1 Appointment of Chief Executive Officer

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<b>File Code</b>	GV.MTG 6.8
<b>Author</b>	Garry Bird, Director Corporate Services
<b>Senior Employee</b>	Garry Bird, Director Corporate Services
<b>Disclosure of Any Interest</b>	Impartiality - DCS. The new CEO will be the Director Corporate Services employer.
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Standards for Recruitment Performance and Termination Policy</li><li>2. Consultant Assessment of all Candidates (confidential)</li><li>3. Candidate Selection Shortlist (confidential)</li><li>4. Full Application - Preferred Applicant 1 (confidential)</li><li>5. Full Application - Preferred Applicant 2 (confidential)</li></ol>

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Please refer to confidential attachment provided under separate cover.

#### CEORC5.06.23 – Appointment of Chief Executive Officer

<b>COUNCIL DECISION</b>	<b>SC2.07.23</b>		
<b>COMMITTEE RECOMMENDATION</b>	<b>CEORC5.06.23</b>		
Moved by	Cr McNeil	Seconded by	Cr Beale

That Council, by absolute majority in accordance with section 5.36 of the *Local Government Act 1995*:

1. Approves making an offer to the candidate named in **Confidential Attachment 4** for the position of Chief Executive Officer at the Shire of Mundaring as the candidate Council believes to be the most suitably qualified for the position; and
2. Subject to the candidate named in **Confidential Attachment 4** accepting the proposed terms of the CEO employment contract, the candidate is appointed to the position of Chief Executive Officer at the Shire of Mundaring.

#### CARRIED 10/0

**For:** Cr Martin, Cr Cook, Cr Ellery, Cr McNeil, Cr Collins, Cr Jeans, Cr Daw, Cr Hurst, Cr Zlatnik and Cr Beale

**Against:** Nil



## 6.1.2 Chief Executive Officer - Contract of Employment

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<b>File Code</b>	GV.MTG 6.8
<b>Author</b>	Garry Bird, Director Corporate Services
<b>Senior Employee</b>	Garry Bird, Director Corporate Services
<b>Disclosure of Any Interest</b>	Impartiality - DCS. The new CEO will be the Director Corporate Services employer.
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Standards for CEO Recruitment Performance and Termination</li><li>2. Draft Employment Contract (confidential)</li><li>3. Updated Draft Employment Contract (confidential)</li></ol>

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Please refer to confidential attachment provided under separate cover.

### CEORC6.06.23 – Chief Executive Officer - Contract of Employment

<b>COUNCIL DECISION</b>	<b>SC3.07.23</b>		
<b>COMMITTEE RECOMMENDATION</b>	<b>CEORC6.06.23</b>		
Moved by	Cr McNeil	Seconded by	Cr Cook

That Council, by absolute majority, in accordance with section 5.36 of *the Local Government Act 1995*:

1. Approves the Chief Executive Officer employment contract detailed in **Confidential Attachment 2 (as amended in Confidential Attachment 3 to the minutes)**, being for a period of five years inclusive of a total reward package valued at \$328,046 calculated in accordance with the 2023 Salaries and Allowances Tribunal Local Government Determination Band 2 range;
2. Authorises the Shire President to execute the Chief Executive Officer employment contract and apply the common seal, subject to the candidate agreeing to enter into the proposed terms and conditions of the contract without amendment; and
3. Authorises the Shire President to present the contract to the candidate and if the candidate negotiates the proposed terms and conditions of the approved contract, present the amended proposed contract to Council for approval before the contract is executed.

### CARRIED 10/0

**For:** Cr Martin, Cr Cook, Cr Ellery, Cr McNeil, Cr Collins, Cr Jeans, Cr Daw, Cr Hurst, Cr Zlatnik and Cr Beale

**Against:** Nil

**Meeting Opened to Public at 7.07pm.**

<b>COUNCIL DECISION RECOMMENDATION</b>	<b>SC6.07.23</b>
Moved by                      Cr Cook                      Seconded by                      Cr Zlatnik	

That the meeting again be opened to the public.

**CARRIED 10/0**

**For:**            Cr Martin, Cr Cook, Cr Ellery, Cr McNeil, Cr Collins, Cr Jeans, Cr Daw, Cr Hurst, Cr Zlatnik and Cr Beale

**Against:** Nil

**7.0 CLOSING PROCEDURES**

**7.1 Date, Time and Place of the Next Meeting**

The next Ordinary Council meeting will be held on Tuesday, 11 July 2023 at 6.30pm.in the Council Chamber.

**7.2 Closure of the Meeting**

Meeting closed at 7.07pm.