

Special Council Meeting

Minutes for Monday 23 September 2013

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Chairman opened the meeting at 8.30pm welcoming Councillors and Staff.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) (Chairman)	North Ward
Simon Di Rosso		North Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
Frank Lindsey		South East Ward
Dylan O'Connor		North West Ward

Members of Staff

Rhonda Hardy	Chief Executive Officer
Darrell Forrest	Manager Governance
Meri Comber	Governance Officer

Members of the Public 0

Members of the Press 0

2.2 Apologies

Councillors

John Giardina	South East Ward
Martyn Cresswell	North West Ward
Margaret Thomas	North Ward

2.3 Leave of Absence Previously Approved

Bob Emery	North West Ward
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3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

3.1 Nil.

4.0 DEPUTATIONS

4.1 Nil.

5.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

5.1 CONFIDENTIAL ITEM Notice of Dispute in Relation to the Former Chief Executive Officer

Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (b), “the personal affairs of any person”.

Section 5.23 (2) (d) “legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting”.

6.0 DISCLOSURE OF INTERESTS

6.1 Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. 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*.)

6.1.1 Nil.

6.2 Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

6.2.1 Nil.

7.0 REPORTS TO COUNCIL

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

The Meeting adjourned at 8.35pm for five minutes to give all Councillors the opportunity to review the paperwork associated with tonight's meeting.

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

08. CONFIDENTIAL ITEM Notice of Dispute in Relation to the Former Chief Executive Officer

Reason for Confidentiality – Local Government Act 1995 Section 5.23 (2) (b) & (d)

(b) "the personal affairs of any person".

(d) "legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting".

Previous Items	Item 6.1 Special Council Meeting 9 September 2013 Item 6.1 Special Council Meeting 10 December 2012 Item 6.1 Special Council Meeting 5 December 2012 Item 6.1 Ordinary Council Meeting 15 October 2012 Item 6.1 Special Council Meeting 20 September 2012
Responsible Officer	Chief Executive Officer
Service Area	Office of the Chief Executive Officer
File Reference	N/A
Applicant	N/A
Owner	N/A

Confidential Attachment 1 Legal Advice and Actions Warranted
*Reason for Confidentiality – Local Government Act 1995: Section 5.23 (2) (b), "the personal affairs of any person".
Section 5.23 (2) (d)" legal advice obtained or maybe obtained by the Local government and which relates to a matter to be discussed at the meeting".*

This item was discussed behind closed doors at Point 8. of this Agenda.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Agrees with the legal advice provided in (Confidential Attachment 1) in relation to making a counter claim.

Moved: **LAPSED**

Seconded:

Vote:

A new motion for consideration was proposed by a Councillor, this motion was put to Council.

Voting Requirements: Simple Majority

RESOLVED SCM 159/2013

That Council:

1. Receives the confidential advice in relation to making a counter claim.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (8/0)**

8.0 MEETING CLOSED TO THE PUBLIC

8.1 Meeting Closed to the Public

RESOLVED SCM 156/2013

That the meeting go behind closed doors to discuss Confidential Item, Notice of Dispute in Relation to the Former Chief Executive Officer.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (8/0)**

The meeting closed to the public at 8.40pm.

8.2 Suspension of Standing Orders

RESOLVED SCM 157/2013

That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be suspended.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Simon Di Rosso**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Standing Orders were suspended at 8.41pm.

8.3 Resumption of Standing Orders

RESOLVED SCM 158/2013

That in accordance with Clause 18.1 of the Standing Orders all clauses in the Standing Orders be resumed.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Geoff Stallard**

Vote: **CARRIED UNANIMOUSLY (8/0)**

Standing Orders resumed at 9.09pm.

Voting Requirements: Simple Majority

RECOMMENDATION

That Council:

1. Agrees with the legal advice provided in Confidential (Attachment 1) in relation to making a counter claim.

Moved: **LAPSED**

Seconded:

Vote:

A new motion for consideration was proposed by a Councillor, this motion was put Council.

Voting Requirements: Simple Majority

RESOLVED SCM 159/2013

That Council:

1. Receives the confidential advice in relation to making a counter claim.

Moved: **Cr Dylan O'Connor**

Seconded: **Cr Noreen Townsend**

Vote: **CARRIED UNANIMOUSLY (8/0)**

8.5 **Meeting Reopen to the Public**

RESOLVED SCM 160/2013

That the meeting reopen to the public after consideration of the Confidential Item, Notice of Dispute in Relation to the Former Chief Executive Officer.

Moved: **Cr Justin Whitten**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (8/0)**

The meeting reopened to the public at 9.09pm.

9.0 CLOSURE

9.1 There being no further business, the Chairman declared the meeting closed at 9.10pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Chairman

Dated this _____ day of _____ 2013