

Special Council Meeting

Minutes for Tuesday 18 February 2014

UNCONFIRMED



**shire of
kalamunda**

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MINUTES

1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 7.45pm, welcoming Councillors, the representative from Jackson McDonald and Staff.

2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Councillors

Sue Bilich	(Shire President) (Presiding Member)	North Ward
Margaret Thomas		North Ward
Simon Di Rosso		North Ward
Justin Whitten		South West Ward
Allan Morton	(arrived 7:47pm)	South West Ward
Noreen Townsend		South West Ward
Frank Lindsey		South East Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Andrew Waddell		North West Ward
Dylan O'Connor		North West Ward
Bob Emery		North West Ward

Members of Staff

Rhonda Hardy		Chief Executive Officer
Donna McPherson	Executive Research Officer to CEO / Minute Secretary	

Legal Representation

Stephen Kemp		Jackson McDonald
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Members of the Public		0
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Members of the Press		0
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2.2 Apologies

Andrew Waddell		North West Ward
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2.3	Leave of Absence Previously Approved	Nil
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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 PETITIONS/DEPUTATION

4.1 Nil.

5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION

5.1 The Presiding Member advised Councillors of a photo session to take place following the Ordinary Meeting of Council on Monday 24 February 2014.

6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED

6.1 **02. CONFIDENTIAL REPORT Dispute in relation to the former Chief Executive Officer-** Provided under separate cover.
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"

7.0 DISCLOSURE OF INTERESTS

7.1 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*.)

7.1.1 Nil.

7.2 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.

7.2.1 Nil.

8.0 REPORTS TO COUNCIL

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

03. CONFIDENTIAL REPORT 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"

Previous Items	Item 6.01 Special Council Meeting 3 February 2014 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 Item 6.1 Special Council Meeting 23 September 2013 Item 10.3.7 Ordinary Council Meeting November 2013
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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 – Deed of Settlement <u>Reason for Confidentiality – Local Government Act 1995:</u> <i>Section 5.23 (2) (b), "the personal affairs of any person".</i> <i>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"</i>
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Voting Requirements – Simple Majority
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RESOLVED SCM 23/2014

That Council:

1. Agrees to the offer to settle the claim as outlined in Confidential Attachment 1 as amended.

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

Vote:	<u>For</u>	<u>Against</u>
	Cr Allan Morton	Cr Frank Lindsey
	Cr Noreen Townsend	Cr John Giardina
	Cr Justin Whitten	Cr Geoff Stallard
	Cr Bob Emery	
	Cr Dylan O'Connor	
	Cr Simon DiRosso	
	Cr Margaret Thomas	
	Cr Sue Bilich	
	CARRIED (8/3)	

9.0 MEETING CLOSED TO THE PUBLIC

9.1 Meeting Closed to the Public

RESOLVED SCM 20/2014

That the meeting go behind closed doors to consider CONFIDENTIAL REPORT (provided under separate cover) Dispute in Relation to the Former Chief Executive Officer.

Moved: **Cr Frank Lindsey**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

The meeting closed to the public at time 7.50pm.

9.2 Suspension of Standing Orders

RESOLVED SCM 21/2014

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

Moved: **Cr Bob Emery**

Seconded: **Cr Margaret Thomas**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

Standing Orders were suspended at time 7.51pm.

9.3 **Resumption of Standing Orders**

RESOLVED SCM 22/2014

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

Standing Orders were resumed at 8.39pm.

9.4 **Meeting Reopen to the Public**

RESOLVED SCM 24/2014

That the meeting reopen to the public.

Moved: **Cr Justin Whitten**

Seconded: **Cr Bob Emery**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (11/0)**

10.0 CLOSURE

10.1 There being no further business the Presiding Member declared the meeting closed at 8.59pm.

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

Signed: _____
Presiding Member

Dated this _____ day of _____ 2014