

# Special Council Meeting

Minutes for Thursday 20 September 2012



**shire of  
kalamunda**

## INDEX

1.0	OFFICIAL OPENING .....	3
2.0	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED.....	3
3.0	PUBLIC QUESTION TIME.....	4
4.0	MATTERS FOR WHICH MEETING MAY BE CLOSED .....	4
5.0	DISCLOSURE OF INTERESTS.....	4
6.0	REPORTS TO COUNCIL .....	4
	6.1 CONFIDENTIAL ITEM - MATTER AFFECTING AN EMPLOYEE (UNDER SEPARATE COVER) .....	5
7.0	MEETING CLOSED TO THE PUBLIC.....	6
8.0	CLOSURE .....	11

---

## MINUTES

### 1.0 OFFICIAL OPENING

The Chairman opened the meeting at 7:55pm, welcoming Councillors, Staff and representatives from Jackson McDonald Legal.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Donald McKechnie	(Shire President)(Chairman)	North Ward
Sue Bilich		North Ward
Margaret Thomas		North Ward
Justin Whitten		South West Ward
Allan Morton		South West Ward
Noreen Townsend		South West Ward
Geoff Stallard		South East Ward
John Giardina		South East Ward
Frank Lindsey		South East Ward
Martyn Cresswell		North West Ward
Dylan O'Connor		North West Ward
Bob Emery		North West Ward

##### Members of Staff

Rhonda Hardy	Director Corporate & Community Services
Clayton Higham	Director Development & Infrastructure Services
Darrell Forrest	Manager Governance

##### Shire Legal Representatives

Stephen Kemp  
Julius Skinner

**Members of the Public** 0

**Members of the Press** 0

#### 2.2 Absent

##### Members of Staff

James Trail Chief Executive Officer

#### 2.3 Leave of Absence Previously Approved

Nil.

---

### **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 MATTERS FOR WHICH MEETING MAY BE CLOSED**

4.1 **Confidential Item - Matter Affecting an Employee** (Provided under separate cover.)

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (a), "a matter affecting an employee or employees".

### **5.0 DISCLOSURE OF INTERESTS**

#### **5.1 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*.)

##### **5.1.1 Item 6.1 Confidential Item - Matter Affecting an Employee**

Clayton Higham disclosed a financial interest as it is recommended he be appointed as Acting Chief Executive Officer.

#### **5.2 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.

5.2.1 Nil.

### **6.0 REPORTS TO COUNCIL**

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

---

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

**6.1 Confidential Item - Matter Affecting an Employee** (provided under separate cover)

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (a), “a matter affecting an employee or employees”.

Previous Items	Nil
Responsible Officer	Director Corporate & Community Services
Service Area	Corporate & Community Services
File Reference	Nil
Applicant	Nil
Owner	Nil
Confidential Attachment 1	Legal Advice
Confidential Attachment 2	Recommendations

*The Chairman advised the matter would be dealt with behind closed doors.*

---

## 7.0 MEETING CLOSED TO THE PUBLIC

### 7.1 Meeting Closed to the Public

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 117/2012

That the meeting go behind closed doors to consider Confidential Item - Matter Affecting an Employee (provided under separate cover).

Moved: **Cr Noreen Townsend**

Seconded: **Cr Allan Morton**

Vote: **CARRIED UNANIMOUSLY (12/0)**

*The meeting closed to the public at 7:58pm. The Manager of Governance left the meeting.*

### 7.2 Suspension of Standing Orders

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 118/2012

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

Moved: **Cr Margaret Thomas**

Seconded: **Cr Dylan O'Connor**

Vote: **CARRIED UNANIMOUSLY (12/0)**

*Standing Orders were suspended to allow Council to be briefed by the Shire's Legal Advisors and Directors.*

### 7.3 Resumption of Standing Orders

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 119/2012

That the Standing Orders be resumed.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (12/0)**

*Standing Orders resumed and the meeting proceeded.*

7.4 **Confidential Item - Matter Affecting an Employee** (Provided under separate cover.)

Reason for Confidentiality – *Local Government Act 1995*: Section 5.23 (2) (a), “a matter affecting an employee or employees”.

**Voting Requirements: Absolute Majority**

**RECOMMENDATION**

That Council:

1. Agrees to effect the recommendations outlined in (Confidential Attachment 2) in relation to a matter affecting an employee of the Shire.
2. Appoints Mr Clayton Higham to be the acting Chief Executive Officer.

Moved:

Seconded:

Vote:

*The Chairman advised Council it would deal with Point 1. and Point 2. of the Recommendation separately. The Chairman read the Recommendation to the meeting.*

**Voting Requirements: Simple Majority**

**RECOMMENDATION**

That Council:

1. Agrees to effect the recommendations outlined in (Confidential Attachment 2) in relation to a matter affecting an employee of the Shire.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Frank Lindsey**

Vote:

*The Chairman read (Confidential Attachment 2) to the meeting. Cr Bilich proposed an amendment to Point 3 of (Confidential Attachment 2). Councillors discussed the amendment before agreeing to the content. Cr Cresswell left the meeting at 8.44pm and returned at 8.46pm. No vote was taken in Cr Cresswell's absence.*

---

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 120/2012

That Council:

1. Agrees to accept the amendment to Point 3 of (Confidential Attachment 2).

Moved: **Cr Sue Bilich**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (12/0)**

*The Presiding Person put the Amended Motion.*

---

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 121/2012

That Council:

1. Agrees to effect the Recommendations outlined in (Amended Confidential Attachment 2) in relation to a matter affecting an employee of the Shire.

Moved: **Cr Noreen Townsend**

Seconded: **Cr Frank Lindsey**

Vote: **CARRIED UNANIMOUSLY (12/0)**

*The Directors of the Shire left the meeting at 9.02pm.*

**7.5 Suspension of Standing Orders**

---

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 122/2012

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

Moved: **Cr Martyn Cresswell**

Seconded: **Cr Justin Whitten**

Vote: **CARRIED UNANIMOUSLY (12/0)**

*Standing Orders were suspended to discuss the appointment of the Acting Chief Executive Officer and the anticipated time the forensic audit would take.*



---

7.6            **Resumption of Standing Orders**

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 123/2012

That the Standing Orders be resumed.

Moved:            **Cr Martyn Cresswell**

Seconded:        **Cr Bob Emery**

Vote:              **CARRIED UNANIMOUSLY (12/0)**

*Standing Orders resumed and the meeting proceeded.*

**RECOMMENDATION**

<b>Voting Requirements: Absolute Majority</b>
---

That Council:

2.                 Appoints Mr Clayton Higham to be the Acting Chief Executive Officer.

Moved:            **Cr Donald McKechnie**

Seconded:        **Cr Margaret Thomas**

Vote:

*A Councillor proposed an amendment to the Recommendation.*

7.7            **Suspension of Standing Orders**

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 124/2012

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 Justin Whitten**

Vote:              **CARRIED UNANIMOUSLY (12/0)**

*Standing Orders were suspended to allow further discussion on the appointment of the Acting Chief Executive Officer.*

---

7.8            **Resumption of Standing Orders**

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED SCM 125/2012

That the Standing Orders be resumed.

Moved:            **Cr Geoff Stallard**

Seconded:        **Cr Martyn Cresswell**

Vote:              **CARRIED UNANIMOUSLY (12/0)**

*The Mover and Seconder accepted the change to the Recommendation before it was put to a vote.*

<b>Voting Requirements: Absolute Majority</b>
---

RESOLVED OCM 126/2012

That Council

2.                  Appoints Mr Clayton Higham to be the acting Chief Executive Officer until such time as the forensic audit is presented to the Council.

Moved:            **Cr Donald McKechnie**

Seconded:        **Cr Margaret Thomas**

Vote:              **CARRIED UNANIMOUSLY (12/0)**

*The Directors returned to the meeting at 9.28pm.*

7.9            **Meeting Open to the Public**

<b>Voting Requirements: Simple Majority</b>
---

RESOLVED OCM 127/2012

That the meeting reopen to the public after consideration of Confidential Report – Matter Affecting an Employee (provided under separate cover).

Moved:            **Cr Bob Emery**

Seconded:        **Cr Justine Whitten**

Vote:              **CARRIED UNANIMOUSLY (12/0)**

*The meeting reopened to the public at 9.30pm. Cr Thomas left the meeting at 9.30pm and returned at 9.32pm. The Chairman read the Resolution to the meeting.*

---

**8.0 CLOSURE**

8.1 There being no further business, the Chairman declared the meeting closed at 9.35pm.

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

Signed: \_\_\_\_\_  
Chairman

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2012