



## **AGENDA**

# **SPECIAL MEETING OF COUNCIL**

to be held on

**Saturday 24 October, 2020**

**at 2.00pm**



WESTERN AUSTRALIA'S  
**WILDFLOWER COUNTRY**

*'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'*

*DISCLAIMER*

*No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.*

*Any person or legal entity that acts or fails to act in reliance upon any statement, act or omission occurring in a Council Meeting does so at their own risk. The Shire of Morawa advises that any person or legal entity should only rely on formal confirmation or notification of Council resolutions.*

## DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

### Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Important Note:** Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

*“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”*

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**Item 1 Opening of Meeting**

The President to declare the meeting open.

**Item 2 Acknowledgement of Traditional Owners and Dignitaries**

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

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**Item 3 Recording of Attendance****3.1 Attendance****Council**

President Councillor Karen Chappel  
Deputy President Councillor Dean Carslake  
Councillor Jane Coaker  
Councillor Debbie Collins  
Councillor Yvette Harris  
Councillor Shirley Katona  
Councillor Ken Stokes

**Staff**

Acting Chief Executive Officer Robert Paull  
Chief Executive Officer Recruitment Consultant Lydia Highfield

**Members of the Public****3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

**3.3 Apologies****3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

**Item 4 Applications for Leave of Absence****Item 5 Response to Previous Questions****Item 6 Public Question Time**

*Important note:*

*‘This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.’*

**6.1 Public Question Time****6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****Item 7 Questions from Members without Notice****Item 8 Announcements by Presiding Member without Discussion****Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting**

The Elected Members to declare that they have given due consideration to all matters contained in the agenda.

**Item 10 Confirmation of Minutes of Previous Meetings**

Nil

**Item 11 Reports of Officers**

**11.1 Chief Executive Officer**

The Chief Executive Officer's Report forms part of the 'Confidential' Agenda.

**11.2 Executive Manager Corporate & Community Services**

Nil

**11.3 Economic Development Manager**

Nil

**11.4 Executive Manager Works & Assets**

Nil

**Item 12 Reports of Committees**

Nil

**Item 13 Motions of Which Previous Notice Has Been Given**

Nil

**Item 14 New Business of an Urgent Nature**

Nil

**Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)****15.1 Closure of the Meeting to the Public**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item as he won't be seeking to apply for the role.

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**OFFICER'S RECOMMENDATION**

That Council closes the meeting to the public under section 5.23 (2) c) and e (ii) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider the recruitment of a permanent Chief Executive Officer.

**SIMPLE MAJORITY VOTE REQUIRED**

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**PURPOSE**

This item seeks Council's approval under s5.23 (2) (e) of the *Local Government Act 1995* to move into camera or closed session to consider the following confidential matter:

- Recruitment of a Permanent Chief Executive Officer.

**DETAIL**

Item 15.2 is presented with a recommendation to progress the recruitment of a permanent Chief Executive Officer.

**LEVEL OF SIGNIFICANCE**

High – Confidential Items

**CONSULTATION**

All Councillors.  
Chief Executive Officer Recruitment Consultant.

**LEGISLATION AND POLICY CONSIDERATIONS*****Local Government Act 1995***

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;

- (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;
- (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;
- (e) a matter that if disclosed, would reveal —
  - (i) a trade secret;
  - (ii) information that has a commercial value to a person;
  - (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;
- (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;
  - (ii) endanger the security of the local government's property;
  - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (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.

### **Shire of Morawa Standing Orders Local Law 2011**

The key parts include:

- 6.2 (1) *The CEO may recommend that part of the meeting is closed.*
- 6.2 (2) *The Council may decide to close a meeting or part of a meeting.*
- 6.2 (3) *The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*
- 6.2 (5) *Clause 8.9 (re speaking twice)*
- 6.2 (7) *The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

### **Strategic Community Plan 2018 to 2028 (desktop Review June 2020)**

**Outcome 4.3** A local government that is respected, professional and accountable.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

Any known financial implications are addressed in the respective reports.

### **RISK MANAGEMENT CONSIDERATIONS**

There are no known risk management considerations.

### **CONCLUSION**

That Council closes the meeting to the public under section 5.23 (2) (e) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011* s 6.2 (2) so that it can consider a report addressing the recruitment of a permanent Chief Executive Officer.

### **ATTACHMENT**

Nil

**15.2 Recruitment of a Permanent Chief Executive Officer**

**Author:** Acting Chief Executive Officer

**Authorising Officer:** Acting Chief Executive Officer

**Disclosure of Interest:** The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item as he won't be seeking to apply for the role.

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**OFFICER'S RECOMMENDATION**

That with regards to the recruitment of a permanent Chief Executive Officer, Council:

1. Note the confidential advice provided by the Shire's Chief Executive Officer (CEO) recruitment consultant with respect to selecting the preferred candidate as an outcome of interviews;
2. Agree that candidate .xx. is Council's preferred candidate and is suitably qualified for the position of the CEO in accordance with section 5.36 (2) of the *Local Government Act 1995*;
3. Request the CEO recruitment consultant to progress to referee checks and other relevant checks for the preferred candidate .xx.;
4. Where after the relevant checks on the preferred candidate provided by the recruitment consultant to Council, Council agree the preferred candidate, made an offer of appointment to the position of CEO;
5. The offer referred to in 4. above be in accordance with the general terms of employment contract and salary range adopted by Council on 17 September 2020;
6. The President and Deputy President be authorised to finalise the employment contract to be negotiated within the advertised salary package and benefits as per SAT band 4 range; and
7. A further report in relation to appointing the preferred candidate as CEO of the Shire of Morawa and endorsement of the employment contract be provided to Council.

**ABSOLUTE MAJORITY VOTE REQUIRED**

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**15.3 Reopening of the Meeting to the Public**

**OFFICER’S RECOMMENDATION**

That Council reopens the meeting to the public.

***SIMPLE MAJORITY VOTE REQUIRED***

**Item 16 Closure**

**16.1 Date of Next Meeting**

The next meeting will be the Ordinary Meeting of Council to be held on Thursday, 19 November 2020 commencing at 5.30pm.

**16.2 Closure**

There being no further business, the President to declare the meeting closed.