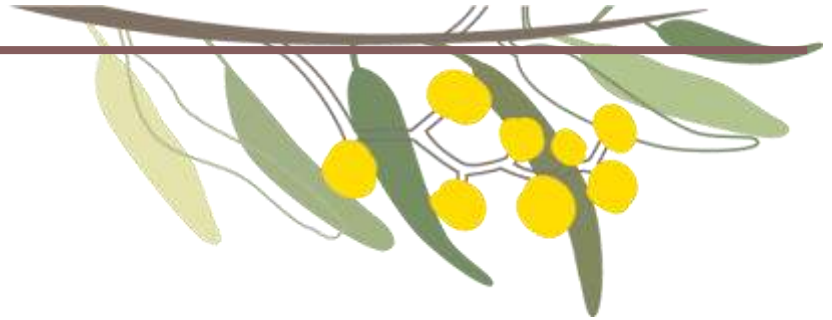




# SHIRE OF WOODANILLING

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## SPECIAL MEETING OF COUNCIL Minutes 04 October 2021

Dear Elected Member

The next Special Meeting of Council of the Shire of Woodanilling will be held on 04/10/2021 in the Council Chambers, 3316 Robinson Road, Woodanilling commencing at 3pm

STEPHEN GASH  
CHIEF EXECUTIVE OFFICER

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# SPECIAL MEETING OF COUNCIL MINUTES

## 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

### 1.1. DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Division 6 Subdivision 1 of the Local Government Act 1995 requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

#### DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the Local Government Act.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

## 2. ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the Local Government (Administration) Regulations 1996 Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by absolute majority) by Council. A 'suitable place' means a place that is located in a town site or other residential area and 150km or further from the place at which the meeting is to be held.

## 3. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

#### Present:

Cr HR Thomson	Shire President	Cr M Trimming	
Cr D Douglas	Deputy Shire President	Cr S Jefferies	
Cr P Morrell		Stephen Gash	Chief Executive Officer
		Sue Dowson	Deputy CEO

#### Apologies:

Nil

## 4. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY PRESIDENT WITHOUT DISCUSSION

#### PURPOSE OF MEETING

**It was resolved on 22 September 2021 to call a Special Council Meeting to ratify the CEO's contract of employment. With the permission of the Shire President and appropriate notice, members also agreed to consider the date for the Extraordinary Election for the vacant Council position.**

Meeting Opened 3.05pm

## 5. OFFICER'S REPORTS

### 5.1. EXTRAORDINARY ELECTION – PROPOSED DATE

<b>Proponent</b>	Council
<b>Owner</b>	Shire of Woodanilling
<b>Location/Address</b>	3316 Robinson Road Woodanilling
<b>Author of Report</b>	Mr Stephen Gash, CEO
<b>Date of Meeting</b>	04 October 2021
<b>Previous Reports</b>	Nil
<b>Disclosure of any Interest</b>	Nil
<b>File Reference</b>	ADM0078
<b>Attachments</b>	2021 Election Timetable

#### BRIEF SUMMARY

At the close of nominations for the 2021 Local Government Elections, two (2) nominations for the three (3) vacancies were received. The candidates who nominated were declared elected. As there is now a vacancy remaining there is a requirement to conduct an extraordinary election.

#### BACKGROUND

When applying the requirements of section 4.9 of the Local Government Act 1995, Council or the President needs to fix the date within one month after 10 September 2021 (s.4.9(1)). Further, the extraordinary election needs to occur within 4 months after 10 September 2021 unless otherwise approved by the Electoral Commissioner (s.4.9(2)).

An electoral roll is to be prepared for each election, except for some extraordinary elections. A new roll need not be prepared for an extraordinary election if the Election Day is less than 100 days after the Election Day for another election for the local government, i.e., is held before 24 January 2022. This is subject to the CEO and the Electoral Commissioner agreeing that the earlier roll is suitable for use for the extraordinary election.

If the Council or President decide on a date for the extraordinary election before 24 January 2022, the existing roll can be used with the approval of the Electoral Commissioner. If Council would like to give eligible electors an opportunity to apply to go on the roll for the extraordinary election a process of advertising will need to be undertaken.

A draft timetable follows, as attached, which proposes the Election Day to be Friday, 17<sup>th</sup> December 2021.

#### STATUTORY/LEGAL IMPLICATIONS

##### 4.9. Election day for extraordinary election

1. Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
  - a. by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
  - b. by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
2. The Election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
3. If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
  - a. fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
  - b. advise the CEO of the day fixed.

#### POLICY IMPLICATIONS

Nil

### **FINANCIAL IMPLICATIONS**

There will be additional costs incurred if state-wide advertising in The West Australian is used. There is the alternative of a public notice on the Shire's website, in a newsletter circulating in the district, on the Shire notice board and social media.

The Shire will not be able to participate in a WALGA facilitated process; WALGA does not coordinate extraordinary elections due to local government choosing different election days. Similarly, the Department of Local Government, Sport and Cultural Industries will not be publishing notices on its website for extraordinary elections.

### **STRATEGIC IMPLICATIONS**

Nil

### **CONSULTATION/COMMUNICATION**

Nil

### **COMMENT**

Nil

### **VOTING REQUIREMENTS**

Absolute Majority

### **COUNCIL DECISION – ITEM 5.1 EXTRAORDINARY ELECTION – PROPOSED DATE**

Moved: Cr Morrell Seconded: Cr Douglas

That an Extraordinary Election to fill one (1) vacancy be conducted on Friday 17 December 2021 and that the approval of the Electoral Commissioner to use the existing electoral roll for the election be sought.

**CARRIED BY AN ABSOLUTE MAJORITY**

## 5.2. ADOPTING CHIEF EXECUTIVE OFFICER'S CONTRACT –

<b>Proponent</b>	Council
<b>Owner</b>	Shire of Woodanilling
<b>Location/Address</b>	3316 Robinson Road, Woodanilling
<b>Author of Report</b>	Mr Stephen Gash CEO
<b>Date of Meeting</b>	4 <sup>th</sup> October 2021
<b>Previous Reports</b>	Council Meeting 22 <sup>nd</sup> September 2021 item 10.1
<b>Disclosure of any Interest</b>	Stephen Gash – Incumbent CEO as tenure will cease when new CEO starts.
<b>File Reference</b>	4.2.2
<b>Attachments</b>	1. Confidential - CEO Contract    2. Confidential - Recruitment Report

### BRIEF SUMMARY

Council is requested to consider the contract of employment for the new CEO.

### BACKGROUND

At its meeting on 22<sup>nd</sup> September 2021, Council selected Kellie Bartley as suitable for the position of Chief Executive Officer and authorised Cr Thomson, Cr Douglas, and Mr FitzGerald to negotiate the contract terms within the approved package.

### STATUTORY/LEGAL IMPLICATIONS

#### CEO's Contract

Under section 5.36(2)(b) a person is not to be employed in the role of CEO unless Council is satisfied with the provisions of the proposed contract. The Council needs to formally accept the contract and have it sealed using the common seal accordingly.

#### Closing/Reopening of the Meeting to the Public

Under section 5.23(2)(a) of the Local Government Act, Council may close/re-open part of the meeting to deal with an issue regarding a matter that effects an employee. On this occasion as the matter affects the CEO designate regarding finalising his contract, it is only prudent that the meeting is closed to the public and then re-opened once the matter is resolved.

### POLICY IMPLICATIONS

Nil

### FINANCIAL IMPLICATIONS

As per Item 10.1 at the Ordinary Meeting of Council on 22 September 2021. The package is within the:

- Salaries and Allowances Tribunal Band;
- Advertised package; and
- Shire budget.

### STRATEGIC IMPLICATIONS

Theme 3: Civic Leadership

Governance

VISION

- To attract and retain quality Councillors and Staff
- To have Councillors who are trained and qualified in their roles and responsibilities

### CONSULTATION/COMMUNICATION

Nil

## **COMMENT**

Council previously resolved that Kellie Bartley was suitably qualified to hold the position of CEO of the Shire of Woodanilling. The attached contract was presented and is in the form adopted by Council when appointing the consultant and advertising the position.

Cr Douglas confirmed any minor wording changes to the contract had been made.

The salary package is within the SAT Band range and as advertised for the position.

The preferred candidate has conditionally accepted the position subject to formal approval of the contract by Council.

The recruitment report which includes referee checks is provided as a confidential attachment, marking the completion of the process.

## **VOTING REQUIREMENTS**

**Absolute Majority** – Adoption of CEO’s Contract

### **OFFICER’S RECOMMENDATION – ITEM 5.3 ADOPT CHIEF EXECUTIVE OFFICER’S CONTRACT – CONFIDENTIAL**

Moved: Cr Douglas

Seconded: Cr Jefferies

That Council:

1. Appoints Kellie Bartley to the position of CEO for a period of 5 years from the agreed commencement date in accordance with the conditions of the attached contract of employment.
2. Authorises the Shire President and the Chief Executive Officer to execute the contract of employment with Kellie Bartley by affixing the Common Seal
3. Certifies the completion of the recruitment process once the contract of employment has been executed and notifies the Department of Local Government Sport and Cultural Industries within the required 14 days.

**CARRIED BY ABSOLUTE MAJORITY 5/0**

## **6. ELECTED MEMBERS’ MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

## **7. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL**

Special Council Meeting – No further business to be considered without prior notice.

## **8. CLOSURE OF MEETING**

Meeting closed 4.50pm