



CONFIRMED

MINUTES

SPECIAL MEETING

Held

12 September 2018

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

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COUNCIL ROLE

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

DISCLAIMER

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

SHIRE OF DARDANUP

MINUTES OF THE SHIRE OF DARDANUP SPECIAL MEETING OF COUNCIL HELD ON WEDNESDAY 12 SEPTEMBER 2018, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 5.00PM.

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member, Cr. M T Bennett, declared the meeting open at 5.00pm, welcomed those in attendance and referred to the Disclaimer, Acknowledgement of Country, Emergency Procedure and the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

Acknowledgement of Country

The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.

Affirmation of Civic Duty and Responsibility

Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

Emergency Procedure

In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

2.1 Attendance

Cr. Michael Bennett	-	Shire President (Chairperson)
Cr. Peter Robinson	-	Deputy Shire President - Elected Member
Cr. Tyrrell Gardiner	-	Elected Member
Cr. Luke Davies	-	Elected Member

Cr. James Lee	-	Elected Member
Cr. Janice Dow	-	Elected Member
Mr Mark Chester	-	Chief Executive Officer
Ms Cathy Lee	-	Manager Governance & HR

2.2 Apologies

Cr. Carmel Boyce	-	Elected Member
Cr. Patricia Perks	-	Elected Member

3 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

None.

4 PUBLIC QUESTION TIME

None.

5 APPLICATIONS FOR LEAVE OF ABSENCE

None.

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

None.

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

None.

8 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None.

9 ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED

It is recommended that Committee go behind closed doors toward the end of the meeting in accordance with Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) - Matters for Which Meeting May Be Closed:

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of 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; or*
 - (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; or*
 - (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.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

Note: The Chairperson advises that the Local Government Act requires that no Council vote is to be secret (Sec. 5.25(1)(d) of the Act and Local Government (Administration) Regulation 9). It is therefore necessary for the Council to hold its discussions, debate and determination on the appointment behind closed doors, then re-open the meeting for the purpose of announcing the Council decision and the voting result.

10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

None.

11 DECLARATION OF INTEREST

Discussion:

Shire President, Cr. M T Bennett asked Councillors and staff if there were any Declarations of Interest to be made.

There were no Declarations of Interest made.

12 REPORTS OF OFFICERS AND COMMITTEES

None.

13 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

None.

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

None.

15 PUBLIC QUESTION TIME

None.

16 MATTERS BEHIND CLOSED DOORS

The Local Government Act requires that no Council vote is to be secret (Sec. 5.25(1)(d) of the Act and Local Government (Administration) Regulation 9). It is therefore necessary for the Council to hold its discussions, debate and determination on the appointment behind closed doors, then re-open the meeting for the purpose of announcing the Council decision and the voting result.

It is recommended that the following item be heard behind closed doors.

Shire of Dardanup Standing Orders & Local Government Act 1995 Section 5.23 (2) - Matters for Which Meeting May be Closed.

Standing Order and the Local Government Act 1995 provides for Council to resolve to close the meeting to the public and proceed behind closed doors for matters:

- S 5.23 (1) Subject to subsection (2), the following are to be open to members of the public-*
- (a) all Council meetings; and*
 - (b) all meetings of any committee to which a local government power or duty has been delegated.*
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of 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; or*
 - (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; or*
 - (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.*
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

302-18 MOVED - Cr. P S Robinson SECONDED - Cr. T G Gardiner

THAT in accordance with the Local Government Act 1995, S 5.23 (a) and (c) the meeting be closed to the public at 5.02pm and Council go Behind Closed Doors.

CARRIED
6/0

ADJOURNMENT

Shire President, Cr. M T Bennett advised Council that he was adjourning the meeting in order for Councillors to read further information that was provided regarding the contract for the new Chief Executive Officer. The meeting was adjourned at 5.02pm and resumed at 5.19pm.

All those present prior to the adjournment, were present following the adjournment.

RESUME MEETING

16.1 *Title: Minutes of the CEO Recruitment Committee Meeting Held 20 August 2018*

Reporting Department: Executive

Reporting Officer: Ms Cathy Lee – Manager Governance & HR

Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23 this report is not available to the public. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Confidential Human Resource Recruitment Section of the Tardis records management system.

MINUTES OF THE SHIRE OF DARDANUP CEO RECRUITMENT COMMITTEE MEETING HELD ON MONDAY 20 AUGUST 2018, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 1.00PM.

Officer Comment

The minutes of the CEO Recruitment Committee meeting are attached (Appendix ORD: 16.1).

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

303-18 MOVED - Cr. P S Robinson SECONDED - Cr. J Lee

THAT Council receives the minutes of the CEO Recruitment Committee Meeting held on 20 August 2018.

CARRIED
6/0

16.2 Title: Appointment of Chief Executive Officer

Reporting Department: Executive

Reporting Officer: Ms Cathy Lee – Manager Governance & HR

Legislation: Local Government Act 1995

REPORT UNDER SEPARATE COVER

Note: In accordance with the Local Government Act 1995 5.23(2) (b) and (e) this report is not available to the public as it is related to the personal affair of a person and a contract that may be entered into. The Shire President tables the confidential report on this matter and provides copies to each elected member. The report will be located in the Confidential Human Resource Recruitment Section of the Tardis records management system.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation - No Change.

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

304-18 MOVED - Cr. P S Robinson SECONDED - Cr. L Davies

THAT Council:

1. **Appoints Mr Andries Stefanus Schönfeldt to the position of Chief Executive Officer with the Shire of Dardanup for a period of five (5) years commencing on 1 March 2019 and concluding on 28 February 2024;**
2. **Is of the belief that Mr Andries Stefanus Schönfeldt is suitably qualified for the position of Chief Executive Officer;**
3. **Is satisfied with the remuneration and provisions of the proposed employment contract [Confidential Document - Tardis Reference: EMP-R0563808] to be entered into with Mr Andries Stefanus Schönfeldt in accordance with the current Salaries and Allowances Tribunal determination for Band 3 Local Government Chief Executive Officers, as negotiated by the Shire President.**

4. **Delegates authority to the Shire President to approve the Chief Executive Officer's applications for leave in accordance with Section 9 Chief Executive Officer Contract.**
5. **Authorises the Shire President to execute the contract of employment under the Common Seal of the Shire of Dardanup.**

CARRIED

6/0

By Absolute Majority

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

305-18 MOVED - Cr. P S Robinson SECONDED - Cr. J Lee

THAT Council write a letter of acknowledgement to WALGA Employee Relations for the valuable and professional support provided to the Shire of Dardanup during the Chief Executive Officer recruitment process.

CARRIED

6/0

OFFICER RECOMMENDED RESOLUTION & COUNCIL RESOLUTION

306-18 MOVED - Cr. P S Robinson SECONDED - Cr. L Davies

THAT the meeting re-open to the public at 5.30pm with Council returning from Behind Closed Doors.

CARRIED


6/0

Note: In accordance with Standing Order 5.2(6) the Presiding Officer, did not cause the motion passed by Council whilst behind closed doors to be read out as there were no members of the public present.

17 CLOSURE OF MEETING

The Presiding Officer advises that the date of the next Ordinary Meeting of Council will be Wednesday, 19 September 2018, commencing at 5.00pm at the Shire of Dardanup - Administration Centre Eaton.

There being no further business the Presiding Officer declared the meeting closed at 5.30pm.





Shire of Dardanup

CONFIRMATION OF MINUTES

“As the person presiding at the meeting at which these minutes were confirmed on, 19 September 2018, I certify that these minutes have been confirmed as a true and accurate record of proceedings.

DocuSigned by:



Signed  _____
(Chairman of Shire / President of Council / Presiding Officer)