



SHIRE OF MENZIES

MINUTES

**OF THE SPECIAL MEETING OF COUNCIL
HELD**

Monday 22 February 2016

Shire of Menzies Council Chambers

Commencing at 9:10am

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

FINANCIAL INTEREST (EFFECTIVE 1 JULY 1996)

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

Councillors should declare an interest:

- a) In a written notice given to the CEO before the meeting: or**
- b) At the meeting immediately before the matter is discussed**

A member who has declared an interest must not:

Preside at the part of the meeting relating to the matter: or
Participate in, or be present during any discussion or decision making procedure relating to the matter.

Unless the member is allowed to do so under Section 5.68 or 5.69, Local Government Act 1995

Ref: Local Government Act 1995 Division 6 – Disclosure of Financial Interest.
Specifically Sections 5.60, 5.61, 5.65 and 5.67

TABLE OF CONTENTS

1.	DECLARATION OF OPENING	3
2.	RECORD OF ATTENDANCE	3
3.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4.	PUBLIC QUESTION TIME	3
5.	DECLARATIONS OF INTEREST	3
6.	SPECIAL BUSINESS	
6.1	Appointment of Chief Executive Officer (ADM125)	5
6.2	Appointment of Manager Finance & Administration (ADM415)	7
7.	CLOSURE OF MEETING	8

MINUTES OF THE SPECIAL MEETING OF COUNCIL

1. DECLARATION OF OPENING

The Shire President, Cr Jill Dwyer, declared the meeting open at 9:10am, welcomed the attendees and proceeded with the Agenda as planned.

2. RECORD OF ATTENDANCE

2.1 PRESENT:

Councillors:	Cr J Dwyer	President
	Cr J Mazza	
	Cr K Mader	
	Cr I Tucker	

Staff:	P Durtanovich	A/CEO
---------------	---------------	-------

2.2 APOLOGIES

Councillors:	Cr I Baird	Deputy President
	Cr D Hansen	
	Cr J Lee	

Staff:	Nil
---------------	-----

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

There were no members of the public present.

5. DECLARATIONS OF INTEREST

Nil

6. SPECIAL BUSINESS

6.1 Selection of Chief Executive Officer

MEETING TO BE CLOSED TO THE PUBLIC

COUNCIL DECISION:

Moved: Cr Mazza

Seconded: Cr Tucker

This matter to be discussed behind closed doors pursuant to *Local Government Act* s5.23 (2) (a) a matter affecting an employee or employees.

CARRIED 4/0

Discussion was held on the Contract of Employment and the Conditions therein.

6.1 SELECTION OF CHIEF EXECUTIVE OFFICER

SUBMISSION TO:	Special Meeting of Council, 22 February 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM125; Personal File
DISCLOSURE OF INTEREST:	None
DATE:	17 February 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

A draft Contract of Employment has been provided to Councillors under separate cover

SUMMARY:

Interviews for the position of Chief Executive Officer with the Shire of Menzies have been completed. Council is now required to consider making an appointment.

BACKGROUND:

The recruitment process for the position of Chief Executive Officer for the Shire of Menzies was undertaken by the Western Australian Local Government Association.

COMMENT

The Local Government Act requires that no Council vote is to be in secret. It is therefore necessary for council to hold discussions on the appointment behind closed doors, then re-open the meeting for the purpose of making the decision.

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

The appointment of a Chief Executive Officer is covered under Section 5.36 of the *Local Government Act 1995* which states:

5.36 Local government employees

- (1) A local government is to employ –
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.
- (2) A person is not to be employed in the position of CEO unless the council –
 - (a) believes that person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

***Absolute majority required.**

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

As outlined in the contract of employment for the employment of a Chief Executive Officer.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority to sit behind closed doors

Absolute majority for the appointment of a Chief Executive Officer

MEETING TO BE OPENED TO THE PUBLIC

COUNCIL DECISION:

Moved: Cr Mazza

Seconded: Cr Tucker

That Council come out from behind closed doors.

CARRIED 4/0

OFFICER'S RECOMMENDATION & COUNCIL DECISION:

Moved: Cr Mazza

Seconded: Cr Mader

That Council:

1. Appoint Rhonda Evans to the position of Chief Executive Officer with the Shire of Menzies for a period of 3 years commencing 1 June 2016 and concluding in 1 June 2019;
2. Is of the belief that Rhonda Evans is suitably qualified for the position of Chief Executive Officer;
3. Is satisfied with the provisions of the proposed employment contract to be entered into with Rhonda Evans in accordance with the advertised package; and
4. Authorises the Shire President and Acting CEO to finalise contract conditions of employment.

CARRIED BY ABSOLUTE MAJORITY 4/0

6.2 Appointment of Manager Finance & Administration

MEETING TO BE CLOSED TO THE PUBLIC

COUNCIL DECISION:

Moved: Cr Mazza

Seconded: Cr Tucker

This matter to be discussed behind closed doors pursuant to *Local Government Act* s5.23 (2) (a) a matter affecting an employee or employees.

CARRIED 4/0

Discussion was held on the Contract of Employment and the Conditions therein.

6.2 APPOINTMENT OF MANAGER FINANCE & ADMINISTRATION	
SUBMISSION TO:	Special Meeting of Council, 22 February 2016
LOCATION:	N/A
APPLICANT:	N/A
FILE REF:	ADM415; Personal File
DISCLOSURE OF INTEREST:	None
DATE:	17 February 2016
AUTHOR:	Pascoe Durtanovich, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

Confidential report on selection process and draft contract of employment have been provided to Councillors under separate cover.

SUMMARY:

For Council to consider the recommendation from the Acting Chief Executive Officer on the appointment of a Manager Finance & Administration.

BACKGROUND:

The position of Manager Finance & Administration became vacant in August 2015 on the resignation of the incumbent officer. The position was advertised however at the time there were no suitable applicants for the position.

COMMENT

A suitable applicant has now been identified and it is recommended that Jeanette Taylor be appointed to the position under the terms and conditions contained in the draft contract of employment.

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

Council has designated the position of Manager Finance & Administration as a senior employee therefore the following applies under the *Local Government Act, 1995*:-

Section 5.37 Senior Employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept to reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) for the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The position of Manager Finance & Administration is funded in the 2015/2016 budget.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Simple majority

MEETING TO BE OPENED TO THE PUBLIC

COUNCIL DECISION:

Moved: Cr Mazza

Seconded: Cr Tucker

That Council come out from behind closed doors.

CARRIED 4/0

OFFICER'S RECOMMENDATION & COUNCIL DECISION:

Moved: Cr Mazza

Seconded: Cr Mader

That Jeanette Taylor be appointed to the position of Manager Finance & Administration for the Shire of Menzies in accordance with the terms and conditions in the Contract of Employment.

CARRIED 4/0

7. CLOSURE OF MEETING

There being no further business the Shire President closed the meeting at 9:35am.

I, Sillan Dwyer hereby certify that the Minutes of the Special Meeting of Council held 22 February 2016 are confirmed as a true and correct record, as per the Resolution of the Ordinary Meeting of Council held on 25 February 2016.

Signed



Dated:

25/2 2016