



SHIRE OF MENZIES

MINUTES

**OF THE SPECIAL MEETING OF COUNCIL
HELD**

Wednesday 18 March 2015

Shire of Menzies Council Chambers

Commencing at 4:00pm

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

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AGENDA FOR SPECIAL MEETING OF COUNCIL

1. DECLARATION OF OPENING

The Shire President (Cr Greg Dwyer) declared the meeting open at 4:00pm, welcomed the attendees, visitors, guests and proceed with the Agenda as planned.

2. ANNOUNCEMENT OF VISITORS

Nil

3. RECORD OF ATTENDANCE

3.1 PRESENT:

Councillors:	Cr G Dwyer	President
	Cr J Dwyer	Councillor
	Cr J Lee	Councillor
	Cr I Tucker	Councillor
	Cr J Mazza	Councillor
	Cr P Twigg (by phone)	Deputy President
Staff:	K Oborn	Acting CEO
	L Downie	Minutes

3.2 APOLOGIES

Councillors:	Nil
Staff:	P Crawford, CEO

3.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. DECLARATIONS OF INTEREST

Nil

7. CONFIRMATION OF MINUTES

7.1 SPECIAL COUNCIL MEETING – 19 JUNE 2014

VOTING REQUIREMENTS:

Simple Majority Decision required

Moved: Cr Lee

Seconded: Cr Mazza

COUNCIL DECISION:

That the Minutes of the Special Meeting of Council held on 19 June 2014 be confirmed as a true and accurate record.

4:05pm

CARRIED 6/0

8. PETITIONS/DEPUTATIONS/PRESENTATIONS
Nil

9. REPORTS OF COMMITTEES AND OFFICERS

Moved: Cr Mazza

Seconded: Cr J Dwyer

COUNCIL DECISION:

That Council move behind closed doors to discuss Item 9.1 Proposal to Appoint Acting Chief Executive Officer.

4:06pm

CARRIED 6/0

The Shire President invited Staff members to remain in the meeting.

Leanne Downie left the meeting at 4:07pm and returned at 4:08pm.

9.1 PROPOSAL TO APPOINT ACTING CHIEF EXECUTIVE OFFICER

SUBMISSION TO:	Special Meeting of Council, 18 March 2015
LOCATION:	Shire of Menzies
APPLICANT:	Shire of Menzies
FILE REF:	ADM405
DISCLOSURE OF INTEREST:	None
DATE:	11 March 2015
AUTHOR:	Cr Greg Dwyer, Shire President
SIGNATURE OF AUTHOR:	
PREVIOUS MEETING REFERENCE:	None

ATTACHMENTS:

9.1 Attachment #1 Confidential Agreement with the Acting Chief Executive Officer (under separate cover)

SUMMARY:

For Council to approve the appointment of an Acting Chief Executive Officer

BACKGROUND:

Our current Chief Executive Officer, Peter Crawford, tendered his resignation on 15 February 2015 with his final day of work being 31 July 2015. An offer from Council was made to Mr Crawford and was accepted, resulting in Mr Crawford being on paid leave from close of business 8 May 2015 until retirement date 31 July 2015.

The CEO advised the Shire President in person on 15 February 2015 of his resignation and his reasons for providing a long lead time.

CONSULTATION:

All Councillors

STATUTORY ENVIRONMENT:

Local Government Act 1995

- Section 2.7(2) – Provides that Council is to oversee the allocation of local government finances and resources and to determine local government policies; and
- Section 3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- Section 5.37(1) – Provides for the local government may designate that a person may be classed as a senior employee
- Section 5.39(1) – Requires the local government to enter into a contract of employment with a senior employee
- The Local Government Act requires that a Council appoint a person to be the CEO.
- The Act further requires that a person is not to be employed as a CEO unless the Council believes that the person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract
- The appointment of a CEO (including Acting) requires an absolute majority of Council.

POLICY IMPLICATIONS:

Council has no policies in relation to this matter

FINANCIAL IMPLICATIONS:

Funding for Staff is included in each Annual Budget.

STRATEGIC IMPLICATIONS:

None

VOTING REQUIREMENTS:

Absolute Majority Decision required

Moved: Cr Mazza

Seconded: Cr J Dwyer

COUNCIL DECISION:

That Council:

1. **Approve the appointment of Mr Michael Desmond Fitzgerald as Acting Chief Executive Officer to commence duties no later than Wednesday 6th May 2015 for a maximum period of 3 months or until Council appoints a permanent Chief Executive Officer or a replacement Acting Chief Executive Officer whichever is sooner;**
2. **Deem Mr M D Fitzgerald is suitably qualified for the position of Acting CEO; and**
3. **Deem the employment contract with Mr Fitzgerald as satisfactory.**

4:13pm

CARRIED BY ABSOLUTE MAJORITY 6/0

Moved: Cr Tucker

Seconded: Cr Lee

COUNCIL DECISION:

That Council come out from behind closed doors.

4:14pm

CARRIED 6/0

10. NEXT MEETING

The next Special Meeting of Council will be held on a date to be determined.

11. CLOSURE OF MEETING

There being no further business the Shire President closed the meeting at 4:15pm.

I, *Gregory Dwyer* hereby certify that the Minutes of the Special Meeting of Council held 18 March 2015 are confirmed as a true and correct record, as per the Council Resolution of the Special Meeting of Council held on *8th JUNE 2015*

Signed

[Signature]

Dated:

8th JUNE . 2015