



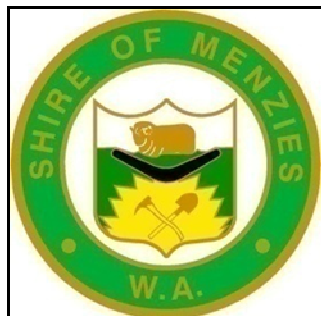
SPECIAL COUNCIL MEETING

MINUTES

MONDAY, DECEMBER 13TH 2010

The Menzies Council Chambers,
Shenton Street Menzies
Commencing At 10.12am

SHIRE OF MENZIES



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SHIRE OF MENZIES

**SPECIAL COUNCIL MEETING
DECEMBER 13TH, 2010
Held in the Shire of Menzies - Council Chambers
Shenton St, Menzies
Commencing at 10.12am**

MINUTES

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Gregory Dwyer) declares the meeting open, welcoming the attendees and proceeds with the agenda as planned.

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

In attendance:

Councillors	Cr Gregory Dwyer	President
	Cr Greg Stubbs	Deputy President
	Cr Kevin Pusey	Councillor
	Cr Ian Tucker	Councillor
	Cr Aileen Kelly	Councillor
	Cr Jill Dwyer	Councillor
	Cr Lloyd Lansdown	Councillor
Staff:	Mr Brian Seale	Chief Executive Officer
Visitors	Mr Jim Pianto	Ratepayer

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

N/A

4 PUBLIC QUESTION TIME

Mr Jim Pianto question - "Will this meeting be discussed behind closed doors?"

President Dwyer responded

"That matter will be addressed and determined by Council later in the meeting".

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

N/A

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

N/A

7	CONFIRMATION OF PREVIOUS MINUTES
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N/A

8	QUESTIONS ON NOTICE
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N/A

9	REPORTS OF COMMITTEES AND OFFICERS
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N/A

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9.1	Request to Consider the Rescinding of the motion not to renew the Chief Executive Officer's Contract.
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As consideration to this motion was addressed during the last three months an **'Absolute Majority'** of Council was required before this matter could be further considered and where the following Councillors supported addressing this item at this time.

Cr Pusey.

Cr Lansdown.

Cr Stubbs.

Cr. Kelly.

9.1 REQUEST TO CONSIDER RESCINDING THE MOTION NOT TO RENEW THE CHIEF EXECUTIVE OFFICER'S EMPLOYMENT CONTRACT

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	December 13th, 2010
AUTHOR:	Brian Seale Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

BACKGROUND:

This item was addressed at the September meeting, but not resolved and formalized as required at the October meeting to not renew the CEO's Contract at conclusion in July 2011 and was resolved 4/3.

A community petition and other documentation of support and opposition to reconsider rescinding the resolution was presented to the November meeting for further consideration and that item was lost 3/4

Council is in receipt of a letter of request as executed by three Councillors to convene an extra-ordinary meeting prior to the December meeting as proposed in terms of Section 5.4(a.) (ii).

COMMENT:

Copies of the previous data relative to this matter are appended to assist Council in this matter.

CONSULTATION:

STATUTORY ENVIRONMENT:

An "**Absolute Resolution Decision**" for a council of seven members is four votes in favour, which is required to rescind an item previously addressed within the three months of the original resolution.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None.

VOTING REQUIREMENTS: **"Absolute Majority required"**

OFFICER RECOMMENDATION

ITEM 9.1

MOVED Cr

SECONDED Cr

To approve/decline of the rescinding of the previous motion of Council dated October 28th, 2010 and numbered 9.31 (2.) relative to the renewal/non-renewal of the C.E.O.s Contract of employment.

RECOMMENDATION**ITEM 9.1**

MOVED Cr Kelly

SECONDED Cr Pusey

In accordance with section 5.25 of the Local Government Act 19956 and section 10(1), (a.) of the Local Government (Administration) Regulations 1996, Council consider the revocation of the following Council resolution at item 9.31(2.) as “Carried 4/3” at the Ordinary Council meeting held on October 28th, 2010.”

“To approve of the conclusion of the Contract of employment of the incumbent C.E.O. (B.W.Seale) at the expiry on July 16th, 2010.”

“Carried 4/3” – Absolute Majority”

Against: Crs. Tucker, Dwyer (J.), Dwyer (G.)

RECOMMENDATION**ITEM 9.1**

MOVED Cr Kelly

SECONDED Cr Lansdown

Council revoke the following resolution of Council in relation to the C.E.O’s Contract:

“To approve of the conclusion of the Contract of employment of the incumbent C.E.O. (B.W.Seale) at the expiry on July 16th, 2010.”

“Carried 4/3” – Absolute Majority”

Against: Crs. Tucker, Dwyer (J.), Dwyer (G.)

RECOMMENDATION**ITEM 9.1**

MOVED Cr Kelly

SECONDED Cr Pusey

“That Council enters into negotiations with the C.E.O. (Mr. Brian Seale) to renew his Contract for a further term (to be negotiated) from the expiry of the his current Contract on July 16th, 2010 with these negotiations to include a review of the current Contract conditions and the C.E.O.’s current key performance indicators, with negotiations to conclude by February 24th, 2011.”

“Carried 4/3” – Absolute Majority”

Against: Crs. Tucker, Dwyer (J.), Dwyer (G.)

RECOMMENDATION

ITEM 9.1

MOVED Cr Pusey

SECONDED Cr Kelly

“That Council appoints Mr John Phillips (W.A.L.G.A. group) as a Consultant engaged for the purposes of facilitating the negotiations for the renewal of the C.E.O’s (Mr. Brian Seale) Contract for a further period (to be negotiated) in anticipation of the expiry of his Contract on July 16th, 2011 with negotiations to conclude by February 24th, 2011.

“Carried 7/0”

■ 11.16 am - Jim Pianto vacates chambers

10 STATUS REPORTS

N/A

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

N/A

12 INFORMATION BULLETIN

N/A

13 NEXT MEETING / MEETING CLOSURE

The next Meeting will be held on Thursday, December 16th, 2010 at the Shire of Menzies Council Chambers, commencing at 9.00am.

There being no further business to discuss, the President declared the meeting closed at 11.16 am

**These minutes were confirmed
As a true and accurate record of proceedings at the
Ordinary Meeting of Council, held Thursday, December 16th, 2010**

**Confirmed by the Shire of Menzies,
President Gregory Dwyer**