

I hereby certify that the Minutes of the Special Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES SPECIAL COUNCIL MEETING

23 September 2014

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SHIRE OF WYNDHAM EAST KIMBERLEY MINUTES OF THE SPECIAL COUNCIL MEETING KUNUNURRA COUNCIL CHAMBERS

HELD ON TUESDAY 23 SEPTEMBER 2014, AT 4:00 PM

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:13pm.

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

ATTENDANCE

Cr J Moulden	Shire President
Cr R Dessert	Deputy Shire President
Cr D Learbuch	Councillor
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr G Taylor	Councillor
Cr G King	Councillor
K Hannagan	Acting Chief Executive Officer
N Octoman	Director Corporate Services
R Richards	Coordinator Organisational Development (Not present at start of meeting)
M Tonkin	Executive Assistant (Minute Taker)
J Law	Department of Local Government and Communities

GALLERY

Nil

APOLOGIES

Cr S Cooke Councillor

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- **Financial Interest**

Nil

- **Impartiality Interest**

Nil

- **Proximity Interest**

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Shire President John Moulden announces that he has received a resignation letter from Gary Gaffney and outlines the purpose of the meeting.

MOTION

Council moves to adjourn the meeting for 5 minutes so as to review the agenda.

COUNCIL DECISION

Minute No. 10562

Moved: Cr B Robinson

Seconded: Cr D Spackman

That Council adjourn the meeting for 5 minutes so as to review the agenda.

Carried Unanimously 8/0

The Meeting was adjourned at 4.15pm

All those present at the start of the meeting were present in the room after the adjournment. The meeting reconvened at 4.21pm.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

10. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

11. REPORTS

Nil

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

15. MATTERS BEHIND CLOSED DOORS

COUNCIL DECISION

Minute No. 10563

Moved: Cr B Robinson

Seconded: Cr D Spackman

That Council moves behind closed doors to consider confidential items.

Carried Unanimously 8/0

N Octoman and K Hannagan leave the chambers at 4.23pm

15.1 VACANCY - CHIEF EXECUTIVE OFFICER

DATE:	23 September 2014
PROPONENT:	Shire of Wyndham East Kimberley
LOCATION:	N/A
AUTHOR:	Kevin Hannagan, Acting Chief Executive Officer
REPORTING OFFICER:	Kevin Hannagan, Acting Chief Executive Officer
FILE NO:	N/A

The business of the meeting is of a confidential nature. The item will be discussed Behind Closed Doors under Section 5.23 (2) (a) and as this is a matter that affects:

- a) An employee or employees.

Notes:

1. The Responsible Officer of this report may have a potential conflict of interest as Council may consider the officer for the Acting Chief Executive Officer role.

PURPOSE

To accept the Chief Executive Officers resignation, consider a request made by the Chief Executive Officer, appoint an Acting Chief Executive Officer and start the recruitment process for a new Chief Executive Officer.

VOTING REQUIREMENT

Absolute Majority

COUNCIL DECISION

Minute No. 10564

Moved: Cr G Taylor

Seconded: Cr D Spackman

That Council suspends Standing Orders 7.5 to discuss confidential item 15.1 Vacancy – Chief Executive Officer.

Carried Unanimously 8/0

Council suspends Standing Orders at 4.44pm

MOTION

Cr D Spackman moves to adjourn the meeting until immediately after the Ordinary Council Meeting on the 23 September 2014.

COUNCIL DECISION

Minute No. 10565

Moved: Cr D Spackman

Seconded: Cr G Taylor

That Council adjourns the meeting until immediately after the Ordinary Council Meeting on the 23 September 2014.

Carried 5/3

For: Cr D Spackman, Cr G Taylor, Cr D Learbuch, Cr B Robinson, Cr G King

Against: Cr K Wright, Cr J Moulden, Cr R Dessert

COUNCIL DECISION

Minute No. 10566

Moved: Cr B Robinson

Seconded: Cr D Spackman

That Council resumes Standing Orders 7.5.

Carried Unanimously 8/0

Council resumes Standing Orders at 4.57pm

COUNCIL DECISION

Minute No. 10567

Moved: Cr B Robinson

Seconded: Cr K Wright

That Council moves out from behind closed doors.

Carried Unanimously 8/0

The meeting was adjourned at 4.59pm

All those present when the meeting was adjourned were present in the room when the meeting reconvened. The meeting reconvened at 7.42pm.

R Richards enters the chambers at 7.50pm.

MOTION

Cr J Moulden moves that Council authorises the Shire President to negotiate severance conditions with Gary Gaffney.

COUNCIL DECISION

Minute No. 10568

Moved: Cr J Moulden

Seconded: Cr D Spackman

That Council authorises the Shire President to negotiate severance conditions with Gary Gaffney.

Carried 7/1

**For: Cr J Moulden, Cr R Dessert, Cr D Learbuch, Cr K Wright, Cr D Spackman,
Cr G Taylor, Cr G King
Against: Cr B Robinson**

COUNCIL DECISION

Minute No. 10569

Moved: Cr K Wright

Seconded: Cr D Spackman

That Council suspends Standing Orders 7.5 to discuss confidential item 15.1 Vacancy – Chief Executive Officer.

Carried Unanimously 8/0

Council suspends Standing Orders at 7.55pm

The Shire President adjourns the meeting at 8.10pm, until the evening of 24th September 2014.

All those present when the meeting was adjourned were present in the room when the meeting reconvened, excluding R Richards. The meeting reconvened at 8.01pm on the 24th September 2014.

The Shire President submitted to the meeting an additional email from Gary Gaffney, dated 24 September 2014 confirming his severance conditions. This additional email is included in the Confidential Minutes as Attachment 4.

COUNCIL DECISION

Minute No. 10570

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council suspends Standing Orders 7.5 to discuss confidential item 15.1 Vacancy – Chief Executive Officer.

Carried Unanimously 8/0

Council suspends Standing Orders at 8.03pm

COUNCIL DECISION

Minute No. 10571

Moved: Cr B Robinson

Seconded: Cr D Learbuch

That Council resumes Standing Orders 7.5 to consider confidential item 15.1 Vacancy – Chief Executive Officer.

Carried Unanimously 8/0

Council resumes Standing Orders at 8.06pm

COUNCIL DECISION

Minute No. 10572

Moved: Cr R Dessert

Seconded: Cr G King

That Council:

- 1. Accepts the Chief Executive Officers resignation effective Close of Business 15 November 2014;**
- 2. Notes further email advice of 23 & 24 September 2014 confirming that the Chief Executive Officer has agreed to have his entitlements paid 'in lieu of notice' by the Shire, effective close of business 23 September 2014 to enable Council to appoint an Acting Chief Executive Officer effective from 24 September 2014;**
- 3. Agrees to the Terms and Conditions contained in the Chief Executive Officer's letter of resignation;**
- 4. Appoints Kevin Hannagan as Acting Chief Executive Officer from 24 September 2014 for a period not exceeding 12 months or upon the commencement of a new Chief Executive Officer, whichever is sooner;**
- 5. Requests the Acting Chief Executive Officer to start the recruitment process for a new Chief Executive Officer by acquiring a minimum of three quotations for provision of CEO Recruitment Services to be considered by the CEO Review Committee and subsequent recommendation to Council for engagement; and**
- 6. Makes provision in its mid-year budget review process for the cost of the CEO recruitment process and any adjustment to the new CEO Total Remuneration Package in accordance with Section 5.39 (7) of the Local Government Act 1995; and**
- 7. Agrees the CEO retains possession of his iPhone and iPad at no charge.**

Carried Unanimously 8/0

16. CLOSURE

The Shire President declares the meeting closed at 8.10pm.