

Special Council Minutes Index – 13 July 2023

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MINUTES

For the Special Meeting of Council held in the Council Chambers on **Thursday 13 July 2023** commencing at 5.30pm, called to consider the cessation of employment of the incumbent Chief Executive Officer and appointment of a Chief Executive Officer.

Opening of Meeting

The Presiding Member opened the meeting at 5.30pm.

Acknowledgment of Country

We acknowledge the cultural custodians of the land on which we gather, the Pibulmun-Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Attendance & Apologies

President	- Cr J Mountford
Councillors	- J Boyle - E Browne - M Christensen - T Lansdell - S Mahoney - A Pratico
Officers	- P St John, Director Development, Community and Infrastructure - E Matthews, Executive Assistant

Attendance of Gallery - Nil

Public Question Time – Nil

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest - Nil

Notification of Disclosures of Interest

Part 5, Division 6 of the *Local Government Act 1995* requires a member who has an interest in any matter to be discussed at the meeting to disclose the interest and the nature of the interest in writing before the meeting, or immediately before the matter is discussed.

- Nil

Business Items

ITEM NO.	SpC.01/0723	FILE REF.	
SUBJECT	Chief Executive Officer Cessation of Employment Date		
OFFICER	Director Development, Community and Infrastructure		
DATE OF REPORT	11 July 2023		

OFFICER RECOMMENDATION

That Council:

- 1. Note that the Chief Executive Officer's contract of employment has an end date of 4 January 2024, and that he has withdrawn his application for the position of Chief Executive Officer*
- 2. On the basis of the above, terminates the employment of the Chief Executive Officer to be effective from close of business on 4 September 2023 in accordance with clause 11.2 (2) of the current Chief Executive Officer's Contract of Employment, for the reason that this enables the new Chief Executive Officer to commence employment with the Shire within a reasonable timeframe*
- 3. Holds a Special Council meeting, at a future date to be determined, to enable consideration of a formal motion of recognition of the exceptional service provided to the Shire by the Chief Executive Officer over his many years of employment.*

Summary / Purpose

The purpose of this report is to determine a date for the Chief Executive Officer (CEO) to cease employment with the Shire.

Background

The CEO's contract of employment has an end date of 4 January 2024, and he has withdrawn his application for the position of CEO.

The purpose of this report is to determine a date when the CEO ceases employment with the Shire.

Officer Comment

The CEO's employment contract expires in January 2024 however it is at the discretion of Council to determine an earlier date when the CEO is to finish his employment with the Shire.

A date of Monday 4 September is suggested as an appropriate date. This enables sufficient time to ensure the annual budget is adopted and this date also occurs at the end of a normal Council meeting cycle, allowing for consistency from an operating perspective. This date will also allow sufficient time for the CEO to handover various projects to current staff. Although the August Council meeting date is 31 August, the Monday enables the CEO to represent the Shire at a conference that following weekend, which has already been planned.

The entitlements under the CEO's contract of employment will be paid upon termination of the current CEO's employment. This amount is prescribed by the

contract and is equivalent to the balance of the Remuneration Package payable for the Term of the contract.

Statutory Environment

Contract of employment between the Shire and the CEO.

Integrated Planning

- Corporate Business Plan – N/A
- Strategic Community Plan – N/A
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy/Strategic Implications – Not applicable

Budget Implications - No unanticipated budget implications

Whole of Life Accounting – Not applicable

Risk Management – Insignificant risk

Voting Requirements - Absolute Majority

Council Decision Moved Cr Christensen, Seconded Cr Browne

SpC.01/0723 That Council:

- 1. Note that the Chief Executive Officer's contract of employment has an end date of 4 January 2024, and that he has withdrawn his application for the position of Chief Executive Officer**
- 2. On the basis of the above, terminates the employment of the Chief Executive Officer to be effective from close of business on 4 September 2023 in accordance with clause 11.2 (2) of the current Chief Executive Officer's Contract of Employment, for the reason that this enables the new Chief Executive Officer to commence employment with the Shire within a reasonable timeframe**
- 3. Holds a Special Council meeting, at a future date to be determined, to enable consideration of a formal motion of recognition of the exceptional service provided to the Shire by the Chief Executive Officer over his many years of employment.**

Carried by Absolute Majority 7/0

**Council Decision Moved Cr Pratico, Seconded Cr Browne
C.SpC.02/0723 That Council go behind closed doors at 5.33pm to consider
item SpC.02/0723.**

Carried 7/0

In accordance with s.5.23(2) of the *Local Government Act 1995*, the Director Development, Community and Infrastructure has recommended item SpC.02/0723 be considered behind closed doors as the subject matter relates to the following matters prescribed by section 5.23(2):

- a) a matter affecting an employee or employees
- e) a matter that if disclosed, would reveal
 - (iii) information about the business, professional, commercial or financial affairs of a person

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of this item is to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

ITEM NO.	SpC.02/0723	FILE REF.	
SUBJECT	Appointment of a Chief Executive Officer		
OFFICER	Director Development, Community and Infrastructure		
DATE OF REPORT	11 July 2023		

**Council Decision Moved Cr Mahoney, Seconded Cr Pratico
SpC.02/0723a That Council:**

- 1. Appoints Nicole Gibbs to the position of Chief Executive Officer for a period of 5 years in accordance with the contract of employment presented in Attachment 2, noting that her date of commencement of employment will be 12 October 2023**
- 2. Determines that Nicole Gibbs is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract presented in Attachment 2**
- 3. Authorises the execution of the contract of employment presented in Attachment 2 with the affixing of the Common Seal**
- 4. Authorises the President to exercise the functions under clauses 6.2.2(b), 6.2.8, 6.5.3, 6.6.5(b), 8.1(b), 8.2(b), 9.2.4 and 11.8 of the proposed employment contract.**

Carried by Absolute Majority 7/0

**Council Decision Moved Cr Boyle, Seconded Cr Mahoney
SpC.02/0723b That Council come out from behind closed doors at 5.34pm.**

Carried 7/0

At 5.34pm Council opened the doors to the meeting. It was noted that no members of the public returned to the meeting.

Closure

The Presiding Member closed the meeting at 5.34pm.

List of Attachments - Nil

Minutes Papers prepared and
recommended by E Matthews,
Executive Assistant



20 July 2023

Minutes Papers authorised by
P St John, Director Development,
Community and Infrastructure



20 July 2023
