



MINUTES

Special Council Meeting

13 FEBRUARY 2023

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 1.00PM

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager

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CONFIRMED PUBLIC MINUTES



MINUTES

Special Meeting of the Victoria Plains Shire Council
Held in the Calingiri Shire Chambers and via E-meeting Protocol
on 13 February 2023 commencing at 1.00PM

1. DECLARATION OF OPENING

1.1 Opening

The Meeting was declared open by the Presiding Member at 1.00pm.

1.2 Announcements by Shire President

The Shire President reminded Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing and the meeting will be run in accordance with the Shire's *Meeting Procedures Law 2018*.

2. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

Approval to Attend and Declaration of Confidentiality

THAT:

Cr S Penn and Cr D Lovelock were declared approved to attend the Special Council Meeting of 13 February 2023 by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

3. RECORD OF ATTENDANCE

Members present	Shire President – Cr P Bantock Deputy Shire President - Cr N Clarke Cr J Kelly Cr S Woods Cr G O” Brien Cr D Lovelock - via teleconference. Cr S Penn – via teleconference.
Staff attending	CEO - Mr S Fletcher Manager Finance Administration – Mr C Ashe Council Support Officer – Ms J Klobas
Apologies	Nil
Approved leave of absence	Nil
Visitors	Mr D McAuliffe – Recruitment Contract Advisor
Members of the public	Nil

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4. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

	Type	Item	Person / Details
3.1	Financial		Mr S Fletcher, CEO, declared a Financial interest in item “12.1 CEO Contract – Confidential” due to ‘contract being related to his employment’.
3.2	Proximity		Nil
3.3	Impartiality		Nil

5. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

5.1 Public Questions With Notice

N/A

5.2 Public Questions Without Notice

N/A

6. PRESENTATIONS AND DEPUTATIONS**6.1 Presentations**

Nil

6.2 Deputations

Nil

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

8. MINUTES OF MEETINGS**8.1 Confirmation of Council Meeting Minutes**

N/A

9. REPORTS REQUIRING DECISION**10. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION*Admitted by resolution of Council*

Nil

12. MEETING CLOSED TO PUBLIC

File reference			
Report date	8 February 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references			
Prepared by	Julie Klobas, Council Meeting Officer		
Authorised by	Shire President		
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider matters regarding the Shire of Victoria Plains CEO Appointment under item 12.1.

BACKGROUND

Under section 5.23 (2)(b) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting the personal affairs of any person.

COMMENT

As there is Policy 2.6 “Standards for CEO Recruitment, Performance and Termination” in place for the Shire of Victoria Plains, Council is required to consider the recommendation of the CEO Recruitment Committee.

CONSULTATION

Shire President, Elected Members and CEO

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2302-01	Officer Recommendation / Council Resolution
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That the meeting **CLOSE** at 1.02pm to allow for confidential discussion regarding the CEO Contract.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CEO, Manager of Finance Administration and Council Support Officer left the room at 1.02pm

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12.1 CEO's Contract - Confidential

File reference	
Report date	02 Feb 2023
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Impartial
Previous meeting references	SCM 14 Dec 2022 – Item 11.2 2212-15
Prepared by	Colin Ashe, MFA
Authorised by	Sean Fletcher, CEO
Attachments	
Attachment 1	Page
	CEO Contract – Confidential

VOTING REQUIREMENTSAbsolute majority required: **Yes**

Officer Recommendation

Moved: Cr N Clarke

Seconded: Cr D Lovelock

That Council **AUTHORISES** the affixing of the common seal to Mr Sean Fletcher's contract of employment as the CEO at the Shire of Victoria Plains for the period of 5 years starting 16 February 2023 and ending 15 Feb 2028.

2302-02 Resolution**Moved: Cr J Kelly****Seconded: Cr S Woods**

That Council suspend standing orders 8.9 and 8.10 at 1.06pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

Mr McAuliffe, Contract Advisor, joined the meeting via telephone to advise council on employment contract matters at 1.41pm departing the meeting at 2.14pm

2302-03 Resolution**Moved: Cr N Clarke****Seconded: Cr D Lovelock**

That Council Resume standing orders at 2.20pm

CARRIED BY UNANIMOUS DECISION OF COUNCIL

2302-04 Councillor Amendment**Moved: Cr G O'Brien****Seconded: Cr S Woods**

Subject to the mutual agreement by the Parties, to update clause 5.3 (1) as per the confidential attachment, Council authorities the affixing of the common seal to Mr. Fletcher's contract of employment as the CEO at the Shire of Victoria Plains for the period of 5 years starting 16th Feb 2023 and ending 15th February 2028.

CARRIED For 5 / Against 2

Cr's Clarke and Lovelock voted against the motion.

Cr P Bantock, Penn, Kelly, O'Brien and Woods voted for the motion.

Amendment became the substantive motion.

2302-05 Councillor Recommendation / Council Resolution**Moved: Cr N Clarke****Seconded: Cr D Lovelock**

Subject to the mutual agreement by the Parties, to update clause 5.3 (1) as per the confidential attachment, Council **AUTHORISES** the affixing of the common seal to Mr. Fletcher's contract of employment as the CEO at the Shire of Victoria Plains for the period of 5 years starting 16th February 2023 and ending 15th February 2028.

CARRIED BY UNANIMOUS DECISION AND BY ABSOLUTE MAJORITY OF COUNCIL**2302-06 Resolution****Moved: Cr S Penn****Seconded: Cr G O'Brien**

Council adjourned for a 5 minute comfort break at 2.45pm, resuming at 2.50pm.

CARRIED BY UNANIMOUS DECISION

The CEO, Manager of Finance and Administration and Council Support Officer re-joined the meeting at 2.56 pm.

***The matter regarding the Tenders did not come forward for consideration;*

13 CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 2.58pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 22 Feb 2023 2023.

Signed 
(Presiding member at the meeting which confirmed the minutes)

Date 22 Feb 2023

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

CONFIRMED PUBLIC MINUTES