

SPECIAL MEETING OF COUNCIL

MINUTES

6 June 2019

(REF: D2019/08147)

An Ordinary Meeting of Council was held at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, BELMONT WA 6104 on **Thursday, 6 June 2019**. The meeting commenced at **7:15pm**.

TABLE OF CONTENTS

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS	1
2	ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)	1
3	DISCLOSURE OF INTERESTS	1
4	ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION	1
5	ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	1
	5.1 <i>CONTRACT OF CHIEF EXECUTIVE OFFICER</i>	1
6	MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	2
7	QUESTIONS BY MEMBERS WITHOUT NOTICE	2
8	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING	2
9	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	2
10	CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	2
	10.1 <i>CONTRACT OF CHIEF EXECUTIVE OFFICER (D2019/08137)</i>	3
11	FUTURE MEETINGS OF COUNCIL	5
12	DECLARATION OF CLOSURE OF MEETING	5



1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman opened the meeting at 7:15pm, welcomed visitors, those in attendance and acknowledged the traditional custodians of the land on which the meeting was held and paid respects to the elders past, present and future.

2 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillor Attendance

Cr David McDonnell (Chairman)	EMRC Member	City of Swan
Cr Dylan O'Connor (Deputy Chairman)	EMRC Member	City of Kalamunda
Cr Melissa Mykytiuk	EMRC Member	Town of Bassendean
Cr Jai Wilson	EMRC Member	Town of Bassendean
Cr Sally Palmer	EMRC Member	City of Bayswater
Cr Filomena Piffaretti (Deputising for Cr McKenna)	EMRC Deputy Member	City of Bayswater
Cr Steve Wolff	EMRC Member	City of Belmont
Cr Geoff Stallard	EMRC Member	City of Kalamunda
Cr John Daw	EMRC Member	Shire of Mundaring
Cr Doug Jeans (Deputising for Cr Lavell)	EMRC Deputy Member	Shire of Mundaring

Apologies

Cr Barry McKenna	EMRC Member	City of Bayswater
Cr David Lavell	EMRC Member	Shire of Mundaring
Cr Adam Kovalevs	EMRC Member	City of Swan

EMRC Officers

Mrs Prapti Mehta	Manager Organisational Development
Ms Theresa Eckstein	Executive Assistant to Chief Executive Officer

Observer(s)

Cr Kathryn Hamilton	EMRC Deputy Member	Town of Bassendean
---------------------	--------------------	--------------------

Visitor(s)

Mr Geoff Blades	Director	Lester Blades Pty Ltd
-----------------	----------	-----------------------

3 DISCLOSURE OF INTERESTS

Nil

4 ANNOUNCEMENTS BY THE CHAIRMAN OR PERSON PRESIDING WITHOUT DISCUSSION

Nil

5 ANNOUNCEMENT OF CONFIDENTIAL MATTERS FOR WHICH MEETINGS MAY BE CLOSED TO THE PUBLIC

NOTE: Section 5.23(2) of the *Local Government Act 1995*, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters; security matters; among others.

The following report item is covered in Section 10 of this agenda:

5.1 CONTRACT OF CHIEF EXECUTIVE OFFICER



6 MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

7 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil

8 NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE CHAIRMAN OR PRESIDING MEMBER OR BY DECISION OF MEETING

Nil

9 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1 MINUTES OF SPECIAL MEETING OF COUNCIL HELD ON 30 MAY 2019

That the minutes of the Special Meeting of Council held on 30 May 2019 which have been distributed, be confirmed.

COUNCIL RESOLUTION

MOVED CR WOLFF

SECONDED CR PALMER

THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 30 MAY 2019 WHICH HAVE BEEN DISTRIBUTED, BE CONFIRMED.

CARRIED UNANIMOUSLY

10 CONFIDENTIAL MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

RECOMMENDATION (Closing meeting to the public)

That with the exception of, the meeting be closed to members of the public in accordance with Section 5.23 (2) (a) and (c) of the *Local Government Act 1995* for the purpose of dealing with matters of a confidential nature.

COUNCIL RESOLUTION

MOVED CR MYKYTIUK

SECONDED CR DAW

The meeting was closed to the public at 7:19pm.

Mr Geoff Blades, the Manager Organisational Development and Executive Assistant to Chief Executive Officer remained in the Council Chambers.



10.1 CONTRACT OF CHIEF EXECUTIVE OFFICER

REFERENCE: D2019/08137

The matter is recommended to be confidential in accordance with Sections 5.23 (2) (a) and (c) of the *Local Government Act 1995*, which states as follows:

“If a meeting is being held by Council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:-

- (a) a matter affecting an employee or employees; and
- (c) contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

The Council considered the Confidential Item circulated with the Agenda under Separate Cover.

RECOMMENDATION [Meeting re-opened to the public]

That the meeting be re-opened, the public be invited to return to the meeting and the resolutions passed behind closed doors be recorded.

COUNCIL RESOLUTION

MOVED CR WOLFF

SECONDED CR STALLARD

THAT THE MEETING BE RE-OPENED, THE PUBLIC BE INVITED TO RETURN TO THE MEETING AND THE RESOLUTIONS PASSED BEHIND CLOSED DOORS BE RECORDED.

CARRIED UNANIMOUSLY

The meeting was reopened to the public at 7:50pm.

Recording of the resolutions passed behind closed doors, namely:

COUNCIL RESOLUTION(S)

MOVED CR MYKYTIUK

SECONDED CR STALLARD

THAT:

1. Council note modifications to the Chief Executive Officer Contract of Employment proposed by the preferred candidate shown at Attachment Three to this report.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR STALLARD

SECONDED CR MYKYTIUK

THAT:

2. Council by Absolute Majority agree to amend the Chief Executive Officer Contract of Employment “Clause 2.3 – Probationary Period” to provide for a maximum of 6 months’ probation in total.

CARRIED UNANIMOUSLY



COUNCIL RESOLUTION(S)

MOVED CR STALLARD SECONDED CR DAW

THAT:

3. Council by Absolute Majority agree to amend the Chief Executive Officer Contract of Employment "Clause 5.1- Remuneration Package – general provisions" to include an additional clause (d) which requires the Chief Executive Officer to use their own private vehicle for business use inclusive of all operating costs.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR STALLARD SECONDED CR MYKYTIUK

THAT:

4. Council by Absolute Majority agree to delete the Chief Executive Officer Contract of Employment "Clause 5.3 – Motor Vehicle".

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR MYKYTIUK SECONDED CR PALMER

THAT:

5. Council by Absolute Majority agree to amend the Chief Executive Officer Contract of Employment "Clause 9.2 – Annual Leave" to provide an entitlement to six (6) weeks paid annual leave each year.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR STALLARD SECONDED CR MYKYTIUK

THAT:

6. Council by Absolute Majority agree to amend the Chief Executive Officer Contract of Employment "Clause 11.3(3)(a) – Termination by the EMRC at will" to provide an amount equal to 12 months' payment of the Remuneration Package

CARRIED 9/1

For Vote: **Cr McDonnel, Cr O'Connor, Cr Mykytiuk, Cr Palmer, Cr Piffaretti, Cr Wolff, Cr Stallard, Cr Daw, Cr Jeans**

Against Vote: **Cr Wilson**

COUNCIL RESOLUTION(S)

MOVED CR PIFFARETTI SECONDED CR STALLARD

THAT:

7. Council note that Schedule 2 of the Contract of Employment will be updated based on any modifications to the Contract of Employment.

CARRIED UNANIMOUSLY



COUNCIL RESOLUTION(S)

MOVED CR PALMER

SECONDED CR STALLARD

THAT:

8. Council requests the Chairman Cr McDonnell or his Delegate Cr O'Connor, with the assistance of Consultant Geoff Blades, to finalise contract negotiations with the preferred candidate.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION(S)

MOVED CR MYKYTIUK

SECONDED CR STALLARD

THAT:

9. Council note the Report and Attachments remain confidential and be certified by the Chairman and Deputy Chairman.

CARRIED UNANIMOUSLY

11 FUTURE MEETINGS OF COUNCIL

The next Ordinary meeting of Council will be held on **Thursday, 20 June 2019** at the EMRC Administration Office, 1st Floor, 226 Great Eastern Highway, Belmont WA 6104 commencing at 6:00pm.

Future Meetings 2019

Thursday	20 June		at	EMRC Administration Office
Thursday	18 July	(if required)	at	EMRC Administration Office
Thursday	22 August	(if required)	at	EMRC Administration Office
Thursday	19 September		at	EMRC Administration Office
Thursday	5 December		at	EMRC Administration Office
January 2020 (recess)				

12 DECLARATION OF CLOSURE OF MEETING

There being no further business, the meeting was closed at 7:52pm.