



Special Council Meeting

7 August 2024

Minutes

To: The President and Councillors.

Here within are the Minutes of the Special Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

Tabitha Bateman
ACTING CEO



Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

Disclaimer

Any discussion regarding a planning matter or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

Availability of Meeting Agenda and its Attachments


Information about Council Meetings is located on the website

<http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at

<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.



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Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following a Special Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 9 August 2024.




Tabitha Bateman

ACTING CEO

Confirmed Minutes

These minutes were confirmed at a meeting held on 28 August 2024.

Signed:.....

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr Dival, Deputy Shire President, declared the meeting open at 4.46pm and read aloud an Acknowledgement of Country:

“I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging.”

The Shire President read through other preliminaries.

2 RECORDS OF ATTENDANCEMembers

Cr M McKeown	Shire President (via zoom)
Cr S Dival	Deputy Shire President
Cr R Madacsi	Councillor
Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr J Prater	Councillor
Cr D Wrench	Councillor (via zoom at 4.50pm)

Staff

Mrs M Rebane	Executive Assistant
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Visitors

Nil.

2.1 APOLOGIES

Nil

2.2 APPROVED LEAVE OF ABSENCE

Nil

3 DISCLOSURE OF INTEREST

Nil.

4 PUBLIC QUESTIONS**4.1 PUBLIC QUESTION TIME**

NIL

5 PUBLIC SUBMISSIONS

Nil.

6 CONFIDENTIAL BUSINESS**MOTION/COUNCIL RESOLUTION NO. SCM228/08/24****MOVED** Cr S Dival**SECONDED** Cr J Prater

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the *Local Government Act 1995*:

6.1 CEO Selection and Recruitment Committee Recommendation

This matter is considered to be confidential under Section 5.23(2) - (a), (b) and (c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees, the personal affairs of any person and a 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.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

Council Chambers were closed, and the live stream went behind closed doors at 4.48pm.

6.1 CEO Selection and Recruitment Committee Recommendation**CSRC RECOMMENDATION 1/COUNCIL RESOLUTION NO. SCM229/08/24****MOVED** Cr C Duri**SECONDED** Cr J Prater

That Council receives the recommendation for preferred candidate as detailed in the minutes of the CEO Selection and Recruitment Committee dated 30 July 2024 (refer to CSRC007/07/24) subject to Council considering the references and background checks are satisfactory.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

CSRC RECOMMENDATION 2/COUNCIL RESOLUTION NO. SCM230/08/24**MOVED** Cr C Duri**SECONDED** Cr J Prater

That Council receives, by simple majority, the Background Check Report and the Selection Report provided by Beilby Downing and Teal as attached (**Confidential Attachments 1 and 2**).

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

MOTION CARRIED 7/0

Cr Dival moved the CSRC Recommendation No. 3.

Cr McCormick seconded the motion.

Cr Madacsi objected to the motion.

Debate commenced.

The motion was put.

CSRC RECOMMENDATION 3/COUNCIL RESOLUTION NO. SCM231/08/24**MOVED** Cr S Dival**SECONDED** Cr S McCormick

That Council, by absolute majority, approves the making of an offer by the Deputy Shire President to the preferred Candidate B named in **Confidential Attachment 2** for the position of CEO at the Shire of Toodyay as the candidate the Committee believes to be the person most suitable for the position: and

- (a) confirms approval of the proposed terms of the CEO employment contract previously approved by Council on 17 July 2024 (SCM205/07/24) being for a term of 4 years.
- (b) approves a Total Reward Package valued at \$245,496 being 85% of the maximum allowable and calculated in accordance with the *2024 Salaries and Allowance Tribunal Local Government Determination* Band 3 range.

Voted For: Crs C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Cr R Madacsi

MOTION CARRIED BY ABSOLUTE MAJORITY 6/1

Cr McKeown moved the CSRC Recommendation No. 4.

Cr McCormick seconded the motion.

Cr Madacsi objected to the motion.

Debate commenced.

The motion was put.

CSRC RECOMMENDATION 4/COUNCIL RESOLUTION NO. SCM232/08/24**MOVED** Cr M McKeown**SECONDED** Cr S McCormick

That:

1. Council authorises, by absolute majority, the Deputy Shire President, in accordance with s.5.34 (b) of the *Local Government Act 1995* to:
 - (a) progress the contract offer with the recommended candidate, Candidate B, named in **Confidential Attachment 2** for the position of CEO within the salary range agreed by Council and up to the amount of the Total Reward Package for SAT band 3 to the value of \$288,817.
 - (b) execute the CEO employment contract and apply the common seal in accordance with section 9.49A (1)(a) of the *Local Government Act 1995*, subject to the candidate agreeing to enter into the proposed terms of the CEO employment contract without amendment: and
2. if the candidate negotiates under clause 12 of Schedule 2 of the *Local Government (Administration) Regulations 1996* terms different to the proposed terms, the amended proposed contract will be provided to Council for approval before the contract is executed.
3. Council notes, by simple majority, that subject to the candidate named in **Confidential Attachment 2** accepting the proposed terms of the CEO employment contract the candidate is appointed to the position of CEO at the Shire of Toodyay; and
4. Council notes, by simple majority, that should the recommended candidate decline the position, or vacate the position during the first six months, the CEO Selection and Recruitment Committee will agree to reconvene to determine next steps.

Voted For: Crs C Duri, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Cr R Madacsi**MOTION CARRIED 6/1**

MOTION/COUNCIL RESOLUTION NO. SCM233/08/24**MOVED** Cr S Dival**SECONDED** Cr J Prater

That Council move from behind closed doors at 5.48pm.

Voted For: Crs R Madacsi, C Duri, S McCormick, M McKeown, D Wrench, S Dival and J PraterVoted Against: Nil**MOTION CARRIED 7/0**

The Council Chambers were re-opened at 5.49pm.

The Presiding Member advised that Council had passed four lengthy motions that would not be read out however would be contained in the minutes of the meeting to be published online in the next few days.

7 CLOSURE OF MEETING

The Shire President declared the meeting closed at 5.49pm.