

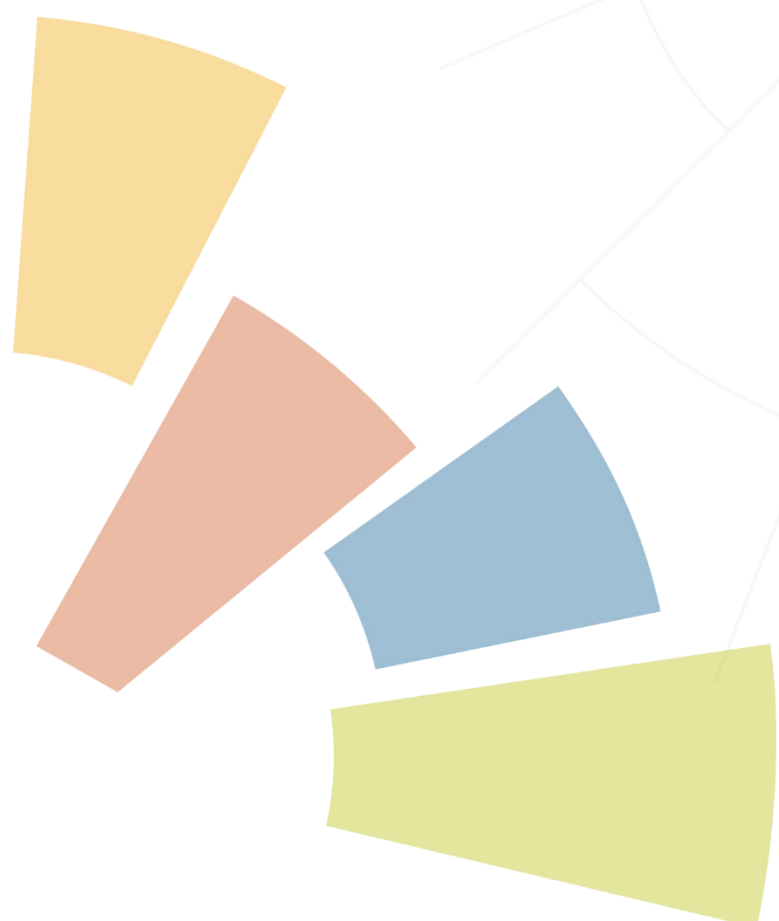


SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

MINUTES

Special Council Meeting

Held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 13 February 2024
Commencing 5.30pm



Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
EMS&C	Executive Manager Strategy & Community
EMCS	Executive Manager Corporate Services
EMDS	Executive Manager Development Services
EMES	Executive Manager Engineering Services
EO	Executive Officer
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan



Shire of Merredin Special Council Meeting

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Shire of Merredin
Special Council Meeting
5:30pm Tuesday, 13 February 2024



1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 5:34pm.

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr M McKenzie	President
Cr R Manning	Deputy President – Via Zoom
Cr B Anderson	
Cr H Billing	
Cr D Crook	
Cr L O’Neill	Via Zoom
Cr M Simmonds	
Cr P Van Der Merwe	

Staff:

L Boehme	A/CEO
A Tawfik	EMES
P Zenni	EMDS
M Wyatt	EO

Members of the Public: Nil

Apologies: Nil

Approved Leave of Absence: Nil

Cr Manning and Cr O’Neill’s attendance via Zoom was approved by the Shire President in advance in accordance with Regulation 14C.2(b) of the Local Government (Administration) Amendment Regulations 2022.

3. Swearing In of Councillor Elect

In accordance with section 2.29 of the *Local Government Act 1995*, a person elected as a Councillor is to make a declaration in the prescribed form before acting in the Office.

Councillor Lisa O’Neill undertook the swearing in on Wednesday, 7 February 2024, in the presence of the Acting Chief Executive Officer. The Acting Chief Executive Officer confirmed by reading into the record, that Councillor Lisa O’Neill, having been elected to the office of Councillor of the Shire of Merredin, declared that she would take the office upon herself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of her judgment and ability, and will observe the code of

conduct adopted by the Shire of Merredin under section 5.103 of the *Local Government Act 1995*.

4. Public Question Time

Nil

5. Disclosure of Interest

Nil

6. Applications of Leave of Absence

Nil

7. Petitions and Presentations

Nil

8. Announcements by the Person Presiding without Discussion

Nil

9. Matters for Which the Meeting may be Closed to the Public


14.1 Appointment of Temporary Chief Executive Officer

10. Urgent Business Approved by the Person Presiding or by Decision

Nil

11. Officers' Report – Corporate Services

11.1 Policy 2.34 – Appointment of an Acting or Temporary Chief Executive Officer

<h2>Corporate Services</h2> 	
Responsible Officer:	Leah Boehme, EMCS
Author:	As above
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 11.1A – Policy 2.34 – Appointment of an Acting or Temporary CEO

Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider a proposed new policy which establishes processes for the appointment of an Acting or Temporary Chief Executive Officer (CEO).

Background

The *Local Government Act 1995* stipulates that:

A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following –

- (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
- (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

Currently, the Shire of Merredin (the Shire) does not have a policy adopted in relation to this legislation.

In 2023, the CEO identified a need to develop this Policy and developed a draft document, however the document had not yet been presented to Council.

Comment

As the Shire is currently undergoing a CEO recruitment process, the Administration thought it pertinent to present this Policy to Council for adoption.

WALGA has provided a template policy to the Shire and the attached draft Policy (Attachment 11.1A) meets the requirements outlined in the template.

Policy Implications

Draft Policy 2.34 – as attached.

Statutory Implications

As outlined in the *Local Government Act 1995*.

5.39C. Policy for temporary employment or appointment of CEO

(1) A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following –*

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;*
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

** Absolute majority required.*

(2) A local government may amend the policy.*

** Absolute majority required.*

(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(4) The CEO must publish an up-to-date version of the policy on the local government's official website.

Strategic Implications

∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area	4.2 Decision Making
Objective:	4.2.2 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice
Priorities and Strategies for Change:	Nil

∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil

Objectives:

Sustainability Implications

∅ Strategic Resource Plan

Nil

Risk Implications

If this Policy is not adopted, the Shire will be in breach of the *Local Government Act 1995*.

Financial Implications

Nil

Voting Requirements

Simple Majority

Absolute Majority

Resolution

Moved: Cr Crook

Seconded: Cr Van Der Merwe

83328

That Council ADOPT Policy 2.34 – Appointment of an Acting or Temporary CEO, as presented in Attachment 11.1A.

CARRIED 8/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr O'Neill, Cr Simmonds, Cr Van Der Merwe

Against: Nil

12. Motions of which Previous Notice has been given

Nil

13. Questions by Members of which Due Notice has been given

Nil

14. Matters Behind Closed Doors

In accordance with section 5.23 (2)(b)(c)(e)(ii)(iii), of the *Local Government Act 1995* Council will go Behind Closed Doors to discuss these matters.

Council Decision

Moved: Cr Anderson **Seconded:** Cr Van Der Merwe

83329 That Council move Behind Closed Doors and that Standing Orders be suspended at 5:40pm.

CARRIED 8/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr O'Neill, Cr Simmonds, Cr Van Der Merwe


Against: Nil

Reason

That matters related to the personal affairs of any person, 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, and a matter that if disclosed would reveal information that has commercial value to a person or information about the business, professional, commercial, or financial affairs of a person.

A/CEO, Leah Boehme, EMES, Amer Tawfik and EMDS, Peter Zenni left the Chambers at 5:42pm.

14.1 Appointment of Temporary Chief Executive Officer

<h1>Administration</h1>		 SHIRE OF MERREDIN INNOVATING THE WHEATBELT
Responsible Officer:	Mark McKenzie, Shire President	
Author:	Leah Boehme, A/CEO	
Legislation:	Local Government Act 1995	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A – Letter of Engagement	
Voting Requirements		

Simple Majority

Absolute Majority

Resolution

Moved: Cr Van Der Merwe

Seconded: Cr Crook

That Council:

1. **APPOINT** Mr John Merrick in the role of Temporary Chief Executive Officer of the Shire of Merredin effective from 27 February 2024 until Council have formally appointed a permanent Chief Executive Officer;
2. **Is satisfied** that Mr John Merrick is suitably qualified to hold the position of Temporary Chief Executive Officer of the Shire of Merredin, and is satisfied with the contract of employment;
4. **APPROVES** that Item 1 and 2 of this resolution remain confidential until contract negotiations are finalised; and
5. **APPROVES** that Item 3 of this resolution remains confidential indefinitely.

83330

CARRIED 7/1

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr O'Neill, Cr Van Der Merwe

Against: Cr Simmonds

Council Resolution

Moved: Cr McKenzie **Seconded:** Cr Van Der Merwe

83331 That Council return from Behind Closed Doors at 5:47pm, resume Standing Orders and that the resolutions being passed in the confidential session be confirmed in open meeting.

CARRIED 8/0

For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr O’Neill, Cr Simmonds, Cr Van Der Merwe

Against: Nil

A/CEO, Leah Boehme, EMES, Amer Tawfik and EMDS, Peter Zenni returned to the Chambers at 5:48pm.

15. Closure

There being no further business, the President thanked those in attendance and declared the meeting closed at 5:48pm.

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