



SHIRE
of
DANDARAGAN

CONFIDENTIAL MINUTES

of the

SPECIAL COUNCIL MEETING

held at the

COUNCIL CHAMBERS, JURIE BAY

on

FRIDAY 31 AUGUST 2012

COMMENCING AT 1.25PM

(THIS DOCUMENT IS AVAILABLE IN LARGER PRINT ON REQUEST)

MINUTES FOR SPECIAL COUNCIL MEETING HELD FRIDAY 31 AUGUST 2012

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The presiding member declared the meeting open at 1.25pm and welcomed those present.

1.2 DISCLAIMER READING

The disclaimer was not read aloud as there were no members of the public present.

2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members	Councillor S Love	(President)
	Councillor L Short	(Deputy President)
	Councillor M Russell	
	Councillor M Sheppard	
	Councillor L Holmes	
	Councillor K McGlew	

Staff	Mr Tony Nottle	(Chief Executive Officer)
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Facilitator	Mr John Phillips	(WALGA Workplace Solutions)
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Apologies	Councillor W Gibson
	Councillor T Bailey

Approved Leave of Absence	Councillor D Kent
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3 PUBLIC QUESTION TIME

Nil

4 PURPOSE OF THE MEETING

Chief Executive Officer Annual Performance Appraisal & Remuneration Review

5 ORDER OF BUSINESS**5.1 ADMINISTRATION**

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Section 5.23 of the Local Government Act 1995 stipulates that all council meetings are generally open to the public. Section 5.23 goes on to identify specific situations in which the council or committee may close to members of the public the meeting, or part of the meeting.

In situations where it is deemed that a meeting or part of a meeting must be closed to the public, Section 5.23 (3) states “A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.”

For a decision to be recorded in the minutes a formal motion must be passed by simple majority clearly stating the reason for the closure in accordance with Section 5.23 of the Local Government Act 1995.

Local Government Act 1995:

5.23. Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public -*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*

- (2) *If a meeting is being held by a 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;**
 - (b) the personal affairs of any person;*
 - (c) 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;*
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) a matter that if disclosed, would reveal -*
 - (i) a trade secret;*
 - (ii) information that has a commercial value to a person; or*
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
 - (f) a matter that if disclosed, could be reasonably expected to -*
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) endanger the security of the local government’s property;*
or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*

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(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and

(h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

OFFICER RECOMMENDATION / COUNCIL DECISION


Moved Cr Short, seconded Cr Sheppard

That the meeting be closed to members of the public at 1.27pm in accordance with Section 5.23 (2) (a) of the Local Government Act 1995 to allow Council to discuss item 5.1.1 'Chief Executive Officer Annual Performance Appraisal and Remuneration Review'.

CARRIED 6 / 0

Notation: The Chief Executive Officer declared a financial interest in item 5.1.1 as the item was discussing his employment contract.

5.1.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL AND REMUNERATION REVIEW

Location:	N/A
Applicant:	N/A
Folder Path:	Human Resources / NOTTLE Anthony
Disclosure of Interest:	The author is the subject of the performance review and concerns his contract of employment
Date:	29 August 2012
Author:	Tony Nottle, Chief Executive Officer
Signature of Author:	

COUNCIL DECISION

Moved Cr Holmes, seconded Cr Russell

That Council:

1. receive the confidential Performance Review report as amended and attached and endorses the overall rating for Mr Anthony Nottle as 'satisfactory - meeting the performance requirements' for the position of Chief Executive Officer of the Shire of Dandaragan;
2. the next review of the Chief Executive Officer's performance to be conducted by August 2013; and
3. the draft Key Result Areas for the 2012/2013 appraisal period are endorsed.

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Russell, seconded Cr Sheppard

That Council agree to amend as of 2 August 2012 the Employment Contract with the Chief Executive Officer, Mr Anthony Nottle, to include:

1. additional weeks' leave (total five weeks);
2. increase from 3% matching contribution for additional

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- superannuation to 5%;
- 3. rent free accommodation;
- 4. utilities to be covered by the Shire of Dandaragan; and
- 5. change “clothing allowance” to “grooming allowance” and increase to \$450.

CARRIED 6 / 0

COUNCIL DECISION

Moved Cr McGlew, seconded Cr Russell

That Council direct the Chief Executive Officer to provide Council with a report on the proposed attraction and retention incentives for staff and its impacts and effects on the Shire’s budget.

CARRIED 6 / 0

The President thanked Mr Nottle on behalf of Council for his commitment, hard work and tremendous success achieved over the past 12 months and looks forward to another successful period ahead.

The President also thanked Mr Phillips for his assistance and facilitation of the review process.

Mr Nottle thanked Council for their support over the past 12 months.

COUNCIL DECISION

Moved Cr Russell, seconded Cr Short

That Council reopen the meeting to members of the public.

CARRIED 6 / 0

6 CLOSURE OF MEETING

There being no further business the President declared the meeting closed at 1.50pm.

These minutes were confirmed at a meeting on

Signed

Presiding person at the meeting at which the minutes were confirmed

Date