

## Bunbury City Council

### Special Council Meeting Minutes

**20 December 2010**

1. To further consider matters associated with applications for the position of Chief Executive Officer.
2. To discuss the recent media coverage and other past comments by Councillors.

**In accordance with the provisions of Section 5.25(g) of the Local Government Act 1995 and Regulation 12(4) of the Local Government (Administration) Regulations 1996 this Meeting is advertised for public information, as follows:**

- Notices posted on notice boards in the City's Customer Service Centre, libraries and internet website.



**City of Bunbury**  
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Bunbury WA 6230  
Western Australia

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# Bunbury City Council Special Meeting Minutes

Minutes of a Special Meeting of the Bunbury City Council held in the Council Chambers, City of Bunbury Administration Building, 4 Stephen Street, Bunbury on Monday, 20 December 2010.

## Minutes 20 December 2010

**NOTE:** These minutes are subject to confirmation at the next Ordinary meeting of the Council.

### 1. Declaration of Opening by the Mayor

His worship the Mayor David Smith declared the meeting open at 5.35pm.

### 2. Record of Attendance, Apologies and Leave of Absence

*PRESENT*

<b>Council Committee Members</b>	
Presiding Member:	His Worship the Mayor, Mr D Smith
Deputy Presiding Member:	Deputy Mayor, Councillor B Kelly
Members:	Councillor J Jones
	Councillor S Craddock
	Councillor W Major
	Councillor N Whittle
	Councillor R Slater
	Councillor A Leigh
	Councillor J Harrop
	Councillor K Steele
<b>Others (Non-Voting):</b>	
Members of the Public:	Nil
Members of the Press:	Nil

*APOLOGIES:*

Councillor's Helen Punch and Michelle Steck were an apology for the meeting.

*LEAVE OF ABSENCE*

Cr Derek Spencer is on Leave of Absence from 27 November 2010 to 3 January 2011 (inclusive).

There was no attendance by any member of the public or senior staff.

### **3. Disclosures of Interest - Local Government Act 1995**

Nil

### **4. Business of the Meeting**

The business of the meeting is as follows:

1. To further consider matters associated with the application for the position of Chief Executive Officer; and
2. To discuss the recent media coverage about Council and other comments made by Councillors in the past month.

#### **Outcome – Special Council Meeting 20 December 2010**

Pursuant to City of Bunbury Standing Order 15.10, Cr Leigh moved, Cr Craddock seconded *“the meeting to exclude members of the public and press to permit Confidential Business (as defined by the Local Government Act 1995) to be discussed.”* The motion was put to the vote and CARRIED 10 votes “for” / Nil votes “against”. The doors to the Chambers were closed.

#### **4.1 To Further Consider Matters Associated with the Application for the Position of Chief Executive Officer**

The Mayor tabled, for the Councillors consideration, a draft copy of the unconfirmed minutes from the Special Council Meeting held 6 December 2010.

He then brought to the attention of the Councillors the nature and content of the ongoing negotiations with the new Chief Executive Officer as per Item 4 of the Council decision from the 6 December 2010 Special Council Meeting.

The Mayor indicated that at the time of calling today’s Special Meeting there had not been a final acceptance of the offer made to the proposed new Chief Executive Officer and the Mayor wanted some direction from Council as to what Council wished to do if that did not happen soon. However the Mayor had received earlier today an email from Andrew Brien which he read from. This confirmed that he intended to accept the position, so the only item that now required attention was the approval of the Minutes of the Meeting held on the 6th December, which the Mayor had prepared.

During the discussion that followed and further to the decisions made on the 6 December 2010 it was moved Cr Slater, seconded Cr Major.

*“In regards to item 3 of Council Decision 274/10 from 6 December 2010 Special Council Meeting, Council endorse the new contract amount offered to the new Chief Executive Officer and the minutes be amended to reflect the new contract amount of \$255,000.00.*

The Mayor put this motion to the vote and it was adopted to become the Council's decision on the matter.

**Council Decision 275/10**

***In regards to item 3 of Council Decision 274/10 from 6 December 2010 Special Council Meeting, Council endorse the new contract amount offered to the new Chief Executive Officer and the minutes be amended to reflect the new contract amount of \$255,000.00.***

CARRIED

6 votes "for" / 4 votes "against"

(Absolute Majority Vote Attained)

It was requested that the votes be recorded as follows:

For: Mayor D Smith, Cr Craddock, Cr Jones, Cr Whittle, Cr Slater, Cr Major

Against: Deputy Mayor Cr Kelly, Cr Leigh, Cr Harrop, Cr Steele

The draft Minutes of the Meeting on the 6th December were then further discussed including changes requested by Councillors.

Subject to these amendments, and any issues that Cr Steck may raise, it was moved and passed unanimously that the Minutes as amended of the Meeting held on the 6th December 2010 be recorded as a true record.

**4.2 To Discuss the Recent Media Coverage and other Comments Made by Councillors in the Past Month.**

The Mayor opened the discussion by going through the City of Bunbury Standing Orders Local Laws, Code of Conduct and Local Government (Rules of Conduct) Regulations 2007.

He then outlined the concerns he had with the comments made by some Councillors and the Deputy Mayor, and questioned whether they were consistent with what was expected under the provisions of these documents.

Following lengthy discussion the Mayor requested that Councillors and himself re-familiarise themselves with each of these documents during the Council recess period in time for the new years meeting cycles. If any Councillor was unhappy with Council's Code of Conduct or current Standing Orders that could also be discussed in the New Year. However, the Mayor's intention was to strictly enforce all three documents until they were amended

The Mayor also emphasised that with the appointment of the new Chief Executive Officer and elections in October, there was an opportunity for Council to make a fresh start in the New Year in

accordance with the above documents. He encouraged all Councillors to do so.

Cr Slater then moved, Cr Leigh seconded procedural motion 15.10 of the City of Bunbury Standing Orders that the Council meeting be reopened to the members of the public, press and staff. The procedural motion was put to the vote and CARRIED 10 votes "for" / Nil votes "against". The Chambers doors were reopened

## **5. Close of Meeting**

The meeting was declared closed at 6.50pm