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SHIRE OF WEST ARTHUR

Minutes for the Special Meeting of Council held in the Council Chambers on Wednesday 3 November 2021.

Ian McCabe
Acting Chief Executive Officer

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1. Declaration of Opening / Announcements of Visitors

The Presiding Member declared the meeting open 6.58pm.

2. Attendance / Apologies / Approved Leave of Absence

COUNCILLORS: Cr Neil Morrell Shire President
 Cr Graeme Peirce Deputy President
 Cr Karen Harrington
 Cr Robyn Lubcke
 Cr Neil Manuel
 Cr Duncan South

STAFF: Ian McCabe (A/Chief Executive Officer)

APOLOGIES: Cr Adam Squires

ON LEAVE OF ABSENCE:

ABSENT:

MEMBERS OF THE PUBLIC: Nil

3. Announcements by the Presiding Member Nil

4. Response to Previous Public Questions Taken on Notice Nil

5. Public Question Time Nil

6. Petitions / Deputations / Presentations / Submissions Nil

7. Applications for Leave of Absence Nil

8. Disclosures of Interest

Acting CEO Ian McCabe declared a financial interest at item 17.2 as the applicant

9. Confirmation of Minutes of Previous Meetings

Nil

10. Reports of Committees of Council

Nil

11. Reports from Councillors

Nil

12. Chief Executive Officer

Nil

13. Finance

Nil

14. Planning and Technical Services

Nil

15. Elected Members Motions of Which Previous Notice Has Been Given

Nil

16. New Business or Urgent Business Introduced by Decision of the Meeting

Nil

17. Confidential Items considered behind closed doors

Statutory environment, s.5.23 Local Government Act 1995:

5.23. Meetings generally open to public

(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; and

(b) the personal affairs of any person; and

(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;

Officer Recommendation and Council Resolution:

That the meeting be closed to the public to discuss a matter affecting an employee in accordance with Section 5.23(2) of the Local Government Act 1995.

Moved: Cr Pierce

Seconded: Cr Lubcke

CARRIED 6/0

Meeting Closed to the public 7.02pm

17.1 RESIGNATION OF CHIEF EXECUTIVE OFFICER

File Reference: 2.15.5 Staff General

Location: Shire of West Arthur

Applicant: Nicole Wasmann Chief Executive Officer

Author: Ian McCabe, acting Chief Executive Officer

Authorising Officer: Ian McCabe, acting Chief Executive Officer

Date: 3 November 2021

Disclosure of Interest: Nil

Attachments: Confidential Report; CEO's employment contract

Previous Reference: N/A

SUMMARY:

Council to receive letter of resignation as attached, consider contractual terms of separation and authorise payment of remuneration and entitlements.

BACKGROUND:

The Chief Executive Officer Ms Nicole Wasmann is currently engaged by contract to 1 February 2022. Ms Wasmann has tendered a letter of resignation effective close of business 4 November 2021. Council is requested to consider that letter; the attached confidential report; and the CEO's employment contract as provided to Council and accept the resignation and authorise the payment of items of Remuneration according to contract and statute, as per the attached Confidential Report.

An appointment has been made by Council for the position of Chief Executive Officer commencing 1 February 2022.

CONSULTATION:

Ms Wasmann; President Cr Neil Morrell; Mr Tony Brown, Governance, WALGA; Employee Relations, WALGA; Full Council.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

STRATEGY

Not applicable.

VOTING REQUIREMENTS:

Absolute majority

Officer Recommendation and Council Resolution:

That Council:

1. Accept the resignation of the Chief Executive Officer Ms Nicole Wasmann (the employee) effective close of business 4 November 2021;
2. Authorise the payment of the balance of the Remuneration Package in accordance with s.11.2 (5) of the employment contract, relevant legislation and the attached Confidential Report;
3. Authorise the maintenance of the current leasing agreement and terms until 1 February 2022 or an earlier date by mutual agreement;
4. Authorise, in accordance with s. 11.5 of the employment contract, the retention of a fully depreciated laptop by Ms Wasmann for the nominal sum of \$1 provided the shire removes all work-related material prior to retention;
5. Authorise, in accordance with s. 11.5 of the employment contract, the sale of Toyota Prado motor vehicle for the depreciated value listed in the Confidential Report to the employee; and that it be invoiced and transferred within 14 days of Resolution with the shire plates to be retained by the shire;
6. Assert and affirm that this separation is complete and final and that all claims have been met and that this Decision be provided by letter to the employee, signed by the President and endorsed by Council;
7. That the Council of the Shire of West Arthur acknowledge the dedicated and long-standing service of Ms Wasmann to Council and this Community, thank her for her efforts and wish her well for any future endeavour.

Moved: Cr Lubcke

Seconded: Cr Pierce

CARRIED 6/0 BY ABSOLUTE MAJORITY

ATTACHMENTS

1. Letter of resignation
2. Confidential Report
3. Contract of employment

17.2 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

File Reference: 2.15.5 Staff General

Location: Shire of West Arthur

Applicant: Ian McCabe, acting Chief Executive Officer

Author: Ian McCabe, acting Chief Executive Officer

Authorising Officer: acting Chief Executive Officer

Date: 3 November 2021

Disclosure of Interest: Ian McCabe, acting Chief Executive Officer; Financial

Attachments: Confidential Report

Previous Reference: Item 11.1 Special Meeting 1 November 2021

SUMMARY:

Contingent on the previous item being considered and recommendations accepted, Council to consider the extension of the appointment of the Acting Chief Executive Officer for the period to 1 February 2022.

BACKGROUND:

The resignation of the previous CEO and the appointment of a CEO commencing 1 February 2022 necessitates the appointment of an acting CEO. Mr Ian McCabe was appointed by Council 1 November 2021 as acting CEO with the contemplation of a term to 1 February 2022 to provide cover until the appointed CEO assumes the role.

CONSULTATION:

Neil Morrell, Shire President; Council; Tony Brown, WALGA.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996 as Amended

POLICY IMPLICATIONS:

Council's Policy G1.8 Appointment of Acting CEO states arrangements for the position of Chief Executive Officer for leave periods of up to 4 weeks is to be at the discretion of the CEO.

FINANCIAL IMPLICATIONS:

As outlined in the attached confidential report.

STRATEGY

Not applicable.

COMMENT:

It is a requirement that Council believes that the person is suitably qualified for the position of A/CEO. Mr Ian McCabe is an experienced local government CEO and qualified CPA and was recommended by Tony Brown of WALGA. Council appointed Ian McCabe at the special meeting of 1 November 2021.

Mr McCabe re-entered the room at 7.13pm.

PROCEDURAL MOTION

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Moved: Cr South

Seconded: Cr Harrington


CARRIED 6/0

The meeting was reopened to the public at 7.13 pm

18. Closure of Meeting

The Presiding Member declared the meeting closed at 7.14 pm

These Minutes were confirmed at the ordinary council meeting on: 16 November 2021

Signed:  _____

Presiding Member at the meeting at which the Minutes were confirmed.

VOTING REQUIREMENTS:

Absolute majority

The President received Mr McCabe's Written Declaration of Financial Interest as applicant prior to the opening of the meeting.

The acting CEO invited any questions from Council prior to leaving the room at 7.09pm

Officer Recommendation and Council Resolution:

That Council:

1. Approves the appointment of Ian McCabe as Acting Chief Executive Officer for the period 4 November 2021 to 1 February 2022 in accordance with the remuneration terms outlined in the confidential report 1 November 2021.

Moved: Cr Lubcke

Seconded: Cr Harrington

CARRIED 6/0 BY ABSOLUTE MAJORITY

ATTACHMENTS

1. Confidential Report