Unconfirmed Minutes of the Special Meeting of the Shire Council

Held in the
Shire of Perenjori Council Chambers, Fowler Street, Perenjori
on the 14 June 2019,
at 11:00 am.
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19061.1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

Cr L Butler declared the meeting open at 11.03 am

19061.2 RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

Cr L Butler (President) – Chairperson
Cr R White
Cr J Hirsch
Cr G Reid
Cr K Pohl
Cr L Hepworth
Paul Bawden – CEO
Karen Malloch – EA

Member of the Public:
Gary Crawford

Apologies:
Cr L Smith
Cr P Waterhouse
Cr J Cunningham

19061.3 OPENING PRAYER

Cr L Butler led the opening prayer.

19061.4 NOTATIONS OF INTEREST

Financial Interest – Local Government Act s 5.60A
Proximity Interest – Local Government Act s 5.60B
Indirect Financial – Local Government Act s 5.61

19062 SPECIAL BUSINESS

Councillors Reid, White, Pohl, Hepworth and Hirsch had requested the holding of a Special Council Meeting at 11:00 am on 14 June 2019, in the Council Chambers, Perenjori.
19063  MATTERS BEHIND CLOSED DOORS

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

a) A matter affecting an employee or employees
b) The personal affairs of any person;
c) A matter that if disclosed, would reveal –
   i. A trade secret; or
   ii. Information that has a commercial value to a person; or
   iii. Information about the business, professional, commercial or financial affairs of a person.

Councillors J Hirsch and K Pohl proposed a resolution to go behind closed doors.

Officer Recommendation – Item 19063.1

Moved: Cr J Hirsch  Seconded: Cr K Pohl
In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for item 19043.1.1 as the following sub-sections apply:

a) A matter affecting an employee or employees

Carried: 6/0

The meeting was closed to the public 11:06 am.

Attendance:
EA Karen Malloch and member of the public, Gary Crawford left the Meeting.

19063.2  CONFIDENTIAL ITEM - EMPLOYEE MATTER

FILE: PER385
DISCLOSURE OF INTEREST: NIL
AUTHOR: PAUL BAWDEN - CEO
RESPONSIBLE OFFICER: PAUL BAWDEN - CEO
REPORT DATE: 14 JUNE 2019
ATTACHMENTS: NIL
Officer Recommendation – Item 19063.3

Moved: Cr J Hirsch
Seconded: Cr K Pohl
The Council move from behind closed doors
Carried: 6/0

Attendance:
EA Karen Malloch returned to the Meeting at 11:12 am.

Officer Recommendation – Item 19063.4

Moved: Cr R White
Seconded: Cr J Hirsch
That Council agree to the termination of the Contract of the current CEO Paul Bawden immediately.
Carried: 5/1

The CEO Paul Bawden exercised his “right of reply and advised the Special Council Meeting that legal advice needs to be obtained on the validation and actioning of the resolution and to ascertain if the response is lawful, based on:
- Procedural fairness;
- Notice outlining “lack of performance”;
- No opportunity was given to the CEO in which to respond.

Councillor G Reid stated that the Council may cancel the CEO contract at any time during the CEO’s probationary period.

Officer Recommendation – Item 19063.5

Moved: Cr J Hirsch
Seconded: Cr J Reid
That Council present notification to CEO Paul Bawden of his termination following the conclusion of the Meeting today.
Carried: 5/1

Officer Recommendation – Item 19063.6

Moved: Cr J Hirsch
Seconded: Cr L Hepworth
That Council offer the current Manager Corporate Development Services officer (MCDS), Joelene Dennis to be appointed interim Acting CEO and that the MCDS facilitates and organises a recruitment procedure to employ a new CEO.
Carried: 5/1
Cr L Butler declared the meeting closed at 11:15 am.

I certify that this copy of the Minutes is a true and correct record of the meeting held on 14 June 2019.

Signed: __________________________

Presiding Elected Member

Date: __________________________