

**AGENDA FOR THE**

**SPECIAL COUNCIL MEETING**

**TO BE HELD ON**

**Friday 30 September 2016**

**SHIRE OF MINGENEW**

![CD78 - Shire of Mingenew Logo [FINAL].jpg]()

**Shire of Mingenew**

**Special Council Meeting Notice Paper**

**30 September 2016**

Madam President and Councillors,

A special meeting of Council is called for Friday, 30 September 2016, in the Council Chambers, Victoria Street, Mingenew, commencing at 9.00am.

**Nita Jane**

**Deputy Chief Executive Officer**

29 September 2016

**MINGENEW SHIRE COUNCIL**

**DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Mingenew Shire Council for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Mingenew Shire Council disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that person’s or legal entity’s own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Mingenew Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Mingenew Shire Council. The Mingenew Shire Council warns that anyone who has an application lodged with the Mingenew Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Mingenew Shire Council in respect of the application.

**DEPUTY CHIEF EXECUTIVE OFFICER**

**29 September 2016**

****

**SHIRE OF MINGENEW**

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer

Shire of Mingenew

PO Box 120

MINGENEW WA 6522

Dear Sir/Madam,

**Re: Written Declaration of Interest in Matter before Council**

I, (1)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Agenda Item (3) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The type of interest I wish to declare is (4)

 Financial pursuant to Section 5.60A of the Local Government Act 1995
 Proximity pursuant to Section to 5.60B of the Local Government Act 1995
 Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
 Impartiality pursuant to regulation 11 of the Local Government (Rule of Conduct) Regulations 2007

The nature of my interest is (5) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The extent of my interest is (6) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I understand that the above information will be recorded in the minutes of the meeting and recorded in the Financial Interest Register.

Yours faithfully,

Signed Date

1. Insert Name
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

Table of Contents

[1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS 6](#_Toc462937497)

[2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE 6](#_Toc462937498)

[3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE 6](#_Toc462937499)

[4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS 6](#_Toc462937500)

[5.0 APPLICATIONS FOR LEAVE OF ABSENCE 6](#_Toc462937501)

[6.0 DECLARATIONS OF INTEREST 6](#_Toc462937502)

[7.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION 6](#_Toc462937503)

[8.0 OFFICERS REPORTS 6](#_Toc462937504)

[9.1 DEPUTY CHIEF EXECUTIVE OFFICER 7](#_Toc462937505)

[9.1.1 ACTING CHIEF EXECUTIVE OFFICER 7](#_Toc462937506)

[10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 9](#_Toc462937507)

[11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING 9](#_Toc462937508)

[11.1 ELECTED MEMBERS 9](#_Toc462937509)

[11.2 STAFF 9](#_Toc462937510)

[12.0 CONFIDENTIAL ITEMS 9](#_Toc462937511)

[13.0 CLOSURE 9](#_Toc462937512)

**SHIRE OF MINGENEW**

**AGENDA FOR SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON**

 **30 September 2016 COMMENCING AT 9.00am**

# 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

# 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

# 3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

# 4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

# 5.0 APPLICATIONS FOR LEAVE OF ABSENCE

# 6.0 DECLARATIONS OF INTEREST

# 7.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

#

#  OFFICERS REPORTS

#  DEPUTY CHIEF EXECUTIVE OFFICER

### 9.1.1 ACTING CHIEF EXECUTIVE OFFICER

**Location/Address**: Shire of Mingenew

**File Reference:** ADM0077

**Date:** 29th September 2016

**Author:** Michelle Bagley, Shire President

**Summary**

The purpose of this report is to appoint an Acting CEO while the CEO is on leave.

**Attachment**

Nil

**Background**

The CEO is on annual leave from the 27th September 2016 through to the 9th October 2016. Council must resolve to appoint an Acting CEO during this period.

**Comment**

The Local Government Act 1995 requires Council to appoint a Chief Executive Officer as

outlined below.

**Consultation**

James McGovern, WALGA

Nita Jane, Deputy CEO

**Statutory Environment**

Local Government Act 1995 states as follows;

##### **5.36. Local government employees**

 (1) A local government is to employ —

 (a) a person to be the CEO of the local government; and

 (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

 (2) A person is not to be employed in the position of CEO unless the council —

 (a) believes that the person is suitably qualified for the position; and

 (b) is satisfied\* with the provisions of the proposed employment contract.

##### **5.41. Functions of CEO**

 The CEO’s functions are to —

 (a) advise the council in relation to the functions of a local government under this Act and other written laws; and

 (b) ensure that advice and information is available to the council so that informed decisions can be made; and

 (c) cause council decisions to be implemented; and

 (d) manage the day to day operations of the local government; and

 (e) liaise with the mayor or president on the local government’s affairs and the performance of the local government’s functions; and

 (f) speak on behalf of the local government if the mayor or president agrees; and

 (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

 (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and

 (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Community Strategic Plan

Outcome 4.2.1 – Continue to deliver quality local government services and facilities

**Voting Requirements**Simple Majority

**RECOMMENDATION – ITEM 9.1.1**

**That Council;**

1. **Appoint an Acting Chief Executive Officer for the period commencing Friday 30th September 2016 through to 9th October 2016 inclusive.**

# 10.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

 Nil

# 11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

## 11.1 ELECTED MEMBERS

## 11.2 STAFF

# 12.0 CONFIDENTIAL ITEMS

 Nil

# 13.0 CLOSURE