

**MINUTES OF CITY OF MOUNT GAMBIER
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 10 WATSON TERRACE, MOUNT GAMBIER
ON TUESDAY, 13 OCTOBER 2020 AT 6.51PM**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Ben Hood,
Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mr A Meddle
	General Manager Community Wellbeing	- Ms B Cernovskis
	General Manager City Infrastructure	- Mr N Serle
	Manager Governance and Property	- Mr M McCarthy

1 ACKNOWLEDGEMENT OF COUNTRY

WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.

2 APOLOGIES

<p>RESOLUTION 2020/280 Moved: Cr Ben Hood Seconded: Cr Paul Jenner That the apologies from Cr Christian Greco and Cr Kate Amoroso be received.</p> <p style="text-align: right;">CARRIED</p>
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3 LEAVE OF ABSENCE

Nil

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To ask questions of the Chief Executive Officer and the General Manager Community Wellbeing whilst present at the meeting.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 6.53 p.m.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.



The Period of Suspension came to an end and Meeting Procedures resumed at 7.04 p.m.

The Chief Executive Officer Mr Andrew Meddle declared a Conflict of Interest, left the meeting at 7.04 p.m. and did not return.

Ms Barbara Cernovskis, General Manager Community Wellbeing and Mr Nick Serle, General Manager City Infrastructure left the meeting at 7.04 p.m. and did not return.

4 NEW CONFIDENTIAL ITEMS

4.1 CHIEF EXECUTIVE OFFICER - RESIGNATION AND RECRUITMENT – REPORT NO. AR20/67276

RESOLUTION 2020/281

Moved: Cr Max Bruins

Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, M Bruins, B Hood, P Jenner, F Morello and S Perryman and Council Officer M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/67276 Chief Executive Officer - Resignation and Recruitment.

The Council is satisfied that, pursuant to section 90(3) (a), (b) and (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed includes information concerning the personal employment affairs of the Chief Executive Officer, Mr Andrew Meddle.

Further, the subject matter also includes information regarding the engagement of recruitment consultancy services, the disclosure of which could reasonably be considered would confer an advantage on a third party whom Council may be negotiating for services and/or to prejudice the position of Council in such negotiations.

CARRIED

In Confidence Resolution Released, noting Number 6 and 10 remain In Confidence:

RESOLUTION 2020/282

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR20/67276 titled 'Chief Executive Officer - Resignation and Recruitment' as presented on 13 October 2020 be noted.
2. The Council notes that, by letter dated 24 September 2020, the Council's Chief Executive Officer Mr Andrew Meddle has sought to be released from his contract of employment with the Council, on 2 November 2020.
3. The Council agrees to bring forward the expiry date of the employment agreement between the Council and Mr Meddle, to 2 November 2020. This constitutes a variation to the employment agreement, by mutual agreement. Mr Meddle's final day of employment will be 2 November 2020.
4. In light of the pending vacancy in the office of Chief Executive Officer, the Council:
 - (a) pursuant to Section 98(2) of the Local Government Act 1999 (the Act), appoints Barbara Cernovskis to act in the position of Chief Executive Officer from the time when the vacancy occurs until the vacancy is filled, and Council provide a mentor and other support as required during this period; and
 - (b) pursuant to Section 41 of the Act, establishes a Committee to be known as the Chief Executive Officer Selection Panel (the Committee) for the purposes of:
 - (i) assisting the Council to comply with its obligations under Section 98 of the LG Act; and
 - (ii) performing the role of selection panel in accordance with Section 98(4) of the Act.
5. The Committee has, as its Terms of Reference, those terms of reference which are attached to the report entitled 'Chief Executive Officer – Resignation and Recruitment' with the amendment of the Membership at clause 3.1.2 be three Councillors.
7. The Council's administration is instructed to seek nominations for the Independent Consultant member of the Committee (including fee quotes or estimates) and to ensure that any such nominations are presented to the Council at a future ordinary meeting of the Council.
8. That the Councillor Members of the Committee will be: Cr Sonya Meziniec, Cr Frank Morello and Cr Paul Jenner.
9. The Committee will undertake all of the tasks necessary to progress the selection process to the point of recommending to the Council the preferred candidate.

CARRIED



RESOLUTION 2020/283

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/67276 Chief Executive Officer - Resignation and Recruitment and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (k) be kept confidential and not available for public inspection until : Discussion - 12 months after the cessation of the employment of the Chief Executive Officer Mr Andrew Meddle.

The supply of recruiting services - until a contract has been executed with a recruitment consultancy.

The Acting Chief Executive Officer - name to be released immediately.

2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

5 MEETING CLOSE

The Meeting closed at 7.56 p.m.

The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 20 October 2020.

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PRESIDING MEMBER

