

Shire of Denmark

Special Council Meeting MINUTES

5 September 2023



HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,
DENMARK ON TUESDAY, 5 SEPTEMBER 2023.

The purpose of the meeting is to approve:

1. The making of an offer to an applicant for the position of Chief Executive Officer; and
2. The proposed terms of the contract of employment.



Contact Us

953 South Coast Highway, Denmark WA 6333

Correspondence to:

Post Office Box 183, DENMARK WA 6333

Phone: (08) 9848 0300 | Email: enquiries@denmark.wa.gov.au

Website: www.denmark.wa.gov.au

Facebook: shireofdenmark

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

4.00pm – The Shire President, Cr Gearon, declared the meeting open and acknowledged the Bibbulmun and Minang people as the traditional custodians of the land on which the meeting was being held. Cr Gearon paid her respects to Elders past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**MEMBERS:**

Cr Ceinwen Gearon (Shire President)
 Cr Clare Campbell
 Cr Donna Carman
 Cr Donald Clarke
 Cr Nathan Devenport
 Cr Jan Lewis
 Cr Jackie Ormsby

STAFF:

David King (Temporary Chief Executive Officer)
 Rob Westerberg (Director Infrastructure and Assets)
 Claire Thompson (Governance Coordinator)
 Marcia Chamberlain (Employee Support & Culture Coordinator)

APOLOGIES:

Cr Kingsley Gibson (Deputy Shire President)
 Cr Janine Phillips

ON LEAVE OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Nil

DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature
David King	6.1	Financial	The CEO contract may result in a financial benefit.

3. ANNOUNCEMENT BY THE PERSON PRESIDING

Nil

4. PUBLIC QUESTION TIME

4.1 PUBLIC QUESTIONS

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council. For a Special Meeting of Council, such as this, **they must however relate to the item(s) on the Agenda.**

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

Questions from the Public

4.1.1 Jesz Fleming – Chief Executive Officer Appointment, Dual Naming Calendar, Local Government Election and 2011 Local Planning Strategy

Jesz said that the new Chief Executive Officer would be inheriting the work of previous Chief Executive Officers and the Council and believed that the Shire was in a better place than it had been some years ago.

Jesz handed out an Indigenous dual naming calendar, produced by the Denmark Environment Centre, and a poem called *Desiderata*. Jesz noted that only Cr Gearon was not restanding and said that he hoped that Councillors could take some comfort from the words in the poem.

The Shire President thanked Jesz for the gift of the calendar and the poem.

Jesz referred to the draft Local Planning Strategy in 2011, noting that there had been a number of suggested land uses that had first drawn his attention to the Shire and the Council. Jesz said that he was pleased that the final Local Planning Strategy had not included the land uses that he had been concerned with.

5. REPORTS OF OFFICERS

Nil

6. MATTERS BEHIND CLOSED DOORS

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

MOVED: CR CLARKE

SECONDED: CR CAMPBELL

That Council move behind closed doors to consider Item 6.1, in accordance with section 5.23(b) of the Local Government Act 1995, as it deals with a matter affecting the personal affairs of a person.

CARRIED: 7/0

Res: 010923

Members of the public left the room and did not return.

The Temporary Chief Executive Officer declared a financial interest on the basis that the CEO contract may result in a financial benefit to him.

4.07pm – David King left the room.

COUNCIL RESOLUTION	
MOVED: CR CLARKE	SECONDED: CR CARMAN
That Standing Orders be suspended.	
CARRIED: 7/0	Res: 020923

COUNCIL RESOLUTION	
MOVED: CR CLARKE	SECONDED: CR ORMSBY
That Standing Orders be resumed.	
CARRIED: 7/0	Res: 030923

6.1 OFFER OF CHIEF EXECUTIVE OFFICER EMPLOYMENT CONTRACT

File Ref:	Personnel File
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	29 August 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Cr Ceinwen Gearon, Shire President
Attachments:	5.1a - Standards for CEO Recruitment, Performance and Termination Policy 5.1b - Consultant Summary Report (confidential) 5.1c - Draft Contract of Employment (confidential)

This report and associated attachments were confidential and provided to Councillors under separate cover.

COUNCIL RESOLUTION & CEO SELECTION PANEL RECOMMENDATION		ITEM 6.1
MOVED: CR GEARON	SECONDED: CR CLARKE	
That Council:		
<ol style="list-style-type: none"> 1. APPROVE the terms of the Contract of Employment, as per Attachment 6.1c; 2. OFFER the position of Chief Executive Officer for the Shire of Denmark to David King, as the most suitably experienced and qualified candidate; and 3. AUTHORISE the Shire President to sign the Contract of Employment should the Council's offer be accepted. 		
CARRIED BY AN ABSOLUTE MAJORITY: 7/0		Res: 040923

COUNCIL RESOLUTION & OFFICER RECOMMENDATION

MOVED: CR LEWIS

SECONDED: CR GEARON

That Council proceed in public.

CARRIED: 7/0

Res: 050923

4.30pm – The Temporary Chief Executive Officer returned to the room.

The Shire President announced that Council had resolved to offer David King the position of Chief Executive Officer.

7. CLOSURE OF MEETING

4.34pm – There being no further business to discuss the Shire President, Cr Gearon, declared the meeting closed.

The Chief Executive Officer recommends the endorsement of these minutes at the next meeting.

Signed: _____
David King – Chief Executive Officer

Date: _____

These minutes were confirmed at a meeting on the _____.

Signed: _____
(Presiding Person at the meeting at which the minutes were confirmed)