MINUTES OF THE SPECIAL MEETING OF THE DISTRICT COUNCIL OF MALLALA HELD IN THE MALLALA COUNCIL CHAMBERS, REDBANKS ROAD, MALLALA ON THURSDAY 19 NOVEMBER 2015, COMMENCING AT 7.00 PM

1. ATTENDANCE

1.1 Present
Deputy Mayor S M Strudwicke (Presiding Member and Minute Taker), Crs P Daniele, K McColl, M Lawrence, S Jones, A Picard, E Stubing, and T Keen,

1.2 Apologies
Mayor D Kennington and Cr B Summerton

1.3 Not Present / Leave of Absence
Nil

3. CONFIDENTIAL ITEMS

3.1 Recommendations from Chief Executive Officer Review Panel
Moved Cr Keen Seconded Cr Lawrence

"that Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public be excluded from attendance at this special Council meeting for Agenda Item 3.1 - Recommendations from the CEO Review Panel. The Council is satisfied that, pursuant to section 90(3)(a) 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 disclosure of information concerning the personal affairs of the CEO and the Council is satisfied that discussion of such information in a public forum would be unreasonable. 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."

CARRIED (2015/318)

7.07 pm, The Presiding Member with approval of the members present suspended the meeting procedures pursuant to Regulation 20(1) of the Local Government (Procedures at Meetings) Regulations 2013, for 30
minutes to allow open discussion

The meeting resumed at 7.28 pm

Moved Cr Lawrence Seconded Cr Picard

“that Council resolves that:
Kelley Jones Lawyers be engaged to represent the Council in ‘without prejudice’ negotiations with Mellor Olson (lawyers engaged by the CEO) to achieve a departure settlement with the CEO;
The Acting Mayor is authorised to provide all necessary instructions to Kelley Jones Lawyers for these purposes subject to the condition that the overall financial limit of $190,000 is not exceeded and that the final settlement include all usual terms and conditions of settlement, including but not limited to non-disparagement, liability release and confidentiality requirements;
Any proposed agreement on terms beyond the limitation stipulated above must be approved by the Council;
Subject to the above, the Acting Mayor is authorised to execute the departure settlement agreement on behalf of the Council.”

CARRIED (2015/319)

Moved Cr Keen Seconded Cr Picard

“Pursuant to section 91(7) of the Local Government Act 1999, the Council orders that the minutes and any other document(s) received by the Council for Agenda Item 3.1 Recommendations from the CEO Review Panel at this special Council meeting, being a matter that has been dealt with by the Council under section 90(2) and (3) (a) of the Act on a confidential basis, be kept confidential for a period of 1 year and that this order be reviewed every 12 months during its period of operation.”

CARRIED (2015/320)

19 November 2015
3.2 Recommendations from Michael Kelledy
Moved Cr Keen Seconded Cr Stubing

“Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public be excluded from attendance at this special Council meeting for Agenda Item 3.2 Recommendations from Michael Kelledy. The Council is satisfied that, pursuant to section 90(3)(a) 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 disclosure of information concerning the personal affairs of the CEO and the Council is satisfied that discussion of such information in a public forum would be unreasonable. 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.”

CARRIED (2015/321)

Moved Cr Lawrence Seconder Cr Stubing

“that the Council approves a leave of absence of the incumbent CEO, with the maintenance of all contractual entitlements, until the execution of a departure settlement agreement or for a period of 4 weeks from 19 November 2015, whichever is the sooner;

The Council notes that pursuant to section 102((c) of the Local Government Act 1999 an acting chief executive officer will be appointed by the Deputy Mayor (in the capacity of Acting Mayor) until such time as the CEO returns to duties or a further incumbent of the office of the chief executive officer is appointed by the Council;

The Council further notes that the acting CEO may be a suitably qualified person who is not currently in the employ of the Council but is an external person and, on this basis, an appropriate budgetary allowance will be made for these purposes at a budget review undertaken by the Council;

The Council authorises KelledyJones Lawyers to negotiate on behalf of the Council, the terms and conditions of the contract of engagement of the acting CEO if that person is an external person.”

CARRIED (2015/322)

19 November 2015
Moved  Cr Keen   Seconder  Cr Daniele

“Pursuant to section 91(7) of the Local Government Act 1999, the Council orders that the minutes and any other document(s) received by the Council for Agenda Item 3.2 Recommendations from Michael Kelley at this special Council meeting, being a matter that has been dealt with by the Council under section 90(2) and (3) (a) of the Act on a confidential basis, be kept confidential for a period of 1 year and that this order be reviewed every 12 months during its period of operation.”

CARRIED  (2015/323)

4. **CLOSURE**

There being no further business, the Mayor declared the meeting closed at 7.40 pm.

Confirmed as a true record.

[Signature]

Presiding Member: ..............................................................

Date: 02/12/15

19 November 2015