



MINUTES

**SPECIAL MEETING
OF COUNCIL**

**Held on
Wednesday, 24th March 2010
6.00 pm
City of Albany
Margaret Coates Boardroom**

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1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 6.01PM

2.0 OPENING PRAYER

Mayor Evans read the opening prayer.

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Mayor M J Evans JP

Councillors:

Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
Frederickstown Ward	D Wellington
Kalgan Ward	M Leavesley
Kalgan Ward	C Holden
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	R Sutton
Yakamia Ward	J Matla
Vancouver Ward	D Bostock
Vancouver Ward	R Paver

Staff:

Acting Chief Executive Officer	WP Madigan
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4.0 DECLARATION OF INTEREST

Councillor R Hammond and Councillor R Paver – Item 5.1 Impartiality Interests: Councillor Hammond has a relative working with Minter Ellison Lawyers, and the legal representative likely to be engaged is a former acquaintance of Councillor Paver.

5.0 ITEMS TO BE DEALT WITH WHILE THE MEETING IS CLOSED TO MEMBERS OF THE PUBLIC

In accordance with section 5.23(a)(b)(c) of the Local Government Act 1995, being:

If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

(a) a matter affecting an employee or employees;

(b) the personal affairs of any person;

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

ITEM 5.0 – MOTION 1

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR MATLA

SECONDED COUNCILLOR LEAVESLEY

THAT Council sit behind closed doors.

**MOTION CARRIED 12-0
SIMPLE MAJORITY**

Councillor J Bostock requested the minutes of the meeting be recorded. The Acting CEO explained that this could not be done, as the meeting room was not configured for this purpose.

ITEM 5.0 – MOTION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR LEAVESLEY

SECONDED COUNCILLOR J BOSTOCK

THAT Council Suspend Standing Order 5.7, order of call in debate.

**MOTION CARRIED 12-0
SIMPLE MAJORITY**

Mayor Evans indicated he wished to stand down from the Committee formed to consider the CEO contract.

Mayor Evans apologised for his conduct at the last Council Meeting.

Mayor Evans sought comments from all elected members on the present situation.

ITEM NUMBER: 5.1

ITEM TITLE: CONFIDENTIAL STAFF MATTER

THE NATURE OF COUNCIL'S ROLE IN THIS MATTER:

Executive Function: Council setting strategic direction and overseeing the operational functions of the City.

File Number or Name of Ward	: STR 238
Summary of Key Points	: Confidential Report
Proponent	: City of Albany
Reporting Officer(s)	: Acting Chief Executive Officer (WP Madigan)
Disclosure of Interest	: Councillor Hammond and Councillor Paver disclosed impartially interests in this item. The nature of the interest being that Councillor Hammond has a relative working with Minter Ellison Lawyers, and the legal representative likely to be engaged is a former acquaintance of Councillor Paver.
Previous Reference	: OCM 15/09/2009 – Item 22.5 OCM 16/03/2010 – Item 22.1 Special Committee meeting held 22/03/2010.
Bulletin Attachment(s)	: Nil
Consulted References	: Local Government Act 1995
Maps and Diagrams	: N/A

ITEM 5.1 – MOTION 1

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR WELLINGTON

SECONDED COUNCILLOR MATLA

THAT Councillor R Sutton be appointed to the vacant position on the Committee brought about by the resignation of the Mayor.

MOTION CARRIED 8-4

ABSOLUTE MAJORITY

Record of Vote

For the Motion: Mayor Evans, R Hammond, D Wellington, C Holden, D Wolfe,
D Dufty, J Matla and R Sutton

Against the Motion: Crs D Bostock, J Bostock, R Paver and M Leavesley.

ITEM 5.1 – MOTION 2

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR PAVER

SECONDED COUNCILLOR J BOSTOCK

THAT the Committee be dissolved.

MOTION LOST 4-8

Item 5.1 continued.

Record of Vote

For the Motion: Mayor Evans, R Hammond, D Wellington, C Holden, D Wolfe,
D Dufty, J Matla and R Sutton

Against the Motion: Crs D Bostock, J Bostock, R Paver and M Leavesley.

ITEM 5.1 – MOTION 3

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED COUNCILLOR HOLDEN

SECONDED COUNCILLOR SUTTON

THAT the terms of reference of the committee be amended to read:

“Consider the options, Recommend to Council on the preferred course of action and delete Councillor Wolfe as the sole point of contact”.

**MOTION CARRIED 8-4
ABSOLUTE MAJORITY**

Record of Vote

For the Motion: Mayor Evans, R Hammond, D Wellington, C Holden, D Wolfe,
D Dufty, J Matla and R Sutton

Against the Motion: Crs D Bostock, J Bostock, R Paver and M Leavesley.

ITEM 5.1 – MOTION 4

VOTING REQUIREMENT: SIMPLE MAJORITY

MOVED COUNCILLOR HAMMOND

SECONDED COUNCILLOR DUFTY

THAT Council engage Minter Ellison, or if compromised their recommendation to an equally competent company in order to obtain legal advice on how to move this matter forward in conjunction with an industrial advocate.

**MOTION CARRIED 8-4
SIMPLE MAJORITY**

Record of Vote

For the Motion: Mayor Evans, R Hammond, D Wellington, C Holden, D Wolfe,
D Dufty, J Matla and R Sutton

Against the Motion: Crs D Bostock, J Bostock, R Paver and M Leavesley.

Item 5.1 continued.

**ITEM 5.1 – MOTION 5
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR D BOSTOCK
SECONDED COUNCILLOR SUTTON**

THAT the City issue the following media release:

“The City’s Chief Executive Officer, Paul Richards, has advised Council that, for personal reasons, he is not currently able to perform his duties.

The Council has set in place a process to ensure that there is appropriate management capability in place by appointing Mr Peter Madigan as Acting Chief Executive Officer.”

**MOTION CARRIED 12-0
SIMPLE MAJORITY**

6.0 DATE OF NEXT MEETING

Tuesday 20th April 2010 at 7pm

**ITEM 6.0 – MOTION 1
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR HAMMOND
SECONDED COUNCILLOR WOLFE**

THAT Council Resume Standing Order 5.7, order of call in debate.

**MOTION CARRIED 12-0
SIMPLE MAJORITY**

**ITEM 6.0 – MOTION 2
VOTING REQUIREMENT: SIMPLE MAJORITY**

**MOVED COUNCILLOR MATLA
SECONDED COUNCILLOR WOLFE**

THAT Council come out from behind closed doors.

**MOTION CARRIED 12-0
SIMPLE MAJORITY**

7.0 CLOSURE OF MEETING

The Mayor declared the meeting closed at 7.55pm

Confirmed as a true and accurate record of proceedings.

(Unconfirmed minutes)

Mayor MJ Evans, JP
MAYOR