



City of Perth

**Special Council Meeting
Minutes**

**27 February 2018
5.00pm**

**Council Chamber
Level 9
Council House**

APPROVED FOR RELEASE

**MARTIN MILEHAM
CHIEF EXECUTIVE OFFICER**



City of Perth

**Special Council Meeting
Minutes**

**27 February 2018
5.00pm**

**Council Chamber
Level 9
Council House**

Present

Lord Mayor Lisa-M. Scaffidi
Deputy Lord Mayor Jemma Green
Councillor Jim Adamos
Councillor Lexi Barton
Councillor Reece Harley
Councillor Steve Hasluck
Councillor James Limnios

Minutes to be noted at the next Ordinary Council meeting.

<p>THESE MINUTES ARE HEREBY CERTIFIED AS NOTED</p> <p>PRESIDING MEMBER'S SIGNATURE</p> <p><i>[Handwritten Signature]</i></p> <p>-----</p> <p>DATE: <i>24/4/2018</i></p> <p>-----</p>

Minutes of the Special Meeting of the Council of the City of Perth held in the Council Chamber, Ninth Floor, Council House, 27 St Georges Terrace, Perth, on Tuesday, 27 February 2018.

Presiding: **The Rt Hon Lord Mayor, Ms Lisa-M Scaffidi**

Members in Attendance:

Deputy Lord Mayor Green
Cr Adamos
Cr Barton
Cr Harley
Cr Hasluck
Cr Limnios

Officers in Attendance:

Ms Moore	Director Community and Commercial Services
Ms Barrenger	Director Planning and Development
Mr Crosetta	Director Construction and Maintenance
Mr Ridgwell	Acting Director Corporate Services
Ms Brandon	Acting Director Economic Development and Activation
Mr Ngara	Acting Manager Governance
Ms Rippington	Acting Governance Coordinator
Mr Anastas	Personal Aide to the Lord Mayor

Observers:

Fifteen members of the public.
Four members of the press.
Twenty three members of staff.

1. Prayer

The Lord Mayor took the Chair and the prayer was read by the Director Community and Commercial Services.

2. Declaration of Opening

5.01pm The Lord Mayor declared the meeting open.

3. Apologies

Cr Chen
Cr Davidson

4. Question Time for the Public

Nil

5. Members on Leave of Absence and Applications for Leave of Absence

Nil

6. Disclosures of Members' Interests

Nil

7. Matters for which the Meeting may be Closed

The Director Community and Commercial Services advised that in accordance with s5.23(2)(a) of the *Local Government Act 1995* the consideration of the appointment of the Acting Chief Executive Officer will need to be discussed behind closed doors.

8. Purpose of Meeting

On Saturday, 24 February 2018, the Acting Chief Executive Officer received a request from Deputy Lord Mayor Green, Crs Barton, Hasluck, Harley and Limnios to hold a Special Council Meeting. The Elected Members requested that Council hold a Special Council Meeting to address the following:

1. That Council Policy 12.6 be amended to state:

POLICY OBJECTIVE

To :

1. determine those employees that are considered to be suitably qualified to act in the position of Chief Executive Officer (Section 5.36(2)(b) of the Local Government Act 1995);
2. determine how the position of Chief Executive Officer will be filled on an acting basis as required; and
3. determine those employees that are designated as senior employees for the purposes of Section 5.37(1) of the Local Government Act 1995.

POLICY STATEMENT

1. In accordance with Section 5.36(2)(b) of the Local Government Act 1995, all Directors employed by the City are considered to be suitably qualified to act in the position of Chief Executive Officer.
2. Where the Chief Executive Officer is to be absent from work for more than one business day, or at work but interstate or overseas, one of the City's Directors must be appointed to act in the position of Chief Executive Officer.

3. Where the period of absence of the Chief Executive Officer is for a period exceeding four consecutive weeks, the Council, shall determine which Director it wishes to appoint to act in the position of Chief Executive Officer.
 4. Where the Chief Executive Officer appoints a Director to act in the position of Chief Executive Officer in accordance with point 2 above, the Chief Executive Officer must advise all Elected Members in writing which Director has been appointed and the period of appointment. For periods of pre-arranged leave the Chief Executive Officer must inform all Elected Members of the arrangements for Acting Chief Executive Officer as soon as practically possible.
 5. Directors are designated as senior employees for the purposes of Section 5.37(1) of the Local Government Act 1995.
 6. Notwithstanding clauses 1 to 5, Council reserves its right under the Local Government Act 1995 to appoint an Acting CEO, in the CEO's absence, for any period.
 7. This is effective immediately.
2. That Council appoint _____ to the role of Acting Chief Executive Officer.

Council determined to consider points one and two separately.

POINT ONE

MOVED WITH AMENDMENT

Moved Cr Hasluck, seconded Cr Barton

- 1. That Council Policy 12.6 be amended to state***

POLICY OBJECTIVE

To :

- 1. determine those employees that are considered to be suitably qualified to act in the position of Chief Executive Officer (Section 5.36(2)(b) of the Local Government Act 1995);***
- 2. determine how the position of Chief Executive Officer will be filled on an acting basis as required; and***

(Cont'd)

3. *determine those employees that are designated as senior employees for the purposes of Section 5.37(1) of the Local Government Act 1995.*

POLICY STATEMENT

1. *In accordance with Section 5.36(2)(b) of the Local Government Act 1995, all Directors employed by the City are considered to be suitably qualified to act in the position of Chief Executive Officer.*
2. *Where the Chief Executive Officer is to be absent from work ~~for more than one business day~~, or at work but interstate or overseas, for a period in excess of five consecutive working days, one of the City's Directors ~~must~~ shall be appointed by the Chief Executive Officer to act in the position of Chief Executive Officer.*
3. *Where the period of absence of the Chief Executive Officer is for a period exceeding five consecutive days but not greater than four consecutive weeks, the Chief Executive Officer shall be authorised to appoint one of the City's Directors to act in the position of Chief Executive Officer.*
4. *Where the period of absence of the Chief Executive Officer is for a period exceeding four consecutive weeks, the Council, on advice of the Chief Executive Officer, shall determine which Director it wishes to appoint to act in the position of Chief Executive Officer.*
5. *Where the Chief Executive Officer appoints a Director to act in the position of Chief Executive Officer in accordance with point ~~2~~ 3 above, the Chief Executive Officer is to ~~must~~ advise all Elected Members in writing of which Director has been appointed and the period of to which the appointment relates. For periods of pre-arranged leave, the Chief Executive Officer must inform all Elected Members of the arrangements for Acting Chief Executive Officer as soon as practically possible.*
6. *Directors are designated as senior employees for the purposes of Section 5.37(1) of the Local Government Act 1995.*
7. *Notwithstanding clauses 1 to 5, in the Chief Executive Officer's absence, Council reserves its right under the Local Government Act 1995 to determine which Director it wishes to appoint to act in the position of Chief Executive Officer ~~appoint an Acting CEO, in the CEO's absence~~, for any period.*
8. *This policy is effective immediately.*

PROCEDURAL MOTION

Moved Cr Harley, seconded Deputy Lord Mayor Green

That the motion be now put.

PRIMARY MOTION AS AMENDED

1. ***That Council Policy 12.6 be amended to state***

POLICY OBJECTIVE

To :

1. ***determine those employees that are considered to be suitably qualified to act in the position of Chief Executive Officer (Section 5.36(2)(b) of the Local Government Act 1995);***
2. ***determine how the position of Chief Executive Officer will be filled on an acting basis as required; and***
3. ***determine those employees that are designated as senior employees for the purposes of Section 5.37(1) of the Local Government Act 1995.***

POLICY STATEMENT

1. ***In accordance with Section 5.36(2)(b) of the Local Government Act 1995, all Directors employed by the City are considered to be suitably qualified to act in the position of Chief Executive Officer.***
2. ***Where the Chief Executive Officer is to be absent from work, or at work but interstate or overseas, for a period in excess of five consecutive working days, one of the City's Directors shall be appointed by the Chief Executive Officer to act in the position of the Chief Executive Officer.***
3. ***Where the period of absence of the Chief Executive Officer is for a period exceeding five consecutive days but not greater than four consecutive weeks, the Chief Executive Officer shall be authorised to appoint one of the City's Directors to act in the position of Chief Executive Officer.***

(Cont'd)

4. *Where the period of absence of the Chief Executive Officer is for a period exceeding four consecutive weeks, the Council, on advice of the Chief Executive Officer, shall determine which Director it wishes to appoint to act in the position of Chief Executive Officer.*
5. *Where the Chief Executive Officer appoints a Director to act in the position of Chief Executive Officer in accordance with point 2 3 above, the Chief Executive Officer is to must advise all Elected Members in writing of which Director has been appointed and the period of to which the appointment relates. For periods of pre-arranged leave, the Chief Executive Officer must inform all Elected Members of the arrangements for Acting Chief Executive Officer as soon as practically possible.*
6. *Directors are designated as senior employees for the purposes of Section 5.37(1) of the Local Government Act 1995.*
7. *Notwithstanding clauses 1 to 5, in the Chief Executive Officer's absence, Council reserves its right under the Local Government Act 1995 to determine which Director it wishes to appoint to act in the position of Chief Executive Officer appoint an Acting CEO, in the CEO's absence, for any period.*
8. *This policy is effective immediately.*

The motion was put and carried

The votes were recorded as follows:

For: Deputy Lord Mayor Green, Crs Barton, Harley, Hasluck and Limnios

Against: The Lord Mayor and Cr Adamos

POINT TWO

Cr Barton nominated Annaliese Battista to the role of Acting Chief Executive Officer. The nomination was seconded by Cr Hasluck.

Cr Adamos nominated Rebecca Moore to the role of Acting Chief Executive Officer.

The Acting Director Corporate Services advised that the nominations would require the consent of the nominee and requested clarification from Council in that respect. The Lord Mayor subsequently requested confirmation Annaliese Battista was willing to accept the role of Acting Chief Executive Officer.

Director Moore that advised that, on behalf of the Executive Leadership Group (ELG), ELG fully supports the Chief Executive Officer, Martin Mileham and Acting Chief Executive Officer, Robert Mianich. Director Moore advised that the ELG has enacted the City's Business Continuity Plan, and as the Administration's nominated representative, Director Moore advised that as there are less than five working days until Martin Mileham returns as Chief Executive Officer, an Acting CEO does not need to be appointed.

PROCEDURAL MOTION***Moved Cr Adamos, seconded the Lord Mayor***

That the item be deferred.

The motion was put and lost

The votes were recorded as follows:

For: The Lord Mayor and Cr Adamos

Against: Deputy Lord Mayor Green, Crs Barton, Harley, Hasluck and Limnios

The Lord Mayor asked Director Moore if she would accept the nomination for Acting Chief Executive Officer. Director Moore stated her preference to follow the protocols of the Business Continuity Plan, and reiterated her support for Robert Mianich as Acting Chief Executive Officer.

PROCEDURAL MOTION***Moved Cr Harley, seconded Deputy Lord Mayor Green***

That the meeting adjourn for ten minutes.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Deputy Lord Mayor Green, Crs Adamos, Barton, Harley, Hasluck and Limnios

Against: Nil

Reason: To allow the Administration to contact Director Battista and seek her acceptance of the nomination for Acting Chief Executive Officer.

5.17pm Meeting adjourned.

PROCEDURAL MOTION

Moved Cr Harley, seconded Cr Hasluck

That the meeting be reopened.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Deputy Lord Mayor Green, Crs Adamos, Barton, Harley, Hasluck and Limnios

Against: Nil

5.28pm Meeting reopened.

The Acting Director Corporate Services advised that he was unable to contact Director Battista during the meeting adjournment. The Acting Director Corporate Services advised the Director Battista is on annual leave and may be uncontactable.

PROCEDURAL MOTION

Moved Cr Harley, lapsed for want of a seconder

That the meeting adjourn for 30 minutes.

PROCEDURAL MOTION

Moved Cr Hasluck, seconded Cr Limnios

That the meeting adjourn until 5.45pm.

The motion was put and carried

The votes were recorded as follows:

For: Deputy Lord Mayor Green, Crs Barton, Harley, Hasluck and Limnios

Against: The Lord Mayor and Cr Adamos

Reason: To allow the Administration additional time to contact Director Battista and seek her acceptance of the nomination for Acting Chief Executive Officer.

5.32pm Meeting adjourned.

PROCEDURAL MOTION

Moved Cr Harley, seconded Cr Hasluck

That the meeting be reopened.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Deputy Lord Mayor Green, Crs Adamos, Barton, Harley, Hasluck and Limnios

Against: Nil

5.44pm Meeting reopened.

The Acting Director Corporate Services advised that the Administration was unable to contact Director Battista during the meeting adjournment.

The Lord Mayor observed that the Acting Director Corporate Services' phone was ringing and the phone call may be from Director Battista.

PROCEDURAL MOTION

Moved Cr Barton, seconded Deputy Lord Mayor Green

That the meeting adjourn.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Deputy Lord Mayor Green, Crs Adamos, Barton, Harley, Hasluck and Limnios

Against: Nil

5.47pm Meeting adjourned.

PROCEDURAL MOTION

Moved Deputy Lord Mayor Green, seconded Cr Harley

That the meeting be reopened.

The motion was put and carried

The votes were recorded as follows:

For: The Lord Mayor, Deputy Lord Mayor Green, Crs Adamos, Barton, Harley, Hasluck and Limnios

Against: Nil

5.51pm Meeting reopened.

The Acting Director Corporate Services confirmed that Director Battista accepted the nomination for the position of Acting Chief Executive Officer.

PRIMARY MOTION WITH AMENDMENT

2. That Council appoints Director Annaliese Battista to the role of Acting Chief Executive Officer.

The motion was put and carried

The votes were recorded as follows:

For: Deputy Lord Mayor Green, Crs Barton, Harley, Hasluck and Limnios

Against: The Lord Mayor and Cr Adamos

9. Closure

5.52pm The Lord Mayor declared the meeting closed.