

MINUTES

SPECIAL MEETING

WARRNAMBOOL CITY COUNCIL

5:45 PM - MONDAY 13 JULY 2020



VENUE:

**Reception Room
25 Liebig Street
Warrnambool**

COUNCILLORS

Cr. Tony Herbert (Mayor)
Cr. Robert Anderson
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Michael Neoh
Cr. David Owen
Cr. Peter Sycopoulis

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**MINUTES OF THE SPECIAL MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN
THE RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET,
WARRNAMBOOL ON MONDAY 13 JULY 2020 COMMENCING AT 5:45 PM**

PRESENT: Cr. Tony Herbert, Mayor/Chairman
Cr. Robert Anderson
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Michael Neoh
Cr. David Owen
Cr. Peter Sycopoulis

IN ATTENDANCE: Mr Peter B. Schneider, Chief Executive Officer (until 5.48pm)
Mr Peter Utri, Director Corporate Strategies
Mr Graham Shiell, Governance Support

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

Almighty God
Grant to this Council
Wisdom, understanding and Sincerity of purpose
For the Good Governance of this City
Amen.

ORIGINAL CUSTODIANS STATEMENT

I wish to acknowledge the traditional owners of the land on which we stand and pay my respects to their Elders past and present.

2. APOLOGIES

Nil.

3. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

- (a) direct financial interest
- (b) indirect interest by close association
- (c) indirect interest that is an indirect financial interest
- (d) indirect interest because of conflicting duties
- (e) indirect interest because of receipt of an applicable gift
- (f) indirect interest as a consequence of becoming an interested party
- (g) indirect interest as a result of impact on residential amenity
- (h) conflicting personal interest

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

- Mr Schneider, Chief Executive Officer declared a conflict of interest in item 5.1, relating to his contract of employment.
- Mr Schneider appointed Mr Utri and Mr Shiell as minute takers and left the meeting at 5.48pm.

4. RESOLUTION TO CLOSE MEETING TO CONSIDER CONFIDENTIAL ITEM OF BUSINESS (at 5.50pm)

MOVED: CR. ANDERSON
SECONDED: CR. NEOH

That the meeting be closed to the public to in accordance with Section 66(2)(a) of the Local Government Act 2020 to consider confidential information on the grounds that the item to be considered relates to 'personal information', being the contract of employment of the Chief Executive Officer.

CARRIED – 6:1

Crs. Herbert, Anderson, Cassidy, Gaston, Neoh and Owen voting for the motion

Cr. Sycopoulis voting against the motion

AGENDA ITEMS 5, 6 and 7 were considered in the Closed Meeting.

8. RE-OPEN MEETING TO THE PUBLIC

The Meeting re-opened to members of the public at 7.05pm.

- Mr Utri was not in attendance when the meeting reopened.

9. OUTCOME OF CONSIDERATION OF CLOSED MEETING ITEM

As a consequence of the Council resolution made in the closed meeting, the confidentiality on the following decisions was removed.

9.1 CHIEF EXECUTIVE OFFICER'S CONTRACT OF EMPLOYMENT

MOVED: CR. GASTON
SECONDED: CR. CASSIDY

That the Council resolves:

Part 1

- To terminate the employment of the Chief Executive Officer, Mr Peter Schneider, effective immediately under the "for no reason" provision in clause 14 of the Chief Executive Officer's Contract of Employment;
- To authorise the Mayor to immediately notify the Chief Executive Officer of the employment termination and take such steps and execute such documents as are necessary to give effect to the resolution; and
- That the Part 1a) and 1c) of the resolution ceases to be confidential when the Mayor sends an email to all Councillors confirming that the Chief Executive Officer has been informed of its effect.

Part 2

- To offer Vikki King the role of Acting Chief Executive Officer and subject to acceptance, the appointment will commence on 14 July 2020 for a maximum period of up to 12 months or until such time as a Chief Executive Officer is appointed by the Council and commences employment;
- That Council will set, within 14 days, some priority KPIs for the Acting CEO role;

- e) To undertake a recruitment process for the appointment of a Chief Executive Officer post 2020 Warrnambool City Council Election;
- f) In accordance with 2e), authorise the Mayor to take such steps as are necessary to initiate the recruitment process for a Chief Executive Officer;
- g) To authorise the Mayor to take such steps and execute such documents as are necessary to give effect to the resolution; and
- h) That Part 2a), 2d), 2e), 2f) and 2g) of the resolution ceases to be confidential once passed.

CARRIED – 4 : 3

Crs Cassidy, Gaston, Neoh and Owen voting for the motion

Crs. Herbert, Anderson and Sycopoulis voting against the motion

10. CLOSE OF MEETING

The meeting closed at 7.06pm.

CHAIRMAN