

**MINUTES OF CITY OF MOUNT GAMBIER  
SPECIAL COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT  
GAMBIER  
ON TUESDAY, 3 DECEMBER 2019 AT 5.30 P.M.**

**PRESENT:** Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Kate Amoroso, Cr Max Bruins, Cr Christian Greco, Cr Ben Hood, Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

**COUNCIL OFFICERS:** Mr M McCarthy

**1 ACKNOWLEDGEMENT OF COUNTRY**

**WE ACKNOWLEDGE THE BOANDIK PEOPLES AS THE TRADITIONAL CUSTODIANS OF THE LAND WHERE WE MEET TODAY. WE RESPECT THEIR SPIRITUAL RELATIONSHIP WITH THE LAND AND RECOGNISE THE DEEP FEELINGS OF ATTACHMENT OUR INDIGENOUS PEOPLES HAVE WITH THIS LAND.**

**2 APOLOGIES**

Nil

**3 LEAVE OF ABSENCE**

Nil

**4 NEW CONFIDENTIAL ITEMS**

**4.1 NOTICE OF RESCISSION/AMENDMENT - CHIEF EXECUTIVE OFFICER PROBATIONARY PERIOD – REPORT NO. AR19/64660**

**RESOLUTION 2019/352**

Moved: Cr Frank Morello  
Seconded: Cr Kate Amoroso

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR19/64660 Notice of Rescission/Amendment - Chief Executive Officer Probationary Period.

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 unreasonable disclosure of information concerning the personal affairs of any person (living or dead)



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 because this subject matter of the item deals with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to discuss item 4.1

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 5:40 p.m.

A 25 minute recess was held from 5:50 p.m. until 6:17 p.m.

Cr Jenner left the meeting at 5:50 p.m. and did not return.

The meeting was relocated from the Council Chamber to the level 4 Committee Room.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 6:34 p.m.

### **RESOLUTION 2019/353**

Moved: Cr Christian Greco

Seconded: Cr Sonya Mezinec

### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR19/64660 Notice of Rescission/Amendment - Chief Executive Officer Probationary Period and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 4 December 2020.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**



**4.2 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICERS PROBATIONARY PERIOD –  
REPORT NO. AR19/64665**

**RESOLUTION 2019/354**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

**CONSIDERATION FOR EXCLUSION OF THE PUBLIC**

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.2 AR19/64665 Notice of Motion - Chief Executive Officers Probationary Period.

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 unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

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 because the subject matter of the item deals with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

**RESOLUTION 2019/355**

Moved: Cr Christian Greco

Seconded: Cr Frank Morello

**CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.2 AR19/64665 Notice of Motion - Chief Executive Officers Probationary Period and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 4 December 2020.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

**CARRIED**



#### 4.3 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – REPORT NO. AR19/64920

##### RESOLUTION 2019/356

Moved: Cr Christian Greco

Seconded: Cr Max Bruins

##### CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.3 AR19/64920 Notice of Motion - Chief Executive Officer Performance Review Committee.

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 unreasonable disclosure of information concerning the personal affairs of any person (living or dead)

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 because the subject matter of the item deals with the probationary period of the Chief Executive Officer, as specified in the contract of employment between him and the City of Mount Gambier.

**CARRIED**

Moved: Cr Sonya Meziniec

Seconded: Cr Frank Morello

1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.
2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising all 9 Elected Members.
3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:
  - (a) Review Committee Terms of Reference;
  - (b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;
  - (c) Distribution and review of templates used for previous Chief Executive Officer reviews.

##### AMENDMENT

Moved: Cr Ben Hood

Seconded: Cr Max Bruins

1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.
2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising the Mayor, Deputy Mayor and Presiding Members of the Economic and Environment and People and Place Committees.



3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:
  - (a) Review Committee Terms of Reference;
  - (b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;
  - (c) Distribution and review of templates used for previous Chief Executive Officer reviews.

The Amendment became the Motion, and as the Motion was put and

**CARRIED**

#### **4.3 NOTICE OF MOTION - CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - REPORT NO. AR19/64920**

##### **RESOLUTION 2019/357**

Moved: Cr Ben Hood  
Seconded: Cr Max Bruins

1. That Council Report No. AR19/64920 titled 'Notice of Motion - Chief Executive Officer Performance Review Committee' as presented on 03 December 2019 be noted.
2. That Council re-instate the Chief Executive Officer Performance Review Committee comprising the Mayor, Deputy Mayor and Presiding Members of the Economic and Environment and People and Place Committees.
3. That a Chief Executive Officer Performance Review Committee meeting be scheduled to attend to the following agenda items:
  - (a) Review Committee Terms of Reference;
  - (b) Discuss appointment of an independent Human Resource consultant or agency to assist Council with management of the Chief Executive Officer review process;
  - (c) Distribution and review of templates used for previous Chief Executive Officer reviews.

**CARRIED**

##### **CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL**

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.3 AR19/64920 Notice of Motion - Chief Executive Officer Performance Review Committee and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a) be kept confidential and not available for public inspection until 4 December 2020.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

Order lapsed for want of a mover.



**5 MEETING CLOSE**

**The Meeting closed at 6:47 p.m.**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the City of Mount Gambier held on 17 December 2019.**

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**PRESIDING MEMBER**

