



MINUTES OF SPECIAL MEETING OF COUNCIL

Purpose:

- 1. For Council to consider the Tuia Lodge Lease Agreement**
 - 2. For Council to consider senior designated employee appointment (Director Corporate and Community)**
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Held on

Wednesday 16 June 2021

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber

Benjamin (Ben) Rose
Chief Executive Officer

17 June 2021

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**SHIRE OF DONNYBROOK BALINGUP
SPECIAL COUNCIL MEETING MINUTES**

Wednesday 16 June 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present, and emerging.

The Shire Present declared the meeting open and welcomed the public gallery at 5.03pm.

Shire President - Public Notification of Recording of Meetings

The Shire President advises that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further states the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

2 ATTENDANCE

COUNCILLORS	STAFF
Cr Brian Piesse (President)	Ben Rose – Chief Executive Officer
Cr Jackie Massey (Deputy President)	Paul Breman – Executive Manager Corporate and Community
Cr Shane Atherton	Steve Potter – Executive Manager Operations
Cr Anita Lindemann	Jaimee Earl – Minute Taker
Cr Anne Mitchell (by telephone at 5.04pm)	
Cr Chaz Newman	
Cr Chris Smith	
Cr Leanne Wringe	

PUBLIC GALLERY

Nil.

2.1 APOLOGIES

Nil.

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

2.4 REQUEST BY CR MITCHELL TO PARTICIPATE BY PHONE

The Shire President requested Cr Anne Mitchell confirm her address and confirmed she is in a 'suitable place' in relation to the Local Government Regulations 14A.

RECOMMENDATION

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Special Council Meeting held 16 June 2021 via telephone pursuant to Regulation 14A(1)(c).**

COUNCIL RESOLUTION 98/21

Moved Cr Newman Seconded Cr Massey

That Council:

- 1. Approves 24 Trench Street, Wagin as a suitable place for the purpose of Regulations 14A(1)(b) and 14A(4).**
- 2. Approves the participation of Cr Mitchell at the Special Council Meeting held 16 June 2021 via telephone pursuant to Regulation 14A(1)(c).**

CARRIED 7/0

Cr Mitchell joined the meeting via phone at 5.04pm.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Cr Smith declared a financial interest in item 7.1.2 - Tuia Lodge Lease Agreement as he is a contractor to the Shire and Tuia Lodge. Cr Smith will leave the Chamber for the duration of the discussion and vote on the item.

5 PUBLIC QUESTION TIME

In accordance with the Clause 7(3) of the *Local Government (Administration) Regulations*, public questions must relate to the stated purpose/s of the Special Meeting of Council.

Nil.

6 REPORTS OF OFFICERS

Nil.

7 MEETING CLOSED TO THE PUBLIC

7.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The following confidential reports and recommendations have been distributed separately and are not for circulation:

7.1.1 CONFIDENTIAL – DESIGNATED SENIOR EMPLOYEE APPOINTMENT – DIRECTOR CORPORATE AND COMMUNITY

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *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*

7.1.2 CONFIDENTIAL – TUIA LODGE LEASE AGREEMENT

This report is confidential in accordance with Section 5.23(2) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

- (a) *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*

EXECUTIVE RECOMMENDATION

That the meeting be closed in accordance with section 5.23(2)(a) of the *Local Government Act 1995* to discuss the following Confidential item:

7.1.1 CONFIDENTIAL – DESIGNATED SENIOR EMPLOYEE APPOINTMENT – DIRECTOR CORPORATE AND COMMUNITY

7.1.2 CONFIDENTIAL – TUIA LODGE LEASE AGREEMENT

COUNCIL RESOLUTION 99/21

Moved Cr Smith Seconded Cr Lindemann

That the meeting be closed in accordance with section 5.23(2)(a) of the Local Government Act 1995 to discuss the following Confidential item:

7.1.1 CONFIDENTIAL – DESIGNATED SENIOR EMPLOYEE APPOINTMENT – DIRECTOR CORPORATE AND COMMUNITY

7.1.2 CONFIDENTIAL – TUIA LODGE LEASE AGREEMENT

CARRIED 8/0

The meeting was closed to the public at 5.06pm.

COUNCIL RESOLUTION 102/21

Moved Cr Newman Seconded Cr Wringe

That the meeting be re-opened to the public.

CARRIED 7/0

The meeting was re-opened to the public at 6.09pm.

7.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

RESOLUTION 100/21

That Council endorses the recommendations outlined in the Confidential Report.

RESOLUTION 10121

- 1. That Council authorise the Chief Executive Officer and Shire President to execute the attached Lease and Business Sale Agreement contracts with Great Southern Care Pty Ltd (part of the Hall and Prior Health & Aged Care Group).*
- 2. That Council approve the payment of the net funds, as of 30 June 2021, resulting from the obligations under the Business Sale Agreement, including:*
 - a) The completion employee entitlements value as of 30 June 2021, in accordance with clause 12.2*

- b) *The Resident's personal funds held as of 30 June 2021, in accordance with clause 12.3*
 - c) *The Residents' fees received in advance and relating to the period after 30 June 2021, in accordance with clause 12.4*
 - d) *The net adjustments to residential care subsidies and Covid-19 payments as they relate to events that occurred prior to 1 July 2021, in accordance with clause 12.5*
 - e) *For a period of 12 months after 1 July 2021, the net of deductions and refunds of the residential care subsidy made by the Commonwealth Department, as they relate to the period prior to 30 June 2021, in accordance with clause 12.6*
 - f) *The refundable accommodation deposit (RAD) value as of 30 June 2021, less \$187,229 in accordance with clause 12.7*
 - g) *The net adjustment to periodic outgoings in the form of prepayments and accruals in accordance with clause 12.8*
3. *Instruct the Chief Executive Officer to publish this resolution in the meeting Minutes.*

6 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on Wednesday 23 June 2021 commencing at 5.00pm.

The Shire President declared the meeting closed at 6.10pm.

These Minutes were confirmed by the Council as a true and accurate record at the Ordinary Council Meeting held 23 June 2021.


Cr Brian Piesse
SHIRE PRESIDENT