

**MINUTES
OF THE SPECIAL MEETING OF COUNCIL MEETING OF THE CITY OF TEA TREE
GULLY HELD ON TUESDAY 17 MAY 2022 AT 7.33PM IN THE COUNCIL
CHAMBERS, 571 MONTAGUE ROAD, MODBURY**

1. Opening and Welcome

The Mayor read the Opening Prayer and Acknowledgement of Country Statement.

2. Attendance Record:

2.1 Present

His Worship Mayor K Knight, B Keane, J Lintvelt, L Jones, R Unger, D Wyld, L Petrie, R Coleman, P Field, S Keane and K Foreman.

2.2 Apologies

Cr B Rankine.

2.3 Leave of Absence

Nil

2.4 Record of Officers in Attendance

Ms I Cooper	Manager Governance & Policy
Mrs J Short	Manager Organisational Development

Recruitment Consultant

Mr A Reed	Hender Consulting, General Manager
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2.5 Record of Number of Persons in the Public Gallery

Nil

2.6 Record of Media in Attendance

Nil

3. Public Forum *(must be relating to an agenda item)* - Nil

- 4. Deputations - Nil**
- 5. Presentations - Nil**
- 6. Declaration of Conflict of Interests - Nil**
- 7. Matters for Discussion - Nil**
- 8. Notice(s) of Motion - Nil**
- 9. Question(s) on Notice - Nil**
- 10. Section 90(2) Local Government Act 1999 – Confidential Items**
- 10.1. Chief Executive Officer Recruitment - Next Steps (D22/37458)**

Recommendation for Moving into Camera

Moved Cr S Keane, Seconded Cr Lintvelt

1. That pursuant to Section 90(2) of the Local Government Act 1999, the Council orders that the public (except for Manager Governance & Policy, Manager Organisational Development and Recruitment Consultant) be excluded from the meeting to enable discussion on the Chief Executive Officer Recruitment - Next Steps.
2. That the Council is satisfied that pursuant to section 90(3)(a) of the Local Government Act 1999, the information be received, discussed or considered in relation to this item is:
 - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer (CEO) and applicants for the CEO position
 - o in that details of their employment contracts may be prematurely disclosed before having been finalised with the CEO, preferred candidate and Council, and could therefore result in the untimely release of sensitive, and/or incomplete, inaccurate or misleading information.

3. In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in the public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information. 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 on the basis that details of relevant parties employment contracts may be prematurely disclosed before having been finalised with the CEO, preferred candidate and Council, and could therefore result in the untimely release of sensitive, and/or incomplete, inaccurate or misleading information.

Carried Unanimously (1216)

The following staff members on duty remained at the meeting for the following item:

Ms I Cooper, Mrs J Short and Mr A Reed (Hender Consulting)

Formal Meeting Procedures Suspended – 7.36pm

Moved Cr Wyld, Seconded Cr Foreman

That Council temporarily suspend the formal meeting procedures to allow free and open discussion on Chief Executive Officer Recruitment – Next Steps.

Carried Unanimously (1217)

Following the informal discussion the Mayor determined that the period of suspension should be brought to an end and formal meeting procedures were resumed at 8.31pm.

10.1 Chief Executive Officer Recruitment - Next Steps (D22/37458)

Moved Cr Jones, Seconded Cr Wyld

That having considered the report titled 'Chief Executive Officer Recruitment – Next Steps' and dated 17 May 2022, Council:

1. Approves the appointment of Mr Ryan McMahon as Chief Executive Officer on a five year fixed term employment contract, commencing on 3 September 2022 with the remuneration, terms and conditions as referenced within this report to be negotiated with and executed by the Chairperson of the CEO Selection Panel and documented in the Employment Agreement.
2. Endorses the negotiated new contract end date for Mr John Moyle of 2 September 2022 with the remainder of his contract term to be paid out, and to be executed by the Chairperson of the CEO Selection Panel.
3. Approves an increase in Mr Moyle's remuneration package based on the annual movement in Consumer Price Index (All Groups) Adelaide at the June 2022 Quarter, effective from 2 September 2022, which is the annual remuneration increase to be applied to Mr Moyle's termination payment calculation.

Carried Unanimously (1218)

Retention of confidential documents:

Moved Cr S Keane, Seconded Cr Foreman

1. That having considered the agenda item entitled Chief Executive Officer Recruitment – Next Steps and dated 17 May 2022 in confidence under section 90(2) & (3)(a) and Section 91(7) of the Local Government Act 1999:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of the Chief Executive Officer (CEO) and applicants for the CEO position:
 - in that details of their employment contracts may be prematurely disclosed before having been finalised with the CEO, preferred candidate and Council, and could therefore result in the untimely release of sensitive and or incomplete, inaccurate or misleading information.

the Council pursuant to section 91(7) of the Act orders that the report (including attachments) and minutes relevant to this item be retained in confidence (with the exception of relevant third parties involved in this matter) and not available for public inspection until:

- A decision on the new CEO's employment contract has been made and executed (agreed by both parties); and
- A decision on the current CEO's employment contract has been made and executed (agreed by both parties); or
- Council resolves otherwise, whichever occurs first.

2. That the Council gives the power pursuant to Section 91 of the Local Government Act 1999 to the Chief Executive Officer to revoke the order made under Section 91 (7) of the Local Government Act 1999 subject to the Manager Governance & Policy consulting with the Chairperson of the CEO Selection Panel and reporting to the Elected Members of the revocation.

Carried Unanimously (1219)

The Mayor declared the meeting closed at 8.49pm.

Confirmed.....
Mayor