



# CONFIDENTIAL MINUTES

of

## CONFIDENTIAL SPECIAL COUNCIL MEETING

*Pursuant to the provisions of Section 84(1) of the  
Local Government Act 1999*

HELD IN

**COUNCIL CHAMBERS  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**TUESDAY, 12 MAY 2015  
AT 8:00PM**

The meeting went into confidence at 8.07 pm.

### ATTENDANCE RECORD

**MAYOR GLENN DOCHERTY – Principal Member**

Cr Marilyn Baker

Cr Andrew Craig

Cr Denis Davey

(arrived at 8.28 pm)

Cr Joe Federico

Cr Shirley Halls

Cr Michael Joy

Cr Duncan MacMillan

Cr Dino Musolino

Cr Jane Onuzans

Cr Max O'Rielly

Cr Peter Rentoulis

Cr Adam Sherwood

Cr Gay Smallwood-Smith

*Duncan MacMillan*  
26/5/15



**5.1 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER****B. THE BUSINESS MATTER**

(Contact Person: Mayor Glenn Docherty)

**RECOMMENDATION**

1. The Council pursuant to Section 98(2) of the Local Government Act 1999, appoints Mr Mal Hemmerling as Acting Chief Executive Officer of the Council from 12 June 2015 until the Council appoints a person to the position of Chief Executive Officer (**CEO**) or such earlier time as the Council and Mr Hemmerling may agree.
2. The other terms upon which Mr Hemmerling is appointed Acting CEO of the Council are as follows:
  - (a) Mr Hemmerling and the Council agree to vary the Professional Services Agreement between Mr Hemmerling and the Council dated 9.2.2012 (**the Agreement**) to provide that:
    - i. the services to be provided by Mr Hemmerling to the Council are to undertake the role of Acting CEO until the Council appoints a person to the position of CEO or such earlier time as the Council and Mr Hemmerling may agree;
    - ii. the fee to be paid to Mr Hemmerling by the Council is \$30,375.35 per month including superannuation and excluding GST and other expenses which are properly claimable under the Agreement.
  - (b) In the event the Council appoints a person to the role of CEO prior to 30 June 2016, the Agreement will continue on the same terms as existed prior to the variation outlined in paragraph 2 of this resolution.
3. The Mayor is authorised to execute a variation to the Agreement on behalf of the Council in accordance with this resolution.

*Cr Andrew Craig entered the meeting at 8.28 pm*

*Mr Hemmerling left the meeting at 8.31 pm*

*Done 26/5/15*



**COUNCIL RESOLUTION****2149****Moved: Cr Sherwood****Seconded: Cr Baker**

1. The Council pursuant to Section 98(2) of the Local Government Act 1999, appoints Mr Mal Hemmerling as Acting Chief Executive Officer of the Council from 12 June 2015 until the Council appoints a person to the position of Chief Executive Officer (CEO) or such earlier time as the Council and Mr Hemmerling may agree.
2. The other terms upon which Mr Hemmerling is appointed Acting CEO of the Council are as follows:
  - (a) Mr Hemmerling and the Council agree to vary the Professional Services Agreement between Mr Hemmerling and the Council dated 9.2.2012 (the Agreement) to provide that:
    - i. the services to be provided by Mr Hemmerling to the Council are to undertake the role of Acting CEO until the Council appoints a person to the position of CEO or such earlier time as the Council and Mr Hemmerling may agree;
    - ii. the fee to be paid to Mr Hemmerling by the Council is \$30,375.35 per month including superannuation and excluding GST and other expenses which are properly claimable under the Agreement.
  - (b) In the event the Council appoints a person to the role of CEO prior to 30 June 2016, the Agreement will continue on the same terms as existed prior to the variation outlined in paragraph 2 of this resolution.
3. The Mayor is authorised to execute a variation to the Agreement on behalf of the Council in accordance with this resolution.

**CARRIED UNANIMOUSLY****C. PROCEDURAL DECISION - 1 TO DECIDE HOW LONG ITEM 5.1 IS TO BE KEPT IN CONFIDENCE****STAFF RECOMMENDATION**

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 5.1 be kept confidential:

- Report for Item 5.1 until the 2016 Confidential Items Annual Review.
- Attachment(s) for Item 5.1 until the 2016 Confidential Items Annual Review.
- Discussion for Item 5.1 until the 2016 Confidential Items Annual Review.
- Decision for Item 5.1 until 13 May 2015.

*Done 26/5/15*



**COUNCIL RESOLUTION****2150****Moved: Cr Baker****Seconded: Cr Halls**

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 5.1 be kept confidential:

- Report for Item 5.1 until the 2016 Confidential Items Annual Review.
- Attachment(s) for Item 5.1 until the 2016 Confidential Items Annual Review.
- Discussion for Item 5.1 until the 2016 Confidential Items Annual Review.
- Decision for Item 5.1 until 13 May 2015.

**CARRIED**

The meeting reopened to the public at 8.43 p.m.

*John 26/5/15*