

**MINUTES OF MORNINGTON SHIRE COUNCIL
SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, MISSION ROAD, GUNUNA
ON WEDNESDAY, 3 FEBRUARY 2022 AT 9:30AM**

1 OPENING OF MEETING

The meeting was opened by Mayor Kyle Yanner at 9.41am.

2 ACKNOWLEDGMENT OF COUNTRY

I would like to begin by acknowledging the Traditional Owners of the land on which we meet today, the Lardil people of Mornington Island and pay our respects to Elders past and present. We would also like to acknowledge the Kaiadilt and Yangkaal people who share our homelands

3 PRESENT

Elected Members

Mayor Kyle Yanner, Deputy Mayor David Barnes, Cr Dwayne Rogers, Cr Roxanne Thomas, Cr Bob Thompson (from 09:53am)

Staff

Chief Executive Officer (Adam Seiler),

4 LEAVE OF ABSENCE

Not applicable

5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF

Mr Adam Seiler declared conflict of interest for Item 7.1 as the matter relates directly to his Contract of Employment and resignation from the position of Chief Executive Officer.

7 CHIEF EXECUTIVE OFFICER'S REPORTS

The Chief Executive Officer declared an interest in item 7.1 and vacated the Chambers at 09:43am

RESOLUTION 2022/12

Moved: Cr Rogers

Seconded: Cr Barnes

That Council moved into Closed Business at 09:43am

CARRIED 4/0

Initial: _____

7.1 RESIGNATION OF CHIEF EXECUTIVE OFFICER

Cr Thompson entered the meeting at 09:53am

RESOLUTION 2022/13

Moved: Cr Barnes

Seconded: Cr Rogers

That Council moved out of Closed Business at 10:04am

CARRIED 5/0

The Chief Executive Officer returned to the Chambers at 10:04am

RESOLUTION 2022/14

Moved: Cr Rogers

Seconded: Cr Barnes

1. The Employment Agreement of the Chief Executive Officer of Mornington Shire Council be terminated by way of resignation pursuant to agreed terms outlined in a Deed of Separation and Release;
2. That payment of the separation amount and satisfaction of the separation terms be subject to Council and the Chief Executive Officer duly executing a Deed of Separation and Release reflecting the agreed terms;
3. The Mayor be authorised to finalise the terms of the Deed of Separation and Release with the Chief Executive Officer and duly execute the Deed on behalf of Council;
4. The Mayor and Deputy Mayor be authorised to appoint an Acting CEO in all situations where the CEO is unable to perform the role and/or where the role is vacant, and that such appointment be on an interim basis only until such time as the incumbent CEO returns to the role, or a new CEO is appointed or where Council resolve to appoint another Acting CEO; and,
5. Due to the Chief Executive Officer departing 4 February 2022, acknowledge this Special Meeting was required to be held Thursday 3 February 2022.

CARRIED 5/0

Reason for alteration to the recommendation:

Council sought to add point 5 in recognition of the CEO's departure being Friday 4 February 2022 and holding this Special Meeting on Thursday 3 February 2022.

7.2 EMERGENCY BURIAL ASSISTANCE

RESOLUTION 2022/15

Moved: Cr Thompson

Seconded: Cr Yanner

That Council recognise the unprecedented situation relating to the storage facilities on-Island of deceased individuals that exceeds capacity and is impacting emergency additional capacity is an emergency and resolve to authorise immediate assistance in the form of burial discharge, with invoicing to be processed in Q3 2022 to the respective families.

CARRIED 5/0

7.3 BYONE OPERATIONS

Cr Thompson left the Chambers at 10:40am and returned at 10:42am.

RESOLUTION 2022/16

Moved: Cr Rogers

Seconded: Cr Thompson

That Council support in-principle the following:

1. Work with Bynoe to provide support and assistance in construction of a Mechanical Workshop on their existing lease;
2. Council facilitate the Tender process for a new Mechanical Workshop building on behalf of Bynoe;
3. In consultation with the Housing Manager, investigate options surrounding possible labour hire arrangements and creating an assembly line process for kitchen cabinetry that council is installing in new builds and re-construction/refurbishment projects;
4. An application from Bynoe to operate a Food Trailer on Mornington Island; and,
5. Working with the Homeland Development Division to build infrastructure on the outstations which includes permanent housing, solar farms, generators, bores and the maintenance of the sites in partnership with the traditional owners.

CARRIED 5/0

7.4 WESTPAC BANKING AUTHORITY

RESOLUTION 2022/17

Moved: Cr Rogers

Seconded: Cr Yanner

That Council authorise the removal of all existing signatories held with Westpac Banking Corporation and add the following:

- 1. Add Melissa Grove, Jayne Schulze and the Chief Executive Officer as signatories for all Westpac Bank Accounts held by Mornington Shire Council; and,
- 2. Add Melissa Grove, Vicki Thiel, Jayne Schulze and the Chief Executive Officer as Administrators for all Westpac Bank Accounts held by Mornington Shire Council.

CARRIED 5/0

Reason for alteration to the recommendation:

Council sought to limit the number of signatories on the bank accounts to members of the Corporate Services (Finance) team and the Chief Executive Officer only.

8 CONFIDENTIAL REPORTS

Not applicable

9 CLOSURE

Mayor Kyle Yanner closed the meeting at 10:49am

Adam Seiler
Chief Executive Officer.

Minutes Confirmed:

Mayor

Date: 3 February 2022

Adam Seiler
Chief Executive Officer