Shire of Koorda

Drive in, stay awhile

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MINUTES

Special Council Meeting

Held in Shire of Koorda Council Chambers
10 Haig Street, Koorda WA 6475
Monday 4 December 2023
Commencing 6.00pm

Meeting Purpose: Confidential Item: CEO Recruitment

NOTICE OF MEETING

Dear Elected Members,

Notice is hereby given that a Special Meeting of Council of the Shire of Koorda will be held on Monday 4 December 2023 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda, commencing at 6.00pm.

The purpose of the meeting is to consider Confidential Item: CEO Recruitment.

Lana Foote
Acting Chief Executive Officer
4 December 2023

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed

Lana Foote
Acting Chief Executive Officer

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Table of Contents

1. **Declaration of Opening** 4
2. **Record of Attendance, Apologies and Leave of Absence** 4
3. **Public Question Time** 4
4. **Disclosure of Interest** 4
5. **OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE** 5
5.1. **CEO Recruitment Committee - Recommendations** 5
6. **Closure** 9

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Shire of Koorda
Special Council Meeting
6.00pm, Monday, 4 December 2023

1. Declaration of Opening

The Presiding person welcomes those in attendance and declares the meeting open at 6.00pm.

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President
Cr GW Greaves	Deputy President
Cr GL Boyne	
Cr KM Burrell	

Staff:

Mrs K Harrap	Governance Officer

Members of the Public:

Apologies:

Cr NJ Chandler

Approved Leave of Absence:

3. Public Question Time

Nil.

(Please note: Being a special meeting of Council, any questions must relate to the purpose of the meeting being CEO Recruitment Committee)

4. Disclosure of Interest

Nil.

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5. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

Officer Recommendation
RESOLUTION 011223

Moved Cr GW Greaves **Seconded Cr GL Boyne**

That Council close the meeting to the public at 6.01pm in accordance with s.5.23(2)(b) of the Local Government Act 1995, as item 5.1 deal with the personal affairs of a person.

CARRIED 4/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell

6.01pm – Mrs K Harrap withdrew from the chambers.

5.1. CEO Recruitment Committee - Recommendations

Corporate and Community	
Date	4 December 2023
Location	Not Applicable
Responsible Officer	Cr Jannah Stratford, President
Author	As above
Legislation	*Local Government Act 1995, Local Government (Administration) Regulations 1996*
Disclosure of Interest	Nil
Purpose of Report	☐Executive Decision ☒Legislative Requirement ☐Information
Attachments	CEO Recruitment Committee Minutes 27 November 2023 Unconfirmed

Background:
The CEO Recruitment Committee was established by Council at its meeting held 23 October 2023, with the Committee's Terms of Reference including the following Roles and Responsibilities of the Committee:

(a) *To provide general guidance and participate in the recruitment process for the position of Chief Executive Officer of the Shire of Koorda, in accordance with the indicative process agreed by the Council.*
(b) *To make recommendation to the Council at each stage of the selection process, including but not limited to:*
- *The position description*
- *The Draft CEO employment contract*
- *The preferred candidate(s) report and recommendation to Council*

(c) *To consider the assessment of applicants for the position of Chief Executive Officer.*
(d) *To consider the advertisement and/or re-advertisement or other additional steps (if necessary) in consultation with the Recruitment Consultant.*
(e) *Ensure appropriate advertising mediums are used such a social media, websites, SEEK and written formats such as West Australian professional and/or local government job section.*
(f) *A report to Council with recommendation of the preferred candidate including negotiated employment contract to be considered and endorsed by Council for the appointment of the Chief Executive Officer.*
(g) *Any other matter which is not stipulated within these terms of reference, but which is within the powers and functions of the Panel or other matters which are specifically referred by the Council to the Panel and related to the selection of the Chief Executive Officer.*

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The CEO Recruitment Committee met on 27 November 2023, and this report presents the Committee's recommendations for Council's consideration. Refer to the CEO Recruitment Committee Minutes.

Comment:

The CEO Recruitment Committee's Recommendations if endorsed by Council, will require a further Council Report and recommendations, to address matters necessary to facilitate implementation of the Committee's recommendation.

Therefore, additional recommendations have been included in this report, but will only be appropriate for Council's consideration if Council endorses the Committee's recommendations.

Consultation:
Nil.

Statutory Implications:
Local Government Act 1995, s.*5.39A. Model standards for CEO recruitment, performance and termination.*

Local Government (Administration) Regulations 1996, Schedule 2, Division 2, Standards for recruitment of CEOs. Clause 9, prescribes:

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —
(a) a summary of the selection panel's assessment of each applicant; and
(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —
(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and
(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria

Local Government (Administration) Regulations 1996, Regulation 29A(2) provides that Council may resolve to make information available for public inspection, that was dealt with at a meeting that had been closed to the public under s.5.23.

Policy Implications:
Council Policy "Appointment of an Acting Chief Executive Officer" was adopted in accordance with s.5.39C of the Local Government Act 1995. This Policy will apply to the proposal to appoint an external Temporary CEO, specifically clauses 5 and 6, which have been extracted below:

5. Appoint Temporary CEO – Substantive Vacancy

a) In the event that the substantive CEO's employment with the Shire of Koorda is ending, the Council when determining to appoint a Temporary CEO may either:
  i. by resolution, appoint Deputy CEO as the Temporary CEO for the period of time until the substantive CEO has been recruited and commences their employment with the Local Government; or
  ii. by resolution, appoint the Deputy CEO as the interim Temporary CEO for the period of time until an external recruitment process for a Temporary CEO can be completed; or
  iii. following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act, appoint a Temporary CEO for the period of time until the substantive CEO has been recruited and commences employment with the Local Government.

b) The President (or in their absence the Deputy President) will liaise with an Administration Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment.

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c) *The President (or in their absence the Deputy President) is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Governance Officer.*

6. Remuneration and conditions of Acting or Temporary CEO

a) *Unless Council otherwise resolves, an employee appointed as Acting CEO shall be remunerated at no less than 85% of the cash component only of the substantive CEO's total reward package.*
b) *Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into a contract in accordance with the requirements of Sections 5.39(1) and (2)(a) of the Act.*
c) *Subject to relevant advice, the Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.*

Strategic Implications:
Shire of Koorda Integrated Strategic Plan 2022

Financial Implications:
It is expected that additional costs will be incurred through:

- Retention of the Recruitment Consultant to conduct a second CEO recruitment process and to assist in recruitment of a Temporary CEO.
- Additional advertising costs.
- Employment / salary costs associated with appointing a Temporary CEO.

The Recruitment Consultant will be asked to provide a written quotation for the additional scope of work associated with recruitment and selection of a Temporary CEO and conducting a second CEO recruitment process.

These costs and other additional costs will be quantified in a subsequent report to Council.

Voting Requirements: ☒Simple Majority ☐Absolute Majority

Officer Recommendation
RESOLUTION 021223

Moved Cr GL Boyne **Seconded Cr KM Burrell**

That Council:

1. **No applications to be progressed,**
2. **Appoints an external Acting CEO while undergoing future recruitment process,**
3. **Recruitment Consultant to assist with potential candidates for interim Acting CEO Position.**

CARRIED 4/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell

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Additional Officer Recommendation
(If Committee Recommendations 1-3 above are carried)
RESOLUTION 031223

Moved Cr KM Burrell **Seconded Cr GW Greaves**

That Council:

4. **Notes the effect of Council's resolution that 'no applications to be progressed' and resolves for a new recruitment and selection process for the position of CEO to be carried out in accordance with the CEO Recruitment Standards.**

5. **Requests a Report be provided to a Council Meeting, scheduled at the earliest opportunity, detailing:**
   a. Changes, if any, proposed by the CEO Recruitment Committee for undertaking the second CEO recruitment process,
   b. Recruitment Consultant quotation and estimate of other additional costs associated with conducting the second CEO recruitment process and recruitment and appointment of a Temporary CEO,
   c. Provide details of the remuneration and benefits to be offered to the Temporary CEO in accordance with Council's Policy and the Temporary CEO recruitment process proposed in accordance with Council Policy "Appointment of an Acting Chief Executive Officer".

6. **Resolves to remove confidentiality from this Report, so that it is published in the Minutes of this meeting.**

CARRIED 4/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell

Council Decision
RESOLUTION 041223

Moved Cr GL Boyne **Seconded Cr GW Greaves**

That Council re-open the meeting to the public at 6.19pm.

CARRIED: 4/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr GL Boyne, Cr KM Burrell

6.21pm – Mrs K Harrap returned to the chambers.

6. Closure

The Presiding Person thanked those present for their attendance and declared the meeting closed at 6.22pm.

Signed: _____

Presiding Person at the meeting at which the minutes were confirmed.

Date: 18 December 2023

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