



Shire of
Koorda

Drive in, stay awhile

MINUTES

Special Council Meeting

Held in Shire of Koorda Council Chambers

10 Haig Street, Koorda WA 6475

Thursday 11 January 2024

Commencing 5.00pm

Meeting Purpose: Appointment of a Temporary CEO

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 Thursday 11 January 2024 in the Shire of Koorda Council Chambers, 10 Haig Street, Koorda, commencing at 5.00pm.

The purpose of the meeting is to consider Confidential Item: Appointment of a Temporary CEO

Lana Foote
Acting Chief Executive Officer
9 January 2024

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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.

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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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CONFIRMED

**Shire of Koorda
Special Council Meeting
5.00pm, Thursday, 11 January 2024**



1. Declaration of Opening

President JM Stratford requested to attend the in-person-meeting via electronic means, which has been authorised by Deputy President GW Greaves.

As President JM Stratford is attending the in-person-meeting via electronic means, she has chosen to defer to Deputy President GW Greaves, acting under Section 5.34 of the *Local Government Act 1995*, for the purpose of presiding at the meeting.

The Presiding person welcomed those in attendance and declared the meeting open at 5.00pm

2. Record of Attendance, Apologies and Leave of Absence

Councillors:

Cr JM Stratford	President (Approved Electronic Attendance - via MS Teams)
Cr GW Greaves	Deputy President (Presiding Member)
Cr NJ Chandler	
Cr GL Boyne	
Cr KM Burrell	
Cr CL Nairn	

Staff:

Miss Lana Foote	Acting CEO
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Members of the Public:

Ms Lydia Highfield	CEO Recruitment Consultant (via MS Teams)
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Apologies:

Cr KA Fuchsbichler

Approved Leave of Absence:

3. Public Question Time

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

4. Disclosure of Interest

Nil.

5. OFFICER'S REPORTS – GOVERNANCE & COMPLIANCE

5.01pm - ACEO withdrew from the chambers.

Officer Recommendation RESOLUTION 010124

Moved Cr NJ Chandler

Seconded Cr CL Nairn

That Council close the meeting to the public at 5.01pm 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: 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn

5.02pm – SUSPEND STANDING ORDERS RESOLUTION 020124

Moved Cr KM Burrell

Seconded Cr CL Nairn

That standing orders be suspended to discuss item 5.1 Appointment of a Temporary CEO.

CARRIED: 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn

6.23pm – RESUMPTION OF STANDING ORDERS RESOLUTION 030124

Moved Cr CL Nairn


Seconded Cr KM Burrell

That standing orders be resumed as per the attendance register.

CARRIED: 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn

5.1. Appointment of a Temporary CEO

Corporate and Community		 Shire of Koorda <small>Drive in, stay awhile</small>
Date	10 January 2024	
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	<input checked="" type="checkbox"/> Executive Decision <input checked="" type="checkbox"/> Legislative Requirement <input type="checkbox"/> Information	
Attachments	CONFIDENTIAL XX - Sent under separate cover	

Background:

The CEO Recruitment Committee met on 27 November 2023, and referred their recommendation to a Special Council Meeting held 4 December 2023 and the below recommendations are included below for reference;

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

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

Comment:

A further item was tabled at the December Ordinary Council Meeting, held Monday 18 December 2023 to progress part 5(c) of Resolution 031223, as above, with the below resolution being passed;

**Officer Recommendation
RESOLUTION 271223**

Moved Cr KM Burrell

Seconded Cr NJ Chandler

That Council;

- 1. Authorises the President and Deputy President to work with the CEO Recruitment Consultant, to shortlist and engage a suitable candidate as temporary CEO,**
- 2. Provides details of remuneration and benefits to be offered to the Temporary CEO, in accordance with Council Policy and SAT Band 4 determinations, and**
- 3. At a Special Council Meeting, at a date and time determined by the President, approves the appointment, remuneration and benefits for the Temporary CEO.**

CARRIED: 7/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn, Cr KA Fuchsbichler

This Special Meeting is convened as per part 3 of the above resolution.

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.*
- 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

4.1 – Open and transparent leadership.

4.1.1 – Ensure the use of resources is effective, efficient and reported regularly.

Risk Implications:

Risk Profiling Theme	Employment Practices
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Low (3)
Key Controls (in place)	Council Policies
Action (Treatment)	Recruitment and enactment of Council Policies.
Risk Rating (after treatment)	Adequate

Financial Implications:

An annual allocation was made in the 2023/2024 budget for the employment of a CEO.

Voting Requirements: Simple Majority Absolute Majority

**Officer Recommendation
RESOLUTION 040124**

Moved Cr NJ Chandler

Seconded Cr CL Nairn

That Council

1.Appoints Mr Zachary Donovan as the Temporary Chief Executive Officer for a period of 12 months, from an agreed commencement date in February 2024.

2.Authorises the President and Deputy President to offer a Letter of Engagement, including the Total Reward Package and Benefits as discussed, and agreed by Council.

CARRIED BY ABSOLUTE MAJORITY: 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn

**Officer Recommendation
RESOLUTION 050124**

Moved Cr NJ Chandler

Seconded Cr KM Burrell

That Council re-open the meeting to the public at 6.24pm.

CARRIED: 6/0

FOR: Cr JM Stratford, Cr GW Greaves, Cr NJ Chandler, Cr GL Boyne, Cr KM Burrell, Cr CL Nairn

6.25pm - ACEO returned to the chambers.

6. Closure

The Presiding person thanked everyone for their attendance and closed the meeting at 6.30pm.

Signed: Stratford

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

Date: 21 February 2024