

**MINUTES FOR
SPECIAL MEETING OF COUNCIL**

Wednesday, 23 December 2015

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 4.30pm

Closure: 4.45pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 17 February 2016.

SIGNED BY

Person presiding at meeting which minutes were confirmed

DATE

Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

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* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 4:32pm.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

The following members were in attendance:

Cr Stephen Vallance	Shire President
Cr Gordon Houston	Deputy Shire President
Cr Don Gibson	
Cr Aaron King	
Cr Peter Osborn	
Cr George Tilbury	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer (Minute Secretary)
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There were no members of the general public in attendance.

2.2 Apologies

Ms Jean Sutherland	Executive Manager Corporate Services
Ms Bronwyn Southee	Executive Manager Development Services
Mr Jim Garrett	Executive Manager Technical Services
Mrs Karen Parker	Manager Human Resources
Ms Karen Dore	Economic Development/Communications Officer

2.3 Approved leave of absence

2.3.1 Cr Michelle Rossouw

Council has previously approved leave of absence for Cr Michelle Rossouw for the period 22 December 2015 to 2 January 2016 inclusive.

3. DISCLOSURE OF INTEREST

Nil.

4. PUBLIC QUESTION TIME

4.1 Public question time

Nil.

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil.

5.2 Presentations

Nil.

5.3 Deputations

Nil.

6. ANNOUNCEMENT FROM THE PRESIDING MEMBER

Nil.

7. PURPOSE OF MEETING

7.1 Method of Recruitment for Chief Executive Officer*

Applicant	Shire of Chittering
File ref	22/02/19
Prepared by	Gary Tuffin, Chief Executive Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Simple Majority
Report Date	December 2015
Documents tabled	Nil
Attachments	<ol style="list-style-type: none">1. Salary & Wages Tribunal – <i>Local Government Chief Executive Officers & Elected Members June 2015</i>2. <i>The Department of Local Government and Communities Operational Guideline 10</i>

Summary

The Chief Executive Officer resigned (9/12/15) to undertake a similar role in another local government.

This report seeks Council endorsement for the process to be used to recruit a new Chief Executive Officer (CEO).

Background

Council is seeking a highly motivated, experienced and professional local government manager who has successfully and satisfactorily carried out the statutory duties of a CEO, or in a senior executive management role of a local government.

To assist Council in undertaking the role of seeking a suitably experienced and qualified CEO, the Shire President has sought fee proposals from the following recruiting agencies;

- Logo Appointments
- (WALGA) Executive Recruitment Services
- Beilby Consulting
- Lester Blades - Executive Search, Selection & Retention

Consultation

Shire President
Logo Appointments
(WALGA) Executive Recruitment Services
Beilby Consulting
Lester Blades - Executive Search, Selection & Retention

Statutory Environment

State: *Salaries and Allowances Act 1975*

Section 7A of the *Salaries and Allowances Act 1975* ('the SA Act') requires the Salaries and Allowances Tribunal ('the Tribunal') at intervals of not more than 12 months, to "inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments".

State: Local Government Act 1995

Section 6.8 of the *Local Government Act 1995* states;

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

State: Local Government (Administration) Regulations 1996

Section 18C of the *Local Government (Administration) Regulations 1996* state;

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

In part the *Local Government Act* states;

- Section 5.36 requires the Council to employ a person in the position of Chief Executive Officer.
- Section 5.39 contains provisions for the contract of employment of the Chief Executive Officer.
- Section 5.40 requires all employees to be selected in accordance with the principles of merit and equity.

Policy Implications

Nil

Financial Implications

Recruiting costs

The costs of the process that each consultant proposes are set out in their proposals, these have previously been sent out directly to Councillors by the Shire President.

Provision has not been made in the 2015-2016 budget for the recruitment process for a CEO; therefore Council will need to amend its Budget accordingly during the Budget review process.

Remuneration

Salary details are required to be advertised for the position in accordance with the Local Government Act. The Council is to take into consideration the banding for the Shire of Chittering as determined by the Salaries and Wages Tribunal.

The Shire of Chittering has been classified as a “**Band 3**” local government by the Salaries and Allowances Tribunal (see table below).

Band	Total Reward Package	Number of Local Governments or Regional Local Governments
1	\$244,232 - \$370,220	20
2	\$201,433 - \$311,907	24
3	\$154,045 - \$252,917	37
4	\$125,079 - \$195,280	65

Strategic Implications

The appointment of the Chief Executive Officer is one of the most significant decisions for a Council to make as the CEO is responsible for the functions as outlined in section 5.41 of the LG Act. The process must be professionally managed to ensure that the Council is able to make the best possible appointment.

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Comment

It is a requirement that Council is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

It is envisaged that:

- A recruiting consultant will be appointed to assist with the process.
- A Council CEO Recruitment Advisory Group be established.
- The applications received will be opened soon after the closing date, then assessed, ranked and, preferably, a short list developed by the Advisory Group in conjunction with the recruiting consultant of about 4 to 6 applicants depending upon the number and quality of applications received.
- Interviews will then be conducted at an offsite location with the CEO Recruitment Advisory Group and the recruiting consultant.
- The short list of preferred applicants (possibly only one) will attend a final interview with the full Council.
- A decision of full Council will be made to appoint the preferred applicant.

It is recommended that Council refer to the "*Department of Local Government and Communities Operational Guideline 10 - Appointing a CEO*" for guidance on this matter, as it provides recommended steps for the Council to take in the recruiting process.

The current Chief Executive Officer will provide administration support to the CEO Recruitment Advisory Group, as and when required.

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 261215

Moved Cr Houston / Seconded Cr Osborn

That Council resolve to

1. appoint the President, Deputy President and Cr King & Cr Tilbury to the Chief Executive Officer Recruitment Advisory Group.
2. authorise the new expenditure for the recruitment of a Chief Executive Officer in accordance with section 6.8 of the *Local Government Act*, and amend its 2015-2016 Annual Budget accordingly during the Annual Budget review.
3. appoint Logo Appointments to assist with the recruiting process for a Chief Executive Officer as detailed in their submission received 15/12/15 for a total approximate cost of up to \$20,000.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

8. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

8.1 Council's subdivision for Lot 1023 (Edmonds Place), 5 & 1 (Great Northern Highway)

PROCEDURAL MOTION

Moved Cr Gibson / Seconded Cr Houston

That Council considers an item of urgent business.

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

File Ref: A9538, A9540, A9541 & A9665

The President requested Council's consideration to authorise the Chief Executive Officer and President to sign and affix the Common Seal to the Form A5 (Application) & A6 (Application for New Tile) to allow for the completion of Council's subdivision for Lot 1023 (Edmonds Place), 5 & 1 (Great Northern Highway).

8.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 271215

Moved Cr King / Seconded Cr Tilbury

That Council authorise the Shire President and Chief Executive Officer to sign and affix the Common Seal to the Form A5 & A6 to allow for the completion of Council's subdivision for Lot 1023 (Edmonds Place), 5 & 1 (Great Northern Highway).

THE MOTION WAS PUT AND DECLARED CARRIED 6/0

9. CLOSURE

The Presiding Member declared the meeting closed at 4:45 pm.



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