

**MINUTES FOR
SPECIAL MEETING OF COUNCIL**

WEDNESDAY, 2 MARCH 2016

**Council Chambers
6177 Great Northern Highway
Bindoon**

Commencement: 4.30pm

Closure: 4.32pm



These minutes will be confirmed at the Ordinary Meeting of Council to be held on Wednesday, 16 March 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.

TABLE OF CONTENTS

1.	DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS	1
2.	RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	1
	2.1 Attendance	1
	2.2 Apologies.....	1
	2.3 Approved leave of absence	1
3.	DISCLOSURE OF INTEREST	1
4.	PUBLIC QUESTION TIME.....	1
	4.1 Public question time.....	1
5.	PRESENTATIONS / PETITIONS / DEPUTATIONS	2
	5.1 Petitions.....	2
	5.2 Presentations.....	2
	5.3 Deputations	2
6.	PURPOSE OF MEETING.....	2
	6.1.1 Appointment of Acting Chief Executive Officer.....	2
7.	CLOSURE	5

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 4:30pm.

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 Michelle Rossouw	
Cr George Tilbury	

The following staff were in attendance:

Mr Gary Tuffin	Chief Executive Officer
Ms Jean Sutherland	Executive Manager Corporate Services (Minute Secretary)
Mrs Karen Parker	Manager Human Resources

There were no members of the general public in attendance.

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

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. PURPOSE OF MEETING

Note: as contract negotiations were not fully completed prior to this meeting, it was not considered appropriate for Council to appoint a Chief Executive Officer until the negotiations are finalised.

6.1.1 Appointment of Acting Chief Executive Officer

Report date	2 March 2016
Applicant	Shire of Chittering
File ref	22/02/19
Prepared by	Natasha Mossman, Executive Support Officer
Supervised by	Gary Tuffin, Chief Executive Officer
Voting requirements	Absolute Majority
Documents tabled	Nil
Attachments	Nil

Executive Summary

The purpose of the report is to appoint an Acting Chief Executive Officer until such time as a permanent Chief Executive Officer commences in the position.

Background

The Council Resolution from the Special Council Meeting held on 23 December 2015 is as follows:

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

Logo Appointments advertised the vacancy in the *Weekend West* (9-10 January 2016) and also on their website. Applications closed at 5pm on Wednesday, 27 January 2016. At the close of applications Logo Appointments received 38 applications. Logo Appointments shortlisted 12 applications and undertook four interviews on Monday, 22 February 2016.

To date a formal contract has not been concluded.

Consultation

Chief Executive Officer Recruitment Advisory Group

Statutory Environment

State: Local Government Act 1995, Section 5.36

5.36 **Local government employees**

- (1) *A local government is to employ—*
 - (a) *a person to be the CEO of the local government; and*
 - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (2) *A person is not to be employed in the position of CEO unless the council—*
 - (a) *believes that person is suitably qualified for the position; and*
 - (b) *is satisfied* with the provisions of the proposed employment contract.*

* Absolute majority required.

5.39. **Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) **Despite subsection (1) —**
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and**
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*

- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

Policy Implications

Local: 3.14 Appointment of an Acting Chief Executive Officer

Financial Implications

In the past higher duties have been paid to the staff member Acting as the Chief Executive Officer.

Strategic Implications

Nil

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 recommended that Council authorise the President to negotiate the employment contract with the preferred applicant with assistance from Logo Appointments, with the final contract to be presented to Council for endorsement prior to its execution.

As the current CEO's notice period expires Friday, 4 March 2016 it will be necessary to appoint an Acting Chief Executive Officer.

Council is requested to appoint Ms Jean Sutherland as Acting Chief Executive Officer from Saturday, 5 March 2016 until Friday 8 April 2016.

6.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 010316

Moved Cr Tilbury / Seconded Cr Gibson

That Council:

- 1. authorise the President to negotiate an employment contract with the preferred applicant with assistance from Logo Appointments with the final contract to be presented to Council for endorsement prior to its execution.**
- 2. appoints Ms Jean Sutherland as Acting Chief Executive Officer for the period inclusive from Saturday, 5 March 2016 until Friday 8 April 2016.**
- 3. authorise the payment of higher duties for the Acting Chief Executive Officer of 90% of the current Chief Executive Officers cash salary.**

**THE MOTION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY**

7. CLOSURE

The Presiding Member declared the meeting closed at 4.32pm



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8:30am - 4:30pm