



MINUTES OF SPECIAL MEETING OF COUNCIL

For Council to:

1. Endorse the CEO Recruitment Process; and
 2. Issue an RFQ To Seek a Recruitment Consultant; and
 3. Appoint an Independent Selection Panel Member – Confidential; and
 4. Approve the Selection Criteria and Position Description in the draft CEO Employment Contract.
-

Held on Wednesday **28 February 2024**

Commenced at 8:16 pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

A handwritten signature in black ink, appearing to read "Garry Hunt", is positioned above the printed name.

Garry Hunt
Chief Executive Officer (Temporary)

8 March 2024

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF SPECIAL COUNCIL MEETING

Held at the Council Chambers
Wednesday, 28 February 2024 at 8:16pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The President acknowledged the continuing connection of Aboriginal people to Country, culture and community, including traditional custodians of this land, the Wardandi and Kaneang People of the Noongar Nation, paying respects to Elders, past and present.

The Shire President declared the meeting open at 8:16pm and welcomed the public gallery.

The Shire President advised that the meeting is being live streamed and recorded in accordance with Council Policy EM/CP-2. The President to further state the following:

“This meeting is being livestreamed and digitally recorded in accordance with Council Policy.”

“Members of the public are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the chairperson.”

“Whilst every endeavour has been made to only record those who are actively participating in the meeting, loud comments or noises from the gallery may be picked up on the recording.”

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Vivienne MacCarthy (President)	Garry Hunt – Chief Executive Officer (Temporary)
Cr Lisa Glover (Deputy President)	Loren Clifford – Manager Corporate Services
Cr Peter Gubler	
Cr Anita Lindemann	
Cr Anne Mitchell	
Cr Grant Patrick	
Cr Alexis Davy	
Cr Deanna Shand	

PUBLIC GALLERY

0 members of the public were in attendance.

2.1 APOLOGIES

Cr John Bailey

2.2 APPROVED LEAVE OF ABSENCE

Nil.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Nil.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by the Councillors and staff to ensure that a financial/impartiality/proximity interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Dr Garry Hunt PSM – Temporary Chief Executive officer declared a financial interest regarding items 9.3.1, 9.3.2 and item 9.3.3, as he holds the Current CEO position, is the author of the reports, and has advised the President in writing that he will not be an applicant in the advertised role.

5 PUBLIC QUESTION TIME

5.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5.2 PUBLIC QUESTION TIME

In accordance with the Clause 7(3) of the *Local Government (Administration) Regulations 1996*, public questions must relate to the stated purpose of the Special Meeting of Council.

Nil.

6 PRESENTATIONS

6.1 PETITIONS

Nil.

6.2 PRESENTATIONS

Nil.

6.3 DEPUTATIONS

Nil.

7 CONFIRMATION OF MINUTES

Nil.

8 REPORTS OF COMMITTEES

Nil.

9 REPORTS OF OFFICERS

9.1 DIRECTOR OPERATIONS

Nil.

9.2 DIRECTOR FINANCE AND CORPORATE

Nil.

9.3 CHIEF EXECUTIVE OFFICER

9.3.1 CEO RECRUITMENT PROCESS

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 46
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Dr Garry Hunt PSM, Chief Executive Officer (Temporary)
Attachments	9.3.1(1) CEO Recruitment Action Plan - Confidential 9.3.1(2) Shire of Donnybrook Balingup's Standards for CEO Recruitment, Performance and Termination
Voting Requirements	Simple Majority

COMMITTEE RECOMMENDATION	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the process for the recruitment of the new Chief Executive Officer as per Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan; and 2. Notes the preliminary dates detailed in Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan. 	

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open, and accountable governance.
Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

Chief Executive Officer Recruitment and Performance Review Committee considered this report at its meeting held on 28 February 2024.

This item is now presented to Council to consider endorsing, the process for the recruitment of the new CEO as per Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan as per the Committees recommendation.

BACKGROUND

The Shire is seeking a new Chief Executive Officer (CEO) to provide leadership in accordance with the organisation's strategic and operational goals. The recruitment process will carefully assess the Shire's current and future needs, key challenges and opportunities, risks, organisational culture, and structure, as well as desired CEO qualifications. Adherence to statutory obligations as outlined in the *Local Government Act 1995*, including compliance with the Shire's "Standards for CEO Recruitment, Performance, and Termination" (Attachment 9.3.1(2)) as adopted by Council under Regulation 18FA of the *Local Government (Administration) Regulations 1996*, is mandatory throughout the recruitment process.

The CEO Recruitment Action Plan aligns with the guiding information contained in Department of Local Government, Sport, and Cultural Industries - Local Government Operational Guidelines CEO Recruitment and Selection, Performance Review and Termination and WALGAs CEO Recruitment Guide for Local Government Council.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995

Section 5.42 - Appointment of CEO: This section outlines the process for the appointment of a CEO, including the authority responsible for the appointment and the CEO's term of office.

Local Government (Administration) Regulations 1996

Regulation 18FA - Standards for CEO Recruitment, Performance, and Termination: This regulation sets out standards and procedures for the recruitment, performance evaluation, and termination of CEOs in local government authorities.

Regulation 18FB - Selection Panel for CEO: Regulation 18FB specifies the composition of the selection panel responsible for recruiting a new CEO and their duties in the selection process.

Regulation 18FC - Advertisement of CEO Position: This regulation governs the advertisement of the CEO position, including requirements for the content and timing of advertisements.

Regulation 18FD - Assessment of CEO Applicants: Regulation 18FD outlines procedures for assessing CEO applicants, including criteria for shortlisting and interviewing candidates.

Regulation 18FE - Recommendation for Appointment of CEO: Regulation 18FE specifies the process for recommending a candidate for appointment as CEO, including the preparation of a report by the selection panel.

Regulation 18FF - Appointment of CEO: This regulation addresses the appointment of a CEO by the local government authority, including the terms and conditions of the appointment.

The Shire's "Standards for CEO Recruitment, Performance and Termination" (Attachment 8.1(2)) were adopted by Council as per Regulation 18FA of the *Local Government (Administration) Regulations 1996* – these are the model Standards prepared by DLGSC/WALGA. (Attachment 9.3.1(2)).

CONSULTATION

Council Workshop #2 was conducted on Wednesday, 7 February 2024 to gather input from the Elected Members on the Chief Executive Officer recruitment process as per Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan.

Chief Executive Officer Recruitment and Performance Review Committee considered this report at its meeting held on 28 February 2024.

OFFICER COMMENT

In conclusion, the recruitment of a new CEO for the Shire is a significant decision that requires careful consideration and adherence to statutory requirements. The proposed process outlined in Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan provides a structured approach to selecting a suitable candidate who can effectively lead the organisation towards its strategic objectives. Therefore, it is recommended that the Council endorse the attached recruitment process outlined in Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan, noting that the dates will be finalised once a consultant has been appointed.

COUNCIL RESOLUTION 23/24

MOVED: Cr Mitchell

SECONDED: Cr Shand

That Council:

- 1. Endorse the process for the recruitment of the new Chief Executive Officer as per Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan; and**

2. Notes the preliminary dates detailed in Confidential Attachment 9.3.1(1) CEO Recruitment Action Plan.

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.3.2 ISSUE AN RFQ TO SEEK RECRUITMENT CONSULTANT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 46
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Dr Garry Hunt PSM, Chief Executive Officer (Temporary)
Attachments	9.3.2(1) Request for Quote - Confidential 9.3.2(2) Council Policy, FIN/CP-4- Purchasing 9.3.2(3) CEO Recruitment Consultancy List - Confidential
Voting Requirements	Simple Majority

COMMITTEE RECOMMENDATION	
<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorse the issue the Request for Quote (RFQ) as per Confidential Attachment 9.3.2(1) to seek quotations for the provision of CEO Recruitment Consultancy Services as described in Confidential Attachment 9.3.2(1). 2. Considers the CEO Recruitment Consultancy List for determining who to invite to quote. 	

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open, and accountable governance.
Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

Chief Executive Officer Recruitment and Performance Review Committee considered this report at its meeting held on 28 February 2024.

This item is now presented to Council to consider endorsing, the issue of a Request for Quote (RFQ) as per Confidential Attachment 9.3.2(1) to seek quotations for the provision of CEO Recruitment Consultancy Services as described in Confidential Attachment 9.3.2(1).

BACKGROUND

The Shire is seeking a new Chief Executive Officer (CEO). Engaging a recruitment consultant to assist with the recruitment process for the Shire's next CEO it is essential to bring expertise and experience in executive recruitment, ensuring a thorough and effective search for qualified candidates for the role, whilst ensuring legislative requirements are met by the committee.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Council Policy - FIN/CP -4- Purchasing, Attachment 9.3.2(2).

STATUTORY COMPLIANCE

Local Government Act 1995

Section 3.57: Tenders and Contracts - This section outlines the requirements for local governments in relation to inviting tenders, requesting quotations, and entering into contracts. It covers aspects such as advertising requirements, acceptance of tenders, and contract terms.

Local Government (Functions and General) Regulations 1996

Regulation 11: Tenders and Contracts - This regulation may provide further details on the procedures for inviting tenders, requesting quotations, and awarding contracts by local governments.

CONSULTATION

Council Workshop #2 took place on Wednesday, 7th February 2024, with the objective of garnering insights from Elected Members regarding the necessity of appointing a Recruitment Consultant to support the recruitment process.

Chief Executive Officer Recruitment and Performance Review Committee considered this report at its meeting held on 28 February 2024.

OFFICER COMMENT

Engaging a recruitment consultant to assist with the recruitment process for the Shire's next CEO is essential for several reasons. Firstly, a recruitment consultant brings expertise and experience in executive recruitment, ensuring a thorough and effective search for qualified candidates who meet the specific requirements of the CEO role.

Additionally, they can provide valuable insights into current market trends, best practices in recruitment, and strategies for attracting top talent. By leveraging their networks and resources, a recruitment consultant can widen the candidate pool, increasing the likelihood of identifying suitable candidates for consideration. A recruitment consultant can help ensure compliance with statutory requirements and adherence to best practices in the recruitment process. Their assistance can streamline the process, facilitate comprehensive candidate assessment, and ultimately contribute to the successful appointment of a capable and qualified CEO for the Shire.

It's requested that Council endorse the issue of the Request for Quote (RFQ) as per Confidential Attachment 9.3.2(1) to seek quotations for the provision of CEO Recruitment Consultancy Services as described in Confidential Attachment 9.3.2(1).

COUNCIL RESOLUTION 24/24

MOVED: Cr Patrick

SECONDED: Cr Gubler

That Council:

- 1. Endorse the issue the Request for Quote (RFQ) as per Confidential Attachment 9.3.2(1) to seek quotations for the provision of CEO Recruitment Consultancy Services as described in Confidential Attachment 9.3.2(1).**
- 2. Has considered the CEO Recruitment Consultancy List, and wishes to invite Beilby Downing Teal, Lester Blades, Michael Page and Mills Recruitment to quote.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

9.3.3 DRAFT CEO EMPLOYMENT CONTRACT

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	CNL 46
Author	Loren Clifford, Manager Corporate Services
Responsible Manager	Dr Garry Hunt PSM, Chief Executive Officer (Temporary)
Attachments	9.3.3(1) Draft CEO Employment Contract - Confidential
Voting Requirements	Simple Majority

COMMITTEE RECOMMENDATION	
That Council:	
1.	Notes the Draft Chief Executive Officer Employment (CEO) Contract, Confidential Attachment 9.3.3(1); and
2.	Approves Schedule 1 – Position Description of the Draft CEO Employment Contract, Confidential Attachment 9.3.3(1) to be used when advertising the position; and
3.	Approves Schedule 2 – Selection Criteria of the Draft CEO Employment Contract, Confidential Attachment 9.3.3(1) to be used when advertising the position; and
4.	Acknowledges that the draft CEO Employment Contract will undergo further deliberation upon the Committee and Council's decision regarding the appointment of the CEO.

STRATEGIC ALIGNMENT

The following outcomes from the Council Plan relate to this proposal:

Outcome	11	Strong, visionary leadership.
Objective	11.1	Provide strategically focused, open, and accountable governance.
Outcome	12	A well respected, professionally run organisation.
Objective	12.1	Deliver effective and efficient operations and service provision.

EXECUTIVE SUMMARY

Chief Executive Officer Recruitment and Performance Review Committee considered this report at its meeting held on 28 February 2024.

This item is now presented to Council to note the draft CEO Employment Contract and approve Schedule 1 – Position Description, and Schedule 2 – Selection Criteria, as per Confidential Attachment 9.3.3(1).

BACKGROUND

The Shire in need of a new Chief Executive Officer (CEO). The *Local Government Act 1995*, *Local Government (Administration) Regulations 1996* and the Shire's Standards for CEO Recruitment, Performance, and Termination outlines the provisions in relation to the CEO Employment Contract.

An approved Position Description, and Selection Criteria are required to progress advertising for the position.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

Nil.

STATUTORY COMPLIANCE

Local Government Act 1995

Sec.5.39. Contracts for CEO and senior employees outlines provisions related to contracts for Chief Executive Officers (CEOs) and senior employees.

CONSULTATION

The second Council Workshop convened on Wednesday, 7th February 2024, aimed to gather input from Elected Members regarding their preferences for inclusion in both the essential and desirable sections of the selection criteria and the position description within the CEO employment contract.

Chief Executive Officer Recruitment and Performance Review Committee considered this report at its meeting held on 28 February 2024.

OFFICER COMMENT

A preliminary CEO employment contract, Confidential Attachment 9.3.3(1), has been prepared for the Council review and approval prior to being used in advertising the position. The draft contract incorporates the mandatory requirements pursuant to s.5.39(3) of the *Local Government Act 1995*. It has been structured based on the recognised template provided by WALGA, commonly utilised by Local Governments. It's recommended that careful consideration should be given to any modifications to the draft contract, to ensure legal and legislative requirements are met and that the employment contract provides an appropriate foundation for managing the CEO's employment.

Schedule 4 – Performance Criteria will be determined as part of the contract negotiations.

COUNCIL RESOLUTION 25/24

MOVED: Cr Mitchell

SECONDED: Cr Patrick

That Council:

- 1. Notes the Draft Chief Executive Officer Employment (CEO) Contract, Confidential Attachment 9.3.3(1); and**
- 2. Approves Schedule 1 – Position Description of the Draft CEO Employment Contract, Confidential Attachment 9.3.3(1) to be used when advertising the position; and**
- 3. Approves Schedule 2 – Selection Criteria of the Draft CEO Employment Contract, Confidential Attachment 9.3.3(1) to be used when advertising the position; and**
- 4. Acknowledges that the draft CEO Employment Contract will undergo further deliberation upon the Committee and Council's decision regarding the appointment of the CEO.**

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

10 ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil.

12 MEETINGS CLOSED TO THE PUBLIC

12.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

12.1.1 INDEPENDENT SELECTION PANEL MEMBER

This report is confidential in accordance with Section 5.23(b) of the *Local Government Act 1995*, which permits the meeting to be closed to the public.

b) the personal affairs of any person.

COUNCIL RESOLUTION 26/24

MOVED: Cr McCarthy

SECONDED: Cr Patrick

That the meeting be closed in accordance with section 5.23(b) of the *Local Government Act 1995* to discuss the following confidential items:

12.1.1 Independent Selection Panel Member

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

The meeting was closed to the public at 8:22pm.

COUNCIL RESOLUTION 28/24

MOVED: Cr Lindemann

SECONDED: Cr Shand

That the meeting be re-opened to the public.

CARRIED 8/0

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

The meeting was opened to the public at 8:24pm.

12.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

COUNCIL RESOLUTION 27/24

That Council:

- 1. Notes that an independent person is required to be appointed in accordance with Division 2, Clause 8 of the Shire's Standards for CEO Recruitment, Performance and Termination; and**
- 2. Appoints the nominated person, subject to confirmation as an external independent person to join the Chief Executive Officer Recruitment and Performance Review Committee's Selection Panel; and**
- 3. Requests the Chief Executive Officer writes to nominated person inviting them to join the Chief Executive Officer Recruitment and Performance Review Committee's Selection Panel as an independent person.**

For: Cr Glover, Cr Gubler, Cr Davy, Cr Lindemann, Cr MacCarthy, Cr Mitchell, Cr Patrick, Cr Shand

Against: Nil.

CARRIED 8/0

13 CLOSURE

The Shire President advised that the next Agenda Briefing Session will be held on Wednesday, 20 March 2024 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The President declared the meeting closed at 8:27pm