



MINUTES
FOR THE
SPECIAL MEETING
OF COUNCIL
HELD ON
TUESDAY, 12 FEBRUARY 2019

The purpose of the meeting is to seek Council endorsement for the process which is proposed to be used to recruit a new Chief Executive Officer.

PLEASE READ THE FOLLOWING DISCLAIMER BEFORE PROCEEDING

Members of the public are cautioned against taking any action on Council decisions, on items in this Agenda in which they may have an interest, until such time as they have been advised in writing by Council staff.

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I certify that this copy of the Minutes is a true and correct record of the meeting held on
12 February 2019
Signed:
Presiding Elected Member
Date:.....



MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS ON TUESDAY, 12 FEBRUARY 2019 AT 5PM.

PRESENT:	Councillors	Cr M T Smith (President) Cr B Wyse (Deputy President) Cr A J Gillam Cr S F Gumley Cr M Leonard Cr I Scott Cr I F West Cr K L Wilson
	Staff	Mrs D K Chandler – Governance & Executive Coordinator Miss N A M'Leane – Regulatory & Governance Officer
	Apologies	Nil
	Gallery	J Arden, K Clifford, J Thomas, C Scatena.

1. DECLARATION OF OPENING / ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

The Presiding Member opened the meeting at 5pm and welcomed those in attendance.

2. DECLARATION OF PURPOSE OF MEETING

The purpose of the meeting is to seek Council endorsement for the process which is proposed to be used to recruit a new Chief Executive Officer.

3. DECLARATIONS OF INTEREST

Nil.

4. PUBLIC QUESTION TIME

Nil.

5. OFFICER REPORTS

OFFICE OF THE CEO

SCEO01 – 02/19

Subject: Recruitment for Chief Executive Officer
Author: D Chandler, Governance & Executive Coordinator
Supervisor: M Smith, Shire President
File Reference: PE.RE.CEO
Voting Requirements: Absolute Majority

Council Role:

- Advocacy** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive** The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative** Includes adopting local laws, local planning schemes and policies.
- Review** When Council reviews decisions made by Officers.
- Quasi-judicial** When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

To seek Council endorsement for the process which is proposed to be used to recruit a new Chief Executive Officer (CEO).

OFFICER'S RECOMMENDATION AND COUNCIL DECISION S010219:

MOVED: Cr Gumley

SECONDED: Cr Leonard

That Council, by Absolute Majority and in accordance with Regulation 18C of the Local Government (Administration) Regulations, approves the following process to be used for the selection and appointment of a new CEO before the position of the CEO is advertised:

- 1) Outsource the Chief Executive Officer recruitment to an external recruitment consultant;**
- 2) Endorse the following process steps with the assistance of the recruitment consultant:**
 - a) Review the position description, selection criteria and contract**
 - The existing position description for the Chief Executive Officer is to be reviewed by the consultant in consultation with the CEO Recruitment Advisory Group (CRAG), comprising of the Shire President, Deputy Shire President and one (1) other elected member, and approved by the Shire of Irwin full Council.**

- The consultant is to develop selection criteria for the Chief Executive Officer position in consultation with the CRAG and in accordance with the approved position description and is to be approved by the Shire of Irwin full Council.
- The existing contract of employment for the Chief Executive Officer is to be reviewed by the consultant in consultation with the CRAG and is to be approved by the Shire of Irwin full Council.

b) Draft the job advertisement and information package

- The consultant is to design a job advertisement for the position in accordance with Regulation 18A (2) of the *Local Government (Administration) Regulations* and submit to the CRAG for approval.
- The consultant will provide advice on the most appropriate placement (media) strategy to ensure the widest pool of applicants are captured.
- The consultant is to liaise with the contact person (2.1) to post the CEO job advertisement on the Shire’s website and Facebook page if the consultant wishes to utilise this option.
- The consultant is to set up an appropriate email response to applicants so they are able to obtain the information package as quickly as possible, with the option of providing hard copies to those applicants that do not have access to such facilities.
- The recruitment consultancy team is to be available to answer all enquiries from prospective applicants during this phase.

c) Conduct preliminary assessments / background checks of applicants

- Preliminary assessments / background checks are to be carried out by the consultant in accordance with the position’s approved selection criteria and any other relevant requirement identified by the CRAG.

d) Coordinate and conduct interviews

- The consultant is to produce a shortlist and submit to the CRAG for approval and adjusting as necessary.
- The consultant is to develop interview questions based upon the position’s approved selection criteria as well as a focus on behavioural requirements for this position. Interview questions are to be submitted to the CRAG for approval and adjusting as necessary.
- The consultant is to organise and conduct administration for the first round of interviews. The interviews are to be conducted in Perth and facilitated by the consultant and the CRAG in either a voting or non-voting capacity as determined by the CRAG.
- The consultant is to organise and conduct administration for the final interviews in Dongara with the Shire of Irwin full Council. These interviews may also include the consultant.
- A decision of full Council will be made to appoint the preferred applicant.

e) Proposed timeline:

Milestone	Completed by
Appoint Consultant	21 February 2019
Reviewing of position description, selection criteria and contract of employment	27 February 2019
Decision of full Council to approve position description, selection criteria and contract of employment (Special Meeting of Council)	5 March 2019

Advertising of the position for a minimum period of two (2) weeks	26 March 2019
Interviews resulting in recommendation to Council	23 April 2019
Decision of full Council to appoint CEO (Ordinary Council Meeting)	30 April 2019
Commence appointment of successful candidate	1 May 2019

- 3) **Appoint M Smith (Shire President), B Wyse (Deputy Shire President) and one (1) other elected member being Councillor** (*decided as separate motion to follow*) **to the Chief Executive Officer Recruitment Advisory Group (CRAG);**
- 4) **Authorise the new expenditure for the recruitment of a Chief Executive Officer and any other costs associated with the recruitment and appointment of a Chief Executive Officer (such as relocation expenses) and amend its 2018/19 Annual Budget accordingly during the Annual Budget review process; and**
- 5) **Approve the Request for Quotation (RFQ) as per Attachment 1.**

VOTING DETAILS:

CARRIED 8/0

*M Smith called for nominations for the third member of the CRAG:
Cr Gumley nominated herself
Cr West nominated Cr Scott who accepted the nomination.*

A secret ballot was conducted with the majority of votes for Cr Scott.

COUNCIL DECISION S020219:

MOVED: Cr Leonard

SECONDED: Cr Wilson

That Council appoint M Smith (Shire President), B Wyse (Deputy Shire President) and Cr Scott to the Chief Executive Officer Recruitment Advisory Group (CRAG).

VOTING DETAILS:

CARRIED 8/0

Attachments

Attachment 1 – Request for Quotation (RFQ)

Attachment 2 – Local Government Operational Guideline Number 10 – Appointing a CEO

Background:

At the 10 July 2018 Special Council Meeting, the resignation of Mr D Simmons was accepted by Council and Mr S Ivers was appointed as Acting Chief Executive Officer of the Shire of Irwin until Council formally appoint a Chief Executive Officer. Section 5.39 (1a) of the *Local Government Act 1995* states that 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. However, there is nothing in the *Local Government Act 1995* that prevents Council from providing the current A/CEO with a further short term contract should this be required.

The *Local Government Act 1995* requires a designated position of CEO to carry out specific functions enshrined in Section 5.41 of the Act. These are as follows:

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Officer's Comment:

Regulation 18C of the *Local Government (Administration) Regulations* states that 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. The CEO recruitment process can be undertaken in-house or outsourced to a recruitment consultant. The Shire currently do not have the capacity to undertake this process in-house, therefore it is recommended that a recruitment consultant be appointed to assist Council in undertaking the proposed process in a professional and efficient manner.

The position description, selection criteria and contract of employment all need to be reviewed and developed with the approval of the Shire of Irwin full Council. This will ensure transparency in the process undertaken to define the type of person Council is seeking to appoint.

Regulation 18A (2) of the *Local Government (Administration) Regulations* outlines the minimum requirements for advertising a CEO position. The advertisement is to contain —

- (a) the details of the remuneration and benefits offered; and
- (b) details of the place where applications for the position are to be submitted; and
- (c) the date and time for the closing of applications for the position; and
- (d) the duration of the proposed contract; and
- (e) contact details for a person who can provide further information about the position; and
- (f) any other information that the local government considers is relevant.

It is expected that the recruitment consultant will develop the job advertisement in accordance with Regulation 18A and develop the information package for prospective applicants as per the Council approved position description and selection criteria.

Preliminary assessments and background checks of prospective applicants will be conducted by the recruitment consultant as per the Council approved selection criteria, after which the first round of interviews will take place in Perth. It is expected that this will save on time and potential costs associated with travel and accommodation.

The final interviews will be conducted by full Council in Dongara, allowing for a thorough and transparent process resulting in the appointment of the most suitable candidate. Section 5.36(2) of the *Local Government Act 1995* states that a person is not to be employed in the position of CEO unless the council —

- (a) believes that the person is suitably qualified for the position; and
- (b) is satisfied with the provisions of the proposed employment contract.

The CEO recruitment process steps recommended to Council have been developed in reference to the *Local Government Operational Guideline Number 10 – Appointing a CEO* (Attachment 2).

As outlined in the Request for Quotation (RFQ) (Attachment 1), it is recommended that consultants be appointed on the basis of the following criteria:

Relevant Experience – 20%
Key Personnel Skills, Experience & Resources – 20%
Demonstrated Understanding – 25%
Fee (Price) – 15%
Delivery / Scheduling – 20%

The recruitment consultant will work in consultation with the CEO Recruitment Advisory Group (CRAG), comprising of the Shire President, Deputy Shire President and one (1) other elected member. Members of the CRAG will be required to:

- Evaluate fee proposals and select a recruitment consultant in conjunction with the Shire Governance staff;
- Maintain a high level of involvement in the process being conducted by the recruitment consultant, therefore being readily available via telephone, email and video conferencing;
- Conduct the first round of interviews to be held in Perth; and
- Conduct the final round of interviews with full Council.

If the recruitment process goes beyond the conclusion of the current A/CEO contract (11 July 2019), Council have the option of providing the current A/CEO (or another suitable person) with a further short term contract. It is however, important for Council to consider what length of contract they provide for the A/CEO, as the length of the contract will be dependent upon when a newly appointed CEO negotiates their commencement date.

Financial/Resource Implications:

Recruiting Costs

Provision has not been made in the 2018/19 Annual Budget for CEO recruitment costs, including recruitment consultant costs and those associated with the appointment of a new CEO, such as relocation expenses. As a result, Council will need to amend its Budget accordingly during the annual Budget review process.

Statutory Environment:

Local Government Act 1995

Section 5.36 contains provisions for the employment of CEOs.

Section 5.39 contains provisions for the contracts of CEOs.

Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

Local Government (Administration) Regulations 1996

18A contains provisions for advertising requirements.

18B contains provisions for the contracts of CEOs.

18C contains provisions for the selection and appointment process for CEOs.

18E contains provisions for the qualifications of CEOs.

18F contains provisions for the remuneration and benefits as advertised.

Policy Implications:

Council Policy C13 – Purchasing Policy

Strategic Implications:

Strategic Community Plan 2017 - 2027

Strategy 4.2.1 Ensure compliance whilst embracing innovation and better practice principles.

Strategy 4.3.3 Adopt and follow better practice processes.

6. MATTERS FOR WHICH THE MEETING IS CLOSED TO THE PUBLIC

Nil.

7. CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 5.07pm.

I certify that this copy of the Minutes is a true and correct record of the special meeting held on
12 February 2019

Signed:
Presiding Elected Member

Date:.....