

Shire *of* Capel

AGENDA

SPECIAL COUNCIL MEETING
Wednesday, 28 March 2018

3.30pm – Council Chambers



Experience the
Shire of Capel



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SHIRE OF CAPEL

NOTICE OF SPECIAL MEETING

THE SPECIAL MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS, FORREST ROAD, CAPEL ON WEDNESDAY, 28 MARCH 2018 COMMENCING AT 3.30PM.



P F Sheedy
CHIEF EXECUTIVE OFFICER

22 March 2018

PURPOSE OF THE MEETING:

- Appointment of the Chief Executive Officer

A G E N D A

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IMPORTANT NOTE:

Members of the public are advised that any decisions made at the meeting tonight, can be revoked, pursuant to the *Local Government Act 1995*. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received.

- 1 **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2 **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**
- 3 **PUBLIC QUESTION TIME**

In accordance with Standing Order 5.7(1)-(4) Public Question Time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please phone the Shire Office during office hours on 9727 0222 or visit the Shire's website www.capel.wa.gov.au.

4 **ITEMS TO BE CONSIDERED BEHIND CLOSED DOORS**

The following item will be considered for discussion behind closed doors (meeting will be closed to members of the public) as allowed under section 5.23(2)(b)and(c) of the Local Government Act 1995 as the matter is related to personal affair of a person and a contract that may be entered into.

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

VOTING REQUIREMENTS

Simple majority

PROCEDURAL MOTION

That Council close the meeting to members of the public to dicuss the item behind closed doors as the matter is related to personal affair of a person and a contract that may be entered into and which relates to a matter to be discussed at the meeting under the Local Government Act 1995, section 5.23(2)(b) & (c).

4.1 Appointment of the Chief Executive Officer

Location:	Capel
Applicant:	Shire of Capel
File Reference:	HR.REC.4
Disclosure of Interest:	Nil
Date:	14.03.18
Author:	Manager Human Resources, C Anderson
Senior Officer:	Chief Executive Officer, PF Sheedy
Attachments:	1. Recruitment Consultant Report - CONFIDENTIAL 2. CEO Contract of Employment - CONFIDENTIAL

IN BRIEF

The Coucil is required to appoint a person to the position of Chief Execuitve Officer. Council engaged a Recruitment Consultant, John Phillips, and appointed a Recruitment Committee to undertake the recruitment of a new Chief Executive Officer. This item is for the Council to consider the appointment of the new Chief Executive Officer as per the attached confidential Recruitment Consultant Report and the confidential CEO Contract of Employment.

RECOMMENDATION

That Council:

1. **Appoints _____ to the position of Chief Executive Officer with the Shire of Capel for a period of five (5) years commencing on 2 July 2018 and concluding on 2 July 2023;**
2. **Is of the belief that _____ is suitably qualified for the position of Chief Executive Officer;**
3. **Is satisfied with the provisions of the proposed employment contract to be entered into with _____ with a total reward package of \$_____ per annum; and**
4. **Authorises the Shire President to endorse and affix the common seal to the Chief Executive Officer Contract of Employment.**

BACKGROUND / PROPOSAL

Background

Further to the Council's resolution on 25 October 2017, OC1004 (13.2) for the Chief Executive Officer Recruitment, the appointed Recruitment Committee along with the assistance of John Phillips Consulting have undertaken the recruitment process for the position of Chief Executive Officer. A summary of the process is provided for in the attached Confidential Report.

The Committee along with the Recruitment Consultant have selected a preferred candidate for Council's consideration.

Proposal

A report from the Recruitment Consultant is provided to assist Council in the recruitment, selection and appointment process. The Recruitment Consultant has also prepared a proposed contract of employment for Council's consideration.

STATUTORY ENVIRONMENT

Local Government Act 1995, Sections 5.36, 5.39 and 5.40

5.36. Local government employees

- (1) A local government is to employ;
 - (a) a person to be the CEO of the local government; and
- (2) 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.

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.
- (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.

5.40. Principles affecting employment by local governments

The following principles apply to a local government in respect of its employees —

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity; and
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage; and
- (c) employees are to be treated fairly and consistently; and
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the *Equal Opportunity Act 1984* or on any other ground; and
- (e) employees are to be provided with safe and healthy working conditions in accordance with the *Occupational Safety and Health Act 1984*; and
- (f) such other principles, not inconsistent with this Division, as may be prescribed.

POLICY IMPLICATIONS

Policy 3.25 Recruitment and Selection
Policy 3.26 Designated Senior Employees

RISK IMPLICATIONS

As the recruitment process has been undertaken with an appointed Recruitment Specialist along with the recruitment committee it is considered that the risk implications are low.

FINANCIAL IMPLICATIONS

Budget

These costs are currently included in the annual budget as a normal allocation.

Long Term

The long term financial implications relevant to this matter include the ongoing cost of employment of the Chief Executive Officer and the Long Term Financial Plan has an allocation to meet these costs.

SUSTAINABILITY IMPLICATIONS

There are no direct sustainability implications as a result of the recruitment and appointment process, but the Chief Executive Officer being the Administrative leader of the organisation will have input and influence on the future sustainability of the organisation.

STRATEGIC IMPLICATIONS

The appointment of the Chief Executive Officer directly impacts the effectiveness of all elements of the Shire of Capel Strategic Community Plan 2018-2028 but specifically:

The Leadership Experience, *'Open, transparent, and effective good governance.'*

Strategic Objective:

- 1.6 Council is effective and efficient in the financial management stewardship of community assets.

CONSULTATION

Consultation has taken place with the Recruitment Consultant, Recruitment Committee and applicants throughout the recruitment process.

COMMENT

The consultant and the Recruitment Committee have undertaken an exhaustive process from advertising, shortlisting of candidates and interviews to arrive at the preferred candidate who is recommending to Council for appointment as the Chief Executive Officer for a five (5) year period commencing on 2 July 2018.

VOTING REQUIREMENTS

Absolute majority

OFFICER'S RECOMMENDATION – 4.1

That Council:

1. Appoints _____ to the position of Chief Executive Officer with the Shire of Capel for a period of five (5) years commencing on 2 July 2018 and concluding on 2 July 2023;
2. Is of the belief that _____ is suitably qualified for the position of Chief Executive Officer;
3. Is satisfied with the provisions of the proposed employment contract to be entered into with _____ with a total reward package of \$ _____ per annum; and
4. Authorises the Shire President to endorse and affix the common seal to the Chief Executive Officer Contract of Employment.

VOTING REQUIREMENTS

Simple majority

PROCEDURAL MOTION

That the meeting be re-opened to the public.

5 PUBLIC QUESTION TIME

6 MEETING CLOSURE