



SPECIAL MEETING OF COUNCIL  
MINUTES

12 FEBRUARY 2013

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**CITY OF GREATER GERALDTON**  
**SPECIAL MEETING OF COUNCIL**  
**HELD ON TUESDAY, 12 FEBRUARY 2013 AT 5.30PM**  
**CHAMBERS, CATHEDRAL AVENUE**

**MINUTES**

**DISCLAIMER:**

The Chairman advises that 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)) and Council's Standing Orders Local Laws 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 City of Greater Geraldton 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.

**1 ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge the traditional owners of the land on which we meet, and pay respect to the Elders and to knowledge embedded forever within the Aboriginal Custodianship of Country.

**2 DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 5.30pm.

**3 ATTENDANCE**

Present:

Mayor I Carpenter  
Cr R Ashplant  
Cr N Bennett  
Cr D Brick  
Cr C Gabelish  
Cr J Clune  
Cr P Fiorenza  
Cr R D Hall  
Cr N Messina  
Cr I Middleton  
Cr N McIlwaine  
Cr R deTrafford  
Cr S Van Styn

Officers:

A Brun, Chief Executive Officer  
S Moulds, PA to the Chief Executive Officer  
A Seaman, Executive Support Secretary

S Chiera, Coordinator Marketing & Media\*  
 K Chua, Manager Financial Services\*  
 A Van Der Weij, Systems Accountant Financial Services\*  
 \*Left chambers when Council went behind closed doors.

G Blades, Lester Blades  
 K Diehm

Others:

Members of Public: 2  
 Members of Press: 0

Apologies:

Cr R Ramage  
 Cr T Thomas

Leave of Absence:

Nil.

**4 PUBLIC QUESTION TIME**

*Questions provided in writing prior to the meeting or at the meeting will receive a formal response.*

Nil.

**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**COUNCIL DECISION**

**MOVED CR BRICK, SECONDED CR MESSINA**

**Cr B Hall request for leave of absence for the period 22 February to 25 February 2013 be approved.**

**Cr C Gabelish request for leave of absence for the period 27 March to 15 April 2013 be approved.**

**CARRIED 13/0**  
**5:33:07 PM**

**Existing Approved Leave**

Councillor	From	To (inclusive)
Cr S Van Styn	30 January 2013	10 March 2013
Cr N Mcllwaine	10 February 2013	15 February 2013

*Note: Cr Van Styn and Cr Mcllwaine attended the meeting.*

**6 PETITIONS, DEPUTATIONS OR PRESENTATIONS**

Mayor I Carpenter acknowledged the passing of Mrs Dorcas Ashplant, wife of John, mother of Cr Ron Ashplant, Leonie, Susan & Gavin.

The Mayor also acknowledged the passing of Mrs Beatrix Askew, the wife of the former Mayor of the Town of Geraldton, Mr Vic Askew.

**7 DECLARATIONS OF CONFLICTS OF INTEREST**  
Nil.

**8 CONFIDENTIAL ITEM**

*Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting was closed to the public due to its confidential nature.*

**COUNCIL DECISION****MOVED CR GABELISH, SECONDED CR BENNETT****That Council by Simple Majority RESOLVES to MOVE behind closed doors to discuss the confidential item.****CARRIED 13/0****5:34:51 PM**

*Members of Public and City Officers\* left Chambers at 5.34pm.*

**MOVED CR GABELISH, SECONDED CR BRICK****That Council RESOLVES to SUSPEND Standing Orders at 5.35pm****CARRIED 13/0****5:35:54 PM**

*The preferred candidate gave a presentation to Council and answered questions. He left Chambers at 6.33pm.*

*Mr G Blades, Lester Blades, presented to Council on the CEO Recruitment process and answered questions.*

**COUNCIL DECISION****MOVED CR HALL, SECONDED CR MIDDLETON****That Council RESOLVES to RESUME Standing Orders at 6.45pm****CARRIED 13/0****6:46:19 PM**

CEO019	APPOINTMENT OF CHIEF EXECUTIVE OFFICER
<b>AGENDA REFERENCE:</b>	<b>D-13-08439</b>
<b>AUTHOR:</b>	<b>C Wood, Director of Organisational Performance</b>
<b>EXECUTIVE:</b>	<b>Mayor Ian Carpenter</b>
<b>DATE OF REPORT:</b>	<b>5 February 2013</b>
<b>FILE REFERENCE:</b>	<b>GO/6/0006</b>
<b>APPLICANT / PROPONENT:</b>	<b>City of Greater Geraldton</b>
<b>ATTACHMENTS:</b>	<b>Yes (Confidential x 2)</b>

**SUMMARY:**

The purpose of this report is to seek Council's approval of the appointment of the preferred candidate, as per the attached Confidential Report, as Chief Executive Officer for the City of Greater Geraldton.

**PROPONENT:**

The proponent is the City of Greater Geraldton.

**BACKGROUND:**

The current Chief Executive Officer (CEO), Tony Brun, has advised that he will not be seeking reappointment when his contract expires on 3 June 2013.

In accordance with Section 5.36 of the Local Government Act 1995, a local government is to employ a person to be the CEO of the local government and such person it believes is suitably qualified for the position.

At its meeting of 25 September 2012 Council resolved to:

1. *APPOINT Lester Blades to assist Council with the recruitment process for a new CEO;*
2. *ESTABLISH a Committee titled the "CEO Recruitment Committee";*
3. *APPOINT to the Committee:*
  - a. *Mayor Carpenter;*
  - b. *Cr Van Styn;*
  - c. *Cr Gabelish;*
  - d. *Cr Thomas;*
4. *SET the Terms of Reference as being "to undertake the recruitment of a new CEO and to recommend a preferred candidate to Council"; and*
5. *APPROVE the expenditure of up to \$50,000 for the recruitment process.*

The advertisement for the position of CEO was advertised during November in a number of state and national newspapers as well on relevant websites. Upon closure of the advertising period Lester Blades reviewed the applications and developed a shortlisting from which the Committee decided to interview three candidates. Interviews were held in Perth on 7 January 2013 and a preferred candidate was unanimously recommended after the interviews.

The preferred candidate's CV is attached for councillors' information together with a report from Lester Blades on the recruitment process.

**COMMUNITY CONSULTATION:**

There has been no community consultation on this matter.

**COUNCILLOR CONSULTATION:**

The CEO Recruitment Committee, which comprises of the Mayor, Cr Gabelish, Cr Thomas and Cr Van Styn, has undertaken the CEO recruitment process in accordance with its charter and now recommends the appointment of a suitable candidate.

**STATUTORY IMPLICATIONS:**

Section 5.36 of the Local Government Act 1995 and Part 4 Section 18A-F of the Local Government (Administration) Regulations 1996 apply to the appointment of a CEO.

Section 5.36 (2) of the Local Government Act requires:

*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.*

*\* Absolute majority required.*

Section 5.39 of the Local Government Act determines the requirements of the CEO's contract as follows. Relevant sections are below.

- (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.*
- (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:**

There are no policy implications in this item.

**FINANCIAL AND BUDGET IMPLICATIONS:**

There are no financial and budget implications as the CEO remuneration is budgeted for each year. The cost to date for this process has not exceeded the budgeted amount of \$50,000.

**STRATEGIC & REGIONAL OUTCOMES:****Strategic Community Plan Outcomes:**

- Goal 5: Leading the Opportunities.
- Outcome 5.1: Leadership and Good Governance.
- Strategy 5.1.3: Implement business, governance, legislative and compliance frameworks.

**Regional Outcomes:**

There are no regional outcomes from the consideration of this matter.

**ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:****Economic:**

There are no economic impacts associated with this matter.

**Social:**

There are no social impacts associated with this matter.

**Environmental:**

There are no environmental impacts associated with this matter.

**Cultural & Heritage:**

There are no cultural or heritage impacts associated with this matter.

**RELEVANT PRECEDENTS:**

There are no relevant precedents associated with this matter.

**DELEGATED AUTHORITY:**

There is no delegated authority.

**VOTING REQUIREMENTS:**

Absolute Majority is required.

**OPTIONS:****Option 1:**

As per Executive Recommendation in this report.

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**Option 2:**

That Council by Absolute Majority in accordance with Section 5.36 of the Local Government Act 1995 RESOLVES to:

1. NOT APPOINT the preferred candidate, as per the Confidential Report, as the Chief Executive Officer of the City of Greater Geraldton;
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**Option 3:**

That Council by Absolute Majority in accordance with Section 5.36 of the Local Government Act 1995 RESOLVES to:

1. DEFER the preferred candidate, as per the Confidential Report, as the Chief Executive Officer of the City of Greater Geraldton;
2. MAKES the determination based on the following reason:
  - a. To be determined by Council

**CONCLUSION**

The appointment of a CEO is a requirement under the Local Government Act 1995 and as the current CEO is due to finish his term on 3 June 2013 there is an urgency to appoint a suitably qualified person and ensure that he/she can commence as soon as possible after this date.

**EXECUTIVE RECOMMENDATION:**

That Council by Absolute Majority in accordance with Section 5.36 of the Local Government Act 1995 RESOLVES to:

1. APPOINT the preferred candidate, as per the Confidential Report, as Chief Executive Officer of the City of Greater Geraldton with effect from a date to be determined;
2. APPROVE the proposed contract of employment for the Chief Executive Officer; and
3. DELEGATE authority to the CEO Recruitment Committee to negotiate terms and conditions of the CEO's contract and salary entitlements with the preferred candidate.

**COUNCIL DECISION****MOVED CR ASHPLANT, SECONDED CR DETRAFFORD**

That Council by Absolute Majority in accordance with Section 5.36 of the Local Government Act 1995 RESOLVES to:

1. **APPOINT** the preferred candidate as the Acting Chief Executive officer from 22 April 2013 to 3 June 2013;
2. **APPOINT** the Preferred candidate as the Chief Executive Officer from 4 June 2013 to 20 April 2018;
3. **APPROVE** the proposed contracts of Employment for the Acting Chief Executive Officer and the Chief Executive Officer; and
4. **DELEGATE** authority to the CEO Recruitment Committee to negotiate terms and conditions of the CEO's contract and salary entitlements with the preferred candidate.

**CARRIED BY ABSOLUTE MAJORITY 13/0**

**6:50:01 PM**

**COUNCIL DECISION****MOVED CR GABELISH, SECONDED CR MESSINA**

That Council by Simple Majority RESOLVES to MOVE from behind closed doors.

**CARRIED 13/0**

**6:50:41 PM**

**9 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**10 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**11 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING**

Nil.

**12 CLOSURE**

There being no further business the meeting closed at 6.53pm.

**APPENDIX 1 – ATTACHMENTS**

Attachments for this Agenda are Confidential therefore they will not be published on the website.