



**CITY OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

## SPECIAL COUNCIL MEETING

<b>31 MARCH 2014</b>
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Minutes of the Special Meeting of Council of the City of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Monday 31 March 2014, commencing at 7.00 pm.

**1. (a) DECLARATION OF OPENING**

The Presiding Member, Mayor John Carey, declared the meeting open at 7.00 pm and read the following Acknowledgement of Country Statement:

**(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT**

*"Today we meet on the lands of the Nyoongar people and we honour them as the traditional custodians of this land".*

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

2.1 Mr. Rob Boardman, Director Community Services on approved sick leave.

2.2 Cr Cole on approved leave of absence.

**(b) Members on Approved Leave of Absence:**

**(c) Present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Petar Mrdja	A/Director Planning Services

Media

David Bell Journalist – *"The Perth Voice"* (from 7.05pm)

Nil members of the Public.

**3. Public Question Time and Receiving of Public Statements**

Nil.

**4. Applications for Leave of Absence**

Nil.

**5. Announcements by the Presiding Member (Without Discussion)**

**5.1 Briefing on No. 609 Beaufort Street**

There is a forum tonight, and I do want to test some ideas on this, that as a development for Beaufort Street next week and due to a Forum not being held this week, I thought it would be helpful to have a quick briefing on this matter, but will keep it tight.

Also Cr Topelberg has mentioned and I know Cr Harley has as well is that for our forums we really focus on the key developments that are contentious or have significant impact, so that we allow some of that discussion that I think we are having at Council that we have it at forums, so that we explore some of the ideas.

If everyone is comfortable with this rather than Policy it will be focused on developments and I think this is reasonable.

**6. Declaration of Interests**

- 6.1 Acting Chief Executive Officer Mr. Mike Rootsey declared a Financial Interest. The extent of his interest being that it effects his contract of employment for the period of appointed Acting Chief Executive Officer if appointed.

**PROCEDURAL MOTION:**

**Moved Cr Harley, Seconded Cr Wilcox**

**That the Acting Chief Executive Officer be allowed remain in the Chamber during the discussion of the Item.**

**PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (8-0)**

**(Cr Cole was on approved leave of absence.)**

**7. Reports**

- 7.1 Recruitment Process – New Chief Executive Officer

**7.1 Recruitment Process – New Chief Executive Officer**

<b>Ward:</b>	Both Wards	<b>Date:</b>	20th March 2014
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a> – Local Government Guidelines to Appoint a CEO		
<b>Tabled Items:</b>	N/A		
<b>Reporting Officer:</b>	Acting Chief Executive Mike Rootsey		
<b>Responsible Officer:</b>	Mayor John Carey		

**OFFICER RECOMMENDATION:**

That the Council:

1. **APPROVES** the appointment of Mr. Mike Rootsey as the Acting Chief Executive Officer until the vacancy of Chief Executive Officer (CEO) is filled, on the basis that the Director of Corporate Services is suitably qualified and experienced to act in the position;
2. **ESTABLISHES** the Chief Executive Officer Recruitment and Selection Committee in accordance with Section 5.8(2)(a) of the Local Government Act;
3. **APPOINTS** the following Elected Members to the Committee; Mayor John Carey, Deputy Mayor Cr Roslyn Harley and a nominated council member;
4. **ADOPTS** the Terms of Reference as listed in the report;
5. **AUTHORISES** the CEO Recruitment and Selection Committee to engage a suitably qualified recruitment consultant, within established budget parameters, as independent facilitator to assist the Committee and Council in accordance with the Terms of Reference;
6. **REQUESTS** that the Position Description for the new position of Chief Executive Officer give key consideration to:
  - 6.1 driving change management within the organisation, to meet the critical challenges and demands of any forced council merger process;
  - 6.2 establishing contemporary best practice for planning processes and policy within the organisation; and
  - 6.3 leading innovative and dynamic policy development and delivery for the City of Vincent;
7. **AUTHORISES** the;
  - 7.1 funding of the recruitment process from a source as determined by the Acting Chief Executive Officer; and
  - 7.2 Recruitment and Selection Committee to also develop recommendations for Council to consider regarding new governance structures and protocols for reviewing the performance of a new CEO.

**Moved Cr Harley, Seconded Cr Buckels**

That the recommendation be adopted.

Debate ensued.

**AMENDMENT**

**Moved Cr Harley, Seconded Cr Buckels**

“That Clause 3 be amended to read as follows:

3. APPOINTS the following Elected Members to the Committee; Mayor John Carey, Deputy Mayor Cr Roslyn Harley and Cr Joshua Topelberg;

**AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Cole was on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)**

(Cr Cole was on approved leave of absence.)

**COUNCIL DECISION ITEM 7.1**

That the Council:

1. APPROVES the appointment of Mr. Mike Rootsey as the Acting Chief Executive Officer until the vacancy of Chief Executive Officer (CEO) is filled, on the basis that the Director of Corporate Services is suitably qualified and experienced to act in the position;
  2. ESTABLISHES the Chief Executive Officer Recruitment and Selection Committee in accordance with Section 5.8(2)(a) of the Local Government Act;
  3. APPOINTS the following Elected Members to the Committee; Mayor John Carey, Deputy Mayor Cr Roslyn Harley and Cr Joshua Topelberg;
  4. ADOPTS the Terms of Reference as listed in the report;
  5. AUTHORISES the CEO Recruitment and Selection Committee to engage a suitably qualified recruitment consultant, within established budget parameters, as independent facilitator to assist the Committee and Council in accordance with the Terms of Reference;
  6. REQUESTS that the Position Description for the new position of Chief Executive Officer give key consideration to:
    - 6.1 driving change management within the organisation, to meet the critical challenges and demands of any forced council merger process;
    - 6.2 establishing contemporary best practice for planning processes and policy within the organisation; and
    - 6.3 leading innovative and dynamic policy development and delivery for the City of Vincent;
  7. AUTHORISES the;
    - 7.1 funding of the recruitment process from a source as determined by the Acting Chief Executive Officer; and
    - 7.2 Recruitment and Selection Committee to also develop recommendations for Council to consider regarding new governance structures and protocols for reviewing the performance of a new CEO.
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**PURPOSE OF REPORT:**

This report recommends the process to appoint a new Chief Executive Officer, in accordance with the Local Government Act.

**BACKGROUND:**

The Mayor has sought advice from both the Department of Local Government and Communities and the Western Australian Local Government Association (WALGA).

The following advice has been provided by WALGA:

Section 5.36(2)(a) and (b) of the Local Government Act provides that a local government is not to employ a person to fill the position of CEO unless council believes that person is suitably qualified for the position and is satisfied with the provisions of the proposed employment contract; Section 5.40 requires that all employees are to be selected in accordance with the principles of merit and equity.

In addition to the above, the Local Government (Administration) Regulations 18A, 18B, 18C, 18F and 19A also apply. Primary among these regulations is Regulation 18C which requires that *"a local government is to approve a process for the selection and appointment of a CEO for the local government before the position of the CEO is advertised"*;

Formal advice from WALGA indicates this regulation normally triggers the establishment of a Council committee to oversee the process, with Council establishing terms of reference for its operation.

The Committee can either comprise of some or all Elected Members and, as indicated in the Terms of Reference, include participation of a suitably qualified recruitment consultant to guide the recruitment process to ensure compliance with relevant legislation and the application of contemporary recruitment practices. For a full outline of the required process under the Act, please read the attached document – Appointing a CEO, Local Government Operation Guidelines – Number 10 Revised August 2012.

**DETAILS:**

**CEO Recruitment and Selection Committee – Terms of Reference**

The following is recommended by WALGA as the content of the Terms of Reference for such a committee:

<p>Terms of Reference</p> <ul style="list-style-type: none"><li>- The CEO Recruitment and Selection Committee is to be an advisory Committee for the life of the CEO recruitment process;</li><li>- The CEO Recruitment and Selection Committee is to select a recruitment consultant to conduct the CEO recruitment process, within budget parameters established by Council;</li><li>- The CEO Recruitment and Selection Committee is to coordinate the recruitment process, including working with the recruitment consultant to attract and select appropriate candidates;</li><li>- The CEO Recruitment and Selection Committee, with the assistance of the recruitment consultant, is to coordinate the advertising, search for candidates, short listing, development of interview process, conducting interviews, screening and psychometric testing, assessing, conducting second round interviews, conducting referee checks, writing reports and contract preparation; and</li><li>- The CEO Recruitment and Selection Committee is to report back to Council throughout the process and provide Council with sufficient advice to permit a determining decision regarding the final selection, appointment and contracting of the CEO.</li></ul>
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### **Appointment of a Recruitment Consultant**

Generally recruitment consultants provide a professional service and possess a wide range of knowledge and skills in staff recruitment. The Department of Local Government and Communities recommends that rigorous checks be conducted on any recruitment consultants before they are appointed to ensure they have the necessary skills and experience (local government recruitment experience would be beneficial) to effectively assist the council in its selection of a CEO.

A recruitment consultant may be involved in the following aspects of the selection process:

- development or review of the position description;
- development of selection criteria;
- drafting of the advertisement;
- preliminary assessment of the applications;
- final short listing;
- drafting of the questions for interview;
- coordinating interviews; and
- finalising the contract.

If a decision is made to outsource the recruitment process, the Department of Local Government and Communities recommends it is imperative that the council maintains a high level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process.

### **CONSULTATION/ADVERTISING:**

Under the Section 5.36 of the Local Government Act leads to Regulation 18A of the Local Government (Administration) Regulations, which prescribes three recruitment options:

- (i) Regulation 18A (1) - that the position of CEO be advertised state-wide; or
- (ii) Regulation 18A (1)(a) - that advertising is not required if the position is to be filled by a person who is, and will continue to be, employed by another local government; or
- (iii) Regulation 18A (1)(b) – that advertising is not required if a person will be acting in the position for a term not exceeding one year.

Given Council will be seeking the appointment of a new permanent CEO; state-wide advertising will be required.

Regulation 18A(2) prescribes the minimum requirements to be included in an advertisement for the position of CEO, those requirements are:

- the details of the remuneration and benefits offered;
- details of the place where applications for the position are to be submitted;
- the date and time for the closing of applications for the position;
- the duration of the proposed contract; and contact details for a person who can provide further information about the position.

In addition to the above, the Department of Local Government and Communities recommends Council include any other information in the advertisement which it believes is relevant and the content and context of advertisements should be carefully considered. A comprehensive application kit comprising documentation relevant to the vacant position should be developed and provided to potential applicants on request. Reference to, and instructions on how to access the kit should be included in the advertisement.

The Council should also provide sufficient time within the advertisement for potential applicants to prepare and forward applications. It is recommended that the position be open for a minimum of two weeks with a definite date and time after which applications will not be considered.

**FINANCIAL/BUDGET IMPLICATIONS:**

Expenditure for this matter, including the appointment of a well qualified recruitment consultant, will be completed in accordance with the City of Vincent's Purchasing Policy.

**LEGAL/POLICY:**

As detailed in the report.

**RISK MANAGEMENT IMPLICATIONS:**

The Mayor and the Acting Chief Executive Officer will seek regular advice from WALGA and the Department of Local Government and Communities to ensure ongoing compliance with the Local Government Act as the recruitment process progresses.

**STRATEGIC IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**COMMENT**

Nil.

**8. CLOSURE**

**There being no further business, the Presiding Member, John Carey, declared the meeting closed at 7.20 pm with the following persons present:**

Mayor John Carey	Presiding Member
Cr Roslyn Harley ( <i>Deputy Mayor</i> )	North Ward
Cr Matt Buckels	North Ward
Cr Laine McDonald	South Ward
Cr James Peart	South Ward
Cr John Pintabona	South Ward
Cr Joshua Topelberg	South Ward
Cr Julia Wilcox	North Ward
Mike Rootsey	Acting Chief Executive Officer
Petar Mrdja	A/Director Planning Services

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 31 March 2014.

Signed: .....Presiding Member John Carey.

Dated this ..... day of ..... 2014.