



3 July 2023

NOTICE OF SPECIAL MEETING

Dear Council Member,

The Shire President has called a Special Meeting of Council to be held in the Council Chamber at 6.30pm on Thursday, 6 July 2023.

The purpose of the meeting is for consideration of the recommendations from the CEO Recruitment Committee meeting held 29 June 2023 as follows:

1. Appointment of Chief Executive Officer
2. Chief Executive Officer – Contract of Employment

The attached agenda is presented for your consideration.

Yours sincerely

A handwritten signature in black ink that reads "Megan Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end.

Megan Griffiths
ACTING CHIEF EXECUTIVE OFFICER

Please Note

If a Council Member has a query regarding a report item or requires additional information in relation to a report item, please contact the senior employee (noted in the report) prior to the meeting.



AGENDA
SPECIAL COUNCIL MEETING
6 JULY 2023

ATTENTION/DISCLAIMER

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 Council Member or employee, or on the content of any discussion occurring during the course of the Meeting. Persons should be aware that regulation 10 of the *Local Government (Administration) Regulations 1996* establishes procedures to revoke or change a Council decision. No person should rely on the decisions made by Council until formal written advice of the Council decision is received by that person.

The Shire of Mundaring 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 Council Member or employee, or the content of any discussion occurring during the course of the Council Meeting.

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**SPECIAL COUNCIL MEETING
COUNCIL CHAMBER – 6.30PM**

1.0 OPENING PROCEDURES

Acknowledgement of Country

Shire of Mundaring respectfully acknowledges the Whadjuk people of the Noongar Nation, who are the traditional custodians of this land. We acknowledge Elders past, present and emerging and respect their continuing culture and the contribution they make to the region.

Recording of Meeting

Members of Council and members of the gallery are advised that this meeting will be livestreamed and audio-recorded.

1.1 Record of Attendance

Council Members	Cr James Martin (President & Presiding Person)	South Ward
	Cr Trish Cook	South Ward
	Cr Luke Ellery	South Ward
	Cr Paige McNeil (Deputy President)	Central Ward
	Cr Amy Collins	Central Ward
	Cr Doug Jeans	Central Ward
	Cr John Daw	East Ward
	Cr Claire Hurst	East Ward
	Cr Neridah Zlatnik	East Ward
	Cr Karen Beale	West Ward
	Cr Matthew Corica	West Ward
Staff	Megan Griffiths	Acting Chief Executive Officer
	Garry Bird	Director Corporate Services
	Ana Fernandez	Minute Secretary
Apologies	Cr Jo Cicchini	West Ward
Leave of Absence	Nil	
Guests	Nil	

2.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

3.0 DECLARATION OF INTEREST

3.1 Declaration of Financial Interest and Proximity Interests

Council Members must disclose the nature of their interest in matters to be discussed at the meeting (*Part 5 Division 6 of the Local Government Act 1995*).

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting (*Sections 5.70 and 5.71 of the Local Government Act 1995*).

3.2 Declaration of Interest Affecting Impartiality

A Council Member or an employee who has an interest in a matter to be discussed at the meeting must disclose that interest (*Shire of Mundaring Code of Conduct, Local Government (Admin) Reg. 34C*).

4.0 PUBLIC QUESTION TIME

15 minutes (with a possible extension of two extra 15 minute periods) are set aside at the beginning of each Council meeting to allow members of the public to ask questions of Council.

Public Question Time is to be conducted in accordance with Shire of Mundaring Meeting Procedures Local Law 2015.

5.0 PRESENTATIONS

5.1 Deputations

- (1) Members of the public may, during the deputations segment of the order of business and with the consent of the Presiding Member, make a public statement on any matter that appears on the agenda for that meeting provided that –
 - a) the deputation is limited to a maximum of 3 minutes, unless otherwise determined by the Presiding member;
 - b) the deputation is not offensive or defamatory in nature, providing that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement in a manner that is not offensive or defamatory; and
 - c) no discussion or questions relating to the deputation are permitted, unless otherwise determined by the Presiding Member.
- (2) Fifteen minutes is to be allocated for deputations.
- (3) Once all statements have been made, nothing prevents the unused part of the deputation time period from being used for other matters.
- (4) If the 15 minute period set aside for deputations is reached, Council may resolve by resolution that statement time be extended for no more than two 15 minute extensions.

5.2 Petitions

- (1) A petition is to –
 - a) be addressed to the President;
 - b) be made by electors of the district;
 - c) state the request on each page of the petition;
 - d) contain the legible names, addresses and signatures of the electors making the request;
 - e) contain a summary of the reasons for the request;
 - f) state the name of the person to whom, and an address at which, notice to the petitioners can be given; and
 - g) not contain offensive or insulting language.

- (2) On the presentation of a petition –
 - a) the member presenting it or the CEO is confined to reading the petition; and
 - b) the only motion that is in order is that the petition be received and that it be referred to the CEO for action.

- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless –
 - a) The matter is the subject of a report included in the agenda; and
 - b) The Council has considered the issues raised in the petition.

5.3 Presentations

Nil

6.0 CONFIDENTIAL REPORTS

Meeting Closed to Public

The Local Government Act 1995, Part 5, Section 5.23 states in part:

- (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 —
- (a) a matter affecting an employee or employees; and
 - (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
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.

RECOMMENDATION

That Council closes the meeting to members of the public, in accordance with s5.23(2) of *the Local Government Act 1995*, in order to consider the confidential reports as detailed below:

6.1 Reports of CEO Recruitment Committee 29 June 2023

Item 6.1 is considered confidential in accordance with the *Local Government Act 1995* section 5.23(2) (b) as it contains information relating to the personal affairs of any person.

6.1.1 Appointment of Chief Executive Officer

File Code	GV.MTG 6.8
Author	Garry Bird, Director Corporate Services
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Impartiality - DCS. The new CEO will be the Director Corporate Services employer.
Attachments	<ol style="list-style-type: none">1. Standards for Recruitment Performance and Termination Policy2. Consultant Assessment of all Candidates (confidential)3. Candidate Selection Shortlist (confidential)4. Full Application - Preferred Applicant 1 (confidential)5. Full Application - Preferred Applicant 2 (confidential)

Please refer to confidential attachment provided under separate cover.

CEORC5.06.23 – Appointment of Chief Executive Officer

COMMITTEE RECOMMENDATION	CEORC5.06.23
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That Council, by absolute majority in accordance with section 5.36 of the *Local Government Act 1995*:

1. Approves making an offer to the candidate named in **Confidential Attachment 4** for the position of Chief Executive Officer at the Shire of Mundaring as the candidate Council believes to be the most suitably qualified for the position; and
2. Subject to the candidate named in **Confidential Attachment 4** accepting the proposed terms of the CEO employment contract, the candidate is appointed to the position of Chief Executive Officer at the Shire of Mundaring.

6.1.2 Chief Executive Officer - Contract of Employment

File Code	GV.MTG 6.8
Author	Garry Bird, Director Corporate Services
Senior Employee	Garry Bird, Director Corporate Services
Disclosure of Any Interest	Impartiality - DCS. The new CEO will be the Director Corporate Services employer.
Attachments	<ol style="list-style-type: none">1. Standards for CEO Recruitment Performance and Termination2. Draft Employment Contract (confidential)3. Updated Draft Employment Contract (confidential)

Please refer to confidential attachment provided under separate cover.

CEORC6.06.23 – Chief Executive Officer - Contract of Employment

COMMITTEE RECOMMENDATION

CEORC6.06.23

That Council, by absolute majority, in accordance with section 5.36 of *the Local Government Act 1995*:

1. Approves the Chief Executive Officer employment contract detailed in **Confidential Attachment 2 (as amended in Confidential Attachment 3 to the minutes)**, being for a period of five years inclusive of a total reward package valued at \$328,046 calculated in accordance with the 2023 Salaries and Allowances Tribunal Local Government Determination Band 2 range;
2. Authorises the Shire President to execute the Chief Executive Officer employment contract and apply the common seal, subject to the candidate agreeing to enter into the proposed terms and conditions of the contract without amendment; and
3. Authorises the Shire President to present the contract to the candidate and if the candidate negotiates the proposed terms and conditions of the approved contract, present the amended proposed contract to Council for approval before the contract is executed.

Meeting Open to Public

RECOMMENDATION

That the meeting be opened to the public

7.0 CLOSING PROCEDURES

7.1 Date, Time and Place of the Next Meeting

The next Ordinary Council meeting will be held on Tuesday, 11 July 2023 at 6.30pm in the Council Chamber.

7.2 Closure of the Meeting