



Shire of Northam

SHIRE OF NORTHAM

**MINUTES OF
SPECIAL COUNCIL MEETING
HELD ON
WEDNESDAY
27 FEBRUARY 2013**

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SHIRE OF NORTHAM

**Minutes of the Special Meeting of Council held in the Council Chambers on
WEDNESDAY, 27 FEBRUARY 2013 at 6.00 pm**

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1. OPENING AND WELCOME

The Presiding Officer, Cr S B Pollard declared the Meeting open at 6.20 pm.

8. AGENDA ITEMS

8.1. Special Items

8.1.1 RECOMMENDATION FROM THE WORKING GROUP REGARDING THE APPOINTMENT OF AN ACTING CHIEF EXECUTIVE OFFICER

Name of Applicant:	Internal Report
Name of Owner:	Shire of Northam
File Ref:	1.1.1.1
Officer:	Beverley Jones
Officer Interest:	Nil
Policy:	N/A
Voting:	Simple
Date:	26 February 2013

For Council to endorse the appointment of an Acting Chief Executive Officer for the period 28 March 2013 to 5 July 2013 inclusive.

BACKGROUND

Council, at its 19 December 2012 Ordinary meeting accepted the resignation of the current CEO, Neville Hale who will not be renewing his contract on its expiry as of 31 August 2013. Mr Hale will be taking leave as of 28 March 2013 and has agreed to a formal resignation date of 5 July 2013 to assist Council in appointing a replacement CEO.

Council is required under the Local Government Act 1995 and associated Local Government (Administration) Regulations 1996 to firstly adopt a process of recruitment before advertising the position and is to meet a number of specific requirements in both process and qualification of applicants.

STATUTORY REQUIREMENTS

1.1.1. LOCAL GOVERNMENT ACT 1995

1.1.2. DIVISION 4 — LOCAL GOVERNMENT EMPLOYEES

1.1.2.1.1.5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

- (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.

** Absolute majority required.*

- (3) A person is not to be employed by a local government in any other position unless the CEO —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied with the proposed arrangements relating to the person's employment.
- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

[Section 5.36 amended by No. 49 of 2004 s. 44; No. 17 of 2009 s. 21.]

Local Government (Administration) Regulations 1996

Part 4 — Local government employees

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

1.1.2.1.2.18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in subregulation (1) 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.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

1.1.2.1.3.18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

1.1.2.1.4.18C. Selection and appointment process for CEOs

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.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

CONFORMITY WITH THE PLAN FOR THE FUTURE

KEY RESULT AREA:	DEVELOPING OUR ORGANISATION
GOAL;	To ensure the residents of the Shire are informed, represented, engaged with and provided with services and facilities expected of a contemporary sub regional centre.
STRATEGIES	Provide good governance

BUDGET IMPLICATIONS

N/A

OFFICER'S COMMENT

The Working Group considered both external and internal candidates for the position of Acting CEO for the period 28 March 2013 to 5 July 2013 inclusive.

COUNCIL DECISION

Minute No C.1978

MOVED: R Head

SECONDED: A Llewellyn

- 1. That Council invite Mr Allan Middleton to be the Acting Chief Executive Officer for the period 28 March 2013 to 5 July 2013 inclusive.**
- 2. That Mr Chadd Hunt be the Acting Chief Executive Officer from today (27 February 2013) to the 28 March 2013, or until the start date of the Acting Chief Executive Officer.**

CARRIED 9/1

9. DECLARATION OF CLOSURE

There being no further business, the Presiding Officer Cr S B Pollard declared the Meeting closed at 6.23 pm.

“I certify that the Minutes of the Special Meeting of Council held on 27 February 2013 have been confirmed as a true and correct record.”

_____ Shire President

_____ Date