Notice of Council Meeting

Notice is hereby given in accordance with section 82 (1) (a) and 83 (2) of the Local Government Act 1999, that a Special Meeting of the Council will be held in the Council Chambers, Walkerville Town Hall, Gilberon on 20 October 2008 at 6.00pm.

HELEN DYER
CHIEF EXECUTIVE OFFICER
CNC201008/0 : OPENING
CNC201008/1 : PRESENT
CNC201008/2 : APOLOGIES
CNC201008/3 : LEAVE OF ABSENCE
CNC201008/4 : STAFF PRESENT
CNC201008/5 : REPORTS
CNC201008/5.1 : Chief Executive Officer Recruitment
CNC201008/6 : CLOSURE
CNC201008/0 : OPENING
CNC201008/1 : PRESENT
CNC201008/2 : APOLOGIES
CNC201008/3 : LEAVE OF ABSENCE
CNC201008/4 : STAFF PRESENT
CNC201008/5 : REPORTS
Recommendation

1. That pursuant to Section 41 of the Local Government Act 1999, the Council establishes the CEO Recruitment Committee to assist the Council in the performance of its functions under Clauses 98(3) & 98(4) of the Local Government Act 1999 and in accordance with the Committee’s Terms of Reference.

2. That pursuant to Clause 98(4) of the Local Government Act 1999, Council appoints the CEO Recruitment Committee as the selection panel.

3. That the CEO Recruitment Committee consists of Mayor Whiting and __________

4. That the Terms of Reference be:

   1. Establishment of the CEO Recruitment Committee
      Pursuant to Section 41 of the Local Government Act 1999, the Council establishes a Committee of Council to be known as the CEO Recruitment Committee (“the Committee”) for the purpose of overseeing the recruitment and appointment of a Chief Executive Officer and in accordance with Clauses 98(3) & 98(4) of the Local Government Act 1999.

   2. Membership
      Membership of the Committee shall consist of:
      - Mayor David Whiting (Chair)

   3. Operation
      The obligations of the Committee are as follows –
      3.1 The Committee does not enjoy the delegation of any powers, functions and duties of Council except where specifically approved by Council.
      3.2 The Committee shall act at all times in strict accordance with relevant legislation (being the Local Government Act 1999 and associated regulations) and with written policies, guidelines and protocols of the Council which are relevant to the Committee in the performance of its functions.
      3.3 The Committee shall hold its first meeting at a date and time to be advised and shall meet thereafter monthly or at such other times and on such other days as the Committee or Council may from time to time determine by resolution.
3.4 Ordinary meetings of the Committee will be held in the Council Chambers or at such other places as determined by resolution from time to time by the Committee or Council.

3.5 The Chairperson of the committee shall be Mayor Whiting. If the Chairperson is absent at any meeting, Cr________________ shall be the chairperson for that meeting.

3.6 A quorum for a meeting of the Committee shall be the number of members divided by 2 (ignoring any fraction) plus 1.

3.7 All decisions of the Committee shall be made on the basis of a majority decision of the members present. If the decision results in a tied vote, the decision will be referred to Full Council.

3.8 Pursuant to Section 41(8) of the Local Government Act 1999 all Minutes and decisions of the Committee shall be referred to Council. Any recommendations outside the delegation or responsibility of the Committee will require consideration by Council. To achieve this, Administration will list these recommendations in the Council agenda for consideration.

4. The Committee

The Committee is charged with:

- Reporting back to the next available Council Meeting, following each committee meeting.
- Seeking expressions of interest and quotations from at least three independent consulting firms to assist the committee to carry out its functions.
- Engaging an independent consulting firm to assist the committee to carry out its functions.
- Using the independent consulting firm engaged to assist it in its duties to:
  (a) Prepare a Position Description for the position of Chief Executive Officer.
  (b) Advertise for the position of Chief Executive Officer.
  (c) Prepare a contract for the position of Chief Executive Officer for a term of 5 years.
  (d) Prepare draft Key Performance Indicators for the position of Chief Executive Officer applicable until at least January 2010.
  (e) Short-list and interview suitable applicants.
  (f) Report to Council on the outcome of the interviews.
  (g) Select a preferred applicant and negotiate possible contract, remuneration and key performance indicator details knowing that the final decision on all these particulars rests with Council.
- Recommend to Council the preferred applicant with applicable contract, remuneration and key performance indicator details for appointment to the position of Chief Executive Officer.

5. Life of this Committee

The CEO Recruitment Committee dissolves upon the signing of a contract of employment for Chief Executive Officer by the selected applicant.
6. **Key points in the Terms of Reference are:**

   Key points in the Terms of Reference are:
   
   • The committee must report to Full Council and keep Council informed of progress after each committee meeting;
   
   • For most functions, the committee is required to use the assistance of an independent consultant.
   
   • In accordance with the Local Government Act, the final decision of course remains with Council.

5. That Council delegates the following powers to the CEO Recruitment Committee:

   (a) Engage the independent consulting firm following the principles contained within the Council’s tender policy.
   
   (b) Prepare the Chief Executive Officer Position Description.
   
   (c) Place prominent advertisements in *The Advertiser* and *The Australian* newspapers and in the Local Government Job Directory for the recruitment of the Chief Executive Officer.
   
   (d) Select the applicants to be interviewed by the Committee.
   
   (e) Select a preferred applicant and negotiate with that person possible contract, remuneration and key performance indicator details in the knowledge that the final decision remains with Council.

6. That pursuant to Section 98(2) of the Local Government Act 1999, Mrs Maria De Angelis be appointed Acting CEO until such time as a formal appointment is made.

7. That Ms Dyer’s resignation be formally noted.

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**Purpose of Report**

To enable the Council to determine a process to recruit a Chief Executive Officer (CEO) and fulfil Council’s obligations pursuant to the Local Government Act, 1999.

**Background**

In October 2008 the CEO tendered her resignation creating a vacancy (Attachment A). Pursuant to section 96(1) of the Local Government Act 1999 the Council must have a CEO.

**Discussion**

In appointing a CEO the Council needs to identify a process that will enable it to efficiently call for and assess candidates.

It is considered that an appropriate process having regard to the obligations pursuant to the Local Government Act 1999, and in particular sections 98(3) & 98(4) to establish a committee to select a recruitment consultant to assist it to advertise the position, short-list and interview candidates and make a recommendation to the Council.

The recommendations above facilitate this approach.

**Relevant Policies & Strategic discussion**

• Local Government Act 1999 Sections 96 & 98
• Strategic Plan 2008-2018 Goal 15 “Continue to act as ethical and responsible decision makers”.

Community Impact
Nil

Environmental Implication
Nil

Budget Implication
This process can be undertaken with the consultancy budget.

Resource Implication
Within resources

Consultation
Mayor Whiting

Conclusion
That Council establish a committee with appropriate terms of reference to engage a recruitment consultant, interview candidates and make a recommendation to the Council.