



Item No: 4.1

Date: 26 October 2022

Attachment: Nil.

Meeting:	Council
Title:	Appointment of Acting Chief Executive Officer
Responsible Manager:	Mayor, Elizabeth Fricker
Author:	Acting Chief Executive Officer, Scott Reardon
Key Pillar:	Strategic Framework – Key Pillar 7 – Leadership – A responsible and influential local government organisation
Key Focus Area:	Financial Guiding Principle 1- Finances managed responsibly
Type of Report:	Decision Required

Pursuant to Section 83(5) of the *Local Government Act 1999*, the Chief Executive Officer indicates that the matter contained in this report may, if the Council so determines, be considered in confidence pursuant to Section 90(2) of the *Local Government Act 1999* on the basis that the information contained in the attached report is information of the nature specified in subsections 90(3)(a) of the Act being information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

Recommendation (Public)

Pursuant to s90(3)(a)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Council Secretariat Danielle Edwards be excluded from attendance at the meeting for Agenda Item 4.1 Appointment of Acting Chief Executive Officer.

The Council is satisfied that, pursuant to section 90(3)(a) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), that person being the Acting Chief Executive Officer of the Corporation of the Town of Walkerville.

Recommendation (Confidential)

That Council endorse the negotiated further terms and conditions for the appointment the Acting Chief Executive Officer, Mr Scott Reardon, those further terms and conditions being:

1. the continuation of the current Acting Chief Executive Officer salary of \$252,927 p/a plus an annual 10.5% employer superannuation contribution equating to \$26,557 p/a;
2. that a fuel card to the value of \$5,000 p/a be issued to the Acting Chief Executive Officer; and
3. that the appointment be subject to a mutual termination clause of four (4) weeks' notice.

Recommendation (Public)

Pursuant to s.91(7)

That having considered Agenda Item 4.1 Appointment of Acting Chief Executive Officer. in confidence under section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes relevant to this Agenda Item be retained in confidence for a period of 3 years excepting that Council authorises the release of the minutes to substantive party/parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the review and power to revoke this Order

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the *Local Government Act 1999* Council and re-admit the public.

Summary

Pursuant to s.98 of the *Local Government Act 1999 (Act)*,¹ if a vacancy occurs or is about to occur in the Office of Chief Executive Officer, the Council must by way of formal resolution appoint a person to act in the position of Chief Executive Officer until such time that the vacancy is formally filled.²

With the expectation that Chief Executive Officer's resignation was soon to be received, at their meeting of 17 October 2022 Council resolved (**CNC115/22-23**) to appoint Mr Scott Reardon to the position of Acting Chief Executive Officer and directed the Mayor to negotiate the further terms and conditions of the appointment.

The terms and conditions of the appointment have now been negotiated and are presented to Council for endorsement.

Background

At their meeting on 17 October 2022, Council resolved in confidence:

CNC115/22-23

1. *That Council receive and note the Verbal Update - Office of the Chief Executive Officer report;*
2. *That Council receive and note the tabled Confidential Minutes of the CEO Performance Review Committee meeting from their meeting held 14 October 2022;*
3. *That, on the basis a vacancy is about to occur in the Office of Chief Executive Officer, Council appoint Scott Reardon to the position of Acting Chief Executive Officer under Section 98(2) of the Local Government Act 1999, with the appointment to take effect from the point in time (if and only if) a written notice of resignation from the Chief Executive Officer is received by the Principal Member of Council, on the basis such appointment will continue until such time as the recruitment process to fill the vacancy in the Office of the Chief Executive Officer is completed, or until the Council resolves otherwise;*
4. *That the Mayor be authorised to negotiate the other terms and conditions of the appointment, with final approval for such terms to be the subject of a further resolution of the Council.*

Discussion/Issues for Consideration

Appointment of Interim Chief Executive Officer

¹ *Local Government Act 1999 (SA)*, s.98(2).

² *Local Government Act 1999 (SA)*, s.98(1).

On Thursday 20 October 2022 Ms Kiki Cristol tendered her resignation from her position as Chief Executive Officer. With the expectation that this was soon to occur, at their meeting on 17 October 2022 Council resolved to appoint Mr Scott Reardon to the position of Acting Chief Executive Officer (**A/CEO**) with the appointment taking effect from the point in time a written notice of resignation was received from the Chief Executive Officer.

In accordance with recommendation 4. of resolution **CNC115/22-23**, the Mayor and A/CEO have negotiated the other terms and conditions of the appointment, those being:

1. the continuation of the current Acting Chief Executive Officer salary of \$252,927 p/a plus an annual 10.5% employer superannuation contribution equating to \$26,557 p/a;
2. that a fuel card to the value of \$5,000 p/a be issued to the Acting Chief Executive Officer; and
3. that the appointment be subject to a mutual termination clause of four (4) weeks' notice.

Options for Consideration

Option 1

That Council endorse the negotiated further terms and conditions for the appointment the Acting Chief Executive Officer, Mr Scott Reardon, those further terms and conditions being:

1. the continuation of the current Acting Chief Executive Officer salary of \$252,927 p/a plus an annual 10.5% employer superannuation contribution equating to \$26,557 p/a;
2. that a fuel card to the value of \$5,000 p/a be issued to the Acting Chief Executive Officer; and
3. that the appointment be subject to a mutual termination clause of four (4) weeks' notice.

Option 2

That Council propose the following additional terms and conditions:

- _____

Governance Implications

Option 1 ensures Council acts consistently with the s.98 of the *Local Government Act 1999* and s.91A of the *Local Government (Elections) Act 1999* which govern the appointment of a Chief Executive Officer during an Election / Caretaker Period.

Preferred Option & Reasoning

Option 1 is the preferred option on the basis that it allows for a smooth transitional period for both the incoming Council, and Office of the Chief Executive Officer.