

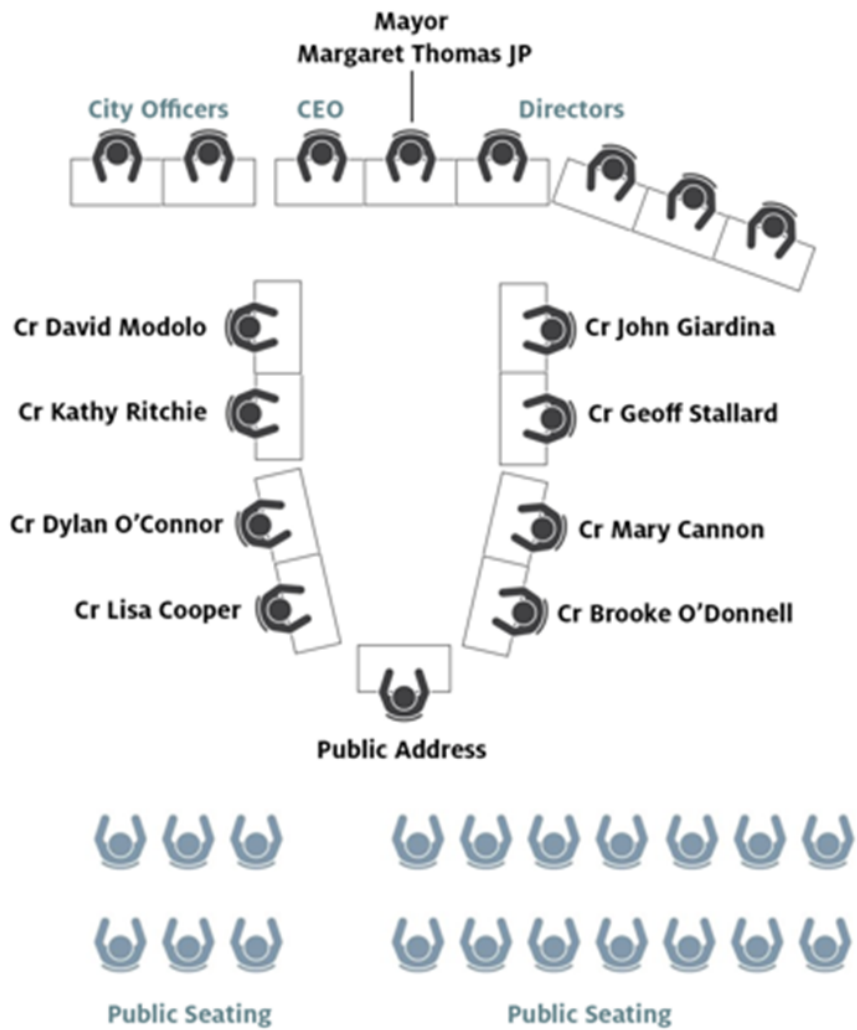


Special Council Meeting

Minutes

9 April 2024

Council Chambers Seating Plan



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1. Official Opening

The Presiding Member opened the meeting at 6:30pm and welcomed Councillors, Staff, Members of the Public Gallery and those watching via live stream. The Presiding Member also acknowledged the Traditional Owners of the land on which we meet the Whadjuk Noongar people.

2. Attendance, Apologies and Leave of Absence Previously Approved

Mayor

Margaret Thomas JP (Presiding Member)

Councillors

South East Ward

John Giardina

Geoff Stallard

South West Ward

Mary Cannon

Brooke O'Donnell

North West Ward

Lisa Cooper

Dylan O'Connor

North Ward

David Modolo

Kathy Ritchie

Members of Staff

Chief Executive Officer

Gary Ticehurst - Acting Chief Executive Officer

Executive Team

Sinead McGuire - Director Asset Services

Freya Ayliffe - A/Director Community Engagement

Lloyd Peters - A/Director Corporate Services

Chris Lodge - A/Director Development Services

Management Team

Alison Egan - Manager People Services

Administration Support

Darrell Forrest - Governance Advisor

Donna McPherson - Executive Assistant to the CEO

Members of the Public 1

Members of the Press Nil.

Apologies

Nathan Ritchie - A/Chief Executive Officer

Leave of Absence Previously Approved Nil.

3. Public Question Time

3.1. Nil.

4. Petitions/Deputations

4.1 Nil.

5. Announcements by the Member Presiding Without Discussion

5.1 Nil.

6. Matters for Which the Meeting may be Closed

6.1 Item 8.6.1. Chief Executive Officer Recruitment – **CONFIDENTIAL ATTACHMENT 1 and 2** – provided under separate cover.

Reason for Confidentiality: Local Government Act 1995 (WA) Section 5.23 (2) (b) - "the personal affairs of any person."

7. Disclosure of Interest

7.1. Disclosure of Financial and Proximity Interests

- a. Members must disclose the nature of their interest in matter to be discussed at the meeting. (Section 5.56 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

7.2. Disclosure of Interest Affecting Impartiality

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

8. Reports to Council

8.6. Chief Executive Officer Reports

8.6.1. Chief Executive Officer Recruitment

Declaration of financial / conflict of interests to be recorded prior to dealing with each item.

Previous
Items

Directorate Office of the CEO

Business Unit People Services

File Reference

Applicant

Owner

Confidential Attachment 1. City of Kalamunda Chief Executive Officer's
Employment Contract

Reason for Confidentiality: Local Government Act 1995 (WA)
Section 5.23 (2) (b) - "the personal affairs of any person."

Provided under separate cover.

2. Private and Confidential Due Diligence Report –
Candidate A

Reason for Confidentiality: Local Government Act 1995 (WA)
Section 5.23 (2) (b) - "the personal affairs of any person."

Provided under separate cover.

TYPE OF REPORT

Advocacy When Council is advocating on behalf of the community to
another level of government/body/agency

□ Executive When Council is undertaking its substantive role of direction
setting and oversight (eg accepting tenders, adopting plans
and budgets)

Information For Council to note

Legislative Includes adopting Local Laws, Town Planning Schemes and
Policies. When Council determines a matter that directly
impacts a person's rights and interests where the principles of
natural justice apply. Examples include town planning

applications, building licences, other permits or licences issued under other Legislation or matters that could be subject to appeal to the State Administrative Tribunal

STRATEGIC PLANNING ALIGNMENT

Kalamunda Advancing Strategic Community Plan to 2031

Priority 4: Kalamunda Leads

Objective 4.1 - To provide leadership through transparent governance.

Strategy 4.1.1 - Provide good governance.

Strategy 4.1.2 - Build an effective and efficient service-based organisation.

EXECUTIVE SUMMARY

1. The purpose of this report is for Council to consider the negotiated Contract of Employment for the candidate for the position of Chief Executive Officer.
2. It is a requirement of the Standards for Recruitment, Performance Appraisal and Termination of the Chief Executive Officer (CEO), that the Council approve the Contract of Employment for a CEO.
3. It is recommended Council approve the Contract of Employment for the purpose of formally appointing a new CEO.

BACKGROUND

4. Following the resignation of the former CEO on 26 September 2023, the process of appointing a new CEO is required. Council adopted the Process to recruit a CEO on at a Special Meeting of Council held on 31 October 2023.

DETAILS AND ANALYSIS

5. The Council commenced the recruitment process with the establishment of the CEO Selection Panel (Panel) and appointment of a HR Consultant to assist the panel.
6. The Panel and HR Consultant have collaborated on shortlisting and interviewing preferred candidates.

7. The preferred candidate was approved by Absolute Majority at the Ordinary Council Meeting on 26 March 2024.

APPLICABLE LAW

8. Section 5.36 (4) of the Local Government Act 1995 and Regulation 18 (c) of the Local Government (Administration) Regulations 1996 are relevant to the process in particular Regulation 18 (c) requires the Council to approve the appointment of a CEO.

APPLICABLE POLICY

9. Policy Governance 12 Recruitment Performance Review Termination of Chief Executive Officer

STAKEHOLDER ENGAGEMENT

10. Nil

FINANCIAL CONSIDERATIONS

11. Nil

SUSTAINABILITY

12. Nil

RISK MANAGEMENT

13.

Risk: CEO Recruitment Process fails to exercise due diligence in the recruitment process leading to the appointment of an unsuitable candidate.		
Consequence	Likelihood	Rating
Major	Possible	High
Action/Strategy		
Ensure that Council employs suitably qualified people to support the CEO Recruitment process.		

CONCLUSION

14. The CEO Recruitment process provides opportunity for the full Council to be involved in the final decision to appoint a CEO.
15. With assistance from the HR Consultant, the Selection Panel has identified.

and finalised the Preferred Candidate.

16. With assistance from the HR Consultant, the Mayor has negotiated the Contract of Employment.
17. Recommendation seeks council endorsement of the Contract of Employment to formally appoint a new CEO.

Voting Requirements: Absolute Majority

RESOLVED SCM 32/2024

That Council BY ABSOLUTELY MAJORITY DECISION:

1. NOTE the Contract of Employment for a new Chief Executive Officer of the City of Kalamunda as provided to Council (Confidential Attachment 1).
2. APPROVE the City of Kalamunda Chief Executive Officer's Employment Contract (Confidential Attachment 1) for signing.
3. APPOINT Candidate A (Confidential Attachment 2) to the position the Chief Executive Officer of the City of Kalamunda for a period of five years from the commencement date of the City of Kalamunda Chief Executive Officer's Employment Contract (Confidential Attachment 1).

Moved: **Cr Kathy Ritchie**

Seconded: **Cr Dylan O'Connor**

Vote: For: **Mayor Margaret Thomas, Cr John Giardina, Cr David Modolo, Cr Geoff Stallard, Cr Mary Cannon, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Cr Brooke O'Donnell**

CARRIED /ABSOLUTE MAJORITY (8/1)

9. Meeting Closed to the Public

9.1 RESOLVED SCM 31/2024

That the Meeting be closed to the public to consider confidential items.

Moved: **Cr David Modolo**

Seconded: **Cr Mary Cannon**

Vote: For: **Mayor Margaret Thomas, Cr John Giardina, Cr David Modolo, Cr Geoff Stallard, Cr Brooke O'Donnell, Cr Mary Cannon, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil.**

The Meeting closed to the public at 6:32pm.

All members of the public gallery left the Meeting and all elected members, the Manager People Services, the Governance Advisor remained and all other staff left the meeting. The live stream of the meeting was suspended

The Presiding Member invited the Acting CEO to remain in the meeting following objection by a member of the council the Acting CEO left the meeting.

9.2 RESOLVED SCM 33/2024

That the Meeting be reopened to the public after consideration of confidential items.

Moved: **Cr Brooke O'Donnell**

Seconded: **Cr Mary Cannon**

Vote: For: **Mayor Margaret Thomas, Cr John Giardina, Cr David Modolo, Cr Geoff Stallard, Cr Brooke O'Donnell, Cr Mary Cannon, Cr Lisa Cooper, Cr Dylan O'Connor and Cr Kathy Ritchie**

Against: **Nil.**

The Meeting reopened to the public at 7:10pm. All members of the public gallery and staff returned to the Meeting. The live stream of the meeting

recommenced and the Presiding Member read the resolutions to the Meeting.

10. Closure

There being no further business, the Presiding Member declared the Meeting closed at 7:12pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
Presiding Member

Dated this _____ day of _____ 2024.