



Special Council Meeting

AGENDA

Tuesday 9 April 2024

NOTICE OF MEETING
SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Tuesday 9 April 2024 at 6.30pm.**



Gary Ticehurst
A/Chief Executive Officer
8 April 2024

Acknowledgement of Traditional Owners

We wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk Noongar people. We wish to acknowledge their Elders' past, present and future and respect their continuing culture and the contribution they make to the life of this City and this Region.

Emergency Procedures

Please view the position of Exits, Fire Extinguishers and Outdoor Assembly Area as displaced on the wall of the Council Chambers.

In case of an emergency follow the instructions given by City Staff.

Please remain at the assembly point until advised it is safe to leave.

Our Vision



Connected Communities, Valuing Nature and Creating our Future Together

Core Values

Service: We demonstrate a 'can do' attitude, we listen, we understand, and we go above and beyond when we serve others.

Professionalism: We look, speak, act & do what it takes to show others we are reliable, respectful and competent.

Quality: We think clearly, plan mindfully, act decisively, measure carefully and review regularly everything we do.

Aspirational Values

Courage: We make brave decisions and take calculated risks to lead us to a bold and bright future. We show courage in our pursuit for the protection of the environment, for the well being of our people and to support the economy.

Diversity: We challenge ourselves by keeping our minds open and looking for all possibilities and opportunities.

Innovation: We believe in a workplace where you're safe to try new things—where we can push the boundaries of the norm and learn from things that don't always go according to plan. We strive for a just and blameless culture that respects people as individuals and paves the way to genuine learning and improvement.

Our simple guiding principle will be to ensure everything we do will make the City of Kalamunda socially, environmentally and economically sustainable.

kalamunda.wa.gov.au



Webcasting Notice

Please note that tonight's meeting, other than the confidential sessions, are being recorded and will be placed on Council's website.

All in attendance and those addressing Council should refrain from making offensive/defamatory statements as there may be legal implications.

Council takes all care when maintaining privacy, however members of the public gallery and those addressing Council should be aware that you may be recorded.

INFORMATION FOR PUBLIC ATTENDANCE

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

Special Council Meetings – Procedures

1. Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.
3. Members of the public are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the City or Council.

Deputations and Public Question Time

These sessions in the Council Meeting provides an opportunity for people to ask any question of the Council or speak publicly on any matter.

Public Question Time

Public Question Time session will be conducted in accordance with the provisions of the Local Government Act and the City's Standing Orders.

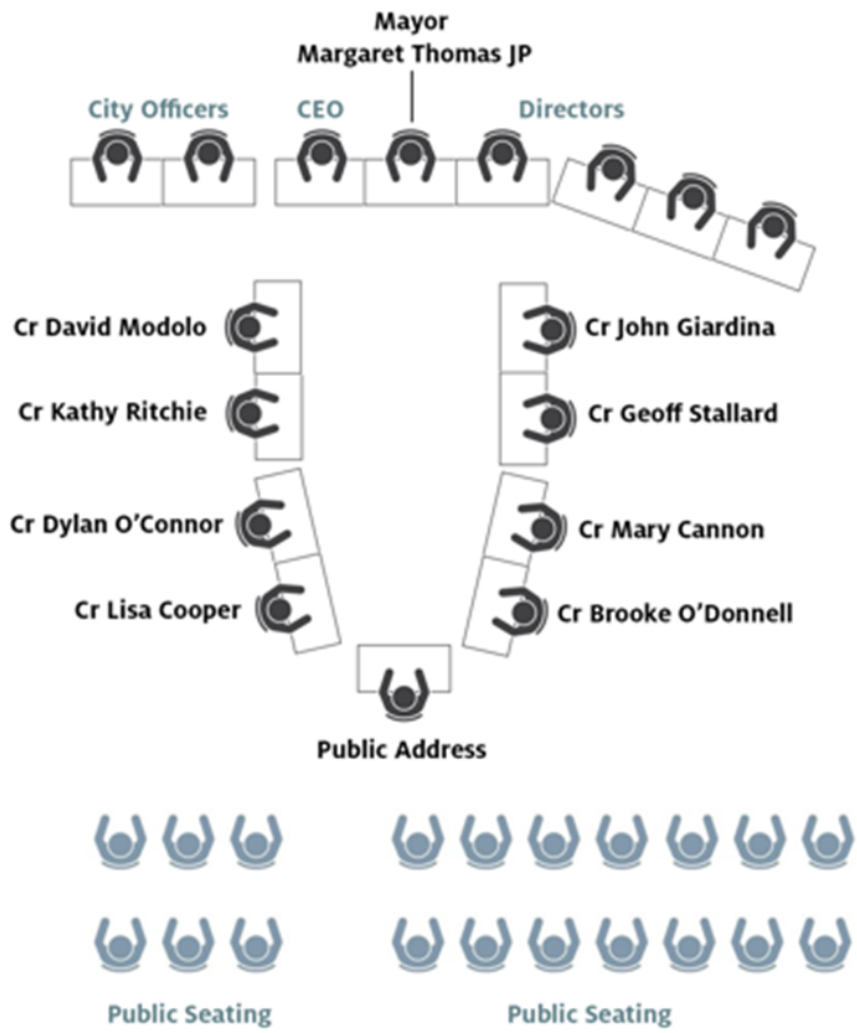
Where a member of the public raises a question during Public Question Time, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

Deputations

All speakers are limited to ten minutes, with a one-minute warning given to speakers prior to the ten-minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore, they are subject to the risk of defamation action if they make comments about individuals.

Council Chambers Seating Plan



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1. **Official Opening**
2. **Attendance, Apologies and Leave of Absence Previously Approved**
3. **Public Question Time**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers will be summarised.

4. **Petitions/Deputations**
5. **Announcements by the Member Presiding Without Discussion**
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*.)
 - 7.2. **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.

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.						
	<table border="1"><thead><tr><th>Consequence</th><th>Likelihood</th><th>Rating</th></tr></thead><tbody><tr><td>Major</td><td>Possible</td><td>High</td></tr></tbody></table>	Consequence	Likelihood	Rating	Major	Possible	High
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

RECOMMENDATION

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).

9. Meeting Closed to the Public

10. Closure