



AGENDA

SPECIAL MEETING OF COUNCIL

4 DECEMBER 2023



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SHIRE OF WAGIN

NOTICE OF MEETING

Dear President and Councillors,

The next Special Meeting of Council will be held

ON: Monday 4 December 2023
WHERE: Council Chambers, Shire Office
AT: 7:00pm
PURPOSE: Recruitment of Chief Executive Officer and endorsement of contract.

Mark Hook
ACTING CHIEF EXECUTIVE OFFICER

Note: That, under section 5.65 of the Local Government Act 1995, care should be exercised by all councillors to ensure that a 'financial interest' is declared and that they refrain from voting on any matters which are considered that may come within the ambit of the Act.



DISCLAIMER

No responsibility is implied or accepted by the Shire of Wagin for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Wagin disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Wagin during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Wagin

The Shire of Wagin advises that anyone who has any application lodged with the Shire of Wagin shall obtain and should only rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Wagin in respect of the application.

Mark Hook
ACTING CHIEF EXECUTIVE OFFICER



Community Strategic Vision

Wagin is a community where individuals, families and businesses can invest and prosper, preserving the safe, affordable and inclusive country lifestyle and ensuring that Wagin is a place people like to live in and visit.

Council's Mission and Philosophy

The Shire of Wagin is a focussed Local Government providing progressive and innovative leadership that builds a sustainable future while supporting a vibrant, healthy and caring community.

Council's Guiding Values

- Governance and Leadership
- Honesty and Integrity
- Innovation and Creativity
- Community Focused
- Environmentally Aware

Shire of Wagin Strategic Community Plan 2020 - 2030



SHIRE OF WAGIN

Agenda for the Special Meeting of Council to be held in the Council Chambers,
Wagin on Monday 4 December 2023 commencing at 7pm.

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1. OFFICIAL OPENING

The Presiding Member, Cr Phillip Blight opened the meeting at _____pm.

2. DECLARATION OF PURPOSE OF MEETING

The purpose of this meeting is for the recruitment of the Chief Executive Officer and endorsement of the contract.

3. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3.1 ATTENDANCE

Cr Phillip Blight	Shire President
Cr Bryan Kilpatrick	Deputy Shire President
Cr Greg Ball	Elected Member
Cr Sherryl Chilcott	Elected Member
Cr Wade Longmuir	Elected Member
Cr Ann O'Brien	Elected Member
Mark Hook	Acting Chief Executive Officer
John Fathers	Executive Manager Community and Corporate Services

3.2 APOLOGIES

Cr Geoff West	Elected Member
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3.3 APPROVED LEAVE OF ABSENCE

3.4 VISITORS

4. PUBLIC QUESTION TIME

Council conducts open Council Meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the purpose of their address as precisely as possible. A minimum of 15 minutes is allocated for public forum. The length of time an individual can speak will be determined at the President's discretion.

5. PETITIONS/DEPUTATIONS/PRESENTATIONS

6. DISCLOSURE OF FINANCIAL AND OTHER INTERESTS

6.1 DISCLOSURE OF FINANCIAL INTEREST – Local Government Act
Section 5.60a

6.2 DISCLOSURE OF PROXIMITY INTEREST – Local Government Act
Section 5.6

6.3 DISCLOSURE OF IMPARTIALITY INTEREST – Local Government
(Administration) Regulation 19AA (Code of Conduct Section 22)

7. REPORTS TO COUNCIL

7.1 ACTING CHIEF EXECUTIVE OFFICER

7.1.1 RECRUITMENT OF CHIEF EXECUTIVE OFFICER – CONTRACT

PROPONENT:	Not Applicable
OWNER:	Not Applicable
LOCATION/ADDRESS:	Not Applicable
AUTHOR OF REPORT:	John Fathers, Executive Manager Community and Corporate Services
SENIOR OFFICER:	Mark Hook, Acting Chief Executive Officer
DATE OF REPORT:	1 December 2023
PREVIOUS REPORT(S):	21 November 2023
DISCLOSURE OF INTEREST:	Nil
FILE REFERENCE:	PE.RE.143
ATTACHMENTS:	1. Contract of Employment Under separate CONFIDENTIAL cover

OFFICER RECOMMENDATION

Moved Cr

Seconded Cr

That Council:

- 1. Appoints the candidate named in Confidential Attachment 1 to the position of Chief Executive Officer (CEO) for the Shire of Wagin from 29 January 2024, being the candidate that the Council determines as being the person most suitably qualified and experienced for the position;**

2. Approves the finalised terms of the CEO employment contract detailed in Confidential Attachment 1, being for a period of five years inclusive of a Total Reward Package valued at \$212,250 calculated in accordance with the April 2023 Salaries and Allowances Tribunal Local Government Determination Band 4 range;
3. Authorises the Shire President and the Acting CEO to execute the CEO employment contract and apply the Common Seal in accordance with section 9.49A(1)(a) of the Local Government Act 1995;
4. Certifies that:
 - a) The process of recruitment and appointment of Candidate 7 as CEO; and
 - b) The forming of an employment contract between the appointed CEO and the Shire of Wagin;comply with Council Policy A.27 Standard for CEO recruitment, performance and termination and meet the requirements of Section 5.39 and 5.39B (7) of the Local Government Act 1995, regulation 18FB of the Local Government (Administration) Regulations 1996 and the Shire of Wagin CEO Standards for Recruitment, Performance and Termination; and
5. Forwards a copy of resolution at Clause 4 above to the Department of Local Government, Sport and Cultural Industries within 14 days.

Carried 0/0

BRIEF SUMMARY

To approve the contract of employment and offer of employment to preferred candidate for the position of Chief Executive Officer.

BACKGROUND/COMMENT

At the Council meeting held on 28 November 2023, it was resolved that Council:

1. *Approve the CEO employment contract as detailed in confidential attachment and is satisfied with the proposed terms of that contract in accordance with Section 5.36(2)(b) of the Local Government Act 1995.*
2. *Authorise the President and Deputy President to negotiate the contract on behalf of the Shire of Wagin.*

Further to the CEO recruitment interviews and Council adopting the recommendation of the preferred candidate, the Shire President and Deputy President have finalised negotiations. A final contract for the appointment of the selected candidate is presented for approval.

CONSULTATION/COMMUNICATION

- Recruitment consultant
- Shire President and Deputy President
- Candidate 7 of the recruitment process.

STATUTORY/LEGAL IMPLICATIONS

LOCAL GOVERNMENT ACT 1995

Division 4 — Local government employees

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.

Section 5.39B – Adoption of Model Standards

This section (Clause 7) of the Act and regulation 18FB of the Local Government (Administration) Regulations 1996; require Council to certify by Absolute Majority that the adopted Model Standards for CEO Recruitment, Performance and Termination have been complied with in the recruitment of the CEO.

SHIRE OF WAGIN ADOPTED STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

11. Offer of employment in position of CEO

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- a) the making of the offer of employment to the applicant; and
- b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

POLICY IMPLICATIONS

- **Administration Policy # A1 – Employees**

OBJECTIVE

All employees of the Shire of Wagin are required to familiarise themselves with the conditions relating to their employment and entitlements to ensure fair and equitable working conditions.

To provide employees and management with a clear understanding of their responsibilities in the employment of new employees and their entitlements.



STAFF APPOINTMENTS

- *Appointment of Chief Executive Officer*

The Chief Executive Officer is to be appointed by Council, in accordance with the Standards for CEO Recruitment, Performance and Termination

FINANCIAL IMPLICATIONS

The costs associated with employing a Chief Executive Officer are contained within existing budget provisions.

STRATEGIC IMPLICATIONS

The CEO is an important appointment with implications for Council's strategic development and operational delivery. As such the process must meet the required standards set by Council, legislation and public expectations.

VOTING REQUIREMENTS

Absolute Majority



8. CLOSURE