



SPECIAL MEETING MINUTES

16 June 2021

NOTICE OF MEETING

A Special Meeting of the Shire of Cue

To be held on 16 June 2021

in the Council Chambers commencing at 6.30 PM

The purpose of the Meeting is to consider the following items:

- **Ratification of the recommendation of the CEO Selection panel in relation to the employment of a Chief Executive Officer**
- **Consider the appointment of an Acting CEO from 1 July 2021.**
- **(Both matters will be behind closed doors)**

Rob Madson

Chief Executive Officer

1. Particulars of declaration given to meeting _____
2. Particulars recorded in the minutes: _____
3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23**Meetings generally open to the public**

5.23.(1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
 - (b) All meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --
- (a) A matter affecting an employee or employees;
 - (b) The personal affairs of any person;
 - (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) A matter that if disclosed, would reveal;
 - (i) A trade secret;
 - (ii) Information that has a commercial value to a person; or
 - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) A matter that if disclosed, could be reasonably expected to;
 - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) Endanger the security of the local government's property; or
 - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and
 - (h) Such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

SHIRE OF CUE

REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS

Local Government (Administration) Regulations 1996 **(Regulation No.10)**

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.

To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on _____ of a motion for revocation of Council resolution number _____ as passed by the Council at its meeting held on _____

Councillor's Names

Councillor's Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**SHIRE OF CUE
Special Council Meeting
AGENDA**

To be held in the Council Chambers, 73 Austin Street Cue on
Wednesday 16 June 2021 commencing at 6:30pm

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1. DECLARATION OF OPENING 6.30PM

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Ron Hogben

Councillor Leonie Fitzpatrick

Councillor Fred Spindler

Councillor Liz Houghton

STAFF:

Mr Rob Madson, Chief Executive Officer

Mr Richard Towell, Deputy Chief Executive Officer

Mr Mike Fitzgerald, Consultant

GALLERY:

2. APOLOGIES AND APPROVED LEAVE OF ABSENCE

NIL

3. DISCLOSURE OF MEMBERS' INTERESTS

NIL

4. PUBLIC QUESTION TIME

NIL

5. CONFIRMATION OF MINUTES

NIL

6. APPLICATIONS FOR LEAVE OF ABSENCE

NIL

7. DEPUTATIONS

NIL

8. PETITIONS

NIL

9. ANNOUNCEMENTS WITHOUT DISCUSSION

The Shire President reminded Councillors that information from meetings held behind closed doors should remain confidential.

10. REPORTS

NIL

11. MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NIL

12. MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

NIL

13. NEW BUSINESS OF AN URGENT NATURE

NIL

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision: 12062021**Voting requirement: Simple Majority****MOVED: Cr Fitzpatrick****SECONDED: Cr Houghton**

That the meeting be closed to members of the public to discuss confidential matters.

CARRIED: 7/0

DCEO Richard Towell left the meeting at 6.36pm.

14.1 CEO SELECTION PANEL RECOMMENDATION

APPLICANT:	CEO Selection Panel
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Rob Madson – Chief Executive Officer
DATE:	16 June 2021

Matters for Consideration:

Ratification of the recommendation of the CEO Selection panel in relation to the employment of a Chief Executive Officer and appointment of an Acting CEO from 1 July 2021.

Background:

The CEO Selection panel met on 15 June 2021 and interviewed applicants shortlisted for the role of Chief Executive Officer. The Panel's recommendation of preferred applicant was considered by Council at the ordinary Council meeting later that day. The motion to accept the recommendation was carried 4 votes to 3, after the President exercised his right to a second vote when the vote was tied.

Comments:

Although the motion was carried, an absolute majority was not achieved as required.

A summary of the Selection Panel assessment prepared by Fitz Gerald Strategies and the minutes of the CEO Selection Panel meeting are attached.

Should the CEO Selection Panel recommendation be adopted, the resulting negotiated contract of employment will also need to be approved by Council by an absolute majority. As this process has the potential to take longer than anticipated, I feel it would be prudent to appoint Deputy CEO, Richard Towell, to the position of Acting CEO until the permanent appointment process is concluded.

Statutory Environment:

Shire of Cue Standards for CEO Recruitment, Performance and Termination

9. *RECOMMENDATION BY SELECTION PANEL*

- (1) *Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.*
- (2) *Following the assessment referred to in subclause (1), the selection panel must provide to the local government —*
 - (a) *a summary of the selection panel's assessment of each applicant; and*

(b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

(a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2) (b) unless the selection panel has —

(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

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:

Nil

Financial Implications:

A contract of employment will be negotiated with the successful applicant within the scope of the package advertised for the position.

Strategic Implications:

Nil.

Consultation:

Mike FitzGerald – Fitz Gerald Strategies

Officer's Recommendation:

Voting Requirement: Absolute Majority

That Council, by absolute majority:

1. Accept the CEO Selection Panel recommendation that the preferred applicant to be appointed to the position of CEO is Mr Richard Towell.
2. Acknowledge that Mr Richard Towell is considered to be a suitably qualified person to be appointed to the position of CEO.
3. Authorise Cr Pigdon, Cr Price and Mr Mike FitzGerald of Fitz Gerald Strategies to conclude a negotiated contract of employment within the scope of the advertised remuneration package.
4. Appoint Mr Richard Towell to the position of Acting CEO from 1 July 2021 should the permanent CEO appointment not be concluded by that date.

Council Decision: 13062021

Voting requirement: Absolute Majority

MOVED: Cr Hogben

SECONDED: Cr Dennis

That Council, by absolute majority:

1. Accept the CEO Selection Panel recommendation that the preferred applicant to be appointed to the position of CEO is Mr Richard Towell.
2. Acknowledge that Mr Richard Towell is considered to be a suitably qualified person to be appointed to the position of CEO.
3. Authorise Cr Pigdon, Cr Price and Mr Mike FitzGerald of Fitz Gerald Strategies to conclude a negotiated contract of employment within the scope of the advertised remuneration package.
4. Appoint Mr Richard Towell to the position of Acting CEO from 1 July 2021 should the permanent CEO appointment not be concluded by that date.

CARRIED: 4/3

AGAINST: Cr Houghton, Cr Spindler, Cr Fitzpatrick

Council Decision: 14062021 **Voting requirement: Simple Majority**

MOVED: Cr Fitzpatrick **SECONDED: Cr Price**

That the meeting be re-opened to members of the public.

CARRIED: 7/0

15. CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 7.06pm

To be confirmed at Ordinary Meeting on the 20 July 2021

Signed:.....

Presiding Member at the Meeting at which time the Minutes were confirmed