



Shire of  
Serpentine  
Jarrahdale

# **Special Council Meeting Minutes**

**Monday, 8 August 2016  
6.00pm**

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**NOTE:** a) Declaration of Councillors and Officers Interest is made at the time the item is discussed.

Minutes of the Special Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Monday 8 August 2016. The Shire President declared the meeting open at 6.02pm and welcomed Councillors, staff and members of the gallery.

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## 1. Attendances and apologies (including leave of absence):

### In Attendance:

**Councillors:** J Erren .....Presiding Member  
S Piipponen  
D Atwell  
K Ellis (from 6.07pm)  
D Gossage  
S Hawkins  
J See  
M Rich  
B Urban

**Officers:** Mr G Clark .....Acting Chief Executive Officer  
Mr A Hart .....Director Corporate and Community  
Mr A Schonfeldt ..... Director Planning  
Mr D Forster .....Acting Director Engineering  
Ms K Cornish ..... Governance Advisor  
Ms K Peddie .....Executive Assistant to the CEO (Minute Taker)

**Leave of Absence:** Nil

**Apologies:** Nil

**Observers:** Nil

Members of the Public – 2  
Members of the Press – Nil

## 2. Public Question Time:

Nil

## 3. Public Statement Time:

Nil

## 4. Petitions and Deputations:

Nil

## 5. Declaration of Councillors and Officers Interest:

Nil

## 6. Receipts of Minutes or Reports and Consideration for Recommendations:

<b>SCM014/08/16</b>	<b>Adoption of Terms of Reference for CEO Employment Committee(SJ407)</b>
Author:	Karen Cornish – Governance Advisor
Senior Officer/s:	Gary Clark – Acting Chief Executive Officer
Date of Report:	1 July 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act

### Introduction

Council is to consider amending the name of a committee of Council, currently known as ‘Staff Management Working Group’ to ‘CEO Employment Committee’. Council is also to consider adopting a Terms of Reference for the newly named CEO Employment Committee.

### Background:

The Staff Management Working Group is a committee of Council, Councillors are appointed to this committee under section 5.10 of the Local Government Act. Appointment to the committee is determined at a Special Council Meeting following ordinary local government elections for a term that expires on the date of the subsequent ordinary local government elections.

The CEO is the only employee of the Shire that is recruited, appointed and managed by the Council. It is therefore appropriate that the name of the committee that is established to assist with the recruitment, and assessing of the CEO’s performance be suitably named the ‘CEO Employment Committee’. Therefore this report recommends the current ‘*Staff Management Working Group*’ be re-named to ‘*CEO Employment Committee*’.

To provide clear guidance to the ‘*CEO Employment Committee*’ on its role and function, a Terms of Reference should be established. The terms of reference sets out such matters as:

- role of the committee;
- committee structure;
- terms of appointment;
- meetings of the committee;
- powers of the committee; and
- voting

It is important to note that this Committee does not hold any delegated authority. No decisions are able to be made by this committee, unless delegated to do so by a Council resolution. The committee make recommendations to Council who are the determining authority for all decisions relating to the CEO Employment Committee.

### Relevant Previous Decisions of Council:

**SCM004/10/15** – Four (4) Elected Members were appointed to the Staff Management Working Group for the term – 19 October 2015 to 21 October 2017.

**SCM012/08/16** – Previous item to Council was deferred from the Special Council Meeting 1 August 2016.

**Community / Stakeholder Consultation:**

No community or stakeholder consultation is required on this matter.

**Comment:**

It is important that Council provide a terms of reference to a committee of Council to clarify the role and operation of the committee. The Terms of Reference detail how the task or role in question will be defined, developed and verified and ensures a common understanding of the scope amongst members of the Committee.

The recommended change of name of this committee intends to more accurately reflect the role and purpose of the Committee. And as previously highlighted in this report, the CEO Employment Committee holds no delegated authority and therefore is unable to make decisions. The Committee's role is to make recommendations to Council based upon its Terms of Reference.

There may be an expectation that the membership of the committee be reviewed. The membership of all committees are determined by Council after each election. The purpose of this report is for Council to decide on the name and the terms of reference so no recommendation has been made as to the membership of the committee.

**Attachments:**

- [SCM014.1/07/16](#) – CEO Employment Committee - Terms of Reference (E16/5168)

**Alignment with our Strategic Community Plan:**

Objective 1.3	Capable Councillors
Key Action 1.3.2	Ensure Elected Members have a comprehensive understanding of Council's roles and responsibilities
Key Action 1.3.4	Provide effective management of the Chief Executive Officer's performance

**Statutory Environment:**

Part 5, Division 2 of the Local Government Act 1995.

**Financial Implications:**

There are no direct financial implications regarding this matter.

**Voting Requirements: Absolute Majority**

**Officer Recommendation:****That Council:**

1. **Amends the name of the Committee of Council, currently titled as 'Staff Management Working Group' to 'CEO Employment Committee and reaffirms that this is a Committee of Council as designated under section 5.8 of the Local Government Act.**
2. **Adopts the Terms of Reference for the CEO Employment Committee as contained in attachment SCM014.1/08/16.**

**Voting Requirements: Absolute Majority****SCM014/08/16 COUNCIL DECISION / Amended Motion:****Moved Cr Rich, seconded Cr Gossage****That Council:**

- 1. Adopts the Terms of Reference for the CEO Employment Committee as contained in attachment SCM014.1/08/16, with the following modifications:**
  - a) Amend Heading 5. Committee Structure to:**
    - 5.1 The Committee shall consist of (5) five elected members;**
    - 5.2 An independent facilitator of the Committee, who is not a member of the Committee, shall be appointed to the Committee by Council to assist with the performance review process: and**
    - 5.3 A quorum will be four (4) members**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

**Reasons for Change to Officers Recommendation: The officers recommendation was amended as the mover of the motion believed five elected members instead of four is a more balanced number to have for this committee.**

**Councillor Ellis entered the Chambers at 6.07pm**

**7. Motions of Which Notice has been Given:**

<b>SCM015/08/16</b>	<b>Disband Staff Management Working Group and establish new Committee of Council titled CEO Employment Committee</b>
Author:	Councillor Michelle Rich
Date of Report:	3 August 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act.

**Background**

Following the last local government elections which were held on the 17 October 2015, the swearing in ceremony for newly elected Councillors was held as part of a Special Council Meeting on 19 October 2015. Councillors were also asked to nominate for various committees, working groups and community groups as part of this Special Council Meeting.

One of those committees was the Staff Management Working Group. There were no terms of reference available for the Staff Management Working Group and some Councillors were under the impression that the core purpose of this committee was to assist in the annual performance review of the Chief Executive Officer (CEO).

As the Shire is about to commence a recruitment process for a new CEO, a Terms of Reference has been drafted for the committee. The proposed Terms of Reference outlines that the members of this committee will be involved in many aspects of the recruitment process for the CEO as well as the annual assessment of the CEO's performance.

As the role and purpose of this committee has changed quite significantly and is also now guided by a proposed Terms of Reference I think it is only fair that all Councillors should now be given the opportunity to nominate for this committee. For this reason I propose to move a motion to disband the existing Staff Management Working Group Committee and establish a new committee titled CEO Employment Committee, comprising five (5) elected members.

**Voting Requirements: Absolute Majority**

**SCM015/08/16 COUNCIL DECISION / Councillor Recommendation:**

**Moved Cr Rich, seconded Cr Gossage**

**That Council**

- 1. Disband the Staff Management Working Group Committee, in accordance with section 5.11 (1)(c) of the *Local Government Act*.**
- 2. Establish a new Committee of Council titled CEO Employment Committee in accordance with section 5.8 of the *Local Government Act*.**
- 3. Adopts the Terms of Reference for the CEO Employment Committee as contained in attachment SCM014.1/08/16, with the following modifications:**
  - a) Amend Heading 5. Committee Structure to:**
    - 5.1 The Committee shall consist of (5) five elected members;**

- 5.2 An independent facilitator of the Committee, who is not a member of the Committee, shall be appointed to the Committee by Council to assist with the performance review process; and**
- 5.3 A quorum will be four (4) members**
- 4. Appoints Cr Erren, Cr Piipponen, Cr Gossage, Cr Urban, Cr Rich as committee members to the CEO Employment Committee.**

**CARRIED BY ABSOLUTE MAJORITY 5/4  
Councillors Erren, Ellis, Hawkins and  
See requested their vote against the  
motion be recorded**

**8. Urgent Business:**

Nil

**9. Closure:**

There being no further business the Presiding Member declared the meeting closed at 6.19pm.

I certify that these minutes were confirmed at the  
Ordinary Council Meeting held on 22 August 2016

.....  
Presiding Member

.....  
Date