



Shire of  
Serpentine  
Jarrahdale

# Special Council Meeting

## Confirmed Minutes

6.30pm

Monday 27 May 2019

**Purpose:** To consider changes to the membership of the CEO Employment Committee

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#### In Person

Shire of Serpentine Jarrahdale  
6 Paterson Street, Mundijong WA 6123  
Open Monday to Friday 8.30am-5pm (closed public holidays)



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The purpose of this Special Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(1)(e)) and *Council's Standing Orders Local Law 2002 (as amended)* – Part 14, Implementing Decisions. No person should rely on the resolutions made by Council until formal advice of the Council resolution is received by that person.

The Shire of Serpentine Jarrahdale expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.



Minutes of the Special Council Meeting of the Shire of Serpentine Jarrahdale held on Monday 27 May 2019 in the Council Chambers, Civic Centre, 6 Paterson Street, Mundijong.

The Shire President, Cr Rich declared the meeting open at 6.30pm and welcomed Councillors and Staff, and members of the gallery, and acknowledged that the meeting was being held on the traditional land of the Noongar People and paid her respects to their Elders past and present.

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## Minutes

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

#### In Attendance:

**Councillors:** M Rich .....Presiding Member  
D Atwell  
M Byas  
R Coales  
B Denholm  
K McConkey  
J See

**Officers:** Mr K Donohoe ..... Chief Executive Officer  
Ms H Sarcich ..... Deputy CEO / Director Community Services  
Ms A Liersch ..... Agendas and Minutes Officer (Minute Taker)

**Apologies:** Councillor D Gossage;

#### Observers:

Members of the Public – 2

### 2. Public question time:

#### 2.1 Response to previous public questions taken on notice

Nil.

#### 2.2 Public questions

(In accordance with Section 7(4)(b) of the *Local Government (Administration) Regulations 1996*)

Nil.



**3. Public statement time:**

Nil.

**4. Petitions and deputations:**

Nil.

**5. Declaration of Councillors and Officers interest:**

Nil.

**6. Receipt of minutes or reports and consideration of adoption of recommendations from Committee meetings held since the previous Council meetings:**



<b>6.1 – To consider changes to the membership of the CEO Employment Committee (SJ3010)</b>	
<b>Author:</b>	Deputy CEO / Director Community Services
<b>Senior Officer/s:</b>	Chief Executive Officer
<b>Date of Report:</b>	27 May 2019
<b>Disclosure of Officers Interest:</b>	No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .

### Authority / Discretion

Executive	The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations and setting and amending budgets.
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### Introduction

This report is to request Council consider changes to the membership of the CEO Employment Committee.

### Relevant Previous Decisions of Council

OCM155/11/17 - Appointment of Council Standing Committees, Members and Deputies – Council resolved to appoint Councillors Atwell, Byas, Piipponen, Rich and See to the CEO Employment Committee for the period ending on the ordinary next Local Government Day in October 2019.

OCM102/09/18 - CEO Employment Committee – Terms of Reference – Council appointed Councillor McConkey as a Deputy Member to the CEO Employment Committee.

### Background

The Chief Executive Officer has received a request from members of the CEO Employment Committee for Council to consider changes to the membership of the Committee.

Committee members have requested that Council consider removing Councillor Sam Piipponen from the Committee and agree to replace Councillor Piipponen with Councillor Keira McConkey who is currently the Deputy member.

### Community / Stakeholder Consultation

Nil.



## Statutory Environment

The Committee was established pursuant to Section 5.8 of the *Local Government Act 1995* on the 8 August 2016 – SCM014/08/16.

Section 5.11 - *Local Government Act 1995*,

5.11. *Committee membership, tenure of*

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
  - (b) *the person resigns from membership of the committee; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*

*whichever happens first.*

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —*
  - (a) *the term of the person's appointment as a committee member expires; or*
  - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
  - (c) *the committee is disbanded; or*
  - (d) *the next ordinary elections day,*

*whichever happens first.*

## Comment

Due to personal and work commitments, Councillor Piipponen has been unable to attend meetings of the CEO Employment Committee consistently.

As per Council's resolution OCM065/04/19, the CEO Employment Committee is currently undertaking the recruitment process for the Chief Executive Officer role, in order to provide a recommendation to Council with a preferred applicant for the role.

To date Councillor Piipponen has been unable to attend any meetings associated with this process and Councillor McConkey as the Deputy member has attended.

In order to ensure consistency through the recruitment process to achieve the best outcomes in the selection of the Chief Executive Officer, the Committee Presiding Member, Councillor Atwell has requested the Chief Executive Officer to prepare an item for Council's consideration.

It is recommended that Councillor Piipponen be removed from the Committee and Councillor McConkey be appointed to the Committee in accordance with Section 5.11(2)(b) of the *Local Government Act 1995*.



Should Council confirm the above action, then Councillor McConkey who currently is Council's appointed Deputy Member would become the substantive member. This would leave the Deputy Member position vacant and Council may wish to choose another member.

### Options and Implications

#### Option One

That Council resolve to remove Councillor Piipponen from the CEO Employment Committee and appoint Councillor McConkey to the CEO Employment Committee.

#### Option Two

Council may choose to retain the current membership of the CEO Employment Committee as per Council Resolution OCM155/11/17.

Option one is recommended.

### Conclusion

The removal of Councillor Piipponen and appointment of Councillor McConkey to the CEO Employment Committee will ensure consistency of member attendance throughout the CEO recruitment process.

### Attachments

- [Attachment 1](#) – CEO Employment Committee Terms of Reference (E17/5085)

### Alignment with our Strategic Community Plan

<b>Outcome 4.2</b>	A strategically focused Council
<b>Strategy 4.2.2</b>	Ensure appropriate long term strategic and operational planning is undertaken and considered when making decisions.

### Financial Implications

Nil.



## Risk Implications

Risk has been assessed on the basis of the Officer's Recommendation.

Risk	Risk Likelihood (based on history and with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
Inconsistency in the CEO recruitment process as a result of inconsistency of attendance at meetings	Possible (3)	Moderate (3)	Moderate (5-9)	Reputation - 3 Moderate - Substantiated, public embarrassment, moderate impact on key stakeholder trust or moderate media profile	Accept Officer Recommendation

## Risk Matrix

Consequence / Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk rating of 9 has been determined for this item.





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**Voting Requirements: Absolute Majority**

Officer Recommendation

Moved Cr Atwell, seconded Cr Byas

That Council

1. RESOLVES to remove Councillor Piipponen from the CEO Employment Committee and appoints Councillor McConkey to the CEO Employment Committee.
2. APPOINTS \_\_\_\_\_ as Deputy Member to the CEO Employment Committee.

**Councillor Atwell and Councillor Byas WITHDREW MOTION**

Moved Cr Coales, seconded

That Councillor Piipponen be invited to join the meeting via telephone.

**There being no seconder, the MOTION LAPSED**

**SCM101/05/19**

**COUNCIL RESOLUTION**

Moved Cr See, seconded Cr McConkey

That Standing Orders 9.5, 9.6, 10.7 and 10.13 be suspended at 6.41pm in order to further discuss item 6.1.

**CARRIED 6/1**

**SCM102/05/19**

**COUNCIL RESOLUTION**

Moved Cr Byas, seconded Cr McConkey

That Standing Orders be reinstated at 7.04pm.

**CARRIED UNANIMOUSLY 7/0**



**SCM103/05/19**

**COUNCIL RESOLUTION**

**Moved Cr Atwell, seconded Cr Byas**

**That Council**

- 1. RESOLVES to remove Councillor Piipponen from the CEO Employment Committee and appoints Councillor McConkey to the CEO Employment Committee.**
- 2. APPOINTS Councillor Denholm as Deputy Member to the CEO Employment Committee.**

**CARRIED BY ABSOLUTE MAJORITY 5/2**

Councillor Coales, in accordance with Section 5.21(4)(b), *Local Government Act 1995* requested the votes be recorded.

Councillors Rich, Atwell, Byas, Denholm and McConkey voted FOR the motion.  
Councillors Coales and See voted AGAINST the motion

**7. Motions of which notice has been given:**

Nil.

**8. Urgent business:**

Nil.

**9. Closure:**

There being no further business, the Presiding Member declared the meeting closed at 7.07pm.

I certify that these minutes were confirmed at the Ordinary Council Meeting held on the 17 June 2019.

.....

Presiding Member

.....

Date