

MINUTES

OF THE

SPECIAL MEETING OF THE COUNCIL

HELD ON

TUESDAY 7 NOVEMBER 2017

AT 6.30PM IN THE COUNCIL CHAMBERS

MELVILLE CIVIC CENTRE

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DISTRIBUTED 10 NOVEMBER 2017

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MINUTES OF THE SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBERS, MELVILLE CIVIC CENTRE, 10 ALMONDBURY ROAD, BOORAGOON, COMMENCING AT 6.30PM ON TUESDAY 7 NOVEMBER 2017.

1. OFFICIAL OPENING

The Presiding Member welcomed those in attendance to the meeting and declared the meeting open at 6:34pm. Mr J Clark, Governance and Compliance Advisor, read aloud the Disclaimer that is on the front page of these Minutes and then His Worship the Mayor, R Aubrey, read aloud the following Affirmation of Civic Duty and Responsibility.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Elected Members and Officers of the City of Melville. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the City's Code of Conduct and Meeting Procedures Local Law to ensure the efficient, effective and orderly decision making within this forum.

2. PRESENT

His Worship the Mayor R Aubrey

COUNCILLORS

Cr N Pazolli, Cr S Kepert
Cr T Barling, Cr N Robins
Cr B Wieland, Cr J Barton
Cr M Woodall, Cr C Robartson
Cr D Macphail, Cr K Mair
Cr P Phelan, Cr K Wheatland

WARD

Applecross – Mount Pleasant
Bateman – Kardinya - Murdoch
Bicton – Attadale – Alfred Cove
Bull Creek - Leeming
Central
Palmyra – Melville - Willagee

3. IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr M Tieleman	Director Corporate Services
Ms Christine Young	Director Community Development
Mr S Cope	Director Urban Planning
Ms K Brosztl	A/Director Technical Services
Mr L Hitchcock	Executive Manager Governance and Legal Services
Mr B Taylor	Manager Financial Services
Mr J Clark	Governance and Compliance Advisor
Ms C Newman	Governance Coordinator

At the commencement of the meeting there were no members of the public and no representative from the Press in the Public Gallery.

4. APOLOGIES AND APPROVED LEAVE OF ABSENCE**4.1 APOLOGIES**

Nil.

4.2 APPROVED LEAVE OF ABSENCE

Nil.

At 6.38pm Mr B Taylor left the meeting.

At 6.39pm Ms K Brosztl left the meeting.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS**5.1 DECLARATIONS BY MEMBERS WHO HAVE NOT READ AND GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTED BEFORE THE MEETING.**

Cr Pazolli advised that he had not read the selection criteria for the recruitment of the Director Technical Services position, as he had just received it.

5.2 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE ELECTED MEMBERS BULLETIN.

Nil.

6. QUESTION TIME

Nil.

7. DECLARATIONS OF INTEREST**7.1 FINANCIAL INTERESTS**

Nil.

7.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

8. APPLICATIONS FOR NEW LEAVES OF ABSENCE

Nil.

9. IDENTIFICATION OF MATTERS FOR WHICH MEETING MAY BE CLOSED

Item - C17/5586 – Recruitment of the Director Technical Services. The meeting may be closed in accordance with Section 5.23(a),(b),(c) and (e)(iii) of the *Local Government Act 1995*, to discuss information contained in the confidential attachment.

10. REPORTS OF THE CHIEF EXECUTIVE OFFICER

**C17/5586 – RECRUITMENT OF THE DIRECTOR TECHNICAL SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)**

Ward : All
 Category : Administration
 Subject Index : Recruitment
 Customer Index : Not Applicable
 Disclosure of any Interest : No Officer involved in the preparation of this report has a declarable interest in this matter.
 Previous Items : Nil.
 Works Programme : Not Applicable
 Funding : Not Applicable
 Responsible Officer : Nicholas Olds
 Employee Services Officer

AUTHORITY / DISCRETION

DEFINITION

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes & policies.</i>
<input type="checkbox"/>	Review	<i>When the Council operates as a review authority on decisions made by Officers for appeal purposes.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

**C17/5586 - RECRUITMENT OF THE DIRECTOR TECHNICAL SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)****KEY ISSUES / SUMMARY**

- Confirmation that the selection process for the Director Technical Services complies with legislative requirements.
- The Council to accept or reject the recommended Applicant for the role of Director Technical Services.

BACKGROUND

The role of Director Technical Services was advertised in Seek, with applications closing 27 September 2017. A remuneration package of up to \$265,456 per annum was advertised.

A total of thirty seven applications were received and shortlisted. Interviews were then held with five Applicants, followed by completion of reference checks of the preferred applicant.

The selection panel included the Chief Executive Officer, Director Corporate Services, the Director Community Development, Administration Coordinator and the Employee Services Officer.

A Confidential Recruitment Report was distributed to Elected Members on Friday 3 November 2017, under confidential cover (Confidential Attachment A)

DETAIL

To ensure corporate success and business improvement the Director Technical Services role will focus on management and leadership of the Directorate and developing cross functional approaches with the Executive Management Team.

The recommended applicant has had 25 years experience in environmental management, regional development and waste management and held senior appointments in these areas since 2005. The applicant is viewed as having relevant qualifications and is well versed in strategic planning, policy formulation, project management, regional planning and community consultation.

Based on the applicant's leadership approach and style, experience, knowledge and skills it is viewed that the applicant's appointment will ensure a consistent transition of Director's at the City of Melville.

The preferred Applicant has a three month notice period before he can commence at the City of Melville. It is recommended that the preferred Applicant manage the process of the timing of the release of information once the Contract is finalised.

A public announcement of the Applicant will occur following finalisation of the contract.

**C17/5586 - RECRUITMENT OF THE DIRECTOR TECHNICAL SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)****STAKEHOLDER ENGAGEMENT****I. COMMUNITY**

Not applicable

II. OTHER AGENCIES / CONSULTANTS

Not applicable

STATUTORY AND LEGAL IMPLICATIONS

There are a variety of legal and policy requirements as detailed below. The specific relevant documentation that guides this process includes;

- Relevant sections of the *Local Government Act 1995* (Sections 5.37,5.39,5.40) ;
- *Equal Opportunity Act 1984*;
- Prevention of Workplace Bullying, Discrimination & Harassment (City of Melville Operational Policy OP-003).
- Council Policy CP-026 – Employee Appointments

The role of Director Technical Services is deemed under the City's organisational Policy to be a senior employee under the *Local Government Act 1995*.

Section 5.37 (2) of the *Local Government Act 1995* states that “*The CEO is to inform the council of each proposal to employ or dismiss a senior employee and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*”

It is also noted that, in accordance with the *Local Government Act 1995*, the value of the remuneration and benefits in the proposed contract cannot be greater than the amount advertised.

FINANCIAL IMPLICATIONS

The cost of the recruitment process is within the current operational budget.

STRATEGIC, RISK AND ENVIRONMENTAL MANAGEMENT IMPLICATIONS

Risks with this matter relate to ensuring the recruitment process is seen as professional, confidential, and transparent, attracts suitable applicants, and complies with legislative requirements.

**C17/5586 - RECRUITMENT OF THE DIRECTOR TECHNICAL SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Risk of the City of Melville not coordinating a transparent, confidential and professional process that attracts a suitable applicant	Medium level of risk	Broad advertisement of vacancy. Compliance with standard organisational recruitment processes.

POLICY IMPLICATIONS

Council Policy CP-026 – Employee Appointments

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Not applicable

CONCLUSION

To finalise the recruitment process the Council must formally accept the recommended Applicant for the Director Technical Services. It is again noted that the Council can reject the Applicant, provided reasons for rejection are detailed.

At 6:41pm Cr Robartson moved, seconded Cr Phelan -

That the meeting be closed to the public to permit discussion on confidential matters (Item C17/5586 – Recruitment of the Director Technical Services) covered under Section 5.23(a), (b), (c) and (e)(iii) of the Local Government Act 1995.

At 6:41pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 6:43pm the preferred applicant entered the meeting for the purpose of presenting to the meeting. The presentation concluded at 7:01pm and the preferred applicant left the meeting.

**C17/5586 - RECRUITMENT OF THE DIRECTOR TECHNICAL SERVICES (REC)
(CONFIDENTIAL ATTACHMENT)****OFFICER RECOMMENDATION AND COUNCIL RESOLUTION (5586) APPROVAL**

At 7:01pm Cr Wieland moved, seconded Cr Phelan –

That the Council accepts the preferred applicant recommended in Confidential Attachment A and endorse this person's appointment to the position of Director Technical Services, for a period of five years in accordance with contract conditions agreed to by the Chief Executive Officer.

At 7:05pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:07pm Cr Robartson moved, seconded Cr Woodall –

That the meeting come out from behind closed doors and the public be invited back into the meeting

At 7:07pm the Mayor submitted the motion, which was declared

CARRIED UNANIMOUSLY (13/0)

At 7:09pm The Mayor advised the meeting that the officer recommendation was carried unanimously by the Council.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. MOTIONS WITHOUT NOTICE BY ABSOLUTE MAJORITY OF THE COUNCIL

Nil.

13. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 7:11pm.