



## Special Council Meeting

17 July 2024

# Minutes

To: The President and Councillors.

Here within are the Minutes of the Special Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

The purpose of the Special Council Meeting was to consider the recommendations made by the CEO Selection and Recruitment Committee held on 17 July 2024 and all matters related thereto.

Grace French  
**Acting Executive Manager Corporate and Community Services**



### **Our Vision, Purpose and Values**

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

#### **Our Vision**

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

#### **Our Purpose**

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

#### **Our Values**

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

#### **Community Aspirations**

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

#### **Disclaimer**

Any discussion regarding a planning matter or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

#### **Availability of Meeting Agenda and its Attachments**

Information about Council Meetings is located on the website

<http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at

<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.



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### Preface

When these minutes are approved for distribution they are in essence "Unconfirmed" until the following a Special Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

### Unconfirmed Minutes


These minutes were approved for distribution on 19 July 2024.



Grace French  
**Acting Executive Manager Corporate and Community Services**

### Confirmed Minutes

These minutes were confirmed at a meeting held on 24 July 2024.

Signed:  .....

*Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.*



## 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr M McKeown, Shire President, declared the meeting open at 5.08pm and read aloud an Acknowledgement of Country:

*"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."*

The Shire President read through other preliminaries.

## 2 RECORDS OF ATTENDANCE

### Members

Cr C Duri	Councillor
Cr S McCormick	Councillor
Cr M McKeown	Shire President
Cr D Wrench	Councillor (via zoom)
Cr S Dival	Deputy Shire President
Cr J Prater	Councillor

### Staff

Mrs M Rebane	Executive Assistant
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### Visitors

Nil.

### 2.1 APOLOGIES

Cr R Madacsi	Councillor
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### 2.2 APPROVED LEAVE OF ABSENCE

Nil

## 3 DISCLOSURE OF INTEREST

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

**4 OFFICER REPORTS****4.1 EXECUTIVE SERVICES****4.1.1 CSRC Recommendations**

Date of Report:	17 July 2024
Applicant or Proponent:	CEO Recruitment and Selection Committee
File Reference:	STR87
Author:	M Rebane – Executive Assistant
Responsible Officer:	G French – Acting Executive Manager Corporate and Community Services
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> <li>1. Draft Contract; and (confidential) <i>Section 5.23(2) (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 (under separate cover)</i></li> <li>2. Checklist / Schedule; and</li> <li>3. Special Council Meeting Notice.</li> </ol>

**PURPOSE OF THE REPORT**

To consider recommendations made by the CEO Selection and Recruitment Committee.

**BACKGROUND**

The Committee held two workshops in early July 2024 to look at the draft contract.

The CEO Selection and Recruitment Committee met on 17 July 2024 at which time they made a total of two recommendations to Council.

**COMMENTS AND DETAILS**

The Committee recommendations are recommended.

**IMPLICATIONS TO CONSIDER****Consultative:**

Nil.

**Strategic:****Shire of Toodyay Council Plan 2023-2033**

Outcome 9. Responsible and effective leadership and governance.

9.1. Provide strong, clear, and accountable leadership.

**Policy related:**

Standards for CEO recruitment, selection, performance and termination

Temporary Employment and Appointment of CEO

**Financial:**

Nil.

**Legal and Statutory:**

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**Risk related:**

Committee recommendations are required to be considered at the next meeting of Council. The risk is low but could represent as moderate (high-12) if the recruitment process is delayed. This report mitigates the risk.

**Workforce related:**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**CEO SELECTION AND RECRUITMENT COMMITTEE RECOMMENDATION 1  
/COUNCIL RESOLUTION NO. SCM205/07/24**

**MOVED** Cr S McCormick

**SECONDED** Cr S Dival

That Council:

1. endorses the attached proposed CEO contract including CEO position description (as previously endorsed by Council) and statutory performance criteria, with schedule items to be resolved by Council.
2. obtains independent legal and Human Resource advice prior to executing the contract with the CEO to ensure the contract meets the requirements of current appropriate legislation.
3. notes that:
  - (a) the contract is based on the Western Australian Local Government Association's (WALGA) template and there have been no changes to the intent of contract clauses.
  - (b) The committee considered each clause of the contract on its merit to meet the requirements of the Shire of Toodyay and made minor editorial adjustment.



- (c) The committee considered each performance criteria in detail against the position description and adjusted to ensure measurable key performance indicators.
- (d) the WALGA contract template was last reviewed for legal compliance by WALGA engaged consultants in 2022.

Voted For: Crs C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

**MOTION CARRIED 6/0 BY ABSOLUTE MAJORITY**

**CEO SELECTION AND RECRUITMENT COMMITTEE  
RECOMMENDATION 2/COUNCIL RESOLUTION NO. SCM206/07/24**

**MOVED** Cr C Duri

**SECONDED** Cr S Dival

That Council notes that the Committee has completed a checklist/schedule documenting the recruitment process with reference to the following:

- Standards for CEO recruitment, selection, performance, and termination Policy;
- Temporary Employment or Appointment of CEO Policy;
- *Local Government Act 1995; and the*
- *Local Government (Administration) Regulations 1996.*

Voted For: Crs C Duri, S McCormick, M McKeown, D Wrench, S Dival and J Prater

Voted Against: Nil

**MOTION CARRIED 6/0**

**5 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.13pm.





# **ATTACHMENTS MINUTES**

**Special Council Meeting**

**Wednesday, 17 July 2024**



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CSRC Recommendations

Attachment 2 Checklist / Schedule; and.....4

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## Checklist / Schedule

### CEO Recruitment and Selection Committee

Date	Type	Details / Tasks	Action / Resp.
Wed 24/01/2024	<b>Workshop 1</b>	<ul style="list-style-type: none"> <li>Discuss recruitment consultant and (if required) independent facilitator</li> <li>Criteria and process for selection of independent person</li> <li>Establishment of selection panel / committee</li> <li>Terms of reference for panel / committee</li> </ul>	<ul style="list-style-type: none"> <li>Completed</li> </ul>
Wed 31/01/2024	<b>Special Council Meeting</b>	<ul style="list-style-type: none"> <li>Endorse the CEO recruitment process by resolution</li> <li>Establish CEO Recruitment and Selection Committee by resolution</li> <li>Endorse terms of reference by resolution</li> <li>Select human resources consultant by resolution</li> <li>Endorse the process for appointment of an independent person by resolution</li> </ul>	<p>Completed</p> <ul style="list-style-type: none"> <li>SCM015/01/24</li> <li>SCM016/01/24</li> <li>SCM017/01/</li> <li>SCM018/01/24</li> <li>SCM020/01/24</li> </ul>
1 February 2024	Public notice seeking EOIs from potential independent panel members	<ul style="list-style-type: none"> <li>Expressions of Interest Independent Member CEO Recruitment and Selection Committee went onto the website as a public notice stating that EOIs should be received no later than 13 February 2024</li> </ul>	<p>Completed: see attached document.</p> <ul style="list-style-type: none"> <li>LinkedIn – not as far as I know</li> <li>Facebook occurred when the notice went onto the website</li> <li>Email networks – done via Council members</li> </ul>
2 February 2024	Issue of Purchase order	<ul style="list-style-type: none"> <li>Purchase order issued via requisitioning process initially (5189)</li> </ul>	Completed PO No. 5730
Thu 22/02/2024 5:58 PM	Notification to Consultant	<ul style="list-style-type: none"> <li>Email to Consultant, sending through initial briefing meeting dates and the proposed schedule, adopted by Council.</li> </ul>	Completed OAM66727
Thu 22/02/2024	Materials made available on the SharePoint Council Hub	<ul style="list-style-type: none"> <li>EOIs received from independent persons placed onto the Hub.</li> <li>Previous CEO Job Description Form</li> <li>WALGA Contract template</li> </ul>	Completed by EA

17/07/2024

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Updated Schedule – CEO Recruitment Process

\*\*\* This Document is not controlled once it has been printed \*\*\*

Date	Type	Details / Tasks	Action / Resp.
23/02/2024	Creation of a team's environment	<ul style="list-style-type: none"> <li>Placed same information on the council hub in the team so that the independent person had access to it, without being provided it (to prevent sending the documentation elsewhere).</li> </ul>	Completed by EA Notified on 23/02/2024 to President and Acting CEO's and the Consultant.
28/02/2024	Council Meeting	<ul style="list-style-type: none"> <li>Consider EOIs received from independent persons, appoint independent person to committee.</li> <li>Appoint independent person.</li> </ul>	Completed • OCM075/02/24
Tuesday 5 March 2024 at 1.00pm	Consultant met with Council and independent person for initial briefing	<ul style="list-style-type: none"> <li>Initial briefing with Council</li> </ul>	Complete Confidentiality Agreements signed and sent back to the HR Consultant for their records.
10/04/2024	Appointment of Chairperson to the Selection Committee	<ul style="list-style-type: none"> <li>Recommendation made by the Committee to Council</li> </ul>	<input checked="" type="checkbox"/> tick if completed Date: 10/04/2024 CRN: <b>CSRC001/04/24</b>
12 June 2024	Committee Workshop & meeting (same date & time)  Appointment stated: <ul style="list-style-type: none"> <li>Finalise the CEO's Position Description</li> <li>Agree required skills, knowledge, qualifications and experience</li> <li>Discuss advertising / recruitment strategy, interview, testing and selection.</li> </ul>	<ul style="list-style-type: none"> <li>Agree required skills, knowledge, qualifications, experience of CEO</li> <li>Finalisation of CEO Position Description.</li> <li>Agree CEO contract conditions.</li> <li>Discuss advertising / recruitment strategy, interview, testing and selection</li> <li>recommend to Council through committee resolution – skills knowledge qualifications &amp; experience of the CEO</li> <li>recommend to Council through committee resolution the CEO position description</li> <li>recommend to Council through committee resolution the contract conditions</li> </ul>	<input checked="" type="checkbox"/> tick if completed Date: 12 June 2024 CRN: SCM170/06/24

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**Updated Schedule – CEO Recruitment Process**

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Date	Type	Details / Tasks	Action / Resp.
12 June 2024	Special Council Meeting	<ul style="list-style-type: none"> <li>• Approve Position Description, Remuneration Package, selection criteria.</li> <li>• Approve the information package, advertising / recruitment strategy, interview, testing and selection strategy.</li> <li>• Approve advertisement for publication</li> </ul> <p><i>(Note: Emily has written a draft application package already that includes the advertisement (so you may wish to check in with her) ).</i></p>	Council Resolution (Absolute Majority)  Approve a job description form for the position of CEO which sets out the duties and responsibilities of the position; and the selection criteria for the position.  <input checked="" type="checkbox"/> tick if completed  Date: 12 June 2024  CRN: SCM170/06/24
<b>Draft Contract Conditions and noting progress made</b>			
3 <sup>rd</sup> and 11 <sup>th</sup> July 2024	Committee Workshops held	<ul style="list-style-type: none"> <li>• Reviewing conditions within the draft contract.</li> </ul>	<input checked="" type="checkbox"/> tick if completed
17 July 2024	Committee Meeting	<ul style="list-style-type: none"> <li>• Reviewing conditions within the draft contract.</li> <li>• Noting the progress made</li> </ul>	<input type="checkbox"/> tick if completed  Date: .....  CRN: .....
17 July 2024	Special Council Meeting	<ul style="list-style-type: none"> <li>• Adopting the draft contract (absolute majority); and</li> <li>• Noting the progress update.</li> </ul>	<input type="checkbox"/> tick if completed  Date: .....  CRN: .....
<b>Advertising Period up until 8 July 2024</b>			
TBD	Committee Meeting	<ul style="list-style-type: none"> <li>• Assess applicants and approve shortlist for interviews.</li> <li>• Review interview questions</li> </ul>	<input type="checkbox"/> tick if completed  Date: .....  CRN: .....
<b>Interviews</b>			
TBD	Committee Meeting	<ul style="list-style-type: none"> <li>• Review interviews.</li> <li>• Undertake due diligence.</li> <li>• Provide a summary assessment for recommendation to Council through committee resolution.</li> </ul>	<input type="checkbox"/> tick if completed  Date: .....  CRN: .....

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Updated Schedule – CEO Recruitment Process

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Date	Type	Details / Tasks	Action / Resp.
TBD	Council Meeting	<ul style="list-style-type: none"> <li>• Approve recommended CEO.</li> <li>• The Council must (before making an Applicant an offer of employment in the position of CEO) approve the <b>making of the offer of employment</b> to the Applicant; and the proposed terms of the contract of employment to be entered into by the Shire and the Applicant.</li> <li>• Authorise Shire President to enter contract negotiations and to seek industrial relations advice.</li> <li>• Direct President to bring any contract variations back to Council for approval.</li> </ul> <p><b>Absolute majority decision required</b></p>	<p><b>Council Resolution (Absolute Majority)</b></p> <p>Consider a recommendation from the Selection Committee in regard to their recommendation to Council about the person to be appointed as CEO.</p> <p>Council must have regard to, but is not bound to accept, a recommendation made by the selection panel.</p> <p><input type="checkbox"/> tick if completed</p> <p>Date: .....</p> <p>CRN: .....</p> <p><i>(Refer to Standards for CEO recruitment, selection, performance, and termination Policy)</i></p>
TBD	Council Meeting	<p><b>Council Resolution (Absolute Majority)</b></p> <p>Approve the terms of the <b>negotiated</b> contract (including start date), before entering into the negotiated contract.</p> <p><i>(Refer to Standards for CEO recruitment, selection, performance, and termination Policy)</i></p> <ul style="list-style-type: none"> <li>• Authorise Shire President to execute.</li> </ul> <p><b>See the attachment.</b></p>	<p><input type="checkbox"/> tick if completed</p> <p>Date: .....</p> <p>CRN: .....</p>
<b>Announcement of Appointment of new CEO</b>			
TBD	Council Meeting	<ul style="list-style-type: none"> <li>• Certify that new CEO was employed in accordance with the Shire's <i>Standards for CEO recruitment, selection, performance, and termination.</i></li> </ul>	
TBD	Council Meeting	<b>Council Resolution (Absolute Majority)</b>	



Date	Type	Details / Tasks	Action / Resp.
		<ul style="list-style-type: none"> <li>• Council and the CEO must agree on <b>(in writing)</b> the process by which the CEO’s performance will be reviewed; and any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.</li> </ul>	
TBD	Council Meeting	<p><b>Council Resolution (Absolute Majority)</b></p> <p>Engage an independent Consultant to assist Council in the performance review process.</p> <p><i>(Refer to Standards for CEO recruitment, selection, performance, and termination Policy)</i></p>	
TBD	Council Meeting	<p><b>Council Resolution (Absolute Majority)</b></p> <p>Endorse the performance review of the CEO</p> <p>The Shire President must inform the CEO in writing of the results of the review; and if the review identifies any issues about the performance of the CEO — how the Shire proposes to address and manage those issues.</p> <p><i>(Refer to Standards for CEO recruitment, selection, performance, and termination Policy)</i></p>	



# MEMORANDUM

**MEMO TO:** Chief Executive Officer  
Shire of Toodyay

**FROM:** Councillors

**DATE:** 12 June 2024

**FILE NO:** MTG8

**SUBJECT:** Special Council Meeting

**Administration Centre**  
 15 Fiennes Street  
 PO Box 96  
 TOODYAY WA 6566  
 T (08) 9574 9300  
 F (08) 9574 2158  
 E records@toodyay.wa.gov.au  
 W www.toodyay.wa.gov.au

Dear CEO

This memorandum is notice, in accordance with the *Local Government Act 1995 5.4(a)(ii)*, that we, the undersigned, being at least one third of the total number of Councillors, request that a Special Meeting of the Council be held in the Council Chambers, 15 Fiennes Street, Toodyay as follows:

Time: 6:15 pm Date: 12 / 6 / 2024

For the purpose of :-

CONSIDERATION OF THE RECOMMENDATIONS  
MADE BY THE CEO RECRUITMENT & SELECTION  
COMMITTEE THAT WAS HELD ON 12 JUNE 2024

Yours sincerely

*Michael McKewen*  
 Cr Michael McKewen

*Michelle Dival*  
 Cr Michelle Dival

*Charmeine Duri*  
 Cr Charmeine Duri

\_\_\_\_\_  
 Cr .....