

# Shire of Denmark

## Special Council Meeting **AGENDA**

**3 March 2020**



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY,  
DENMARK ON TUESDAY, 3 MARCH 2020, COMMENCING AT 4.00PM.

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For the purpose of approving a process to be used for the selection and  
appointment of a Chief Executive Officer for the Shire of Denmark.



### **Contact Us**

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# Strategic Community Plan (snapshot)

## E1.0

### Our Economy

*We are an attractive location to live, invest, study, visit and work*

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

## N2.0

### Our Natural Environment

*Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future*

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

## B3.0

### Our Built Environment

*We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community*

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

## C4.0

### Our Community

*We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit*

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

## L5.0

### Our Local Government

*The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government*

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS****2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE****MEMBERS:**

Cr Ceinwen Gearon (Shire President)  
Cr Mark Allen (Deputy Shire President)  
Cr Geoff Bowley  
Cr Kingsley Gibson  
Cr Steve Jones  
Cr Jan Lewis  
Cr Ian Osborne  
Cr Janine Phillips  
Cr Roger Seeney

**STAFF:**

Mr David Schober (Acting Chief Executive Officer)  
Mr David King (Director Assets and Sustainable Development)  
Mr Lee Sounness (Executive Manager Corporate Services)  
Ms Angela Simpson (Executive Manager Community Services)  
Ms Claire Thompson (Executive Assistant & Governance Coordinator)

**APOLOGIES:****ON LEAVE OF ABSENCE:****ABSENT:****VISITORS:****DECLARATIONS OF INTEREST:**

Name	Item No	Interest	Nature

**3. ANNOUNCEMENT BY THE PERSON PRESIDING****4. PUBLIC QUESTION TIME****4.1 PUBLIC QUESTIONS**

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council.

For a Special Meeting of Council, such as this, **they must however relate to the item(s) on the Agenda.**

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

### Questions from the Public

## 5. REPORTS OF OFFICERS

### 5.1 CHIEF EXECUTIVE OFFICER APPOINTMENT PROCESS

<b>File Ref:</b>	PER.19
<b>Applicant / Proponent:</b>	Not applicable
<b>Subject Land / Locality:</b>	Not applicable
<b>Disclosure of Officer Interest:</b>	The Author is a direct report to the position of Chief Executive Officer
<b>Date:</b>	25 February 2020
<b>Author:</b>	Claire Thompson, Executive Assistant & Governance Coordinator
<b>Authorising Person:</b>	Shire President, Cr Ceinwen Gearon
<b>Attachments:</b>	5.1 – Employment Agency's Proposals and Quotes Summary (CONFIDENTIAL)

#### **Summary:**

Council are asked to decide on the selection and appointment process for the position of Chief Executive Officer for the Shire of Denmark.

#### **Background:**

Following the departure of the former CEO, Bill Parker, Council appointed David Schober, on 20 August 2019, as the Acting CEO, for a period of up to 12 months. David commenced in the Acting CEO role on 30 September 2019.

In order to commence the appointment process, submissions were sought and received from six (6) employment agencies located in WA.

An informal briefing was held in February 2020 of Elected Members, the Human Resources Coordinator, the Corporate Planning Officer and the Executive Assistant & Governance Coordinator where Councillors were provided copies of the agency's proposals and quotes. The appointment process was also discussed which included;

- Appointment of an employment agency;
- Whether or not the full Council or a select panel should be appointed to oversee the process;
- Timeline for the process and appointment.

Elected Members also met informally on the 25 February 2020 to discuss;

- the employment agency's proposals and quotes;
- preferred selection criteria;
- possible structure of a selection panel to oversee the process.

#### **Consultation:**

Councillors have informally discussed the process with Council Officers at a Strategic Briefing and a workshop held in February 2020.

Council Officers have provided Elected Members with;

- Guidelines on CEO Recruitment from the Department of Local Government, Sport and Cultural Industries; and

- Advice on the legislative framework around appointing a CEO.

**Statutory Obligations:**

Sections 5.36 (1) and (2) of the Local Government Act 1995 states that a local government is to employ a CEO and that the person employed as CEO must be suitably qualified for the position.

Section 5.36 (4) states that a CEO vacancy must be advertised in the manner prescribed. Regulation 18A of the Local Government (Administration) Regulations relates.

Regulation 18C requires a local government to “*approve a process to be used for the selection and appointment of a CEO*”.

**Policy Implications:**

There are no policy implications.

**Budget / Financial Implications:**

The cost of engaging a suitable employment agency has not been specifically allowed for the in 2019/20 Budget however, it can be accommodated within GL 14203120 being *Consultants - Admin* which has a total budget of \$58,500, of which \$32,843 remains unspent at the time of this report.

In addition to the employment agency's service fee, there will be additional costs of approximately \$7,500 relating to advertising, travel, accommodation and other subsidiary expenses. Advertising can be accommodated under the Shire's existing advertising budget.

**Strategic & Corporate Plan Implications:**

The report and officer recommendation is consistent with Council's adopted Strategic Community Plan Aspirations and Objectives and the Corporate Business Plan Actions and Projects in the following specific ways:

Denmark 2027**L5.0 Our Local Government**

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*L5.1 To be high functioning, open, transparent, ethical and responsive.*

*L5.3 To be decisive and to make consistent and well considered decisions.*

*L5.4 To be fiscally responsible.*

Corporate Business Plan

Nil

**Sustainability Implications:****➤ Governance:**

There are no known significant governance considerations relating to the report or officer recommendation.

**➤ Environmental:**

There are no known significant environmental implications relating to the report or officer recommendation.

**➤ Economic:**

There are no known significant economic implications relating to the report or officer recommendation.

**➤ Social:**

There are no known significant social considerations relating to the report or officer recommendation.

➤ **Risk:**

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)
That Council delay commencing the process of appointing a CEO.	Rare (1)	Moderate (3)	Low (1-4)	Ineffective People Management	Accept Officer Recommendation

**Comment/Conclusion:****APPOINTMENT OF AN EMPLOYMENT AGENCY**

Attached is a summary of the employment agency's proposals and quotes (confidential to Councillors) which provides an overview of the key services provided by each. The services offered are very similar between agencies however experience and professionalism varied, as did cost and quality of the proposal structures and information provided.

In consideration of the above factors and previous informal discussions with Elected Members the Officer has recommended that Council engage LO-GO Appointments.

**COUNCIL OR SELECT COMMITTEE**

Consideration needs to be given to what structure the Council will use to progress and oversee the appointment process. There are a limited number of commonly adopted structures;

- Council to manage the entire process;
- Establish a panel (without any delegated power to make decisions) (referring all preferred courses of action to Council to make the final decision); or
- Establish a Committee with delegated power to make the final decision and appoint a CEO.

Informal discussion with Councillors has guided the Officer's direction with respect to this aspect and therefore the Officer has recommended the Council establish a panel consisting of the Shire President, 2 Elected Members and an independent person, to be selected by the other panel members. In addition, the employment agency consultant, the Shire's Human Resources Coordinator and any other Shire Officer (as required) can attend any panel meetings as advisors.

**SELECTION CRITERIA AND PERFORMANCE PROFILE**

The employment agency will work with the Councillors to establish the selection criteria for the purposes of advertising the position.

**Voting Requirements:**

Simple majority.

**OFFICER RECOMMENDATION****ITEM 5.1**

That with respect to the appointment of a Chief Executive Officer, Council;

1. Engage LO-GO Appointments to assist Council in the recruitment process at a cost of \$8,345 and as per their proposal provided to Councillors under separate cover;
2. Establish a Selection Panel consisting of the Shire President, two Councillors and an independent person, to be appointed by the other panel members; and
3. Appoint Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the Selection Panel.

**6. CLOSURE OF MEETING**