

City of Bunbury Council

Minutes of Special Council Meeting 11 July 2023

To consider acting Chief Executive Officer arrangements for the Bunbury Harvey Regional Council.



CITY OF BUNBURY
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Acknowledgement of Country

We acknowledge the Traditional Custodians of this land, the Wardandi Noongar people, and pay our respects to Elders past, present and future.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

1. Declaration of Opening / Announcements of Visitors

The Mayor declared the meeting open at 4:00pm and in doing so acknowledged the Traditional Custodians of this land, the Wardandi Noongar People, and paid his respects to Elders past, present and emerging.

2. Disclaimer

All persons present are advised that the proceedings of this meeting will be recorded for record keeping purposes and to ensure accuracy in the minute taking process, and will also be streamed live via the internet to the public.

3. Record of Attendance, Apologies and Leave of Absence

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor B McCleary
	Councillor C Kozisek
	Councillor K Turner
	Councillor K Steele
	Councillor A Yip
	Councillor M Quain
	Councillor W Giles
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
A/Director Infrastructure	Ms C Nottle
Director Sustainable Communities	Mr G Barbour
Director Strategy and Organisational Performance	Mrs K Strachan
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Governance Officer	Mr L Murphy
Senior Corporate Communications Officer	Ms K Fielding
Others (Non-Voting)	
Members of the Public	2

3.1 Apologies

Councillors Steck and Ghaseb were absent from the meeting.

3.2 Approved Leave of Absence

Nil

4. Declaration of Interest

Nil

5. Public Question Time

Nil

6. Questions on Notice from Council Members

Nil

7. Purpose of the Meeting

The purpose of the Meeting is for Council to consider allowing the Chief Executive Officer of the City of Bunbury to jointly be employed by the Bunbury Harvey Regional Council as Acting Chief Executive Office for the period commencing 13 July 2023 to 7 August 2023.

7.1 Acting CEO for Bunbury Harvey Regional Council

File Ref:	CEO Personnel File
Applicant/Proponent:	Bunbury Harvey Regional Council
Responsible Officer:	Mal Osborne, Chief Executive Officer
Responsible Manager:	Mal Osborne, Chief Executive Officer
Executive:	Mal Osborne, Chief Executive Officer
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Review <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Legislative <input type="checkbox"/> Information Purposes
Attachments:	Nil

Summary

The Bunbury Harvey Regional Council (BHRC) Chief Executive Officer's extended contract of employment is set to conclude on 13 July 2023, with the commencement of the new CEO to begin on 7 August 2023. Extensive consultation and multiple attempts have been made to employ an Acting CEO, for the period of 13 July to 7 August for the BHRC, to no avail. This report proposes that Mal Osborne jointly performs the duties of CEO to the City of Bunbury and the BHRC from 14 July 2023 until 7 August 2023.

Executive Recommendation

That Council provide written consent, as per Section 3.2 (1)(g) of the City of Bunbury's Chief Executive Officer Contract of Employment, to allow the Chief Executive Officer of the City of Bunbury to jointly be employed by the Bunbury Harvey Regional Council as Acting Chief Executive Office for the period commencing 13 July 2023 to 7 August 2023.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance.
Outcome 13	A leading local government.
Objective 13.3	Effectively manage the City's resources.

Regional Impact Statement

As per Section 5.41 of the *Local Government Act 1995*, a CEO is required to carry out the Functions of the CEO and manage the operations for a Local Government. BHRC will not be able to operate in accordance with the *Local Government Act 1995* without a CEO, which will impact the organisation and potentially have consequences for the two member councils, being the City of Bunbury and the

Shire of Harvey. This will also impact other regional local governments and businesses utilising the BHRC's facilities.

Background

The Bunbury Harvey Regional Council Chief Executive Officer's extended contract of employment is nearing completion and is set to conclude on 13 July with the commencement of the new CEO on 7 August 2023.

Extensive research, engagement, and other means of filling the vacant position have all been explored to find an Acting CEO for the four-week gap between 13 July 2023 and the commencement of the new CEO on 7 August 2023. A solution has not been able to be found at this time.

Council Policy Compliance

Section 3.2 (1)(g) of the City of Bunbury's Chief Executive Officer Contract of Employment.

Legislative Compliance

This recommendation is in accordance with the requirements of Section 5.41 of the *Local Government Act 1995*.

Officer Comments

The support of the BHRC through the City of Bunbury's CEO stepping into the role of Acting CEO of the BHRC for a period of four weeks will enable all the necessary functions of the BHRC to be fulfilled as necessary.

The City's Executive Team have been involved in discussions with the CEO to ensure that all of Bunbury's compliance responsibilities, operational functions and projects are not negatively impacted whilst the CEO undertakes the joint roles of CEO at the City of Bunbury and the BHRC.

The CEO is in regular contact with the departing BHRC CEO and with the CEO of the Shire of Harvey to ensure a smooth transition. This same process will occur when the new BHRC CEO commences in August.

Both the Shire of Harvey and the City of Bunbury, through their CEO's and Infrastructure Directors, have been making a substantial time commitment to BHRC for some time due to the many projects and operational issues being managed at the BHRC sites.

In discussions with the proposed incoming BHRC CEO, they have disclosed that should they be able to commence earlier at BHRC, they will do so which will in turn, reduce the time that the CEO of Bunbury must spend in the joint role.

Analysis of Financial and Budget Implications

Without a CEO to sign off on and make compliance, financial and strategic decisions for BHRC, the BHRC may fail in complying with their respective financial and strategic obligations. Additionally, given the widespread impact to the waste management of the City of Bunbury and the broader

region, there is potential for further consequences due to the lack of senior management over the City of Bunbury's and other municipal, community and commercial waste disposal options.

It is intended that the City of Bunbury CEO is not directly remunerated by Bunbury Harvey Regional Council during their tenure as Acting Chief Executive Officer at the BHRC (joint CEO with the City of Bunbury). The City of Bunbury will continue to pay the nominated person their remuneration in accordance with their employment agreement with the City. The City of Bunbury requires that the CEO's hours allocated to BHRC are recognised as a proportionate reduction in the requested operating subsidy that BHRC is seeking from its member Councils for the 2023/2024 Financial Year.

Community Consultation

There has been no community consultation regarding this matter.

Councillor/Officer Consultation

City of Bunbury Elected Members present at the Strategic Briefing Session held on 4 July 2023 were advised of this joint CEO proposal by the CEO.

City of Bunbury Executive members have been consulted on this proposal to ensure that all of Bunbury's compliance responsibilities, operational functions and projects are not negatively impacted whilst the CEO undertakes the joint roles of CEO at the City of Bunbury and the BHRC.

Applicant Consultation

Not applicable

Timeline: Council Decision Implementation

Immediate once Council has endorsed this recommendation.

Outcome of Meeting 11 July 2023

The recommendation (as printed) was moved by Cr Giles and seconded by Cr Smith.

The Mayor put the motion to the vote, and it was adopted to become the Council's decision on the matter.

Council Decision 121/23

That Council provide written consent, as per Section 3.2 (1)(g) of the City of Bunbury's Chief Executive Officer Contract of Employment, to allow the Chief Executive Officer of the City of Bunbury to jointly be employed by the Bunbury Harvey Regional Council as Acting Chief Executive Office for the period commencing 13 July 2023 to 7 August 2023.

CARRIED UNANIMOUSLY
10 votes "for" / Nil votes "against"

8. Closure

The Mayor declared the meeting closed at 4:02pm.

Confirmed this day, 25 July 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 11 July 2023.

Jaysen de San Miguel
Mayor