



City of Bunbury Council

Special Council Meeting Minutes 10 August 2023

To consider a confidential matter relating to the Chief Executive Officer Recruitment.



CITY OF BUNBURY
4 Stephen Street
Bunbury WA 6230
Western Australia

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Table of Contents

Item No	Subject	Page
1.	Declaration of Opening / Announcements of Visitors.....	4
2.	Disclaimer	4
3.	Record of Attendance, Apologies and Leave of Absence	4
3.1	Apologies	4
3.2	Approved Leave of Absence	4
4.	Declaration of Interest.....	5
5.	Public Question Time.....	5
6.	Questions on Notice from Council Members	5
7.	Purpose of the Meeting.....	6
7.1	Chief Executive Officer Recruitment.....	6
8.	Public Reading of Resolutions that may be made Public	9
9.	Closure	9

Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures; and to Elders past, present and emerging.

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 5:30pm 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.

The Mayor advised that he had approved a request from Cr Ghasseb to attend the meeting via electronic means. Cr Ghasseb noted that he would be situated at Level 8 216 St Georges Terrace, Perth for the duration of the meeting.

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

3.1 Apologies

Council Members:	
Presiding Member:	Mayor J Miguel
Members:	Deputy Mayor T Smith
	Councillor B Andrew
	Councillor B McCleary
	Councillor C Kozisek
	Councillor K Giles
	Councillor A Yip
	Councillor K Turner
	Councillor M Steck
	Councillor K Steele
	Councillor G Ghasseb (left at 6:35pm)
	Councillor M Quain
Executive Leadership Team (Non-Voting)	
Chief Executive Officer	Mr M Osborne
Director Strategy and Organisational Performance	Ms K Strachan
City of Bunbury Officers (Non-Voting)	
Governance Officer	Mr L Murphy (left at 5:35pm)
Others (Non-Voting)	
Members of the Public	0

3.2 Approved Leave of Absence

Nil

4. Declaration of Interest

Members should fill in <i>Disclosure of Interest</i> forms for items in which they have a financial, proximity or impartiality interest and forward these to the Mayor <u>before</u> the meeting commences.

Nil

5. Public Question Time

In accordance with Reg. 7(4)(a) of the Local Government (Administration) Regulations 1996, members of the public in attendance at the meeting may stand, state aloud their name and address, and ask a question in relation to any matter relating to the purpose of the Special Council Meeting.

Nil

6. Questions on Notice from Council Members

Nil

7. Purpose of the Meeting

The purpose of the Meeting is for Council to consider a confidential matter relating to the Chief Executive Officer Recruitment.

7.1 Chief Executive Officer Recruitment

File Ref:	CONFIDENTIAL		
Applicant/Proponent:	CEO Recruitment Panel		
Responsible Officer:	Karin Strachan, Director Strategy and Organisational Performance		
Responsible Manager:	Karin Strachan, Director Strategy and Organisational Performance		
Executive:	Karin Strachan, Director Strategy and Organisational Performance		
Authority/Discretion	<input type="checkbox"/> Advocacy	<input type="checkbox"/> Quasi-Judicial	
	<input checked="" type="checkbox"/> Executive/Strategic	<input type="checkbox"/> Information Purposes	
	<input checked="" type="checkbox"/> Legislative		
Attachments:	Confidential Report CRUSC-1: CEO Recruitment		

This report is confidential in accordance with section 5.23(2)(e)(ii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

- (3) *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.*

A confidential report and recommendation will be circulated to members **under separate cover** (Confidential Report CRUSC-1). The report is not for circulation.

Outcome of Meeting 10 August 2023

A procedural motion pursuant to Standing Order 11.1(h) that the meeting be closed to the public was moved by Cr Giles and seconded by Cr Andrew

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

Council Decision 144/23

That Council pursuant to Standing Order 11.1(h) close the meeting to the public to deal with item 7.1 Chief Executive Officer Recruitment.

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

Councillor Ghasseb made the following declaration of confidentiality:

I, Cr Ghasseb, declare that pursuant to regulation 14CA(5) of the Administration Regulations, I will be able to maintain confidentiality for the duration of any closed part of the Council Meeting to be held 10 August 2023.

The meeting was closed to the public at 5:35.

A motion to suspend all standing orders to facilitate discussion was moved by Cr Steck and seconded by Cr Andrew. The Mayor put the motion to the vote and it was carried 10 votes “for” to 2 votes “against”. Voting “for” was the Mayor and Councillors Andrew, Ghasseb, Giles, McCleary, Smith, Steck, Steele, Turner and Yip. Councillors Kozisek and Quain voted “against”.

Councillor Ghasseb moved a motion to defer consideration of this item however it lapsed as there was no seconder.

Councillor Ghasseb left the meeting at 6:35pm and did not return.

The executive recommendation (as printed) was moved by Cr Turner and seconded by Cr Kozisek.

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

Council Decision 145/23

That Council, in accordance with City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination:

- 1. Ratify the CEO Recruitment Panel’s recommendation of its preferred candidate and second preferred candidate as contained in Confidential Attachment 1.***
- 2. Approve the draft template contract of employment and terms therein as presented in Confidential Attachment 8.***
- 3. Authorise the Mayor and Recruitment Consultant to negotiate specific contract terms with the preferred candidate based on the contract template approved at point 2.***
- 4. Require that any negotiated changes to the adopted contract as per Confidential Attachment 8 be presented to Council for consideration as per Clause 12 of the Standards.***
- 5. Agree that in the event of the preferred candidate withdrawing their application at any time, that the Mayor be authorised to make an offer of employment to the second preferred candidate, and that points 2-5 of this resolution would be applied to the second preferred candidate.***

CARRIED UNANIMOUSLY
11 votes “for” / Nil votes “against”

Councillor Smith moved, and Cr Steele seconded a motion to thank the Director Strategy and Organisational Performance as below. The motion was carried unanimously as below.

Council Decision 146/23

That Council thank Karin Strachan, Director Strategy and Organisational Performance for coordinating the Chief Executive Officer Recruitment Process.

CARRIED UNANIMOUSLY
11 votes “for” / Nil votes “against”

A motion was moved that the meeting be reopened to the public however the mover and seconder to this motion were not recorded in the absence of any administrative support for the confidential part of the meeting.

Council Decision 147/23

That the meeting be reopened to the public.

CARRIED UNANIMOUSLY
11 votes “for” / Nil votes “against”

The meeting was reopened to the public at 6:42pm.

8. Public Reading of Resolutions that may be made Public

The Mayor read aloud the decisions for item 7.1 Chief Executive Officer Recruitment as follows:

That Council, in accordance with City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination:

1. *Ratify the CEO Recruitment Panel's recommendation of its preferred candidate and second preferred candidate as contained in Confidential Attachment 1.*
2. *Approve the draft template contract of employment and terms therein as presented in Confidential Attachment 8.*
3. *Authorise the Mayor and Recruitment Consultant to negotiate specific contract terms with the preferred candidate based on the contract template approved at point 2.*
4. *Require that any negotiated changes to the adopted contract as per Confidential Attachment 8 be presented to Council for consideration as per Clause 12 of the Standards.*
5. *Agree that in the event of the preferred candidate withdrawing their application at any time, that the Mayor be authorised to make an offer of employment to the second preferred candidate, and that points 2-5 of this resolution would be applied to the second preferred candidate.*

That Council thank Karin Strachan, Director Strategy and Organisational Performance for coordinating the Chief Executive Officer Recruitment Process.

9. Closure

The Mayor declared the meeting closed at 6:43pm.

Confirmed this day, 5 September 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 10 August 2023.



Jaysen de San Miguel
Mayor