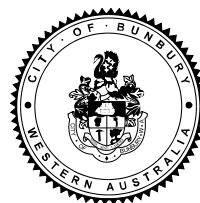


City of Bunbury Council

Minutes

29 August 2023

To consider finalising the appointment of a new Chief Executive Officer.



CITY OF BUNBURY
4 Stephen Street
Bunbury WA 6230
Western Australia

Correspondence to:
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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 acknowledged the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. He paid his respects to all members of the Aboriginal communities and their cultures; and 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 Jaysen Miguel
Members:	Deputy Mayor T Smith
	Councillor W Giles
	Councillor M Steck
	Councillor B Andrew
	Councillor C Kozisek
	Councillor K Turner
	Councillor M Quain
	Councillor G Ghasseb
	Councillor K Steele
	Councillor A Yip
Executive Leadership Team (Non-Voting)	
Director Strategy and Organisational Performance	Ms K Strachan
Director Sustainable Communities	Mr G Barbour
Director Infrastructure	Mr G Harris
City of Bunbury Officers (Non-Voting)	
Manager Governance	Mr G Golinski
Team Leader Marketing and Communications	Ms K Fielding
Governance Officer	Mr L Murphy
Others (Non-Voting)	
Members of the Public	2

3.1 Apologies

Cr McCleary was an apology for the meeting.

3.2 Approved Leave of Absence

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 finalising the appointment of a new Chief Executive Officer.

7.1 Chief Executive Officer Recruitment

File Ref:	CONFIDENTIAL
Applicant/Proponent:	Internal
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	<div><div><input type="checkbox"/> Advocacy</div><div><input checked="" type="checkbox"/> Executive/Strategic</div><div><input checked="" type="checkbox"/> Legislative</div></div> <div><div><input type="checkbox"/> Quasi-Judicial</div><div><input type="checkbox"/> Information Purposes</div></div>
Attachments:	Confidential Appendix 1: Proposed CEO Contract (under separate cover)

Summary

At the Special Council Meeting held on 10 August 2023, Council voted unanimously on the preferred candidate for appointment as CEO for the City of Bunbury and authorised the Mayor to proceed with negotiations based on the WALGA contract template. The negotiated contract is now presented to Council for endorsement at Confidential Appendix 1.

Executive Recommendation

That Council in accordance with Clause 12 of the City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination:

1. Approve the negotiated CEO contract as presented at Confidential Appendix 1, and
2. Authorise the Mayor to proceed with finalising the appointment of the City's new CEO.

*Voting requirement: **Absolute Majority***

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government

Regional Impact Statement

The position of CEO for the City of Bunbury is a position of significant impact to community, Elected Members, staff and key stakeholders of not only Bunbury, but also the surrounding local government areas and the South West region.

Confidentiality

The attachment to this report is confidential and in accordance with Section 5.23(2) (a) and (c) of the *Local Government Act 1995*, permits the meeting to be closed to the public for business relating to the following:

- (a) a matter affecting an employee or employees; and
- (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.

Each member of the Selection Panel as well as all other Elected Members (except one) completed a Confidentiality and Conflict of Interest Declaration. The Mayor has kept Elected Members informed of the process for every step of the Selection Panel's involvement.

Background

In accordance with City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination, the CEO Selection Panel ("the Panel") has completed two rounds candidate interviews following consideration of a total of 186 applications. The first round of interviews involved six (6) candidates whilst the second round of interviews involved three (3) candidates. The CEO Selection Panel was comprised of Mayor Jaysen Miguel, Deputy Mayor Tresslyn Smith, Cr Karen Steele, Cr Karen Turner, Cr Amanda Yip and Mayor Rhys Williams (Mayor for Mandurah) as independent panel member. The consultant appointed to manage the process was Charles Kerr from Hudson Australia.

The following Ordinary Council Meeting ("OCM") resolutions have been passed that relate to the process of recruiting a new CEO for the City of Bunbury:

- At the OCM of 14 March 2023 (*Item 10.11, Decision Number 043/23*), Council received the resignation of Malcolm Osborne, Chief Executive Officer.
- At the OCM of 4 April 2023 (*Item 10.3, Decision Number 051/23*), Council appointed Hudson Australia as the Human Resource Consultant.
- At the OCM of 23 May 2023 (*Item 10.12, Decision Number 082/23*), Council appointed Mayor Jaysen Miguel, Cr Ben Andrew, Cr Karen Steele, Cr Karen Turner and Cr Amanda Yip to the Selection Panel. Rhys Williams (Mayor for Mandurah) was appointed as the Independent Person to the Selection Panel.
- Cr Andrew resigned from the Panel due to personal reasons and Deputy Mayor Tresslyn Smith was selected to replace him on the 27 June 2023 (*Decision Number 120/23*).
- At the OCM of 23 May 2023 (*Item 10.12, Decision Number 082/23*), Council approved the CEO position description form, and the advertisement content and approved the City commence advertising.
- At the SCM 10 August 2023 Council approved the following:
 - *That Council, in accordance with City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination:*
 - *Ratify the CEO Recruitment Panel's recommendation of its preferred candidate and second preferred candidate as contained in Confidential Attachment 1.*
 - *Approve the draft template contract of employment and terms therein as presented in Confidential Attachment 8.*

- *Authorise the Mayor and Recruitment Consultant to negotiate specific contract terms with the preferred candidate based on the contract template approved at point 2.*
- *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.*
- *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.*

Council Policy Compliance

City of Bunbury Standards for CEO Recruitment, performance and termination

Legislative Compliance

Section 5.39A and 5.39B of the *Local Government Act 1995*
Regulation 18A of the *Local Government (Administration) Regulations 1996*
Salaries and Allowances Act 1975

Officer Comments

The CEO recruitment process was undertaken in accordance with the City of Bunbury Standards for CEO Recruitment, Performance and Termination (CEO Standards), Section 5.39 *Local Government Act 1995* and regulation 18A of the *Local Government (Administration) Regulations 1996 (Regulations)*.

An overview of the CEO recruitment and selection process and the statutory requirements are detailed below.

Selection of the Human Resources Consultant

An essential component of the CEO Recruitment process includes the appointment of an independent Human Resources Consultant, to undertake the necessary due diligence to verify the applicant's qualifications, experience and demonstrated performance through phone calls and in person conversations. Hudson Pty Ltd was appointed by Council as the preferred consultant, following the City's Procurement process. A panel comprised of Elected members and staff participated in the process of selecting the preferred party.

Advertising

The position of the CEO was advertised on 26 May 2023 and closed on Friday 9 June 2023. Hudson Pty Ltd as the City's independent Human Resources Advisor, placed the Advertisement content through all their channels, including LinkedIn, Seek and through Hudson's other formal and informal channels. The position of CEO was also advertised via the City of Bunbury official website.

Selection Panel

The City of Bunbury Selection Panel were formally appointed by Council at its meeting on 23 May 2023. The Recruitment Panel was comprised of Mayor Jaysen Miguel, Cr Ben Andrew, Cr Karen

Steele, Cr Karen Turner and Cr Amanda Yip. Cr Andrew resigned from the Panel due to personal reasons and Deputy Mayor Tresslyn Smith was selected to replace him.

Shortlisting of applicants

A total of 186 applications were received. The first round of interviews was held on 24, 25 and 27 July 2023. The Interviews were facilitated by the independent Human Resources Advisor and all members of the Selection Panel were present. Six Interviews were conducted and 3 applicants were shortlisted for second round interviews on 9 August. A preferred candidate and a second in line candidate were identified from this process.

Analysis of Financial and Budget Implications

The budget allocated for the CEO Recruitment process is \$52,000 and covered the cost of the independent Human Resources Advisor, the travelling and accommodation costs for candidates as required and the off-site venue that was used for interviews.

Community Consultation

Not applicable

Councillor/Officer Consultation

The Selection Panel have consulted with Elected Members throughout the process.

Applicant Consultation

Each of the top three applicants have had two rounds of interviews by the Recruitment Panel and have been introduced to full Council. Referee checks have been performed on each and psychometric testing has been done.

Timeline: Council Decision Implementation

Following approval of the final contract by Council, the contract will be presented to the candidate for signature on Wednesday 30 August. Upon signing of the contract, the name of the City of Bunbury's new CEO will be released via internal and external communications on a wide selection of channels. Site visits have been arranged for 30 August to introduce the new CEO to staff at the Administration building, the Dept, SWSC, Library and the Museum.

Outcome of Meeting 29 August 2023

A procedural motion pursuant to Standing Order 11.1(h) that the meeting be closed to the public was moved by Cr Smith 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 158/23

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
11 votes “for” / Nil votes “against”

The meeting was closed to the public at 6:32pm.

The executive recommendation, with the inclusion of the preferred candidate’s name, was moved by Cr Steele, 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 159/23

That Council in accordance with Clause 12 of the City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination:

- 1. Approve the negotiated CEO contract as presented at Confidential Appendix 1, and***
- 2. Authorise the Mayor to proceed with finalising the appointment of Mr Alan Ferris as the City’s new CEO.***

CARRIED BY ABSOLUTE MAJORITY
9 votes “for” / 2 votes “against”
Mayor Miguel and Councillors Andrew, Giles, Kozisek, Quain, Smith, Steele, Turner and Yip voted “for”.
Councillors Ghasseb and Steck voted “against”.

A motion that the meeting be reopened to the public was moved by Cr Steele 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 160/23

That the meeting be reopened to the public.

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

The meeting was reopened to the public at 6:59pm.

8. Public Reading of Resolutions that may be made Public

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

That Council in accordance with Clause 12 of the City of Bunbury Standards for Chief Executive Officer Recruitment, Performance and Termination:

1. Approve the negotiated CEO contract as presented at Confidential Appendix 1, and
2. Authorise the Mayor to proceed with finalising the appointment of Mr Alan Ferris as the City's new CEO.

9. Closure

The Mayor declared the meeting closed at 7:00pm.

Confirmed this day, 26 September 2023 to be a true and correct record of proceedings of the City of Bunbury Council Meeting held 29 August 2023.



Jaysen de San Miguel
Mayor