

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY 9 JUNE 2020**

TABLE OF CONTENTS

Item No.	Title	Page No.
	DECLARATION OF OPENING AND ANNOUCEMENT OF VISITORS	1
	DECLARATIONS OF INTEREST	2
	PUBLIC QUESTION TIME	2
	PUBLIC STATEMENT TIME	2
	APOLOGIES / LEAVE OF ABSENCE	2
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC	3
C39-06/20	MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC	4
	REPORTS	5
JSC04-06/20	CONFIDENTIAL - RECRUITMENT OF CHIEF EXECUTIVE OFFICER - EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE OFFICER	5
JSC05-06/20	CONFIDENTIAL - RECRUITMENT OF CHIEF EXECUTIVE OFFICER - REQUEST FOR QUOTATION FOR RECRUITMENT CONSULTANT	8
C40-06/20	MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC	10
	CLOSURE	11

CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 9 JUNE 2020.

DECLARATION OF OPENING

The Deputy Mayor declared the meeting open at 6.00pm.

ANNOUNCEMENT OF VISITORS

Deputy Mayor:

CR RUSS FISHWICK, JP South Ward

Councillors:

CR KERRY HOLLYWOOD	North Ward
CR TOM McLEAN, JP	North Ward
CR PHILIPPA TAYLOR	North Central Ward
CR NIGE JONES	North Central Ward
CR CHRISTOPHER MAY	Central Ward
CR RUSSELL POLIWKA	Central Ward
CR JOHN RAFTIS	South-West Ward
CR JOHN LOGAN	South-East Ward
CR SUZANNE THOMPSON	South Ward

from 6.05pm

Officers:

MR GARRY HUNT	Chief Executive Officer
MR BRAD SILLENCÉ	Manager Governance
MR GLENN HEAPERMAN	Manager Human Resources

There were no members of the public and no members of the press in attendance.

DECLARATIONS OF INTEREST**Disclosures of interest affecting impartiality**

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC04-06/20 - Confidential - Recruitment of Chief Executive Officer - Employment Contract of the Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer until 31 July 2020.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC05-06/20 - Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer until 31 July 2020.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC05-06/20 - Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt knows a number of the individuals named in the Request for Quotation submissions.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES / LEAVE OF ABSENCE

Apologies:

Cr John Chester.

Cr Christine Hamilton-Prime.

Leave of Absence previously approved

Mayor Albert Jacob, JP 8 to 10 June 2020 inclusive.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

- JSC04-06/20 Confidential - Recruitment of Chief Executive Officer – Employment Contract of the Chief Executive Officer.
- JSC05-06/20 Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant.

C39-06/20 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]

MOVED Cr Fishwick, **SECONDED** Cr Thompson that Council:

- 1** in accordance with Section 5.23(2)(a) and (c) of the *Local Government Act 1995* and clause 5.2(2) of the City's *Meeting Procedures Local Law 2013*, **RESOLVES** to close the meeting to members of the public to consider the following items:
 - 1.1** JSC04-06/20 Confidential - Recruitment of Chief Executive Officer – Employment Contract of the Chief Executive Officer;
 - 1.2** JSC05-06/20 Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant;

- 2** **PERMITS** the following employees to remain in the Chamber during discussion on Items JSC04-06/20 Confidential - Recruitment of Chief Executive Officer – Employment Contract of the Chief Executive Officer and JSC05-06/20 Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant while the meeting is sitting behind closed doors as detailed in Parts 1.1 and 1.2 above:
 - 2.1** Chief Executive Officer, Mr Garry Hunt;
 - 2.2** Manager Governance, Mr Brad Sillence;
 - 2.3** Manager Human Resources, Mr Glenn Heaperman.

The Motion was Put and

CARRIED (9/0)

In favour of the Motion: Deputy Mayor Fishwick, Crs Hollywood, Jones, Logan, May, McLean, Poliwka, Taylor and Thompson.

Members of the staff (with the exception of the Chief Executive Officer, Manager Governance and Manager Human Resources) left the Chambers at this point; the time being 6.04pm.

REPORTS**Disclosure of interest affecting impartiality**

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC04-06/20 - Confidential - Recruitment of Chief Executive Officer - Employment Contract of the Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer until 31 July 2020.

JSC04-06/20 CONFIDENTIAL – RECRUITMENT OF CHIEF EXECUTIVE OFFICER – EMPLOYMENT CONTRACT OF THE CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	74574
ATTACHMENT	Attachment 1 Draft Employment Contract of the Chief Executive Officer of the City of Joondalup (prepared by solicitors Jackson McDonald) including Position Description and 2019/20 Key Performance Indicators. Attachment 2 Revised Draft Employment Contract of the Chief Executive Officer of the City of Joondalup (prepared by solicitors Jackson McDonald) including Position Description and 2019/20 Key Performance Indicators. Refer to Elected Members Portal for Confidential Attachments 1 - 7 detailed in the report to Council on 11 February 2020 (JSC01-02/20). <i>(Please Note: The Report and Attachment are confidential and will appear in the official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

- (a) *a matter affecting an employee or employees.*
- (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.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

Cr Raftis entered the Chamber at 6.05pm.

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

- 1 SUPPORTS the draft Employment Contract for the Chief Executive Officer appointee;**
- 2 SUPPORTS the revised position description for the position noting that it will form part of the final Employment Contract;**
- 3 ENDORSES the draft Employment Contract of the Chief Executive Officer, including the revised position description and key performance indicators as detailed in Attachment 2 to Report JSC04-06/20, subject to the following amendments being included:**
 - 3.1 In Clause 11.6 (c) replace “(ii)” with “(b)”;**
 - 3.2 In Clause 11.6 (f) replace “(v)” with “(e)”;**
 - 3.3 In Clause 14.8 replace “Council” with “the Mayor”;**
 - 3.4 At the end of Clause 14.14, insert the following sentence:**

“Any continuing professional development under this sub-clause is restricted to 10 full working days per calendar year.”;
 - 3.5 Delete Clause 14.17 and insert new Clause 14.17 as follows:**

“14.17 If the CEO wishes to attend conferences outside Australia in any given year (based on the anniversary date of the Contract) the CEO must seek prior approval of the Council. The CEO must keep a record of all attendances under this sub-clause and prepare a report for Council within thirty (30) days of resuming work.”;
 - 3.6 In Clause 16.2 replace “they have” with “that he or she has”;**
 - 3.7 In Clause 16.5 replace “authorized” with “authorised”;**
 - 3.8 In Clauses 17.4, 17.7 and 17.10 replace “17.1417.4” with “17.14”;**
 - 3.9 In Clause 17.5 (c) replace “X” with “six (6)”;**
 - 3.10 In Clause 17.8 (a) replace “twelve (12)” with “six (6)”;**
 - 3.11 In Clause 19.9 replace “appendices” with “Appendices”.**

AMENDMENT MOVED Cr Poliwka, SECONDED Cr May that a new part 3.12 be added to the motion as follows:

“3.12 In Clause 14.1 replace “twenty-five (25)” with “twenty (20).”.

The Amendment was Put and

LOST (2/8)

In favour of the Amendment: Crs Poliwka and Raftis.

Against the Amendment: Deputy Mayor Fishwick, Crs Hollywood, Jones, Logan, May, McLean, Taylor and Thompson.

The original motion as amended, being:

That Council:

- 1 SUPPORTS the draft Employment Contract for the Chief Executive Officer appointee;
- 2 SUPPORTS the revised position description for the position noting that it will form part of the final Employment Contract;
- 3 ENDORSES the draft Employment Contract of the Chief Executive Officer, including the revised position description and key performance indicators as detailed in Attachment 2 to Report JSC04-06/20, subject to the following amendments being included:
 - 3.1 In Clause 11.6 (c) replace “(ii)” with “(b)”;
 - 3.2 In Clause 11.6 (f) replace “(v)” with “(e)”;
 - 3.3 In Clause 14.8 replace “Council” with “the Mayor”;
 - 3.4 At the end of Clause 14.14, insert the following sentence:
“Any continuing professional development under this sub-clause is restricted to 10 full working days per calendar year.”;
 - 3.5 Delete Clause 14.17 and insert new Clause 14.17 as follows:
“14.17 If the CEO wishes to attend conferences outside Australia in any given year (based on the anniversary date of the Contract) the CEO must seek prior approval of the Council. The CEO must keep a record of all attendances under this sub-clause and prepare a report for Council within thirty (30) days of resuming work.”;
 - 3.6 In Clause 16.2 replace “they have” with “that he or she has”;
 - 3.7 In Clause 16.5 replace “authorized” with “authorised”;
 - 3.8 In Clauses 17.4, 17.7 and 17.10 replace “17.1417.4” with “17.14”;
 - 3.9 In Clause 17.5 (c) replace “X” with “six (6)”;
 - 3.10 In Clause 17.8 (a) replace “twelve (12)” with “six (6)”;
 - 3.11 In Clause 19.9 replace “appendices” with “Appendices”.

was Put and

CARRIED (10/0)

In favour of the Motion: Deputy Mayor Fishwick, Crs Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

Disclosures of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC05-06/20 - Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer until 31 July 2020.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC05-06/20 - Confidential - Recruitment of Chief Executive Officer - Request for Quotation for Recruitment Consultant.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt knows a number of the individuals named in the Request for Quotation submissions.

JSC05-06/20 CONFIDENTIAL – RECRUITMENT OF CHIEF EXECUTIVE OFFICER – REQUEST FOR QUOTATION FOR RECRUITMENT CONSULTANT

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	74574
ATTACHMENT	Attachment 1 Request for Quotation submissions received from eight individual groups or entities. Refer to Elected Members Portal for Confidential Attachments 1 - 7 detailed in the report to Council on 11 February 2020 (JSC01-02/20) <i>(Please Note: The Report and Attachment are confidential and will appear in the official Minute Book only)</i>
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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

- (b) *a matter affecting an employee or employees.*
- (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.*

A full report was provided to Elected Members under separate cover. The report is not for publication.

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

- 1 NOTES the Request for Quotations received for the Chief Executive Officer Recruitment Consultant as detailed in Attachment 1 to Report JSC05-06/20;**
- 2 SELECTS Lester Blades as the preferred Chief Executive Officer recruitment consultant to progress to the recruitment process in accordance with the recruitment process detailed in the report to Council on 11 February 2020 (JSC01-02/20) which comprises the following items:**
 - 2.1 Advertising;**
 - 2.2 Preliminary review – long list applicants;**
 - 2.3 Shortlist applicants;**
 - 2.4 Arrange and conduct interviews;**
 - 2.5 Due diligence;**
 - 2.6 Psychometric testing;**
 - 2.7 Recommendation to Council. For appointment;**
 - 2.8 Offer of employment and contract negotiations;**
 - 2.9 Finalisation of process.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Deputy Mayor Fishwick, Crs Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

C40-06/20

**MOTION TO OPEN MEETING TO MEMBERS OF THE PUBLIC –
[02154, 08122]**

MOVED Cr Fishwick, **SECONDED** Cr McLean that in accordance with clause 5.2(3)(b) of the *City of Joondalup Meeting Procedures Local Law 2013*, the meeting be **REOPENED TO THE PUBLIC**.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Deputy Mayor Fishwick, Crs Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

Doors opened at 6.25pm. No members of the public or press entered the Chamber.

CLOSURE

There being no further business, the Deputy Mayor declared the meeting closed at 6.27pm the following Elected Members being present at that time:

CR RUSS FISHWICK, JP
CR KERRY HOLLYWOOD
CR TOM McLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR JOHN RAFTIS
CR JOHN LOGAN
CR SUZANNE THOMPSON