

minutes

Special Meeting of Council

MEETING HELD ON **TUESDAY 29 SEPTEMBER 2020**

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CITY OF JOONDALUP

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 29 SEPTEMBER 2020.

DECLARATION OF OPENING

The Mayor declared the meeting open at 6.00pm.

ANNOUNCEMENT OF VISITORS

Mayor:

HON. ALBERT JACOB, JP

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 CHRISTINE HAMILTON-PRIME, JP	South-West Ward
CR JOHN RAFTIS	South-West Ward
CR JOHN CHESTER	South-East Ward
CR JOHN LOGAN	South-East Ward
CR RUSS FISHWICK, JP	South Ward – <i>Deputy Mayor</i>
CR SUZANNE THOMPSON	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer
MR BRAD SILLENCE	Manager Governance
MR GLENN HEAPERMAN	Manager Human Resource Services

Guest:

MR GEOFF BLADES	Recruitment Consultant, Lester Blades
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There were no members of the public or press in attendance.

DECLARATIONS OF INTEREST**Disclosures of Financial / Proximity Interest**

Nil.

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	Mayor Hon. Albert Jacob, JP.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Mayor Jacob.

Name/Position	Cr John Chester.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Chester.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Fishwick.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Hollywood.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr McLean.

Name/Position	Cr Philippa Taylor.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Taylor.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Mr Hunt.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt is the current Chief Executive Officer. His contract expires on 18 December 2020 and is not an applicant.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES / LEAVE OF ABSENCE

Leave of Absence Previously Approved:

Cr Suzanne Thompson 5 to 11 October 2020 inclusive.

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

- JSC08-09/20 - Confidential – Appointment of Preferred Applicant for position of Chief Executive Officer.

C91-09/20 MOTION TO CLOSE MEETING TO MEMBERS OF THE PUBLIC – [02154, 08122]

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:

- 1** in accordance with section 5.23(2)(e)(iii) 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 item:
 - 1.1** JSC08-09/20 - Confidential – Appointment of Preferred Applicant for position of Chief Executive Officer;

- 2** PERMITS the following employees and other persons to remain in the Chamber during discussion on Item (JSC08-09/20 - Confidential – Appointment of Preferred Applicant for position of Chief Executive Officer) while the meeting is sitting behind closed doors as detailed in Part 1.1 above:
 - 2.1** Chief Executive Officer, Mr Garry Hunt;
 - 2.2** Manager Governance, Mr Brad Sillence;
 - 2.3** Manager Human Resource Services, Mr Glenn Heaperman;
 - 2.4** Recruitment Consultant Lester Blades, Mr Geoff Blades.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

The Chief Executive Officer, Manager Governance, Manager Human Resource Services and the Recruitment Consultant, Mr Blades remained in the Chambers at this point; the time being 6.04pm.

Disclosures of interest affecting impartiality

Name/Position	Mayor Hon. Albert Jacob, JP.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Mayor Jacob.

Name/Position	Cr John Chester.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Chester.

Name/Position	Cr Russ Fishwick, JP.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Fishwick.

Name/Position	Cr Kerry Hollywood.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Hollywood.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr McLean.

Name/Position	Cr Philippa Taylor.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Cr Taylor.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The preferred applicant is known to Mr Hunt.

Name/Position	Mr Garry Hunt, Chief Executive Officer.
Item No./Subject	JSC08-09/20 - Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mr Hunt is the current Chief Executive Officer. His contract expires on 18 December 2020 and is not an applicant.

REPORT**JSC08-09/20 CONFIDENTIAL – APPOINTMENT OF PREFERRED APPLICANT FOR POSITION OF CHIEF EXECUTIVE OFFICER**

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	74574
ATTACHMENTS	Attachment 1 Applicant Recommendation Report Attachment 2 Proposed Contract of Employment Attachment 3 Curriculum Vitae of Preferred Applicant <i>(Please Note: The Report and Attachments 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 Section 5.23(2)(e)(iii) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

Information about the business, professional, commercial or financial affairs of a person.

A full report was provided to elected members under separate cover. The report is not for publication.

MOVED Cr Fishwick, SECONDED Cr Taylor that Council:

- 1** in accordance with section 5.36(2)(a) of the *Local Government Act 1995* **BELIEVES** the Preferred Applicant No. 1 as detailed in Report JSC08-09/20, is suitably qualified for the position of Chief Executive Officer;
- 2** **BY AN ABSOLUTE MAJORITY** in accordance with section 5.36(2)(b) of the *Local Government Act 1995* **IS SATISFIED** with the provisions of the proposed Chief Executive Officer Employment Contract, as detailed in Attachment 2 of Report JSC08-09/20;
- 3** in accordance with section 5.36(1)(a) of the *Local Government Act 1995* **EMPLOYS** the Preferred Applicant No. 1 as detailed in Report JSC08-09/20, to the position of Chief Executive Officer under the terms and conditions of the Chief Executive Officer Employment Contract as detailed in Part 2 above;
- 4** **AUTHORISES** the Mayor and Director Corporate Services to execute the Chief Executive Officer Employment Contract detailed in Part 2 above, on behalf of the City pursuant to section 9.49B of the *Local Government Act 1995*, and authorises the Common Seal to be affixed.

C92-09/20

EXTENSION OF TIME TO SPEAK

MOVED Mayor Jacob, SECONDED Cr Thompson that Cr Fishwick be permitted an extension of time to speak for a further five minutes.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

C93-09/20

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Cr Raftis, SECONDED Cr Poliwka that Item JSC08-09/20 – Confidential – Appointment of Preferred Applicant for Position of Chief Executive Officer **BE REFERRED BACK** to the Chief Executive Officer Recruitment and Performance Review Committee to allow further Employment Contract conditions to be negotiated with the preferred applicant.

The Motion was Put and

LOST (5/8)

In favour of the Motion: Crs Chester, Jones, Poliwka, Raftis and Thompson.

Against the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Logan, May, McLean and Taylor.

The Motion as amended, being:

That Council:

- 1 in accordance with section 5.36(2)(a) of the *Local Government Act 1995* BELIEVES the Preferred Applicant No. 1 as detailed in Report JSC08-09/20, is suitably qualified for the position of Chief Executive Officer;
- 2 BY AN ABSOLUTE MAJORITY in accordance with section 5.36(2)(b) of the *Local Government Act 1995* IS SATISFIED with the provisions of the proposed Chief Executive Officer Employment Contract, as detailed in Attachment 2 of Report JSC08-09/20 subject to:
 - 2.1 the deletion of clauses 2.3 to 2.6 inclusive and renumbering clauses 2.7 to 2.11 accordingly and throughout the Employment Contract as required;
- 3 in accordance with section 5.36(1)(a) of the *Local Government Act 1995* EMPLOYS the Preferred Applicant No. 1 as detailed in Report JSC08-09/20, to the position of Chief Executive Officer under the terms and conditions of the Chief Executive Officer Employment Contract as detailed in Part 2 above;
- 4 AUTHORISES the Mayor and Director Corporate Services to execute the Chief Executive Officer Employment Contract detailed in Part 2 above, on behalf of the City pursuant to section 9.49B of the *Local Government Act 1995*, and authorises the Common Seal to be affixed.

was Put and

CARRIED (8/5)

In favour of the Motion: Mayor Jacob, Crs Fishwick, Hamilton-Prime, Hollywood, Logan, May, McLean and Taylor.
Against the Motion: Crs Chester, Jones, Poliwka, Raftis and Thompson.

C96-09/20

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

MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime 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 (13/0)

In favour of the Motion: Mayor Jacob, Crs Chester, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, May, McLean, Poliwka, Raftis, Taylor and Thompson.

Doors opened at 7.27pm. No members of the public or press were present.

CLOSURE

There being no further business, the Mayor declared the meeting closed at 7.30pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP
CR KERRY HOLLYWOOD
CR TOM McLEAN, JP
CR PHILIPPA TAYLOR
CR NIGE JONES
CR CHRISTOPHER MAY
CR RUSSELL POLIWKA
CR CHRISTINE HAMILTON-PRIME, JP
CR JOHN RAFTIS
CR JOHN CHESTER
CR JOHN LOGAN
CR RUSS FISHWICK, JP
CR SUZANNE THOMPSON