

SPECIAL COUNCIL MEETING

A G E N D A

Special Meeting to be held in the
Civic Centre
181 Unley Road Unley
On Monday 18 July 2011 at 6.00pm

MEMBERS

His Worship the Mayor L Clyne (Presiding Member)
Councillor M Hudson
Councillor J Koumi
Councillor A Lapidge
Councillor P Hughes
Councillor R Sangster
Councillor M Saies
Councillor M Hewitson
Councillor R Salaman
Councillor R Schnell
Councillor D Tipper
Councillor J Boisvert
Councillor D Palmer

ACKNOWLEDGEMENT

We acknowledge that the land we meet on today is the traditional land of the Aboriginal people and that we respect their spiritual relationship with their country.

We also acknowledge that the Aboriginal people are the custodians of the Adelaide region and that their cultural and heritage beliefs are still important to the living Aboriginal people today.

APOLOGIES

SPECIAL COUNCIL MEETING

A G E N D A

A Special Meeting of the Council of the City of Unley will be held in the
Civic Centre, City of Unley, 181 Unley Road, Unley,
on Monday 18 July 2011 at 6.00pm

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DECISION REPORT

REPORT TITLE:	RECRUITMENT COMMITTEE FOR THE APPOINTMENT OF A CEO
ITEM NUMBER:	14
DATE OF MEETING:	18 July 2011
AUTHOR:	CAROL GOWLAND
JOB TITLE:	EXECUTIVE ASSISTANT TO DEPUTY CEO
RESPONSIBLE OFFICER:	RAY PINCOMBE
JOB TITLE:	CHIEF EXECUTIVE OFFICER
COMMUNITY GOAL:	GOE2 – Generate an approach to Council operations which maintain the principles of good governance such as public accountability, transparency, integrity, leadership, co-operation with other levels of government and social equity
REPRESENTORS:	NIL
ATTACHMENTS:	1. TERMS OF REFERENCE FOR CEO RECRUITMENT COMMITTEE

PURPOSE

The purpose of this report is to create a committee that will oversee the recruitment process for the new Chief Executive Officer (CEO).

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. The Council establish a Section 41 Committee under the Local Government Act called the CEO Recruitment Committee with a Terms of Reference as outlined in Attachment 1 to this report.
3. The CEO Recruitment Committee be constituted of a membership of 4 persons, those being:

The Mayor, Lachlan Clyne
Cr
Cr
Cr.....

4. The Members of the CEO Recruitment Committee be appointed from the 18 July 2011 until the Council formally resolves to appoint the new CEO.
5. The Mayor be appointed as Presiding Member of the Committee.
6. Pursuant to Regulation 26(b) of the Local Government (Procedures at Meetings) Regulations, a quorum for the CEO Recruitment Committee be three members.

BACKGROUND

Upon the notice of resignation of the current CEO, Council should move quickly to start the process for his replacement. The first step in this process is forming a Section 41 Committee under the Local Government Act 1999.

COMMUNITY ENGAGEMENT

There is no requirement for Community Consultation on this matter.

DISCUSSION

The formation of a Section 41 Committee to manage the recruitment process for the appointment of a new CEO will streamline the actions required to complete this task.

A small Committee (4) will enable ease of management especially as it is also recommended that the Committee be given a terms of reference that will allow it to oversee the work of a recruitment consultant to assist in the process (Attachment 1 to report 14/11). It is appropriate for the Mayor to play an important part in the recruitment process and hence his recommended inclusion in the membership.

Attachment 1

The Committee should be able to oversee the recruitment process and guide the steps required to a final recommendation to Council for appointment. The Committee should also take on the role of interview panel for the short listed candidates.

It is recommended that a Recruitment Consultant manage the process in a confidential manner with the Committee to protect the identity of applicants from those not part of the process, ie Council staff, the community etc.

Quotations will be sought from suitable Recruitment Consultant companies and their proposals will be supplied to the Recruitment Committee for review (this is in accordance with Council's Procurement Policy).

At the time the Committee (Interview Panel) recommends a candidate to the Council, the Council then controls the process and formally resolves to appoint a new CEO.

If a new CEO is not able to commence as of the 19 November 2011, under Section 102 of the Local Government Act, the Deputy CEO must temporarily act in the position.

CONCLUSION

The Council needs to recruit a new CEO in a way that is professional and well managed. The establishment of a Recruitment Committee will effectively undertake this task with the assistance of a Recruitment Consultant.

The Administration will obtain a minimum of three quotations from Recruitment Consultants and provide to the Committee.

ESTABLISHMENT & TERMS OF REFERENCE OF THE CITY OF UNLEY CHIEF EXECUTIVE OFFICER RECRUITMENT COMMITTEE

1. Establishment of the Recruitment Committee

Pursuant to Section 41 of the Local Government Act 1999 the Council establishes a Committee to be known as the City of Unley Chief Executive Officer Recruitment Committee (“the Recruitment Committee”) to undertake the recruitment process for the position of Chief Executive Officer of the City of Unley in accordance with these Terms of Reference.

2. Membership

2.1 Membership of the Recruitment Committee shall consist of:

- His Worship the Mayor
- Councillor
- Councillor
- Councillor

The Council appoints Mayor L Clyne as the Presiding Member of the Recruitment Committee.

2.2 If the Presiding Member of the Recruitment Committee is absent from a meeting of the Committee, a member of the Committee chosen from those present will preside at the meeting as the Acting Presiding Member.

3. Terms of Reference – Operational Matters

The Terms of Reference for the Recruitment Committee are as follows –

- 3.1 the Recruitment Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute recommendations to the Council;
- 3.2 the Recruitment Committee shall act at all times in strict accordance with relevant legislation (being the Local Government Act 1999 and associated Regulations) and in accordance with these Terms of Reference in the performance of its functions;
- 3.3 for the purposes of Section 41(8) of the Local Government Act 1999 the reporting and accountability requirements that apply to the Recruitment Committee are that the minutes of all meetings of the Recruitment Committee must be included in the agenda for the next ordinary meeting of the Council following a meeting of the Recruitment Committee. The reporting of the decisions of the Recruitment Committee to the Council in

this manner is sufficient to satisfy the reporting and accountability requirements of the Council;

- 3.4 all decisions of the Recruitment Committee shall be made on the basis of a majority decision of the members present;
- 3.5 a quorum for a meeting of the Recruitment Committee shall be three (3) Members of the Committee.
- 3.6 the Recruitment Committee shall meet as often as the Committee considers necessary provided that the first meeting of the Committee shall occur within fourteen days of the date of this resolution on a date and time ascertained by the Chief Executive Officer as being suitable for members of the Committee;
- 3.7 meetings of the Committee will be held at the Civic Centre at 181 Unley Road, Unley South Australia;
- 3.8 the provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 shall apply to all meetings of the Committee as if such meetings were meetings of the Council or a committee performing a regulatory activity;
- 3.9 insofar as the Local Government Act and Regulations and these Terms of Reference do not prescribe a procedure to be observed in relation to the conduct of a meeting of the Recruitment Committee, the Committee may determine its own procedure;
- 3.10 the Recruitment Committee shall act as the “*selection panel*” for the purposes of Section 98(4) of the Local Government Act 1999.

4. **Terms of Reference – Functions and Responsibilities**

The Recruitment Committee is charged with enquiring into and reporting to the Council in respect of the following matters:

- 4.1 the preparation of an “*Action Plan*” which sets out the proposed steps and the time lines for those steps to fill the pending vacancy in the position of Chief Executive Officer of the Council;
- 4.2 undertaking the recruitment process for the position of Chief Executive Officer of the City of Unley in accordance with the Action Plan agreed by the Council;
- 4.3 making recommendations to the Council at each stage of the recruitment process including but not limited to the appointment of a professional human resource recruitment consultant, the implementation of the agreed Action Plan. The consideration of applications, the determination of a “*short list*” for the position, and the steps envisaged at clause 4.4 of these Terms of Reference;

- 4.4 the assessment of applications for the position of Chief Executive Officer of the City of Unley, the recommendation of re-advertisement or other additional steps (if necessary) and recommendations upon the appointment to the position of Chief Executive Officer of the City of Unley; [for the purposes of Section 98(4) of the Local Government Act 1999]
- 4.5 any other matter which is not stipulated within these Terms of Reference but which is within the conspectus of the powers and functions of the Recruitment Committee or other matters which are specifically referred by the Council to the Recruitment Committee and related to the recruitment of the Chief Executive Officer.

5. **Tenure**

The Recruitment Committee which is established for the purpose of assisting the Council in taking steps to fill the pending vacancy in the position of Chief Executive Officer of the City of Unley will be wound up upon the date that the Council makes the appointment to the office of Chief Executive Officer of the City of Unley.

DECISION REPORT

REPORT TITLE: CONFIDENTIALITY MOTION FOR ITEM 16 –
CENTENNIAL PARK CEMETERY AUTHORITY –
OPERATIONS COMPLEX

ITEM NUMBER: 15

DATE OF MEETING: 18 July 2011

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO THE DEPUTY CEO

RESPONSIBLE OFFICER: CHRISTINE UMAPATHYSIVAM

JOB TITLE: DEPUTY CHIEF EXECUTVE OFFICER

COMMUNITY GOAL: GOE/2 Generate an approach to all Council operations which maintains the principles of good governance such as public accountability, transparency, integrity, leadership, cooperation with other levels of government and social equity.

REPRESENTORS: NIL

ATTACHMENTS: NIL

PURPOSE

To recommend that Item 16 be considered in confidence at the Special Council Meeting of 18 July 2011.

RECOMMENDATION

MOVED:
SECONDED:

That:

1. The report be received.
2. Pursuant to sections 90(2) and 90(3)(d) of the *Local Government Act 1999* the public be excluded, with the exception of the following:

Mr Ray Pincombe, Chief Executive Officer,
Mr Peter Tsokas, General Manager City Development,
Ms Michelle Bonnici, General Manager City Services,
Ms Victoria Minenko, Acting General Manager Corporate Services,
Ms Carol Gowland, Executive Assistant to the Deputy CEO,

on the basis that Council will receive and consider a report titled "Centennial Park Cemetery Authority – Operating Complex and that the Council is satisfied that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:

- d. commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest.
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DECISION REPORT

REPORT TITLE: REMAIN IN CONFIDENCE – ITEM 16 –
CENTENNIAL PARK CEMETERY AUTHORITY –
OPERATIONS COMPLEX

ITEM NUMBER: 17

DATE OF MEETING: 18 July 2011

AUTHOR: CAROL GOWLAND

JOB TITLE: EXECUTIVE ASSISTANT TO THE DEPUTY
CHIEF EXECUTIVE OFFICER

RESPONSIBLE OFFICER: CHRISTINE UMAPATHYSIVAM

JOB TITLE: DEPUTY CHIEF EXECUTIVE OFFICER

REPRESENTORS: NIL

ATTACHMENTS: NIL

PURPOSE

To recommend that the Report, Attachments and Minutes relating to Item 16 remain in confidence at the 18 July 2011 Special Council meeting until revoked by the Chief Executive Officer.

RECOMMENDATION

It is recommended to Council that the following resolution be adopted.

MOVED:
SECONDED:

That:

1. The report be received.
2. Pursuant to Section 91(7) and (9) of the Local Government Act:

2.1 The

- ☒ Report
- ☒ Attachments
- ☒ Minutes

to remain confidential on the basis that the disclosure of the information would be an unreasonable disclosure of commercial information, and it is in the public interest to not disclose this matter, pursuant to Section 90(3)(d) of the Act.

- 2.2 The report will be kept confidential until the order is revoked by the Chief Executive Officer.