

16/04/2013

REFER DISCLAIMER

1.1.1: GOVERNANCE COMMITTEE

Proponent : City of Albany
Attachment : Confirmed Minutes of Governance Committee Meeting held on 11 March 2013
Responsible Officer(s) : Acting Chief Executive Officer (G Foster)

**ITEM 1.1.1: COMMITTEE RECOMMENDATION
VOTING REQUIREMENT: SIMPLE MAJORITY**

THAT the CONFIRMED minutes of the Governance Committee Meeting held on 11 March 2013, be RECEIVED.



GOVERNANCE COMMITTEE

CONFIRMED MINUTES

for the meeting held 5.30pm Monday 11 March 2013,
in the Margaret Coates Boardroom, City Office, North Road, Albany

(File Ref: CM.MEE.6/AM1371493)

Terms of Reference: *The Committee is established under section 7.1A of the Local Government Act 1995 (the Act) and its Regulations. The Committee does not have any delegated authority from Council.*

1.0 ATTENDANCE

Mayor	D Wellington(Chair)
Councillors:	
R Hammond	Member
D Bostock	Member
S Bowles	Member
G Gregson	Member
C Holden	Member
A Hortin	Member
V Calleja	Member
D Dufty	Member
C Dowling	Member
G Stocks	Member
Y Attwell	Member
Staff:	
Chief Executive Officer	G Foster
Executive Director Corporate Services	G Adams
Minutes	J Williamson
PA to Executive Director Corporate Services	E Hubble
Apologies/Leave of Absence:	
R Sutton	Member

2.0 CONFIRMATION OF MINUTES

ITEM 2.0: RESOLUTION

**MOVED: COUNCILLOR GREGSON
SECONDED: COUNCILLOR BOWLES**

THAT the minutes of the Governance Committee Meeting held on 26 November 2012, as previously distributed, be accepted as a true and accurate record of proceedings.

CARRIED 11-1

Record of Vote

Against the Motion: Councillor Bostock

3.0 STANDING ITEMS

3.1 Staff Movements

ITEM 3.0: RECOMMENDATION

**MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR HOLDEN**

THAT the Staff Movements Report for December 2012, January 2013 and February 2013 be NOTED.

CARRIED 12-0

Executive Director Corporate Services advised that there had been a number of resignations and departures from the City in January and February 2013 which did not appear in the report. This information will be provided to the April Governance Committee meeting.

4.0 ITEMS FOR DISCUSSION

ITEM 4.1: STANDING ORDERS LOCAL LAW

Reporting Officer: Stuart Jamieson Manager Compliance and Community Safety

Objective

To provide the Committee with an update on the progress of the Local Law-Meeting Procedures, which are currently being reviewed by the Joint Standing Committee on Delegated Legislation.

Background

1. Council conducted a review of the Standing Orders Local Law 2009 over a twelve month period, after identifying deficiencies in the current Standing Orders.
2. A series of workshops were conducted to allow Elected Member participation and contribution to the Local Law Meeting Procedures, with the final workshop being conducted on 27 September 2011.
3. At the Ordinary Council Meeting held on 15 November 2011, Council made the following resolution:

ITEM 1.4: RESOLUTION

VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR DUFTY

SECONDED: COUNCILLOR BOWLES

THAT Council in accordance with section 3.12 of the *Local Government Act 1995*, agrees to GIVE PUBLIC NOTICE of its intention to MAKE the City of Albany Local Law Meeting Procedures 2011.

**CARRIED 11-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor D Bostock

Discussion

4. The Joint Standing Committee on Delegated Legislation was contacted on 19 September 2011 in order to verify actions required to make a new local law and ensure compliance.
5. Statewide and local public notice of the proposed new local law invited submissions from the public.
6. The purpose of this local law is to provide a set of procedures to assist in the good conduct of meetings of the Council and committees.
7. The local law is intended to result in:
 - Better decision making by Council;
 - Orderly and efficient conduct of meetings dealing with the business of Council;
 - Greater community participation and understanding of the business of Council; and
 - More open and accountable local government.
8. The Local Law Meeting Procedure was based on a variety of model Meeting Procedures recommended by the Department of Local Government, including City of Mandurah, City of South Perth and City of Greater Geraldton.
9. This new local law will replace the Standing Orders Local Law 2009 (as amended) 15 September 2009.

Conclusion

10. Council may choose to operate under the current Standing Orders Local Law 2009 (as amended) 15 September 2009, or continue with the approval process for the new Local Law Meeting Procedures 2011.

Attachments

- *City of Albany Meeting Procedures Local Law 2011*

RECOMMENDATION

ITEM 4.1: RECOMMENDATION

**MOVED: COUNCILLOR BOSTOCK
SECONDED: COUNCILLOR GREGSON**

THAT this matter be laid on the table.

CARRIED 12-0

ITEM 4.2: KEY PERFORMANCE INDICATORS FOR ACTING CHIEF EXECUTIVE OFFICER

Reporting Officer: Shauna Dale, Manager Human Resources

Objective

To provide the Committee with an overview on Key Performance Indicators for the Acting Chief Executive Officer

Background

At the request of the Mayor, a set of Key Performance Indicators have been developed in accordance with the *Local Government Act (1995)*, and with reference to the Acting Chief Executive Officer's Contract of Employment.

Discussion

Given the nature of the contract of employment for the Acting Chief Executive Officer a set of KPIs that can be measured for the short term; initially to end of June 2013, have been developed which reflect the key result areas for the City of Albany within the time frame.

Conclusion

In collaboration with Council, the Acting Chief Executive Officer works to the following KPIs:

- Completion of requirements under the Integrated Strategic Planning framework;
- Production of a responsible draft budget for consideration by Council;
- Production of a paper on Economic Development in Albany for consideration by Council;
- Produce a Parking Policy and Strategy for consideration by Council;
- Provide training for Councillors in:
 - Meeting procedures
 - Roles and Responsibilities
 - Town Planning
- Provide for better communication and consultation with the Community by producing an Engagement Policy and processes to be followed by officers; and
- Contribute to the ANZAC Interpretive Centre Implementation Committee.

Recommendation**ITEM 4.2: RECOMMENDATION**

THAT the Key Performance Indicators for the Acting Chief Executive Officer are ACCEPTED and NOTED as the Key Performance Areas as outlined in the Contract of Employment between the City of Albany and Graham Foster, and in accordance with the *Local Government Act 1995*.

Attachments

[Contract of Employment](#)

5.37PM. Chief Executive Officer Graham Foster left the meeting prior to any discussion on this item.

The Mayor suggested that this item be discussed in conjunction with Item 4.4 after staff had left the meeting. The Committee concurred.

5.39PM Chief Executive Officer returned to the meeting.

ITEM 4.3: EXIT QUESTIONNAIRE

Reporting Officer: Executive Director Corporate Services, Mr Garry Adams

Objective

To provide the Committee with a summary of Exit Questionnaires completed by departing staff.

Background

1. At the Ordinary Council Meeting held on 17 April 2012, the following resolution was made:

ITEM 16.3: MOTION 2 BY COUNCILLOR SUTTON

MOVED: COUNCILLOR SUTTON

SECONDED: COUNCILLOR GREGSON

1. All permanent staff who have resigned in the past 12 months, where they are reasonably able to be contacted, and any permanent staff who resign in the future from the City are requested to complete an exit questionnaire developed by the City of Albany HR Manager in conjunction with the Governance Committee.
2. The exit questionnaire will be approved by Council.
3. A copy of that information be provided to the relevant Executive Director, with Councillors being able to discuss exit questionnaires with that Executive Director.
4. A reporting mechanism to Council regarding exit questionnaire information be developed by the City of Albany HR Manager in conjunction with the Governance Committee.
5. The release of that information to any Councillor must be with the consent of the employee.

CARRIED 12-1

Record of Vote

Against the Motion: Councillor Holden

Discussion

2. A current summary of the results of the Exit Questionnaire are contained in Attachment 1.

Attachments

- [Summary of Exit Interviews](#)

The Committee noted the Summary of Exit Interviews. Executive Director Corporate Services advised the committee that further development of the Exit Interview Questionnaire would be undertaken in consultation with the Manager Human Resources to become a better 'tool' for the organisation.

Staff left the meeting at 6.35pm.

ITEM 4.4: CEO RECRUITMENT COMMITTEE

Reporting Officer:

Objective

1. To provide the Committee with an update on the progress of the CEO Recruitment Committee and to seek Councillor input on the way forward with the recruitment process.

Background

2. At the Special Council Meeting held on 29 August 2012, Council resolved:

**ITEM 6.2: COMMITTEE RECOMMENDATION 1
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR CALLEJA**

THAT Council APPOINT Lester Blades Pty Ltd as the recruitment consultant to project manage the recruitment of the Chief Executive Officer based on the fees and charges set out in the submission to Council dated 10 August 2012.

**CARRIED 11-0
ABSOLUTE MAJORITY**

**ITEM 6.2: COMMITTEE RECOMMENDATION 2
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR HORTIN
SECONDED: COUNCILLOR CALLEJA**

THAT Council:

- a. **ESTABLISHES** a new Committee, the Chief Executive Officer Recruitment Committee.
- b. **APPOINTS** the following Elected Members to the Chief Executive Officer Recruitment Committee: Mayor Dennis Wellington, Deputy Mayor Councillor Yvonne Attwell, and Freeman of the City Annette Knight, AM JP.
- c. **NOTE** that the Chair will be appointed and the Terms of Reference will be determined with the consultant at the first committee meeting and referred to Council for resolution.

**CARRIED 10-1
ABSOLUTE MAJORITY**

Record of Vote

Against the Motion: Councillor Bostock

3. In addition, Councillor Stocks was appointed as a member of the CEO Recruitment Committee at the Ordinary Council Meeting held on 18 September 2012.

ITEM 6.2: RESOLUTION
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: COUNCILLOR CALLEJA
SECONDED: COUNCILLOR DUFTY

THAT Council APPROVE the allocation of \$40,000 for recruitment services and associated costs.
CARRIED 11-0
ABSOLUTE MAJORITY

4. At the Ordinary Council Meeting held on 20 November 2012, Council resolved:

ITEM 16.1: MOTION BY MAYOR WELLINGTON
VOTING REQUIREMENT: ABSOLUTE MAJORITY

MOVED: MAYOR WELLINGTON
SECONDED: COUNCILLOR SUTTON

THAT:

1. Council **APPOINT** Mr Graham Foster as the Acting Chief Executive Officer with the City of Albany commencing on 3 December 2012 for an initial period to 30 June 2013 with subsequent extensions to be negotiated to a maximum period of twelve months.
2. Council **ENDORSES** the Contract of Employment and incorporates a package of \$250,000 per annum, pro rata.
3. For the purposes of effective handover, Council **ENDORSES** a contract extension for Linda Hill to 21 December 2012 under the current contractual terms and conditions.
4. Council **NOTE** the following:

a. **Local Government Act 1995:**

Section 5.36. Local government employees

(1) A local government is to employ —

(a) a person to be the CEO of the local government; and

(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

(2) A person is not to be employed in the position of CEO unless the council —

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied* with the provisions of the proposed employment contract.

*** Absolute majority required.**

b. **Section 5.39. Contracts for CEO and senior employees**

(1) Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.

(2) A contract under this section —

(a) in the case of an acting or temporary position, cannot be for a term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.

c. **Local Government (Administrative) Regulations 1996:**

Reg 18F. Remuneration and benefits of CEO to be as advertised. The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

CARRIED 9-1
ABSOLUTE MAJORITY

Record of Vote

Against the Motion: Councillor Bostock

Discussion

5. The CEO Recruitment Committee is seeking direction from Council on the following issues:
 - Should recruitment for a permanent CEO begin immediately;
 - Should recruitment be delayed until after the State election on 9 March 2013. A Liberal government may move towards amalgamation of local governments, providing a bigger pool of candidates for the position of CEO;
 - Should Council offer Mr Graham Foster a two year contract and develop a succession plan; and
 - Should the Executive Management Team meet with Council to review the Interim CEO's performance.

5.0 ITEMS TO BE DISCUSSED AT NEXT MEETING

6.0 GENERAL DISCUSSION

6.1 Acting CEO Performance Appraisal process (Councillor Bowles)

Discussion over the membership of the CEO Performance Appraisal Committee followed. It was suggested that not all Councillors should sit on the Committee. The Committee structure will be decided at a future meeting.

6.2 Appropriate Training for Councillors (Councillor Bowles)

Chief Executive Officer was supportive of Councillors undertaking as much training as possible, and said that a training session was currently being organised. The CEO suggested that training sessions could be shared by neighbouring municipalities to enable provision of the training locally.

6.3 Council Committee Structure (Councillor Bowles)

The Committee generally felt that the current Committee Structure was not working efficiently. Discussion followed and a consensus was reached that Council Committees should be based around the Integrated Strategic Planning Framework key focus areas, to enable delivery of the Integrated Strategic Planning Framework objectives.

There should be five committees based around key focus areas, with occasional committees and advisory committees which would not meet on a regular basis.

6.4 Council Agenda Discussion- Perception, Evaluation and the Availability of Information (Councillor Bowles)

Discussion followed regarding Councillor's concern over public perception of holding an Agenda Discussion behind closed doors without allowing public participation. It was felt that there may be some confusion between public engagement and open forum.

7.0 DATE OF NEXT MEETING: 8 April 2013

8.0 CLOSURE OF MEETING