



---

# MINUTES

---

## SPECIAL MEETING OF COUNCIL

Held on  
Friday 4<sup>th</sup> June 2010  
6.00 pm  
City of Albany Council Chambers

---

## **DISCLAIMER**

---

No responsibility whatsoever is implied or accepted by the City of Albany for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. The City of Albany disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation or approval made by a member or officer of the City of Albany during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Albany. The City of Albany warns that anyone who has an application lodged with the City of Albany must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the City of Albany in respect of the application.

**TABLE OF CONTENTS**

<b>Details</b>	<b>Pg#</b>	<b>Rec Pg#</b>
<b>1.0 Declaration of Opening and Announcement of Visitors</b>	2	
<b>2.0 Opening Prayer</b>	2	
<b>3.0 Public Question and Statement Time</b>	2	
<b>4.0 Record of Attendance/Apologies/Leave of Absence (Previously Approved)</b>	3	
<b>5.0 Declaration of Interest</b>	3	
<b>6.0 Items for Discussion</b>	4	
6.1 Appointment of Interim CEO	4	6
<b>7.0 Date of Next Ordinary Meeting</b>	7	
<b>8.0 Closure of Meeting</b>	7	

### **1.0 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

*The Mayor declared the meeting open at: 6.07pm.*

### **2.0 OPENING PRAYER**

*The Mayor, read the opening prayer.*

“Heavenly Father, we thank you for the beauty and peace of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

### **3.0 PUBLIC QUESTION AND STATEMENT TIME**

Council’s Standing Orders Local Laws provide that each Ordinary Meeting of the Council shall make available a total allowance of 30 minutes, which may be extended at the discretion of Council, for residents in attendance in the public gallery to address clear and concise questions to His Worship the Mayor on matters relating to the operation and concerns of the municipality.

Such questions should be submitted to the Chief Executive Officer, **in writing, no later than 10.00am** on the last working day preceding the meeting (the Chief Executive Officer shall make copies of such questions available to Members) but questions may be submitted without notice.

Each person asking questions or making comments at the Open Forum will be **LIMITED** to a time period of **4 MINUTES** to allow all those wishing to comment an opportunity to do so.

Nil.

#### **ITEM 3.0 - MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WOLFE**

**SECONDED: COUNCILLOR LEAVESLEY**

**THAT Council Suspend Standing Order 3.1, to allow recording of proceedings.**

**MOTION CARRIED 9-0  
ABSOLUTE MAJORITY**

**4.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)**

**Mayor:** M J Evans JP

**Councillors:**

Breaksea Ward	R Hammond
Breaksea Ward	J Bostock
Frederickstown Ward	D Wellington
Kalgan Ward	M Leavesley
Kalgan Ward	<b>Absent</b>
West Ward	D Wolfe
West Ward	D Dufty
Yakamia Ward	J Matla
Yakamia Ward	<b>Absent</b>
Vancouver Ward	<b>Absent</b>
Vancouver Ward	D Bostock

**Staff:**  
Executive Manager Business Governance S Jamieson

**Public Gallery and Media:**

1 member of the public was in attendance.

**Apologies/Leave of Absence:**

**Elected members:**

Frederickstown Ward	Vacant
Yakamia Ward	R Sutton
Kalgan Ward	C Holden
Vancouver Ward	R Paver

**Staff:**

Acting Chief Executive Officer	WP Madigan
Executive Director Works & Services	K Ketterer
Acting Executive Director Development Services	G Bride
Assistant Business Governance Officer	J Williamson

**5.0 DECLARATION OF INTEREST**

Nil

**ITEM NUMBER:** 6.1  
**ITEM TITLE:** APPOINTMENT OF AN INTERIM CEO

**THE NATURE OF COUNCIL’S ROLE IN THIS MATTER:**

**Executive Function:** Council setting strategic direction and overseeing the operational functions of the City.

**File Number or Name of Ward** : PER040 (All Wards)  
**Summary of Key Points** : Appointment of Interim CEO  
**Reporting Officer(s)** : Executive Manager Business Governance  
(S Jamieson)  
**Disclosure of Interest** : Nil  
**Business entity name** : Local Government Workplace Solutions  
**Previous Reference** : SCM 06/05/10 Item 6.1  
SCM 10/05/10 Item 6.1  
**Bulletin Attachment(s)** : Distributed under Confidential cover:  
• Confidentiality Declaration  
• Applicant CV  
• Contract  
• Position Description  
**Consulted References** : Local Government Act 1995  
Local Government Administrative Regulations 1996

**BACKGROUND**

1. On 10<sup>th</sup> May 10, council resolved:
  - THAT Council APPOINT Local Government Workplace Solutions for the purpose of sourcing and recommending an interim CEO and permanent CEO.
  - THAT Council APPROVE the allocation of \$21,550 PLUS GST for consultancy services excluding sundry costs.
  - THAT recruitment advertisement for the position of Interim CEO and CEO be the responsibility of the engaged consultant.
  - The recruitment advertising process for the interim CEO commence immediately;
  - The deadline for receipt of applications for the interim CEO close at 5pm on 28th May 2010;
  - The total remuneration package the interim CEO be \$250,000 per annum pro rata, and \$250,000 per annum for the permanent CEO;
  - The term of the appointment for the interim CEO shall be no less than six months and no more than twelve months. The term of the appointment for the permanent CEO to be discussed with the consultant.
  - THAT the consultant’s recommendations are presented to FULL Council for final approval
  - THAT Council APPOINT the Mayor as the primary point of contact

Item 6.1 continued.

## DISCUSSION

2. In accordance with previous Council resolution, a DRAFT MOTION has been prepared.

## PUBLIC CONSULTATION / ENGAGEMENT

3. Conducted by Workplace Solutions.

## GOVERNMENT CONSULTATION

4. Nil

## STATUTORY IMPLICATIONS

5. 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.*

### **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.

6. 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).

## FINANCIAL IMPLICATIONS

7. The allocated interim CEO remuneration is within budget.

Item 6.1 continued.

**STRATEGIC IMPLICATIONS & ALIGNMENT TO CORPORATE PLAN**

8. This item directly relates to the following elements from the Albany Insight ~ Beyond 2020 Corporate Plan...

*“Priority Goals and Objectives. “4 Governance....The City of Albany will....4.1 Be a cohesive Council delivering ethical and responsible government committed to excellence in board governance.”*

**POLICY IMPLICATIONS**

9. Nil

**ALTERNATE OPTIONS & LEGAL IMPLICATIONS**

10. Nil

**SUMMARY CONCLUSION**

11. In accordance with Council’s previous resolution it is recommended that Council appoint an interim CEO.

**RECOMMENDATION**

**ITEM 6.1 – MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED: COUNCILLOR WELLINGTON**

**SECONDED: COUNCILLOR WOLFE**

- i) **THAT Council APPOINT Mr John Bonker as the Temporary Chief Executive Officer with the City of Albany for a period of a minimum of 6 months and a maximum of 12 months, commencing on Tuesday 8<sup>th</sup> June 2010.**
- ii) **THAT Council endorses the Contract of Employment and incorporates a package of \$250,000 per annum, pro rata.**

**MOTION CARRIED 9-0  
ABSOLUTE MAJORITY**

**7.0 NEXT ORDINARY MEETING DATE – Tuesday, 15<sup>th</sup> June 2010 at 7pm.**

**ITEM: 7.0 - MOTION**

**VOTING REQUIREMENT: ABSOLUTE MAJORITY**

**MOVED:COUNCILLOR DUFTY**

**SECONDED:COUNCILLOR WELLINGTON**

**THAT Council resume Standing Order 3.1 - Recording of Proceedings, to stop recording of proceedings.**

**MOTION CARRIED 9-0  
ABSOLUTE MAJORITY**

**8.0 CLOSURE OF MEETING**

The Mayor declared the meeting closed at 6:10 PM

Confirmed as a true and accurate record of proceedings.

*(Unconfirmed minutes)*

---

Mayor MJ Evans, JP  
**MAYOR**