

Shire of Denmark

Special Council Meeting AGENDA

9 May 2023



TO BE HELD IN THE COUNCIL CHAMBERS, 953 SOUTH COAST HIGHWAY, DENMARK ON TUESDAY, 9 MAY 2023, COMMENCING AT 4.00PM.

For the purposes of:

1. Accepting the Chief Executive Officer's resignation;
2. Considering a mutual variation of the contractual notice period;
3. Appointing a Temporary Chief Executive Officer; and
4. Considering designated senior employee positions.



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Strategic Community Plan (snapshot)

E1.0

Our Economy

We are an attractive location to live, invest, study, visit and work

- E1.1 To have a stable and locally supported business community that embraces innovation, creativity, resourcefulness and originality
- E1.2 To be a vibrant and unique tourist destination, that celebrates our natural and historical assets
- E1.3 To have diverse education and employment opportunities
- E1.4 To recognise the importance of agriculture in our local economy and protect prime agricultural land

N2.0

Our Natural Environment

Our natural environment is highly valued and carefully managed to meet the needs of our community, now and in the future

- N2.1 To preserve and protect the natural environment
- N2.2 To promote and encourage responsible development
- N2.3 To reduce human impact on natural resources, reduce waste and utilise renewable energy
- N2.4 To acknowledge and adapt to climate change

B3.0

Our Built Environment

We have a functional built environment that reflects our rural and village character and supports a connected, creative, active and safe community

- B3.1 To have public spaces and infrastructure that are accessible and appropriate for our community
- B3.2 To have community assets that are flexible, adaptable and of high quality to meet the purpose and needs of multiple users
- B3.3 To have a planning framework that is visionary, supports connectivity and enables participation
- B3.4 To manage assets in a consistent and sustainable manner
- B3.5 To have diverse and affordable housing, building and accommodation options

C4.0

Our Community

We live in a happy, healthy, diverse and safe community with services that support a vibrant lifestyle and foster community spirit

- C4.1 To have services that foster a happy, healthy, vibrant and safe community
- C4.2 To have services that are inclusive, promote cohesiveness and reflect our creative nature
- C4.3 To create a community that nurtures and integrates natural, cultural and historical values
- C4.4 To recognise and respect our local heritage and Aboriginal history

L5.0

Our Local Government

The Shire of Denmark is recognised as a transparent, well governed and effectively managed Local Government

- L5.1 To be high functioning, open, transparent, ethical and responsive
- L5.2 To have meaningful, respectful and proactive collaboration with the community
- L5.3 To be decisive and to make consistent and well considered decisions
- L5.4 To be fiscally responsible
- L5.5 To embrace change, apply technological advancement and pursue regional partnerships that drive business efficiency
- L5.6 To seek two-way communication that is open and effective

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**MEMBERS:

Cr Ceinwen Gearon (Shire President)
 Cr Kingsley Gibson (Deputy Shire President)
 Cr Clare Campbell
 Cr Donna Carman
 Cr Donald Clarke
 Cr Nathan Devenport
 Cr Jan Lewis
 Cr Janine Phillips

STAFF:

David Schober (Chief Executive Officer)
 David King (Deputy Chief Executive Officer)
 Lee Sounness (Acting Director Corporate & Community Services)
 Claire Thompson (Governance Coordinator)

APOLOGIES:ON LEAVE OF ABSENCE:

Cr Jackie Ormsby (approved February 2023 / Resolution No. 020223)

ABSENT:VISITORS:DECLARATIONS OF INTEREST:

Name	Item No	Interest	Nature

3. ANNOUNCEMENT BY THE PERSON PRESIDING**4. PUBLIC QUESTION TIME****4.1 PUBLIC QUESTIONS**

In accordance with Section 5.24 of the Local Government Act 1995, Council conducts a public question time to enable members of the public to address Council or ask questions of Council.

For a Special Meeting of Council, such as this, **they must however relate to the item(s) on the Agenda.**

Questions from the public are invited and welcomed at this point of the Agenda.

Should you wish to address Council please note that the Presiding Person (the Shire President) may have to limit the time of individual speakers in order to allow sufficient time for all speakers present at the meeting to address Council. The rules of this process and the time allocated will be determined by the Presiding Person at the Meeting dependent upon the indicative number of speakers.

Questions from the Public

5. REPORTS OF OFFICERS

5.1 DESIGNATED SENIOR EMPLOYEES

File Ref:	PER.11.23.CEO
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	Nil
Date:	3 May 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	David Schober, Chief Executive Officer
Attachments:	5.1 – Temporary Employment of Appointment of CEO and Designation of Senior Employees Policy

IN BRIEF

- Council needs to review its designated senior employee positions in light of the resignation of the incumbent CEO and employment of a Temporary CEO.

RECOMMENDATION

That Council AMEND the Temporary Employment or Appointment of CEO and Designation of Seniors Employees Policy by designating the position of Acting Director Corporate & Community Services as a Senior Employee.

LOCATION

1. Not applicable.

BACKGROUND

2. The incumbent CEO has resigned effective 11 April 2023 and is serving out a period of notice.
3. Only a designated Senior Employee can be appointed as an Acting CEO.
4. The Director Corporate and Community Services resigned in March 2023.
5. Lee Sounness is currently the Shire's Acting Director Corporate & Community Services.

DISCUSSION / OFFICER COMMENTS

6. Only employees deemed Senior Employees are considered suitably qualified to perform the role of Acting CEO, in accordance with Council's *Temporary Employment of Appointment of CEO and Designation of Senior Employees Policy*.
7. Current designated Senior Employees are Chief Executive Officer, Director Assets & Sustainable Development / Deputy CEO and Director Corporate & Community Services.
8. As it is likely that the Director Assets & Sustainable Development / Deputy CEO will be the Shire's Temporary CEO, either until a substantive external Temporary CEO or CEO is appointed, it is necessary to designate the position of Acting Director Corporate & Community Services as a Senior Employee.
9. This will ensure that there is a staff member who can be appointed as Acting CEO should the Temporary CEO be on leave for a period greater than 48 hours.

CONSULTATION AND EXTERNAL ADVICE

10. The Officer has considered the requirement for consultation and/or engagement with persons or organisations that may be unduly affected by the proposal and considered Council's Community Engagement Policy P040123 and the associated Framework and believes that no additional external/internal engagement or consultation is required.

STATUTORY / LEGAL IMPLICATIONS

11. LOCAL GOVERNMENT ACT 1995

Section 5.37(1) – local government may designate employees or persons belonging to a class of employee to be senior employees.

Section 5.39C(1)(b) – local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the appointment of an employee to act in the position of CEO, for a term not exceeding 1 year.

Section 5.39C(2) – local government may amend the policy by an Absolute Majority.

STRATEGIC / POLICY IMPLICATIONS

12. TEMPORARY EMPLOYMENT OF APPOINTMENT OF CEO AND DESIGNATED SENIOR EMPLOYEES POLICY

Clause 2 - Current designated Senior Employees are Chief Executive Officer, Director Assets & Sustainable Development / Deputy CEO and Director Corporate & Community Services.

FINANCIAL IMPLICATIONS

Nil

OTHER IMPLICATIONS**Environmental**

13. There are no known significant environmental implications relating to the report or officer recommendation.

Economic

14. There are no known significant economic implications relating to the report or officer recommendation.

Social

15. There are no known significant social considerations relating to the report or officer recommendation.

RISK MANAGEMENT

16. A risk assessment has been undertaken per the Shire's Risk Management Governance Framework, and no risks have been identified in relation to the officer recommendation or the report.

VOTING REQUIREMENTS

17. Absolute majority.

OFFICER RECOMMENDATION

ITEM 5.1

That Council AMEND the *Temporary Employment or Appointment of CEO and Designation of Seniors Employees Policy* by designating the position of Acting Director Corporate & Community Services as a Senior Employee.

** Absolute majority required.*

6. MATTERS BEHIND CLOSED DOORS**OFFICER RECOMMENDATION**

That Items 6.1 and 6.2 be considered behind closed doors in accordance with section 5.23(2)(a) of the Local Government Act 1995.

6.1 RESIGNATION OF CEO AND VARIATION OF NOTICE PERIOD

File Ref:	PER.11.23.CEO
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The position of CEO is the Author and Authorising Officer's direct line manager
Date:	2 May 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	Confidential Attachments

This report and associated attachments are confidential and have been provided to Councillors under confidential separate cover.

6.2 APPOINTMENT OF TEMPORARY CHIEF EXECUTIVE OFFICER

File Ref:	PER.11.23.CEO
Applicant / Proponent:	Not applicable
Subject Land / Locality:	Not applicable
Disclosure of Officer Interest:	The position of CEO is the Author and Authorising Officer's direct line manager
Date:	3 May 2023
Author:	Claire Thompson, Governance Coordinator
Authorising Officer:	Lee Sounness, Acting Director Corporate & Community Services
Attachments:	Confidential Attachments

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7. CLOSURE OF MEETING