



TOWN OF PORT HEDLAND

SPECIAL COUNCIL MEETING MINUTES

THURSDAY 30 MARCH 2017 AT 5:30PM

**COUNCIL CHAMBERS, MCGREGOR STREET,
PORT HEDLAND**

Agenda Item:

1. *Amended policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'*
2. *Endorsement of Appointment of Director Infrastructure and Town Services*

“A nationally significant, friendly city that people are proud to call home”

*David Pentz
Chief Executive Officer
Distribution Date: Tuesday 4 April 2017*

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Item 1 Opening of Meeting

The Mayor declared the meeting open at 5.30pm.

Item 2 Acknowledgement of Traditional Owners

The Mayor acknowledges the traditional custodians, the Kariyarra people and recognises the contribution of Kariyarra elders past, present and future, in working together for the future of Port Hedland.

Item 3 Recording of Attendance

3.1 Attendance

Mayor Camilo Blanco
Deputy Mayor Troy Melville
Councillor Jan Gillingham
Councillor David Hooper
Councillor Julie Arif
Councillor Louise Newbery
Councillor Richard Whitwell – attended via teleconference at 5:34pm
Councillor Lincoln Tavo – attended via teleconference at 5:34pm

Officers

David Pentz	Chief Executive Officer
Kathryn Crothers	Director Corporate Services
Grace Waugh	Coordinator Governance/Minute Taker

Public	2
Media	0
Town officers	2

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

3.4 Disclosure of Interests

Nil

Item 4 Attendance by Telephone/Instantaneous Communications

CM201617/175 COUNCIL DECISION

MOVED: CR HOOPER**SECONDED: CR WHITWELL**

That Council approve Councillor's Troy Melville and Lincoln Tavo's attendance to the Special Council Meeting being held on Thursday 30 March 2017 at 5:30pm via telephone while he is in Perth, Western Australia.

CARRIED 6/0

5:34pm Councillor Melville and Councillor Tavo were teleconferenced in to the meeting.

Item 5 Public Time

Important note:

'This meeting is being recorded on audio tape as an additional record of the meeting and to assist with minute-taking purposes which may be released upon request to third parties. If you do not give permission for recording your participation please indicate this at the meeting. The public is reminded that in accordance with Section 6.16 of the Town of Port Hedland Local Law on Standing Orders nobody shall use any visual or vocal electronic device or instrument to record the proceedings of any meeting unless that person has been given permission by the presiding member to do so. Members of the public are also reminded that in accordance with section 6.17(4) of the Town of Port Hedland Local Law on Standing Orders mobile telephones must be switched off and not used during the meeting.'

In accordance with section 6.7(3) of the Town of Port Hedland Local Law on Standing Orders, members of the public are required to complete a question form and place the completed form in the tray provided.

The Mayor opened Public Question Time at 5:36pm.

5.1 Public Question Time

Nil

The Mayor closed Public Question Time at 5:37pm.

The Mayor opened Public Statement Time at 5:37pm.

5.2 Public Statement Time

Nil

The Mayor closed Public Statement Time at 5:38pm.

Item 6 Questions from Members without Notice

6.1 Councillor Arif

What was the urgency in holding a Special Council Meeting?

The Mayor advised that the decision to endorse the appointment of the Director Infrastructure and Town Services needed to be decided upon as soon as possible as the Ordinary Council Meeting is four weeks away which would delay when the new Director would be able to start.

Item 7 Declarations of All Members to Have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The following Elected Members declared that they had given due consideration to all matters contained in the agenda:

- Mayor Camilo Blanco
- Deputy Mayor Troy Melville
- Councillor Jan Gillingham
- Councillor David Hooper
- Councillor Julie Arif
- Councillor Louise Newbery
- Councillor Richard Whitwell
- Councillor Lincoln Tavo

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items on this evening's Agenda in which they may have an interest, until formal notification in writing by the Town has been received. Decisions made at this meeting can be revoked, pursuant to the Local Government Act 1995.

Item 8 Reports of Officers

8.1 Corporate Services**8.1.1 Amended Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'**

File No: 04/03/0001
 Applicant/ Proponent: N/A
 Subject Land/ Locality: N/A
 Date: 27 March 2017
 Author: Grace Waugh, Coordinator Governance
 Authorising Officer: Kathryn Crothers, Director Corporate Services
 Disclosure of Interest from Author: Nil
 Authority/Discretion: Legislative – includes adopting local laws, town planning schemes and policies. Review when Council reviews decision made by Officers.

Attachments:

1. Amended Policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'
-

CM201617/176 OFFICER RECOMMENDATION/COUNCIL DECISION**MOVED: CR ARIF****SECONDED: CR GILLINGHAM****That in accordance with the review of the policy manual, Council:**

1. **Adopt amended policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' as per attachment 1; and**
2. **In accordance with section 17.3(3) of the Standing Orders Local Law 2014 request that the Chief Executive Officer, or his nominated officer, implement the decision immediately.**

CARRIED 8/0**EXECUTIVE SUMMARY**

This report proposes that Council adopt amended policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer' as part of a review of the Town of Port Hedland Policy Manual.

BACKGROUND

The Town of Port Hedland has recently undergone a restructure. As part of the restructure the titles of the senior employees have been amended to reflect their reporting areas.

The Corporate Services directorate has been changed to Corporate and Performance. The Community and Development Services directorate has been changed to Development, Sustainability and Lifestyle. The Works and Services directorate has been changed to Infrastructure and Town Services.

The titles have been changed to better reflect the activities of the directorate as a result of the organisational restructure.

CONSULTATION

The whole organisation has been consulted during the restructure.

LEGISLATIVE IMPLICATIONS

Section 5.37 of the Local Government Act 1995 (Act) states that local governments may designate employees or classes of employees to be senior employees. The Town has identified senior employees through a policy which also covers who can act as Chief Executive Officer.

The CEO is required to inform Council of all proposals to employ or dismiss senior employees as per section 5.37(2) of the Act. Section 5.39 of the Act includes requirements for all senior employee contracts.

Local Governments are not required to have senior employees however only senior employees can be designated as the complaints officer as per section 5.120 of the Act and only the Chief Executive Officer or authorised senior employees can execute documents under the common seal in accordance with section 9.49A of the Act.

For these reasons it was decided that the Town would designate Directors as senior employees.

POLICY IMPLICATIONS

This item only affects policy 3/007 'Senior Employees and Appointing Acting Chief Executive Officer'.

FINANCIAL IMPLICATIONS

There are no financial implications related to this item.

STRATEGIC IMPLICATIONS

The amendment to this policy is part of the continuing review of the Town's Policy Manual and ensures that Council policies are reviewed and updated in accordance with current practice. This is a deliverable as identified in section 4.1 'Strategic and best practice local government administration' in the Strategic Community Plan.

SUSTAINABILITY IMPLICATIONS

Environmental

There are no significant identifiable environmental impacts arising from adoption of the officer's recommendation.

Economic

There are no significant identifiable economic impacts arising from adoption of the officer's recommendation.

Social

There are no significant identifiable social impacts arising from adoption of the officer's recommendation.

Risk

There is a risk rating of medium (6) assigned to the risk that if Council do not adopt the amended policy, the current policy would become ineffective. This is due to senior employee's position titles in the current policy being inconsistent with the outcomes of the Town's organisational restructure.

Another risk rating of medium (6) would be assigned to the risk that if Council do not implement the decision to amend the policy immediately, the appointment of any senior employee's before the implementation of the revised policy would not comply with the current policy, as the senior employee's position titles would be inconsistent.

The above risks would be eradicated if Council adopt the revised policy and authorise the CEO to implement the decision immediately.

OPTIONS

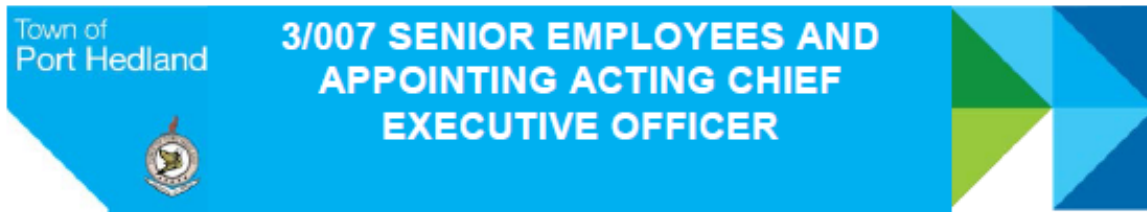
Option 1 - Adopt Officers Recommendation, with amendments to the policy

Option 2 – Not adopt the policy

CONCLUSION

It is recommended that Council adopt the officer's recommendation to allow the administration to continue operating with the title changes.

ATTACHMENT 1 TO ITEM 8.1.1



3/007 SENIOR EMPLOYEES AND APPOINTING ACTING CHIEF EXECUTIVE OFFICER

Policy Objective

To identify 'Senior Employees' positions within the Town of Port Hedland pursuant to section 5.37 of the Local Government Act 1995 and to provide for the appointment of one of the Town's senior employees to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer.

Policy Content

For the purposes of section 5.37 of the Act the Council shall designate the following employees to be 'Senior Employees':

- Director Corporate ~~Services and Performance~~
- Director ~~Community and Development~~, Sustainability and Lifestyle Services
- Director ~~Infrastructure and Town Services~~ Works and Services

In accordance with the requirements of the Local Government Act 1995, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a senior employee are suitably qualified to perform the role of Acting Chief Executive Officer.

The Town's senior employees will be appointed to perform the role of Acting Chief Executive Officer during limited absences of the Chief Executive Officer due to annual leave or extended sick leave.

Appointment to the role of Acting Chief Executive Officer shall be made in writing prior to the period of appointment for a defined period that does not exceed three months. A Council resolution is required for periods exceeding three months.

Senior employees will be appointed to the role of Acting Chief Executive Officer at the discretion of the Chief Executive Officer, subject to:

- performance and dependent on availability of the senior employee
- operational requirements of the senior employee

Definitions

Nil

Council adoption date and resolution no.	24 November 2004 OCM
Date of adoption of amendment and resolution number	17 December 2014 OCM (201415/143) 29 July 2015 OCM (201516/012)
do not delete the previous dates	
Relevant legislation	Local Government Act 1995



Delegated authority	
Business unit	Human Resources
Directorate	Corporate Services
Review frequency	As required

Item 9 Matters for Which Meeting May Be Closed (Confidential Matters)**CM201617/177 COUNCIL DECISION****MOVED: CR NEWBERY****SECONDED: CR HOOPER**

That with respect to item 9.1 'Endorsement of Appointment of Director Infrastructure and Town Services', Council close the meeting to members of the public as prescribed in section 5.23(2) of the Local Government Act 1995.

CARRIED 8/0

5:41pm The Mayor advised that the meeting is now closed to members of the public.

9.1 Endorsement of Appointment of Director Infrastructure and Town Services**CM201617/178 OFFICER RECOMMENDATION/COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR ARIF**

That with respect to the recruitment of a suitably qualified Director Infrastructure and Town Services, Council:

1. Receive the advice from the Chief Executive Officer that he proposes to employ the preferred candidate (candidate A) as identified in this confidential report as a senior employee of the Town of Port Hedland in the role of Director Infrastructure and Town Services;
2. Note that if negotiations with the preferred candidate (candidate A) prove unsuccessful, the Chief Executive Officer will re-advertise the role; and
3. In accordance with section 17.3(3) of the Standing Orders Local Law 2014 request that the Chief Executive Officer, or his nominated officer, implement the decision immediately.

CARRIED 8/0**CM201617/179 COUNCIL DECISION****MOVED: CR GILLINGHAM****SECONDED: CR HOOPER**

That Council open the meeting to members of the public.

CARRIED 8/0

5:44pm The Mayor advised the meeting is now open to members of the public.

Item 10 Closure

10.1 Date of Next Meeting

The next Ordinary Meeting of Council will be held on Wednesday 26 April 2017, commencing at 5:30pm, with the Public Agenda Briefing being held on Wednesday 19 April 2017, commencing at 5:30pm.

10.2 Closure

There being no further business, the Mayor declared the meeting closed at 5:44pm.