

DISTRICT COUNCIL OF GRANT

SPECIAL MEETING OF COUNCIL HELD – TUESDAY 13 MARCH 2018

REFER ITEM NUMBER 18036.1 FILE 12.70.1/2

18036 – CONFIDENTIAL ITEMS

1. Recruitment of Interim Chief Executive Officer – [12.70.1/2] Item 6.1.1
 1. Moved Cr Reis that Council:
 1. Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public including all staff, be excluded from attendance at the meeting for Agenda Item 6.1.1 – Recruitment of Interim Chief Executive Officer.
 2. The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services.
 3. The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because such disclosure to the public may compromise the negotiation processes and outcomes.

Seconded Cr Clayfield CARRIED
2. Moved Cr Reis that Council considered the report and Curriculum Vitae and have decided to interview Mr Graeme Maxwell at the earliest convenience, possibly Monday 19 March 2018 at 4.30pm in Port MacDonnell prior to the Full Council meeting. Subject to discussions Council will make a decision at the Full Council meeting on the appointment of Mr Graeme Maxwell as interim Chief Executive Officer during the recruitment stage.

Seconded Cr Hill CARRIED
3. Moved Cr Clayfield that Council:
 1. That having considered Agenda Item 6.1.1 - Recruitment of Interim Chief Executive Officer in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 6.1.1 be retained in confidence the contract has been signed and that this order be reviewed every 12 months.
 2. Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.

Seconded Cr Reis CARRIED

6. CONFIDENTIAL ITEMS

6.1 Recruitment of Interim Chief Executive Officer – [12.70.1/2]

PURPOSE OF REPORT:

To exclude the public from attendance at so much of a meeting as it is necessary to receive, discuss or consider in confidence any information or matter listed, as per Section 90 of the Local Government Act 1999.

1. *Moved Cr _____ that:*

1. *Pursuant to section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except, TJ Smart (Chief Executive Officer), JF Fetherstonhaugh (Deputy Chief Executive Officer), LJ McEvoy (Director of Environmental Services), AA Schutz (Works Manager), DM Hutchesson (Executive Support Governance) and JA O'Hehir (Executive Support Officer), be excluded from attendance at the meeting for Agenda Item 6.1.1 – Recruitment of Interim Chief Executive Officer.*
2. *The Council is satisfied that, pursuant to section 90(3)(k) of the Act, the information to be received, discussed or considered in relation to this Agenda Item are tenders for the provision of services.*
3. *The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because such disclosure to the public may compromise the negotiation processes and outcomes.*

Seconded Cr _____

6.1.1 Recruitment of Interim Chief Executive Officer	
MEETING DATE:	Tuesday 13 March 2018
AUTHOR:	Judy O’Hehir, Executive Support Officer
RESPONSIBLE PERSON:	Mayor Richard Sage
PREVIOUS MEETING:	Monday 26 February 2018
REFERENCES:	Nil
FILE NO:	12.70.1/2
ATTACHMENTS:	<ul style="list-style-type: none"> • Proposal & CV from Mr Daryl Cearns • Proposal & CV from Mr Graeme Maxwell
IN CONFIDENCE:	Yes
POLICY REFERENCE:	There are no known policy requirements related to this item.
LEGISLATIVE REFERENCE:	Section 102, Local Government Act 1999
STRATEGIC MANAGEMENT PLAN REFERENCE:	Goal 4: Strong Leadership, Management, and Delivery of Transparent Council Services
	Outcome:
	Strategy:
FINANCIAL CONSIDERATIONS:	Budget: (as per below)
	Actual (YTD): \$
	Budget Variation Required: May be required
CONSULTATION UNDERTAKEN:	Nil

PURPOSE OF REPORT:

For Council to consider the recruitment of an Acting Chief Executive Officer.

BACKGROUND:

On 22 February 2018 Mr Trevor Smart, CEO, advised Mayor Sage and the Elected Members of his resignation.

At a Special Meeting of Council on Monday 26 February 2018 Council resolved:

Moved Cr Kuhl that Mayor Sage investigates the availability of an acting Chief Executive Officer and that the Mayor prepare a report to Council for consideration.

Seconded Cr Clayfield

CARRIED

Legislative requirements for the appointment of an Action CEO outline that:

102—Person to act in absence of chief executive officer

In the absence of the chief executive officer, the following provisions apply:

- (a) if there is a deputy to the chief executive officer—the deputy must act in the office of the chief executive officer;*
- (b) if there is no deputy or the deputy is absent—a suitable person appointed by the chief executive officer after consultation with the council must act in the office*
- (c) if a person is not appointed under paragraph(b)—a suitable person must be appointed by the principal member of the council to act in the office (after taking into account the organisational structure of the council);*
- (d) if a person is not appointed under paragraph(c)—a suitable person must be appointed by any three or more members of the council to act in the office (after taking into account the organisational structure of the council).*

COMMENT:

Following discussions with the Local Government Association two candidates for Acting Chief Executive Officer have been approached by Mayor Sage.

1. Mr Daryl Cearns, previous Chief Executive Officer, District Council of Kimba
2. Mr Graeme Maxwell, previous Chief Executive Officer, City of Victor Harbor

Mr Daryl Cearns

Mr Cearns retired from the position of Chief Executive Officer at the District Council of Kimba in October 2016. Mr Cearns' resume and a reference from the Mayor of Kimba is attached for your information. Mr Cearns has provided the following proposal:

Availability:	From Monday 12 March 2018
Fee:	\$2,750 per week
Accommodation:	Cabin or caravan at a caravan park
Vehicle:	Provide a vehicle for Council duties use

Mr Graeme Maxwell

Mr Maxwell retired as Chief Executive Officer at the City of Victor Harbor in November 2017. Mr Maxwell's resumé is attached for your information. Mr Maxwell has provided the following quote:

Availability:	From Monday 26 March 2018
Fee:	\$3,800 (+ GST) per week (invoiced fortnightly)
Accommodation:	To be provided for the term of the tenure
Travel:	Fund airline travel between Mount Gambier and Adelaide each weekend (noting this would be subject to flight availability).
Vehicle:	Provide a vehicle for business and personal use
Additional Requirements:	Meet any legitimate business expenses

Cost comparison of proposals to existing salary budget provides for:

	Cash Comp.	Super	Accom (Est)	Travel (Est)	Total (fortnightly comparison)
2017/18 Salary Budget	6,222.82	578.72	Nil	Nil	6,801.54
Cearns, D	5,500.00	522.50	1,820.00	Nil	7,842.50
Maxwell, G	7,600.00	Nil	1,820.00	800.00	10,220.00

STAFF RECOMMENDATION:

That consider the two proposals for appointment as Acting Chief Executive Officer as per provisions of Section 102 of the Local Government Act 1999.

2. Moved Cr _____ that:

1. *That having considered Agenda Item 6.1.1 - Recruitment of Interim Chief Executive Officer in confidence under section 90(2) and (3)(k) of the Local Government Act 1999, the Council, pursuant to section 91(7) of that Act orders that the documents and minutes relevant to Agenda Item 6.1.1 be retained in confidence the contract has been signed and that this order be reviewed every 12 months.*
2. *Council delegates to the Chief Executive Officer, pursuant to Section 91(9)(c) of the Local Government Act 1999, the power, at his discretion, to revoke the order made by Council under Section 91(7) and (9) of the Act at part (1) of this resolution at any time prior to the expiration of the period of the order specified therein.*

Seconded Cr _____