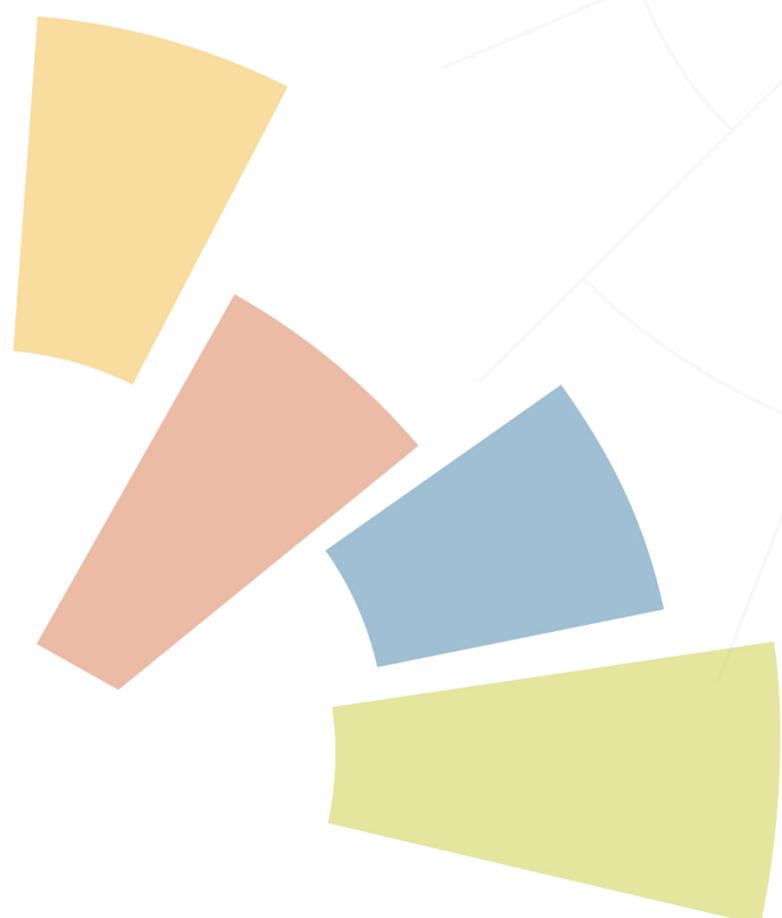


SHIRE OF  
**MERREDIN**  
INNOVATING THE WHEATBELT

# MINUTES

## Special Council Meeting

Held in Council Chambers  
Corner King & Barrack Street's, Merredin  
Tuesday, 13 February 2024  
Commencing 5.30pm



<b>Common Acronyms Used in this Document</b>	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CEO	Chief Executive Officer
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
EMS&C	Executive Manager Strategy & Community
EMCS	Executive Manager Corporate Services
EMDS	Executive Manager Development Services
EMES	Executive Manager Engineering Services
EO	Executive Officer
GECZ	Great Eastern Country Zone
GO	Governance Officer
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MP	Manager of Projects
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan



## Shire of Merredin Special Council Meeting

<b>1. Official Opening.....</b>	<b>4</b>
<b>2. Record of Attendance / Apologies and Leave of Absence.....</b>	<b>4</b>
<b>3. Swearing In of Councillor Elect.....</b>	<b>4</b>
<b>4. Public Question Time.....</b>	<b>5</b>
<b>5. Disclosure of Interest.....</b>	<b>5</b>
<b>6. Applications of Leave of Absence.....</b>	<b>5</b>
<b>7. Petitions and Presentations.....</b>	<b>5</b>
<b>8. Announcements by the Person Presiding without Discussion.....</b>	<b>5</b>
<b>9. Matters for Which the Meeting may be Closed to the Public.....</b>	<b>5</b>
<b>10. Urgent Business Approved by the Person Presiding or by Decision.....</b>	<b>5</b>
<b>11. Officers' Report – Corporate Services.....</b>	<b>6</b>
11.1 Policy 2.34 – Appointment of an Acting or Temporary Chief Executive Officer.....	6
<b>12. Motions of which Previous Notice has been given.....</b>	<b>9</b>
<b>13. Questions by Members of which Due Notice has been given.....</b>	<b>9</b>
<b>14. Matters Behind Closed Doors.....</b>	<b>9</b>
14.1 Appointment of Temporary Chief Executive Officer.....	10
<b>15. Closure.....</b>	<b>11</b>

Shire of Merredin  
Special Council Meeting  
5:30pm Tuesday, 13 February 2024



### 1. Official Opening

The President acknowledged the Traditional Owners of the land on which we meet today, and paid his respects to Elders past, present and emerging. The President then welcomed those in attendance and declared the meeting open at 5:34pm.

### 2. Record of Attendance / Apologies and Leave of Absence

**Councillors:**

Cr M McKenzie	President
Cr R Manning	Deputy President – Via Zoom
Cr B Anderson	
Cr H Billing	
Cr D Crook	
Cr L O’Neill	Via Zoom
Cr M Simmonds	
Cr P Van Der Merwe	

**Staff:**

L Boehme	A/CEO
A Tawfik	EMES
P Zenni	EMDS
M Wyatt	EO

**Members of the Public:** Nil

**Apologies:** Nil

**Approved Leave of Absence:** Nil

*Cr Manning and Cr O’Neill’s attendance via Zoom was approved by the Shire President in advance in accordance with Regulation 14C.2(b) of the Local Government (Administration) Amendment Regulations 2022.*

### 3. Swearing In of Councillor Elect

In accordance with section 2.29 of the *Local Government Act 1995*, a person elected as a Councillor is to make a declaration in the prescribed form before acting in the Office.

Councillor Lisa O’Neill undertook the swearing in on Wednesday, 7 February 2024, in the presence of the Acting Chief Executive Officer. The Acting Chief Executive Officer confirmed by reading into the record, that Councillor Lisa O’Neill, having been elected to the office of Councillor of the Shire of Merredin, declared that she would take the office upon herself and will duly, faithfully, honestly, and with integrity, fulfill the duties of the office for the people in the district according to the best of her judgment and ability, and will observe the code of

conduct adopted by the Shire of Merredin under section 5.103 of the *Local Government Act 1995*.

#### **4. Public Question Time**

Nil

#### **5. Disclosure of Interest**

Nil

#### **6. Applications of Leave of Absence**

Nil

#### **7. Petitions and Presentations**

Nil

#### **8. Announcements by the Person Presiding without Discussion**

Nil

#### **9. Matters for Which the Meeting may be Closed to the Public**

14.1 Appointment of Temporary Chief Executive Officer

#### **10. Urgent Business Approved by the Person Presiding or by Decision**

Nil

## 11. Officers' Report – Corporate Services

### 11.1 Policy 2.34 – Appointment of an Acting or Temporary Chief Executive Officer

<h2>Corporate Services</h2>		
Responsible Officer:	Leah Boehme, EMCS	
Author:	As above	
Legislation:	<i>Local Government Act 1995</i>	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A – Policy 2.34 – Appointment of an Acting or Temporary CEO	

#### Purpose of Report

Executive Decision

Legislative Requirement

For Council to consider a proposed new policy which establishes processes for the appointment of an Acting or Temporary Chief Executive Officer (CEO).

#### Background

The *Local Government Act 1995* stipulates that:

*A local government must prepare and adopt a policy that sets out the process to be followed by the local government in relation to the following –*

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;*
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

Currently, the Shire of Merredin (the Shire) does not have a policy adopted in relation to this legislation.

In 2023, the CEO identified a need to develop this Policy and developed a draft document, however the document had not yet been presented to Council.

#### Comment

As the Shire is currently undergoing a CEO recruitment process, the Administration thought it pertinent to present this Policy to Council for adoption.

WALGA has provided a template policy to the Shire and the attached draft Policy (Attachment 11.1A) meets the requirements outlined in the template.

### Policy Implications

Draft Policy 2.34 – as attached.

### Statutory Implications

As outlined in the *Local Government Act 1995*.

#### **5.39C. Policy for temporary employment or appointment of CEO**

*(1) A local government must prepare and adopt\* a policy that sets out the process to be followed by the local government in relation to the following –*

- (a) the employment of a person in the position of CEO for a term not exceeding 1 year;*
- (b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

*\* Absolute majority required.*

*(2) A local government may amend\* the policy.*

*\* Absolute majority required.*

*(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

*(4) The CEO must publish an up-to-date version of the policy on the local government's official website.*

### Strategic Implications

#### ∅ Strategic Community Plan

Theme:	4. Communication and Leadership
Service Area	4.2 Decision Making
Objective:	4.2.2 The Council is well informed in their decision-making, supported by a skilled administration team who are committed to providing timely, strategic information and advice
Priorities and Strategies for Change:	Nil

#### ∅ Corporate Business Plan

Theme:	4. Communication and Leadership
Priorities:	Nil

Objectives:

### Sustainability Implications

∅ Strategic Resource Plan

Nil

### Risk Implications

If this Policy is not adopted, the Shire will be in breach of the *Local Government Act 1995*.

### Financial Implications

Nil

### Voting Requirements

Simple Majority

Absolute Majority

### Resolution

Moved: Cr Crook

Seconded: Cr Van Der Merwe

**83328**

**That Council ADOPT Policy 2.34 – Appointment of an Acting or Temporary CEO, as presented in Attachment 11.1A.**

**CARRIED 8/0**

*For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr O'Neill, Cr Simmonds, Cr Van Der Merwe*

*Against: Nil*



<b>POLICY NUMBER</b>	-	<b>2.34</b>
<b>POLICY SUBJECT</b>	-	<b>Appointment of an Acting or Temporary Chief Executive Officer</b>

## 1. POLICY PURPOSE

To establish processes for appointing an Acting or Temporary Chief Executive Officer for periods of less than twelve months.

## 2. POLICY SCOPE

This policy applies to the statutory position of Chief Executive Officer (CEO) of the Shire of Merredin.

When the Chief Executive Officer (CEO) is on planned or unplanned leave, or the CEO's employment with the Shire has ended, an Acting CEO or Temporary CEO is to be appointed in accordance with this Policy to fulfil the functions and perform the duties of CEO under the Act or any other written law.

## 3. LEGISLATIVE REQUIREMENTS

*Local Government Act 1995.*

*Local Government (Administration) Regulations 1996.*

## 4. POLICY STATEMENT

### 4.1 Acting CEO and Temporary CEO requirements and qualifications

- a) Any employee holding the substantive role of:
  - i. Executive Manager Corporate Services
  - ii. Executive Manager Development Services
  - iii. Executive Manager Engineering Services
  - iv. Executive Manager Strategy & Community,
 is considered suitably qualified to perform the role of Acting or Temporary CEO.
- b) An employee appointed to temporarily act in a senior employee position referred to in clause 4.1(a) is not considered to be suitably qualified to perform the role of Acting CEO or Temporary CEO.

### 4.2 Appointment of Acting CEO – Periods of up to 35 days:

- a) The CEO is authorised to appoint in writing one of the employees identified in clause 4.1(a) as Acting CEO, where the CEO is on planned or unplanned leave for periods not exceeding 35 days, subject to the CEO's consideration of that employee's performance, availability, operational requirements and where appropriate, the equitable access to the professional development opportunity between all senior employees.
- b) The CEO must appoint an Acting CEO for any planned or unplanned leave periods between 48 hours and 35 days.
- c) Nothing in clause 4.2(a) prevents the CEO from appointing more than one

senior employee detailed in clause 4.1(a) to share the duties of Acting CEO for the planned or unplanned leave periods.

- d) Following an appointment under clause 4.2(a), the CEO is to advise Elected Members which employee (or employees) has been appointed as Acting CEO and for what duration, as soon as possible.
- e) If the CEO is unavailable or unable to make the decision to appoint an Acting CEO in accordance with clause 4.2(a), then Council will appoint an Acting CEO in accordance with clause 4.2(a).

#### **4.3 Appointment of Acting CEO – Periods greater than 35 days but less than 12 months:**

- a) Where the CEO's extended period of leave is greater than 35 days but less than 12 months, Council is to appoint an Acting CEO in accordance with one of the following options:
  - i. Extend any Acting CEO appointment made by the CEO under clause 4.2(a);
  - ii. Appoint another employee, or multiple employees listed in clause 4.1(a) for a defined period to ensure the CEO position is filled continuously for the extended period of leave; or
  - iii. Conduct an external recruitment process in accordance with clause 4.4(b)(iii).
- b) For the purposes of clause 4.3(a) extended leave may arise by way of:
  - i. The CEO clearing extended planned leave which may include accumulated or combined annual leave, long service leave or personal leave; or
  - ii. The CEO taking unplanned leave or is absent from duty which may include any disruption to the substantive CEO's ability to continuously perform their functions and duties.
- c) The President will liaise with the CEO, or in their unplanned absence, any of the four Executive Managers can be nominated to coordinate the necessary Council reports to facilitate an Acting CEO appointment.
- d) Subject to Council's resolution, the President will execute in writing the Acting CEO appointment with administrative assistance from the Executive Manager Corporate Services and Executive Officer.

#### **4.4 Appointment of Temporary CEO – Substantive Vacancy**

- a) In the event the CEO's employment with the Shire is ending, Council may appoint a Temporary CEO.
- b) Council, when determining to appoint a Temporary CEO, may either:
  - i. By resolution, appoint an employee identified in clause 4.1(a) to be Temporary CEO until such time a new substantive CEO has been recruited and commences their employment with the Shire;
  - ii. By resolution, appoint multiple employees listed in clause 4.1(a) as the Temporary CEO for a defined period, and until such time that a new substantive CEO has commenced their employment with the Shire;
  - iii. By resolution, appoint a Temporary CEO following an external recruitment process in accordance with the principles of merit and equity prescribed in section 5.40 of the Act; or

- iv. Appoint an employee identified in clause 4.1(a) to be an interim Temporary CEO until an external recruitment process for a Temporary CEO can be completed under clause 4.4(b)(iii) and their employment with the Shire as Temporary CEO has commenced.
- c) The President will liaise with the Executive Officer to coordinate Council reports and resolutions necessary to facilitate a Temporary CEO appointment;
- d) The President is authorised to execute in writing the appointment of a Temporary CEO in accordance with Councils resolution/s, with administrative assistance from the Executive Officer.

#### 4.5 Remuneration and conditions of Acting or Temporary CEO

- a) Unless Council otherwise resolves, an employee appointed as Acting CEO should be remunerated at 90% of the cash component only of the substantive CEO's total reward package.
- b) Council will determine by resolution, the remuneration and benefits to be offered to a Temporary CEO when entering into an employment contract in accordance with the requirements of section 5.39(1) and (2)(a) of the Act.
- c) Subject to relevant advice, Council retains the right to terminate or change, by resolution, any Acting or Temporary CEO appointment.

### 4 KEY POLICY DEFINITIONS

**“Act”** means the *Local Government Act 1995*.

**“Acting CEO”** means a person employed or appointed to fulfil the statutory position of CEO during a period where the substantive CEO remains employed, but is on planned or unplanned leave.

**“CEO”** means the Chief Executive Officer of the Shire.

**“Shire”** means the Shire of Merredin.

**“Temporary CEO”** means a person appointed to fulfil the statutory position of CEO for the period of time between the end of the substantive CEO's employment and the appointment and commencement of a newly appointed substantive CEO.

### 5 ROLES AND RESPONSIBILITIES

Council and the CEO are responsible for the implementation of this policy.

### 6 MONITOR AND REVIEW

This policy will be reviewed by the CEO biennially.

Document Control Box			
Document Responsibilities:			
Owner:	CEO	Decision Maker:	Council
Reviewer:	Governance Officer		
Compliance Requirements			
Legislation	Local Government Act 1995. s.5.36 Local government employees s.5.39 Contracts for CEO and senior employees s.5.39C Policy for temporary employment or appointment of CEO s.5.40 Principles affecting employment by Local Governments s.5.41 Functions of CEO Local Government (Administration) Regulations 1996.		
Document Management			
Risk Rating	Medium	Review Frequency	Biennially
		Next Due	February 2026
Version #	Action	Date	Records Reference
	Adopted	XX	CMRef XXXX



## 14.1 Appointment of Temporary Chief Executive Officer

<h1>Administration</h1>		 SHIRE OF <b>MERREDIN</b> INNOVATING THE WHEATBELT
Responsible Officer:	Mark McKenzie, Shire President	
Author:	Leah Boehme, A/CEO	
Legislation:	Local Government Act 1995	
File Reference:	Nil	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A – Letter of Engagement	
<b>Voting Requirements</b>		

Simple Majority

Absolute Majority

## Resolution

**Moved:** Cr Van Der Merwe

**Seconded:** Cr Crook

**That Council:**

- 83330**
- 1. APPOINT Mr John Merrick in the role of Temporary Chief Executive Officer of the Shire of Merredin effective from 27 February 2024 until Council have formally appointed a permanent Chief Executive Officer;**
  - 2. Is satisfied that Mr John Merrick is suitably qualified to hold the position of Temporary Chief Executive Officer of the Shire of Merredin, and is satisfied with the contract of employment;**
  - 3. APPROVES that Item 1 and 2 of this resolution remain confidential until contract negotiations are finalised; and**
  - 4. APPROVES that Item 3 of this resolution remains confidential indefinitely.**

**CARRIED 7/1**

*For: Cr McKenzie, Cr Manning, Cr Anderson, Cr Billing, Cr Crook, Cr O'Neill, Cr Van Der Merwe*

*Against: Cr Simmonds*



This page has intentionally  
been left blank