



SHIRE OF YORK

## NOTICE OF MEETING

Dear Councillors

I respectfully advise that the ORDINARY COUNCIL MEETING will be held in Council Chamber, York Town Hall, York on Tuesday, 23 March 2021, commencing at 5.00pm.

MEETING LATE AGENDA ATTACHED

*Chris Linnell*

CHRIS LINNELL  
CHIEF EXECUTIVE OFFICER  
Date: 19 March 2021

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**MISSION STATEMENT**  
*"Building on our history to create our future"*

## Order Of Business

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## 12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

### SY030-03/21 RECRUITMENT OF A SENIOR OFFICER - EXECUTIVE MANAGER INFRASTRUCTURE AND DEVELOPMENT SERVICES

<b>File Number:</b>	<b>PE.REC.150</b>
<b>Author:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Authoriser:</b>	<b>Chris Linnell, Chief Executive Officer</b>
<b>Previously before Council:</b>	<b>Nil</b>
<b>Appendices:</b>	<b>Nil</b>

#### NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

#### PURPOSE OF REPORT

As required under Policy G1.11 Section 2.1 (a) this report presents Council with a recruitment process for the role of Executive Manager Infrastructure and Development Services (EMIDS) for consideration.

#### BACKGROUND

Following the departure of Mr Darren Wallace from the position of Executive Manager Infrastructure and Development Services the Chief Executive Officer is starting a recruitment process to fill the vacancy.

#### COMMENTS AND DETAILS

The Chief Executive Officer will prepare a Request for Quote in accordance with Policy *F1.2 Procurement*, to facilitate the recruitment process for the role of EMIDS. It is anticipated the recruitment process will take between four (4) – six (6) months to complete. The process for recruitment will involve the following steps:

- Advertising of the role in print and online forums.
- Recruitment Consultant to prepare a shortlist of applicants for interview which is provided to the Chief Executive Officer.
- The Chief Executive Officer, Executive Manager Corporate and Community Services and Recruitment Consultant to interview the shortlisted applicants.
- Referee and qualifications checks are to be undertaken by Recruitment Consultant.
- Recommendation Report provided to the Chief Executive Officer by the recruitment consultant.

When the process outlined above has been completed the Chief Executive Officer will provide a Report to Council on the appointment of the preferred candidate in accordance with Section 5.37 of the Local Government Act 1995.

As the recruitment process will take some time and when layered with the current workload set out in the 2020/21 budget it is recommended that immediate support is brought into support the Shire of York Executive via the use of an interim EMIDS. This will allow for a considered recruitment process to be undertaken. Depending upon the arrangements negotiated for this infill, costs may include salary, accommodation, subject matter expert support and agency fees.

In undertaking the recruitment process, the principles affecting employment by a Local Government, *Section 5.40 of the Local Government Act 1995*, will be used as guidance.

## OPTIONS

- Option 1:** The Council can direct the Chief Executive Officer to undertake the recruitment process in-house but due to the position being a Designated Senior Officer Section 5.37(2) of the *Local Government Act 1995* this could be considered to cloud the transparency and independence of the process. The Council can direct the Chief Executive Officer to employ an interim EMIDS.
- Option 2:** The Council can direct the Chief Executive Officer to undertake the recruitment process through an external consultant to maintain the transparency and independence of the process and direct the Chief Executive Officer to employ an interim EMIDS.
- Option 3:** The Council can direct the Chief Executive Officer to undertake the recruitment process through an external consultant to maintain the transparency and independence of the process and direct the Chief Executive Officer to provide cover to the EMIDS position internally.

Option 2 is the recommended option.

## IMPLICATIONS TO CONSIDER

### Consultative

Executive Leadership Team

### Strategic

*Strong and Effective Leadership*

*5.2 Skilled, effective and committed staff*

### Policy Related

F1.2 *Procurement*

G1.11 *Organisational Structure and Designation of Senior Staff*

### Financial

Officers anticipate additional expenditure over and above what is currently budgeted for this financial year to be up to \$46,555 including remuneration and recruitment. It is proposed that funds could be reallocated from GL 138150 – Economic Development Strategies. This budget was originally purposed to fund the second Shop Local Program however, no further program is now planned for the 2020/2021 financial year. The advertising costs for the recruitment process can be allocated to GL 42185 and are within current budget allocations.

When a preferred applicant for the role of Executive Manager Infrastructure and Development Services is presented to Council as required under Policy G1.11 a salary package will also be presented by the Chief Executive Officer that will be within budget allocations and will align with the package advertised as part of the recruitment process. Reimbursement of relocation expenses will also be offered with clauses relating to repayment of these costs in the event of departure included in the contract of employment.

## Legal and Statutory

### 5.37. Senior employees

- (1) *A local government may designate employees or persons belonging to a class of employee to be senior employees.*
- (2) *The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council*

*may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.*

- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.*

*[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]*

### **Risk Related**

The risks associated with recruitment relate to the ability to recruit appropriately skilled, experienced, and qualified staff. The decision to engage a recognised and respected recruitment consultant is designed to mitigate this risk.

### **Workforce**

This position is a Senior Officer of the Shire of York.

### **VOTING REQUIREMENTS**

**Absolute Majority: No**

#### **RECOMMENDATION**

That, with regard to the recruitment of the Executive Manager Infrastructure and Development Services, Council:

1. Resolves to support the request from the Chief Executive officer to employ an interim Executive Manager Infrastructure and Development Services during the recruitment process in accordance with Local Government Act s 5.39 (1a).
2. Note that the Chief Executive Officer will negotiate the terms with an interim Executive Manager Infrastructure and Development Services.
3. Resolves to engage a Recruitment Consultant to support the recruitment process for the Executive Manager Infrastructure and Development Services.
4. Note that the Chief Executive Officer will bring a report back to Council with a recommendation for the appointment of the Executive Manager Infrastructure and Development Services as a Designated Senior Officer in accordance with Local Government Act s 5.39.