

6 September 2019

Mr David Mosel
Acting Chief Executive Officer
Coorong District Council
PO Box 399
TAILEM BEND SA 5260

Dear David

As Presiding Member of Council, I wish to call a Special Meeting of Council on Tuesday 10 September 2019 at 4:00pm at the Coorong Civic Centre Chambers, Tailem Bend.

The Special Meeting is being called for the express purpose of Council considering the following items:

1. CEO Recruitment Panel Terms of Reference
2. Confidential item – Chair appointment for the Murray River, Lakes & Coorong Tourism Alliance
3. Confidential item – Consideration of submissions from service providers for the recruitment of a CEO

Please make the necessary arrangements for this meeting to be held.

Yours sincerely



Cr. Paul Simmons
MAYOR



NOTICE OF SPECIAL MEETING

You are hereby advised that the Mayor has called a Special Meeting of the Coorong District Council to be held at the Coorong Civic Centre Chambers, 95 – 101 Railway Terrace, Tailem Bend on Tuesday 10 September 2019 commencing at 4:00pm to discuss the following items:

1. CEO Recruitment Panel Terms of Reference
2. Confidential item – Chair appointment for the Murray River, Lakes & Coorong Tourism Alliance
3. Confidential item – Consideration of submissions from service providers for the recruitment of a CEO

An agenda for this meeting appears as follows.

David Mosel
ACTING CHIEF EXECUTIVE OFFICER

A G E N D A

**Thursday 10 September 2019
Coorong Civic Centre Chambers, Tailem Bend
4:00pm**

Civic Prayer

Almighty God, help us to duly and faithfully carry out our numerous duties to the best of our judgement and ability for the advancement of this district and the benefit of all whom we are here to serve.

Amen

Indigenous Acknowledgement

The Coorong District Council acknowledges the traditional owners of the land on which we meet.

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| 1 | Apologies | |
| 2 | Receipt of Officer’s Reports | |
| 3 | CEO Recruitment Panel Terms of Reference | <u>3</u> |
| 4 | Confidential item – Chair appointment for the Murray River, Lakes & Coorong Tourism Alliance | <u>4</u> |
| 5 | Confidential item – Consideration of submissions from service providers for the recruitment of a CEO | <u>5</u> |
| 6 | Closure | |

3. CEO RECRUITMENT PANEL TERMS OF REFERENCE

SMP Objective 1 A caring, healthy and resilient community.	Strategy 1.7 – Achieve or implement the statutory and core responsibilities of Council.
Other Document Reference	CEO Recruitment Panel Terms of Reference
Statutory Requirement	Section 98, Local Government Act 1999
Financial Implications	N/A
Author of Report	Acting Director Community Corporate
Officers Consulted	Nil
<u>Recommendation</u> That the CEO Recruitment Panel Terms of Reference be adopted.	

REPORT

At the ordinary Council meeting held on 20 August 2019 the following resolution was carried:

236/19 CHIEF EXECUTIVE OFFICER RECRUITMENT PANEL
Moved Cr Rowntree Sec. Cr Taylor that pursuant to section 98 (4) of the Local Government Act 1999 Council appoints a CEO recruitment Panel of five Council Members, inclusive of the presiding member (Mayor), for the purpose of assessing candidate applications with regular reporting to Council.

CARRIED UNANIMOUSLY

Council and Panel members need to have a clear understanding of the role to be undertaken and the “rules of engagement” for the Panel.

Appended to this report is a Terms of Reference to guide the Panel in the execution of the task they have been appointed for.



Coorong District Council

Chief Executive Officer (CEO) Recruitment Panel Terms of Reference

1. Name

The name of the Panel is the CEO Recruitment Panel ('the Panel').

2. Establishment

The Panel was appointed on 20 August 2019 by resolution of the Council pursuant to section 98(4) of the Local Government Act 1999 ('the Act').

3. Functions and Duties

3.1 The functions and duties of the Panel (in part) are prescribed under Section 98 (4) of the Act and otherwise as identified below. In particular the Panel will assist the Council in the recruitment and selection of a CEO and will be responsible for the following:

- To liaise with the recruitment consultant throughout the recruitment and selection process;
- To review and assess all applications that are received for the position;
- To progress the selection process to the point of compiling a short list of candidates for interview;
- If necessary, to recommend to the Council that the position be re-advertised;
- To determine the matters to be addressed by each candidate at interview;
- To conduct interviews of the short-listed candidates;
- Following first round interviews, to determine whether a further round of interviews is necessary to assist the Panel in forming its recommendation of the preferred candidate(s) to the Council;
- To make recommendation to the Council on the preferred candidate(s), the terms of appointment and the job and person specification;
- To undertake all steps necessary and/or incidental to achieving the above tasks;
- To keep full Council informed throughout the process and seek Council decisions as and when required.

3.2 The Panel is authorised to request governance/legal advice throughout the recruitment process for the purpose of ensuring adherence to the legislative

CEO Recruitment Panel – Terms of Reference

framework, the steps requiring Council approval, drafting a contract of employment and the preparation of any Council report supporting any recommendations made to the Council.

- 3.3 The Panel is authorised to incur expenditure for such a purpose but must act in accordance with any condition or financial limitation imposed by the Council.

4. Membership

- 4.1 The Panel is to comprise five (5) members, being the Mayor and four (4) Elected Members.

- 4.2 The Presiding Member of the Panel will be the Mayor.

- 4.3 At the Request of the Presiding Member, Council administration support will be provided by way of the Acting Chief Executive Officer (Acting CEO) or his nominee. Any staff or external recruiter or consultant invited to attend meetings of the Panel will be considered as advisors only and not part of the Panel Membership.

- 4.4 Requests for advice or Panel administrative support will be made by the Presiding Member to the Acting Chief Executive Officer.

- 4.5 The membership of the Panel is as follows:

Mayor Paul Simmons
Cr Jeff Arthur
Cr Sharon Bland
Cr Lisa Rowntree
Cr Glynis Taylor

5. Panel Meetings

- 5.1 The Panel shall meet as required, provided meeting times are not in conflict with any other scheduled Council or Committee meeting.

- 5.2 The Presiding Member is responsible for calling and cancellation of meetings.

- 5.3 The Presiding Member will be responsible for the preparation and distribution of agendas/records of meetings including decisions for/from each meeting held.

- 5.4 Panel Members are to be given copies of agendas and any relevant reports at least three (3) clear days before each meeting.

- 5.5 Panel Meetings will be held at the Council Offices or another location nominated by the Presiding Member.

CEO Recruitment Panel – Terms of Reference

5.6 Given the legal status of the Panel and the fact that there is no statutory requirement for it to meet in public in the interest of maintaining privacy of personal information of applicants for the position of CEO, meetings of the Panel will not be open to the public and members (and support) in attendance will maintain strict confidentiality concerning applicants, discussions held and decisions made including the contents of reports to Council as required from time to time.

6. Decisions

6.1 Decisions will be made by general consensus rather than by a formal voting process.

6.2 If a decision cannot be reached by consensus, the Presiding Member will call for each Panel Member to exercise a formal vote. The Presiding Member will also exercise a deliberative vote at the same time as other Panel Members. In the event of an equality of votes, the manner in which the Presiding Member exercised his/her deliberative vote will be taken as the decision.

7. Quorum

7.1 A quorum for the Panel shall be three (3) members.

7.2 A meeting of the Panel will only take place if there is a quorum present.

8. Reporting

8.1 The Panel will report to the Council.

8.2 Public requests to view or obtain copies of records compiled during the recruitment process will be managed in accordance with the statutory obligations under the Freedom of Information Act 1991 and other relevant statutory provisions.

9. Record Keeping

9.1 Accurate records will be maintained of all discussions and decisions made by the Panel, together with all other associated information received in relation to the recruitment process (e.g. Shortlist of preferred candidates, candidate applications, resumes, etc.).

9.2 To ensure the highest level of confidentiality is maintained throughout the recruitment process, all confidential records will be maintained by the Presiding Member (with assistance from the Acting CEO or nominee) until the CEO has been appointed by the Council.

9.3 At the conclusion of the recruitment process the Presiding Member will be responsible for forwarding all records to Council administration for statutory record keeping purposes, and any such records will be managed on a

CEO Recruitment Panel – Terms of Reference

confidential basis and in accordance with Council's Records Management Policy and the *State Records Act 1997*.

10. Delegations/Authorisations

10.1 Section 44 of the Act does not permit the Panel to receive delegated powers and functions.

10.2 However, the Council may authorise the Panel to perform specific powers and functions that do not fall within the powers of the Panel as set out at section 98 of the Act and these Terms of Reference.

11. Confidentiality

The recruitment process necessarily requires applicants to provide personal information. That information is provided in a competitive recruitment environment where candidates may or may not be known to each other. Candidates will most likely have submitted their application unbeknown to their current employer. The Panel members must exercise utmost confidentiality in order to preserve the identity of applicants and to ensure due process is observed throughout the selection process.

12. Term of the Panel

The term of Panel Membership will conclude upon the appointment of the CEO unless otherwise varied by the Council.

4. CHAIR APPOINTMENT FOR THE MURRAY RIVER, LAKES & COORONG TOURISM ALLIANCE

RECOMMENDATION – INTO CONFIDENCE

4.1 That in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excluding the Acting Chief Executive Officer, Acting Director Community & Corporate, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that Council considers it necessary to receive, discuss or consider in confidence the item – Chair appointment for the Murray River, Lakes & Coorong Tourism Alliance.

That Council is satisfied that pursuant to section 90(3)(a) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item is;

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

And, would, on balance, be contrary to the public interest.

RECOMMENDATION – THAT THE MOTION REMAINS IN CONFIDENCE

4.3 That under section 90 (2) and 3 (a) of the Local Government Act 1999, the Council pursuant to section 71 (7) (b) of the Act order that the discussion, report and recommendation be held in confidence pending formal announcement by the Murray River Lakes & Coorong Tourism Alliance of the Chair's appointment.

5. CONSIDERATION OF SUBMISSIONS FROM SERVICE PROVIDERS FOR THE RECRUITMENT OF A CEO

RECOMMENDATION – INTO CONFIDENCE

5.1 That in accordance with section 90(2) of the Local Government Act 1999, the Council orders that the public and staff (excluding the Acting Chief Executive Officer, Acting Director Community & Corporate, Organisational Development Coordinator and Executive Assistant) be excluded from attendance at the meeting to the extent that Council considers it necessary to receive, discuss or consider in confidence the item – Consideration of Submissions from Service Providers for recruitment of a CEO.

That Council is satisfied that pursuant to section 90(3)(c) and (k) of the Local Government Act 1999 the information to be received, discussed or considered in relation to this item are;

- (c) information the disclosure of which would reveal a trade secret; and
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;

And, would, on balance, be contrary to the public interest.

RECOMMENDATION – THAT THE MOTION REMAINS IN CONFIDENCE

5.3 That under section 90 (2) and 3 (c) and (k) of the Local Government Act 1999, the Council pursuant to section 71 (7) (b) of the Act order that the discussion, report and recommendation be held in confidence until the awarding of the contract has been finalised.