



CONFIDENTIAL MINUTES

of

SPECIAL CHIEF EXECUTIVE OFFICER SELECTION PANEL MEETING

*Pursuant to the provisions of Section 84(1) of the
Local Government Act 1999*

HELD IN

**COMMITTEE ROOM
PLAYFORD CIVIC CENTRE
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**THURSDAY, 17 SEPTEMBER 2015
AT 7PM**

The meeting went into confidence at 7.09pm.

ATTENDANCE RECORD

(PRESIDING MEMBER - MAYOR GLENN DOCHERTY)

Cr Duncan MacMillan

Cr Adam Sherwood

Cr Carol Muzyk

6.1 CHIEF EXECUTIVE OFFICER (CEO) APPOINTMENT**A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE**

No action – this motion passed in the open section

B. THE BUSINESS MATTER**RECOMMENDATION**

That the CEO Selection Panel recommend to Council that it receive and note the CEO Selection Panel Report provided by Jane Jeffreys Consulting (as per **Attachment 1**).

COMMITTEE RESOLUTION**2319****Moved: Cr MacMillan****Seconded: Cr Sherwood**

That the CEO Selection Panel recommend to Council that it receive and note the CEO Selection Panel Report provided by Jane Jeffreys Consulting (as per Attachment 1), noting the word “All” is added after the words in section 5 – page 7, to now read “The Committee reviewed all”

CARRIED**COMMITTEE RESOLUTION****2320****Moved: Cr Muzyk****Seconded: Cr MacMillan**

That Rosemary Munslow, Practice Manager, Corporate Consulting be invited to attend the meeting in order to consider item 6.1 – Part C.

CARRIED

Cr Sherwood left the meeting at 7.14pm

Cr Sherwood and Ms Munslow entered the meeting at 7.15pm

C. PROCEDURAL DECISION – COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 6.1 IS TO BE KEPT IN CONFIDENCE**STAFF RECOMMENDATION**

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 6.1 be kept confidential:

- Report for Item 6.1 until the Council have considered the matter and made this determination
- Attachment(s) for Item 6.1 until the Council have considered the matter and made this determination
- Discussion for Item 6.1 until the Council have considered the matter and made this determination
- Decision for Item 6.1 until the Council have considered the matter and made this determination

COMMITTEE RESOLUTION**2321****Moved: Cr Muzyk****Seconded: Cr MacMillan**

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 6.1 be kept confidential:

- **Report for Item 6.1 to be reviewed and determined at the next annual review of confidential items.**
- **Attachment(s) for Item 6.1 to be reviewed and determined at the next annual review of confidential items.**
- **Discussion for Item 6.1 to be reviewed and determined at the next annual review of confidential items.**
- **Decision for Item 6.1 to be reviewed and determined at the next annual review of confidential items.**

CARRIED

The meeting moved into open at 7.28pm

The meeting moved into confidence at 7.29pm

COMMITTEE RESOLUTION**2323****Moved: Cr Sherwood****Seconded: Cr Muzyk**

That Dr. Mal Hemmerling be invited to attend the meeting in order to consider item 6.2 - Draft Chief Executive Officer (CEO) Employment Agreement.

CARRIED

Cr Sherwood left the meeting at 7.29pm

Cr Sherwood entered the meeting at 7.30pm

Dr. Hemmerling entered the meeting at 7.30pm

Dr. Hemmerling left the meeting at 7.52pm

6.2 DRAFT CHIEF EXECUTIVE OFFICER (CEO) EMPLOYMENT AGREEMENT**A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE**

No action – this motion passed in the open section

B. THE BUSINESS MATTER**RECOMMENDATION**Option 1

1. Subject to Mr Hemmerling agreeing to the Employment Agreement (as per Attachment 1), the CEO Selection Panel recommend to Council that pursuant to Section 98(5) of the Local Government Act 1999, the Council appoint Mr Mal Hemmerling to the position of Chief Executive Officer of the Council on the terms and conditions set out in the Employment Agreement.
2. Subject to Mr Hemmerling agreeing to the Employment Agreement, the CEO Selection Panel recommend to Council that the Council authorise the Mayor to enter into and execute the Employment Agreement on behalf of the Council.

Option 2

1. Subject to Mr Hemmerling agreeing to the Employment Agreement (as per Attachment 1), with the following amendments:

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the CEO Selection Panel recommend to Council that pursuant to Section 98(5) of the Local Government Act 1999, the Council appoint Mr Mal Hemmerling to the position of Chief Executive Officer of the Council on the terms and conditions set out in the Employment Agreement with the amendments as contained in paragraph 1 of this resolution.

2. Subject to Mr Hemmerling agreeing to the Employment Agreement with amendments as contained in paragraph 1 of this resolution), the CEO Selection Panel recommend to Council that the Council authorise the Mayor to enter into and execute the Employment Agreement on behalf of the Council.

Option 3

That the CEO Selection Panel not agree with the amendments proposed by Mr Hemmerling in relation to the following clauses of the Employment Agreement (as per Attachment 1):

1. Clause X
2. Clause Y
3. Clause Z

and notify Mr Hemmerling accordingly.

COMMITTEE RESOLUTION**2324****Moved: Cr Sherwood****Seconded: Cr Muzyk**

That the Committee call Ms Felice D'Agostino of Norman Waterhouse Lawyers to provide legal advice in regards to item 6.2 - Draft Chief Executive Officer (CEO) Employment Agreement.

CARRIED

The Committee made a phone call to Ms Felice D'Agostino of Norman Waterhouse Lawyers at 8.01pm

At 8.18pm the above call concluded.

COMMITTEE RESOLUTION**2325****Moved: Cr MacMillan****Seconded: Cr Sherwood**

That Dr. Mal Hemmerling be invited to attend the meeting in order to consider item 6.2 - Draft Chief Executive Officer (CEO) Employment Agreement.

CARRIED

Cr Sherwood left the meeting at 8.21pm

Cr Sherwood entered the meeting at 8.22pm

Dr Mal Hemmerling entered the meeting at 8.22pm

Dr Mal Hemmerling left the meeting at 8.52pm

COMMITTEE RESOLUTION**2326****Moved: Cr Sherwood****Seconded: Cr Muzyk**

That the Committee call Ms Felice D'Agostino of Norman Waterhouse Lawyers to provide legal advice in regards to item 6.2 - Draft Chief Executive Officer (CEO) Employment Agreement.

CARRIED

The Committee made a phone call to Ms Felice D'Agostino of Norman Waterhouse Lawyers at 9.10pm

COMMITTEE RESOLUTION**2327****Moved: Cr Muzyk****Seconded: Cr Sherwood**

The CEO Selection Panel resolve that the Employment Agreement as attachment 1 of item 6.2 entitled " Draft CEO Employment Agreement" dated 17th September 2015 be amended as follows:

- 1. That a vehicle make and model not be specified in the Employment Agreement, that a choice of vehicle for the CEO is in accordance with schedule 2**
- 2. Professional development and training allowance of \$15,000 per year be provided with any unused amount(s) paid out to Mr Hemmerling as salary in the year following the unused spend.**
- 3. That authorisation for professional development and training be authorised by the Mayor instead of the Council.**

4. Reference to the \$15,000 for the work related allowance and expenditure in the Draft Employment Agreement be removed from the draft agreement.
5. The Panel does not agree to an annual automatic CPI (consumer price index) increase for the CEO
6. The Employment Agreement as amended in accordance with paragraph 1 of this resolution be provided to Mr Hemmerling for Mr Hemmerling's consideration and his comments be presented to the panel.

CARRIED

C. PROCEDURAL DECISION – COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 6.2 IS TO BE KEPT IN CONFIDENCE

STAFF RECOMMENDATION

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 6.2 be kept confidential:

- The Report for Item 6.2 until the Council have considered the matter and made this determination
- Attachment(s) for Item 6.2 until the Council have considered the matter and made this determination
- Discussion for Item 6.2 until the Council have considered the matter and made this determination
- Decision for Item 6.2 until the Council have considered the matter and made this determination

COMMITTEE RESOLUTION

2328

Moved: Cr Sherwood

Seconded: Cr MacMillan

That pursuant to Section 90(2) and Section 91(7) of the Local Government Act 1999 the Council orders that the following aspects of Item 6.2 be kept confidential:

- Report for Item 6.2 to be reviewed and determined at the next annual review of confidential items.
- Attachment(s) for Item 6.2 to be reviewed and determined at the next annual review of confidential items.
- Discussion for Item 6.2 to be reviewed and determined at the next annual review of confidential items.
- Decision for Item 6.2 to be reviewed and determined at the next annual review of confidential items.

CARRIED

At 9.24pm the above call concluded.

The meeting reopened to the public at 9.24pm