



City of Busselton

Geographe Bay

COUNCIL AGENDA

SUPPLEMENTARY ITEMS

17 August 2022

ALL INFORMATION AVAILABLE IN VARIOUS FORMATS ON REQUEST

city@busselton.wa.gov.au

CITY OF BUSSELTON

LATE ITEMS FOR THE COUNCIL MEETING TO BE HELD ON 17 AUGUST 2022

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16. FINANCE AND CORPORATE SERVICES REPORT

16.2 DISPOSAL OF VEHICLE - CONSIDERATION OF SUBMISSIONS

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.2 Deliver governance systems that facilitate open, ethical and transparent decision making.
SUBJECT INDEX	Disposal
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Director Finance and Corporate Services - Tony Nottle
NATURE OF DECISION	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Nil

OFFICER RECOMMENDATION

That the Council authorise the disposal of Vehicle - Vehicle Identification Number JM0TC4WLA00328883 and current Vehicle Registration Number BSN59BA – to Mr Michael Archer for \$34,046 exclusive of GST, noting that no submissions were received during the advertised notice period.

EXECUTIVE SUMMARY

This report seeks final Council approval for the disposal of the CEO's current city provided motor vehicle to Mr Archer. Further to Council resolution C2207/193, and the requirements of the *Local Government Act 1995* (the Act), the proposed disposal was advertised. No submissions were received and it is therefore recommended that Council proceed with disposal of the vehicle as advertised.

BACKGROUND

Mr Archer provided notice of his resignation from his position on Friday 8 July 2022, having been offered the position of CEO at Shellharbour City Council in NSW. Mr Archer's contract of employment provides for Mr Archer to request, and the City to agree, to Mr Archer purchasing his vehicle at its depreciated value, subject to complying with the Act.

At its meeting on 27 July 2022 Council resolved to authorise the disposal of the vehicle to Mr Michael Archer for \$34,046 exclusive of GST, subject to the City satisfying the requirements of s3.58(3) of the Act. In accordance with those requirements, local public notice was given of the disposal, with submissions invited by close of business Wednesday 10th August 2022.

OFFICER COMMENT

No written submissions were received during the public notice period. As such it is recommended that Council proceed with disposal of the vehicle as advertised.

Statutory Environment

Section 3.58 of the Act relates to the disposal of property by local government. It enables a local government to dispose of property:

- To the highest bidder at public auction;
- By way of a public tender process; or

- By giving local public notice of the proposed disposition and following the public consultation process as prescribed by s 3.58(3) of the Act.

Local public notice of the disposition must include:

- A description of the property concerned;
- Details of the proposed disposition (including names of the parties concerned; the consideration to be received and the market value of the disposition); and
- An invitation for submissions to be made before a date to be specified in the notice, being not less than 2 weeks after the notice is first given.

Public notice of the proposed disposition was given in accordance with the Act, as outlined in this report.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

If the Council supports the officer recommendation, there will be a financial impact on the plant reserve. This impact is not considered significant.

Stakeholder Consultation

Local public notice of the proposed disposal was given in accordance with section 3.58 of the Act, as outlined in this report.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could resolve not to proceed with the sale of the vehicle to Mr Archer. Noting its previous decision and that no submissions were received this is not recommended.

CONCLUSION

Officers recommend Council approve the sale of the vehicle to Mr Archer for \$34,456 exclusive of GST.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

If Council resolve to proceed with the disposal, it is expected that settlement will occur within a week of that date.

16.3 RFQ67/22 - APPOINTMENT OF RECRUITMENT CONSULTANT

STRATEGIC THEME	LEADERSHIP - A Council that connects with the community and is accountable in its decision making.
STRATEGIC PRIORITY	4.4 Govern a professional organisation that is healthy, capable and engaged.
SUBJECT INDEX	Recruitment
BUSINESS UNIT	Corporate Services
REPORTING OFFICER	Manager Governance and Corporate Services - Sarah Pierson
AUTHORISING OFFICER	Chief Executive Officer - Mike Archer
NATURE OF DECISION	Contractual: To enter into a contract e.g. a lease or the award of a tender etc.
VOTING REQUIREMENT	Simple Majority
ATTACHMENTS	Attachment A Published Under Separate Cover Confidential Assessment Summary

OFFICER RECOMMENDATION

That the Council, pursuant to RFQ67/22 CEO Recruitment, accepts the quotation from McArthur as the most advantageous quotation and authorises the CEO to enter into a contract for the value of \$22,000 exclusive of GST.

EXECUTIVE SUMMARY

Mr Michael Archer has resigned from the position of Chief Executive Officer (CEO) of the City of Busselton, effective 19 August 2022. In accordance with the *Local Government Act 1995* (the Act) and the City of Busselton CEO Standards (established under the Act), the Council is required to establish a selection panel for the recruitment and selection of a new CEO. In addition the Council may seek the services of an independent consultant to facilitate the recruitment and selection process.

To this end the City sought a request for quotation from 10 human resource / recruitment consultants. This report recommends that the Council endorse the appointment of McArthur to conduct the CEO recruitment, with Mills Recruitment additionally recommended as a suitable and next preferred consultant.

BACKGROUND

Mr Archer commenced employment with the City on 9 August 2010. He provided notice of his resignation from his position on Friday 8 July 2022, having been offered the position of CEO at Shellharbour City Council in NSW.

At its Council meeting on 27 July 2022 the Council resolved to accept Mr Archer's resignation and his requested notice period and final date of employment being 19 August 2022. Council also resolved to appoint the City's Senior Employees to successively act in the position of CEO, through to the 24th December 2022, with further acting arrangements to be considered as required beyond that date.

OFFICER COMMENT

In order to provide Council with professional, independent advice and support for the recruitment and selection process of the CEO, a request for quotation (RFQ) was sent to 10 human resource / recruitment consultants. The RFQ sought the following services:

1. Facilitate a workshop with the Council to establish the specific capabilities being sought of a new CEO and to determine the selection criteria to be adopted as part of the Job Description and utilised through the selection process.

2. To provide advice to the Council in relation to the finalisation of the remuneration package to be advertised for the position.
3. To collaborate with the City's Human Resources team to develop a Job Description.
4. To develop an application package in conjunction with the City's Human Resources team.
5. To coordinate and conduct the advertising of the position including an extensive executive search nationwide to identify potential applicants and invite them to apply, to answer any enquiries from prospective applicants and receive applications.
6. To coordinate the assessment and selection process in accordance with the City's adopted CEO Standards, including coordinating preliminary screening, follow up interviews with prospective candidates through to candidate interviews and screening.
7. To prepare on behalf of the Selection Panel the assessment report and recommendation to the Council.
8. To assist the Council in making and negotiating offer and acceptance of the position.

Nine quotations were received in response to the RFQ, from the following consultants:

- Lester Blades
- McArthur
- Mills Recruitment
- Beilby Downing Teal
- Ohura Consulting
- Capstone
- Davidson
- Page Group
- Logo Appointments

The responses were evaluated based on a combination of demonstrated relevant experience, understanding of the City's requirements and price. Confidential Attachment A provides a summary of the assessment. An informal briefing was also held with Councillors on 10 August 2022 to discuss the quotations received.

Overall, when considering both price and experience, officers recommend the proposal from McArthur as the most advantageous to the City. It is a comprehensive proposal which demonstrates substantial experience in CEO and executive recruitment within the local government sector, and a good understanding of the City's requirements. It is also well within the City's budget and represents good value for money. Included is a 12 month unconditional replacement guarantee. While their experience is mainly eastern states based, it is expected that the position of CEO will attract candidates from across Australia; and to that end their candidate reach with offices across Australia is considered favourably.

The proposal from Mills Recruitment is also alternatively considered a strong proposal; being within the City's budget and also demonstrating strong experience in CEO and executive recruitment. Mills recruitment is based in Perth and demonstrate experience within the WA local government sector. If Council preferred to appoint a WA based consultant officers would recommend Mills Recruitment, and feel comfortable in the services they would provide to Council.

Statutory Environment

Changes to the Act and the *Local Government (Administration) Regulations 1996* (the Regulations) in 2021 resulted in a set of model standards being prescribed in relation to the recruitment of CEOs, the review of the performance of CEOs, and the termination of employment of CEOs (Model Standards). Local governments were required within three months to adopt (by absolute majority) standards to be observed by the local government which incorporate the Model Standards. The City of Busselton CEO Standards were adopted on 28 April 2021.

The City's Purchasing Policy requires the City to obtain at least three written quotations for the purchase of goods and services under \$50,000 (and over \$15,000), following a brief outlining the specified requirements. While the CEO has the power to award a contract of this value, it is considered more appropriate for Council to in this instance and hence officers are seeking a decision of Council.

Relevant Plans and Policies

There are no relevant plans or policies to consider in relation to this matter.

Financial Implications

There are no financial implications associated with the officer recommendation, with the City's budget containing an adequate allocation to cover the costs of the consultant specific to the CEO Recruitment. Additionally the City has a budget within its HR area for the cost of print media advertising as required.

Stakeholder Consultation

No external stakeholder consultation was required or undertaken in relation to this matter.

Risk Assessment

An assessment of the potential implications of implementing the officer recommendation has been undertaken using the City's risk management framework, with risks assessed taking into account any controls already in place. No risks of a medium or greater level have been identified.

Options

As an alternative to the proposed recommendation the Council could choose to

1. Select Mills Recruitment as the most advantageous quotation; or
2. Select an alternate supplier.

CONCLUSION

The City has sought quotations for a suitably qualified consultant to assist the Council with recruitment of a new CEO. Based on the assessment of price, experience and demonstrated understanding of the City's requirements, officers recommend Council accept McArthur as the most advantageous quotation and authorise the Council to enter into a contract for the required services.

TIMELINE FOR IMPLEMENTATION OF OFFICER RECOMMENDATION

The Contract will be entered into within one week of Council's decision.

20. CONFIDENTIAL REPORTS20.1 CEO PERFORMANCE REVIEW 2022**RECOMMENDATION**

That the meeting is closed to members of the public to discuss the following items which are confidential for the reasons as shown.

This report contains information of a confidential nature in accordance with Section 5.23(2(a) and Section 5.23(2(b) of the *Local Government Act 1995*, as it contains information relating to a matter affecting an employee or employees and the personal affairs of any person