



MINUTES

**SPECIAL COUNCIL MEETING**

Held on

**Thursday 2 March 2023**

Commenced at 3.05pm

Shire of Boyup Brook Council Chambers, Boyup Brook

A handwritten signature in black ink, appearing to read "Athanasios Kyron", is written above the printed name.

**Athanasios Kyron**  
Acting Chief Executive Officer

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**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS AND DISCLAIMER**

We acknowledge and pay our respects to the traditional custodians of the land on which we meet and work.

Council Meetings are public meetings.

The Council Chambers are not a parliament and Parliamentary Privilege does not apply.

Elected Members and staff risk being held personally liable if their comments are defamatory, or breach any duty of confidentiality.

Statements made during Council meetings are solely those of the person making them. Nothing expressed at a Council Meeting can be attributed to the Shire, unless it is adopted by a resolution of Council.

The Confirmed Minutes of a Council Meeting are the official record of that Council meeting. Verbatim Minutes are not required.

May I ask everyone here this evening, to make sure your mobiles are turned off or on silent for the duration of the Meeting.

**2. RECORD OF ATTENDANCE**

Councillors:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O'Connell
	Councillor	Sarah E G Alexander (via MS Teams)
		Steele Alexander (via MS Teams)
		Charles A D Caldwell (via MS Teams)
		Philippe Kaltenrieder
		Darren E King (via MS Teams)
		Kevin J Moir
		Adrian Price

Staff:	Acting Chief Executive Officer	Athanasios (Arthur) Kyron
	Deputy CEO	Carolyn Mallett
	Executive Assistant	Maggie Le Grange

APOLOGIES:	Nil
LEAVE OF ABSENCE:	Nil
MEMBERS OF PUBLIC:	Nil

**3. PUBLIC QUESTION TIME**

There being no questions from the public or members of the public present, question time was opened and closed at 3.15pm.

**4. DISCLOSURE OF INTEREST**

Nil

**COUNCIL MEETS BEHIND CLOSED DOORS**

**MOVED:** Cr Charles A D Caldwell

**SECONDED:** Cr Helen C O’Connell

That pursuant to Section 5.23(2)(b) of the *Local Government Act 1995*, Council moved Behind Closed Doors at 3.17pm.

**CARRIED 9/0**

**Res 23/03/022**

**5. REPORT**

**5.1 Appointment of the Chief Executive Officer for the Shire of Boyup Brook**

Location:	Not applicable
Applicant:	Not applicable
Disclosure of Officer Interest:	None
Author:	Athanasios Kyron, Acting Chief Executive Officer
Authorising Officer:	Athanasios Kyron, Chief Executive Officer
Attachments:	Summary Report for Council

**SUMMARY**

This report is for Council to consider the recommendations of the Chief Executive Officer (CEO) Selection Committee which has been established to lead Council in recruiting a new CEO following the resignation of CEO, Mr Dale Putland.

**BACKGROUND**

One of the fundamental roles of the Council is the employment of the local government's CEO. In fact, the only person the Council selects is the CEO. All other appointments in local councils are made by the CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration. A local government must select a CEO in accordance with the principles of merit, equity and transparency.

At the Ordinary Council Meeting held 15 December 2022, Council resolved to establish a CEO Selection Committee and appointed Councillors and independent members to the Committee, to commence the recruitment process for a new CEO.

The CEO Selection Committee acts in accordance with its Terms of Reference which sets out the membership, responsibilities, authority and operations of the Committee.

**PREVIOUS COUNCIL RESOLUTIONS**

Special Council Meeting minutes 19 December 2022:

**COUNCIL DECISION & OFFICER RECOMMENDATION – Item 5.1**

**MOVED:** Cr Philippe Kaltenrieder

**SECONDED:** Cr Helen C O’Connell

That Council:

1. Authorise the Chief Executive Officer (CEO) to appoint Beilby Downing Teal to facilitate the process for the recruitment and selection of a new Chief Executive Officer (CEO) per

proposal dated December 2022 for the cost of \$14,500 (excl. GST) plus disbursements using funds from GL 146106 Consultants.

2. Include the consideration of CEO recruitment costs during the midyear 2022/23 budget review process.

CARRIED BY ABSOLUTE MAJORITY 7/0                      Res 22/12/183

Special Council Meeting minutes 4 January 2023:

COUNCIL DECISION & OFFICER RECOMMENDATION – Item 4.1

MOVED: Cr Helen C O’Connell    SECONDED: Cr Darren E King

That Council:

1. Adopt the Terms of Reference for the CEO Selection Committee (Attachment 1) for its CEO Selection Committee tabled at its Ordinary Council Meeting held 15 December 2022.
2. Endorse the “*CEO Position Description*” (Attachment 2) as amended.

CARRIED 8/0    Res 23/01/001

Special Council Meeting minutes 13 February 2023:

COUNCILLORS MOTION – Item 4.1

MOVED: Cr Kevin J Moir    SECONDED: Cr Helen C O’Connell

That Council:

1. Appoint Arthur Kyron as Acting CEO of the Shire of Boyup Brook From 14 February 2023 until commencement of the new CEO.
2. Is satisfied that Arthur Kyron is suitably qualified for the position of Acting CEO and is satisfied with the contract of employment.
3. Agree to the following remuneration arrangements being as for the substantive CEO, vehicle supplied, and will travel from Busselton while accommodation is arranged.
4. Agree to pay out the remaining portion of the substantive CEO contract with Dale Putland’s last day being Monday 13th February 2023.

CARRIED 9/0    Res 23/02/005

**COMMENT**

The CEO vacancy was advertised on 6 January 2023. There was a total of 29 applicants of which 3 were shortlisted and interviewed on 16 February 2023.

The interview panel is comprised of Shire President Cr R.F. Walker, Deputy President Cr H.C. O’Connell, Councillors S. Alexander, D. E King, C. A. D. Caldwell and S. E. G. Alexander, independent panel members, Mr Michael Wright and Mrs Kathryn Westphal and Emily Bulloch, from Beilby Downing Teal (the recruitment organisation).

The panel have determined that Mr Leonard Long is the most suitable applicant. The summary report on the applicant is at attachment 1 Summary Report for Council.

## **CONSULTATION**

Although not strictly a consultation requirement, once the CEO has been appointed, it is in the interests of the Shire to advertise the appointment and commencement date. This informs the community and the organisation.

## **STATUTORY OBLIGATIONS**

***Local Government Act 1995***

***Local Government (Administration) Regulations 1996***

***Local Government (Administration) Amendment Regulations 2021 – Schedule 2, Clause 5***

In February 2021, the final aspects of the Local Government Act Review were proclaimed and amendments to the Local Government (Administration) Regulations 1996 were advertised in the gazette. Schedule 2 of the Regulations, detail the Model Standards for Chief Executive Officer (CEO) Recruitment, Performance and Termination. The Model Standards contains detail on how to manage the recruitment, performance and termination processes for CEO's compared to the details originally specified in the Act. The Council has followed the prescribed procedure for the recruitment of the CEO.

The Department of Local Government, Sport and Cultural Industries states these Model Standards are intended to ensure best practice and greater consistency in these processes between local governments.

## **POLICY IMPLICATIONS**

Nil

## **BUDGET/FINANCIAL IMPLICATIONS**

Nil

## **STRATEGIC IMPLICATIONS**

Nil

## **VOTING REQUIREMENTS**

Absolute Majority

## **COUNCIL DECISION & OFFICER RECOMMENDATION – Item 5.1**

That Council:

- 1. Appoints Leonard Long to the position of Chief Executive Officer, Shire of Boyup Brook, subject to the completion of background checks;**
- 2. Authorises the Shire President to negotiate the salary package consistent with the level for a tier 4 local government authority and as set out in the advertisement for the role;**
- 3. Notifies the community of the appointment by press release and publication on the Shire's website;**
- 4. Extends its appreciation to the independent panel members for their involvement in the CEO recruitment process; and**

**5. Extends its appreciation to Emily Bulloch, Senior Consultant with Beilby Downing Teal.**

**MOVED: Cr Kevin Moir**

**SECONDED: Cr Steele Alexander**

**CARRIED 9/0**

**Res 23/03/023**

**COUNCIL MOVES FROM BEHIND CLOSED DOORS**

**MOVED: Cr Darren E King**

**SECONDED: Cr Sarah E G Alexander**

**That Council return from Behind Closed Doors at 3.21pm.**

**CARRIED BY ABSOLUTE MAJORITY 9/0**

**Res 23/03/024**

Shire President Richard Walker read aloud to Council the decision that was made behind closed doors.

**6. CLOSURE OF MEETING**

There being no further business the Shire President, thanked all for attending and declared the meeting closed at 3.22pm.