



Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

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I hereby give notice that a Special Council Meeting will be held on:

Date: Tuesday, 13 October 2020
Time: 6.30pm
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

**Special Council Meeting
13 October 2020**

A handwritten signature in black ink, appearing to read 'A Meddle', with a long horizontal flourish extending to the right.

**Andrew Meddle
Chief Executive Officer
13 October 2020**

4 NEW CONFIDENTIAL ITEMS

4.1 CHIEF EXECUTIVE OFFICER - RESIGNATION AND RECRUITMENT – REPORT NO. AR20/67276

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Mezinac, K Amoroso, M Bruins, C Greco, B Hood, P Jenner, F Morello and S Perryman and Council Officers A Meddle, B Cernovskis, N Serle and M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/67276 Chief Executive Officer - Resignation and Recruitment.

The Council is satisfied that, pursuant to section 90(3) (a), (b) and (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed includes information concerning the personal employment affairs of the Chief Executive Officer, Mr Andrew Meddle.

Further, the subject matter also includes information regarding the engagement of recruitment consultancy services, the disclosure of which could reasonably be considered would confer an advantage on a third party whom Council may be negotiating for services and/or to prejudice the position of Council in such negotiations.



4.1 CHIEF EXECUTIVE OFFICER - RESIGNATION AND RECRUITMENT – REPORT NO. AR20/67276

Meeting: Council
CM9 Reference: AF13/64
Author: Lynette Martin, Mayor
Authoriser: Andrew Meddle, Chief Executive Officer

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda 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)
- (b) information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting business; or proposing to conduct business; or to prejudice the commercial position of the Council
- (k) tenders for the: supply of goods, or the provision of services, or the carrying out of works.

REPORT RECOMMENDATION

1. That Council Report No. AR20/67276 titled 'Chief Executive Officer - Resignation and Recruitment' as presented on 13 October 2020 be noted.
2. The Council notes that, by letter dated 24 September 2020, the Council's Chief Executive Officer Mr Andrew Meddle has sought to be released from his contract of employment with the Council, on 2 November 2020.
3. The Council agrees to bring forward the expiry date of the employment agreement between the Council and Mr Meddle, to 2 November 2020. This constitutes a variation to the employment agreement, by mutual agreement. Mr Meddle's final day of employment will be 2 November 2020.
4. In light of the pending vacancy in the office of Chief Executive Officer, the Council:
 - (a) pursuant to Section 98(2) of the Local Government Act 1999 (the Act), appoints Barbara Cernovskis to act in the position of Chief Executive Officer from the time when the vacancy occurs until the vacancy is filled; and
 - (b) pursuant to Section 41 of the Act, establishes a Committee to be known as the Chief Executive Officer Selection Panel (the Committee) for the purposes of:
 - (i) assisting the Council to comply with its obligations under Section 98 of the LG Act; and
 - (ii) performing the role of selection panel in accordance with Section 98(4) of the Act.
5. The Committee has, as its Terms of Reference, those terms of reference which are attached to the report entitled 'Chief Executive Officer – Resignation and Recruitment'.
6. For the purposes of clause 2.3 of the Committee's Terms of Reference, the budget of the Committee is \$50,000 (or such other amount as may later be resolved by the Council).
7. The Council's administration is instructed to seek nominations for the Independent Consultant member of the Committee (including fee quotes or estimates) and to ensure that any such nominations are presented to the Council at the Council's next ordinary meeting.



8. The Council intends to appoint the members of the Committee at the Council's next ordinary meeting or another future meeting of the Council.
9. The Committee will undertake all of the tasks necessary to progress the selection process to the point of recommending to the Council the preferred candidate.
10. A draft contract of employment reflecting industry standards for Chief Executive Officers of local government councils in South Australia, to be approved by Council, will be negotiated in conjunction with the preferred candidate. The Council authorises the Committee to negotiate on its behalf.

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Lynette Martin, Mayor reported:

Verbal Report to be provided at the meeting

ATTACHMENTS

1. DRAFT CEO Selection Committee Terms of Reference

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THE CITY OF MOUNT GAMBIER
ESTABLISHMENT & TERMS OF REFERENCE OF THE
CITY OF MOUNT GAMBIER'S
CHIEF EXECUTIVE OFFICER SELECTION PANEL

1. Establishment of the Chief Executive Officer Selection Panel

- 1.1 Where a vacancy occurs or is about to occur in the office of the Chief Executive Officer, the Council is required, in accordance with Section 98(1) of the *Local Government Act 1999* (SA) (**the Act**), to take steps to fill the vacancy (or the pending vacancy).
- 1.2 There is a pending vacancy in the office of Chief Executive Officer.
- 1.3 In accordance with Section 98(4) of the Act, the Council must appoint a selection panel to assess applications for the position of Chief Executive Officer, to recommend readvertisement (or other additional steps if necessary), and to make recommendations to the Council on an appointment.
- 1.4 Pursuant to Section 41 of the Act the Council establishes a Committee to be known as the Chief Executive Officer Selection Panel (**the Committee**) for the purposes of:
 - 1.4.1 assisting the Council to comply with its obligations under Section 98 of the Act; and
 - 1.4.2 performing the role of selection panel in accordance with Section 98(4) of the Act.

2. Functions

- 2.1 Subject to compliance with all legislation, policies, plans and procedures of the Council, the functions of the Committee are to:
 - 2.1.1 Ensure that invitations (advertisements) for applications for the position of Chief Executive Officer have been placed in a newspaper circulating through the State in accordance with Section 98(3) of the Act and via any other mechanism the Committee considers is appropriate.
 - 2.1.2 Assess applications for the position of Chief Executive Officer.
 - 2.1.3 Interview such candidates for the position of Chief Executive Officer as the Committee considers appropriate.
 - 2.1.4 Make recommendations to the Council on:

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- 2.1.4.1 the appointment of a person to the office of Chief Executive Officer;
 - 2.1.4.2 the terms of that appointment;
 - 2.1.4.3 the readvertisement of the position of Chief Executive Officer (if the Committee considers it necessary); and
 - 2.1.4.4 any other additional steps or matters that the Committee considers appropriate.
- 2.2 The Committee may, as necessary to comply with the above functions:
- 2.2.1 seek or require the Independent Consultant (who is a member of the Committee) to prepare any reports or advice for the consideration of the Committee and/or the Council; and
 - 2.2.2 take and seek advice from the Council's legal advisors as required.
- 2.3 The Committee has the power to expend funds of the Council up to an amount budgeted by Council resolution for any purposes connected with the fulfilment of the above functions
- 2.4 In accordance with Section 98(5) of the Act, it is the responsibility of the Council to make the appointment of the Chief Executive Officer.
- 3. Membership**
- 3.1 Membership of the Committee will be as follows:
- 3.1.1 The Principal Member of the Council;
 - 3.1.2 Two councillors appointed by the Council;
 - 3.1.3 One Independent Consultant appointed by the Council.
- 3.2 The Independent Consultant will be remunerated from the funds budgeted by the Council in accordance with above clause 2.3.
- 3.3 A Member of the Committee will, subject to Section 41(5) of the Act and these Terms of Reference, hold office as a Member of the Committee until the vacancy in the office of the Chief Executive Officer is filled.
- 3.4 The office of a Member of the Committee shall become vacant upon the Council removing that person from office as a Member of the Committee or (other than in the case of the Independent Consultant) upon the Member ceasing to hold office as a Member of the Council.
- 3.5 In the event of a vacancy in the office of a Member of the Committee, the Council shall, if it deems fit, appoint another person as a Member of the Committee on the same basis as, and for the balance of the term of, the

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original appointment.

4. Office Bearers

- 4.1 The Presiding Member of the Committee shall be appointed by the Council for such term as the Council sees fit.
- 4.2 The office of the Presiding Member shall become vacant if:
 - 4.2.1 the Council removes the Presiding Member from office; or
 - 4.2.2 the Presiding Member ceases to be a Member of the Committee.

5. Meetings

- 5.1 The first meeting of the Committee after it has been established shall occur within two (2) weeks after the members of the Committee are appointed, with the exact location, date and time of such meeting to be determined by the person appointed to act in the position of Chief Executive Officer under Section 98(2) of the LG Act, in consultation with the Presiding Member of the Committee.
- 5.2 The Committee shall, at its first meeting after being established, determine the place, date and time meetings of the Committee will be held (and such determination may be altered by further determination of the Committee).
- 5.3 The Committee shall meet at least as often as it deems necessary to carry out the functions in a timely manner.
- 5.4 Meetings of the Committee will be conducted in accordance with the Act, Part 3 of the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee.
- 5.5 Insofar as the Act, the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.
- 5.6 In accordance with, and subject to, the Act and the *Local Government (Procedures at Meetings) Regulations 2013* all meetings of the Committee shall be open to the public unless the Committee has resolved to exclude the public from a meeting or part of a meeting pursuant to the Act.
- 5.7 Minutes of a meeting of the Committee shall be presented to the next meeting of the Committee and the Council (and it is anticipated that such minutes will be provided on a confidential basis pursuant to sections 83(5), 84(6), 87(10) and 88(6) of the Act).

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- 5.8 The Presiding Member of the Committee shall report to the next meeting of the Council any recommendations of the Committee that require the attention of the Council.
 - 5.9 In accordance with the Act, the minutes of a meeting of the Committee shall be provided to all Council members within five (5) days after the meeting of the Committee.
 - 5.10 A quorum for a meeting of the Committee shall be one half of the total number of Members of the Committee in office (ignoring any fraction) plus one. No business can be transacted at a meeting of the Committee unless a quorum is present.
 - 5.11 All decisions of the Committee shall be made on the basis of a majority decision of the Members present.
6. **Tenure**
- The Committee will continue in existence until the vacancy in the office of the Chief Executive Officer is filled.

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CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/67276 Chief Executive Officer - Resignation and Recruitment and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (k) be kept confidential and not available for public inspection until : Discussion - 12 months after the cessation of the employment of the Chief Executive Officer Mr Andrew Meddle.

The supply of recruiting services - until a contract has been executed with a recruitment consultancy.

The Acting Chief Executive Officer - name to be released immediately.

2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF SPECIAL COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 10 WATSON TERRACE, MOUNT GAMBIER
ON TUESDAY, 13 OCTOBER 2020 AT 6.30PM**

PRESENT: Mayor Lynette Martin (OAM), Cr Sonya Meziniec, Cr Max Bruins, Cr Ben Hood,
Cr Paul Jenner, Cr Frank Morello, Cr Steven Perryman

OFFICERS IN ATTENDANCE: Chief Executive Officer - Mr A Meddle
General Manager Community Wellbeing - Ms B Cernovskis
General Manager City Infrastructure - Mr N Serle
Manager Governance and Property - Mr M McCarthy

4 NEW CONFIDENTIAL ITEMS

4.1 CHIEF EXECUTIVE OFFICER - RESIGNATION AND RECRUITMENT – REPORT NO. AR20/67276

RESOLUTION 2020/283

Moved: Cr Max Bruins
Seconded: Cr Ben Hood

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except Mayor L Martin, Councillors S Meziniec, M Bruins, B Hood, P Jenner, F Morello and S Perryman and Council Officer Mr M McCarthy be excluded from attendance at the meeting for the receipt, discussion and consideration in confidence of Agenda Item 4.1 AR20/67276 Chief Executive Officer - Resignation and Recruitment.

The Council is satisfied that, pursuant to section 90(3) (a), (b) and (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead)
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is
 - conducting business; or
 - proposing to conduct business; or
 - to prejudice the commercial position of the Council
- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the information to be discussed

includes information concerning the personal employment affairs of the Chief Executive Officer, Mr Andrew Meddle.

Further, the subject matter also includes information regarding the engagement of recruitment consultancy services, the disclosure of which could reasonably be considered would confer an advantage on a third party whom Council may be negotiating for services and/or to prejudice the position of Council in such negotiations.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: to go through issues and proposed Motions for Item 4.1

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7.05 p.m.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7.49 p.m.

RESOLUTION 2020/284

Moved: Cr Ben Hood

Seconded: Cr Sonya Meziniec

1. That Council Report No. AR20/67276 titled 'Chief Executive Officer - Resignation and Recruitment' as presented on 13 October 2020 be noted.
2. The Council notes that, by letter dated 24 September 2020, the Council's Chief Executive Officer Mr Andrew Meddle has sought to be released from his contract of employment with the Council, on 2 November 2020.
3. The Council agrees to bring forward the expiry date of the employment agreement between the Council and Mr Meddle, to 2 November 2020. This constitutes a variation to the employment agreement, by mutual agreement. Mr Meddle's final day of employment will be 2 November 2020.
4. In light of the pending vacancy in the office of Chief Executive Officer, the Council:
 - (a) pursuant to Section 98(2) of the Local Government Act 1999 (the Act), appoints Barbara Cernovskis to act in the position of Chief Executive Officer from the time when the vacancy occurs until the vacancy is filled, and Council provide a mentor and other support as required during this period; and
 - (b) pursuant to Section 41 of the Act, establishes a Committee to be known as the Chief Executive Officer Selection Panel (the Committee) for the purposes of:
 - (i) assisting the Council to comply with its obligations under Section 98 of the LG Act; and
 - (ii) performing the role of selection panel in accordance with Section 98(4) of the Act.



5. The Committee has, as its Terms of Reference, those terms of reference which are attached to the report entitled 'Chief Executive Officer – Resignation and Recruitment' with the amendment of the Membership at clause 3.1.2 be three Councillors.
6. For the purposes of clause 2.3 of the Committee's Terms of Reference, the budget of the Committee is \$50,000 (or such other amount as may later be resolved by the Council).
7. The Council's administration is instructed to seek nominations for the Independent Consultant member of the Committee (including fee quotes or estimates) and to ensure that any such nominations are presented to the Council at a future ordinary meeting of the Council.
8. That the Councillor Members of the Committee will be: Cr Sonya Meziniec, Cr Frank Morello and Cr Paul Jenner.
9. The Committee will undertake all of the tasks necessary to progress the selection process to the point of recommending to the Council the preferred candidate.
10. A draft contract of employment reflecting industry standards for Chief Executive Officers of local government councils in South Australia, to be approved by Council, will be negotiated in conjunction with the preferred candidate. The Council authorises the Committee to negotiate on its behalf.

CARRIED

RESOLUTION 2020/285

Moved: Cr Max Bruins
Seconded: Cr Sonya Meziniec

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 4.1 AR20/67276 Chief Executive Officer - Resignation and Recruitment and its attachments, the discussion and the resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (a), (b) and (k) be kept confidential and not available for public inspection until :
Discussion - 12 months after the cessation of the employment of the Chief Executive Officer Mr Andrew Meddle.

The supply of recruiting services - until a contract has been executed with a recruitment consultancy.
The Acting Chief Executive Officer - name to be released immediately.
2. Further that Council delegates the power to review, revoke, but not extension of the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

