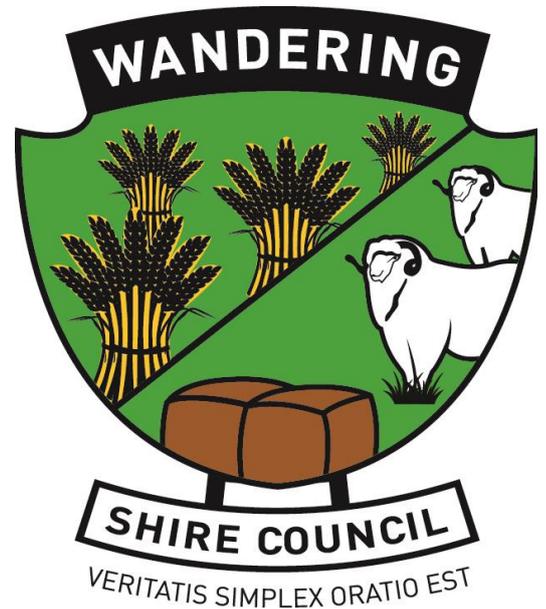


SHIRE OF WANDERING



**24 January
2019**

Unconfirmed Minutes of the Special Council Meeting

Unconfirmed Minutes for the Special Council Meeting held on Thursday

24 January, 2019 in the Council Chambers.



Notice of Meeting

The next Special Council Meeting for the Shire of Wandering will be held on Thursday 24 January, 2019 in the Wandering Council Chambers at 22 Watts Street, commencing at 8.30am, to discuss the matter requiring further information to appoint an Executive Manager of Technical Services as recommended at the December 2018 Council Meeting.

A handwritten signature in black ink, appearing to read 'A Halloran', is written over a light blue circular stamp.

Amanda O'Halloran
Chief Executive Officer

DISCLAIMER

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Wandering warns that anyone who has any application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Wandering for any act, omission or statement or intimation occurring during a Council meeting.

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Meeting opened at 8.31am

Visitors

Kelvin Price
Martin Dunne
Lleyton Whitely
Bobby Whitely

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Cr B Whitely	President
Cr C Ferguson	Deputy President
Cr G Parsons	
Cr I Turton	
Cr J Price	
Cr M Watts	

Staff:

A O'Halloran	Chief Executive Officer
C Ryan	Finance Manager
M Treasure	Manager of Communities (minutes)

3. DISCLOSURE OF INTERESTS

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a Financial Interest in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc., and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e. if the Councillor is an ordinary member

- of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
 4. If in doubt then declare.
 5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
 6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s5.69 (3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.

A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

4. PUBLIC QUESTION TIME

Mr Kelvin Price

Qu 1: Would it be fair to say that the appointment of an Executive Manager may not get any more work done by the outside staff. If so, this appointment will only be beneficial to inside office staff.

CEO Response: No I don't believe that is fair to say, the point of the role is to improve the crews efficiency, plan better and improve the outcomes for Council. If Council don't feel that they get that if this role is successful then they need to manager the CEO accordingly

Qu 2: Considering the size of our Shire will the Council consider using a suitable consultant from a nearby Shire to some of the duties as required.

Shire President Response: Generally only specific tasks and or support on a specific job is available – general ongoing support is not always available. We can investigate with other Councils sharing this role in the same way Kel, once the key objectives are completed, then Council could outsource to other Councils.

CEO: Yes we have investigated with neighbouring Council's such as Pingelly and Narrogin regarding the engagement of their senior staff. In most instances they are only available for a short time, we would receive some expertise but it's limited and doesn't build the capacity internally. Utilising a Consultant won't achieve the aims that the Council is striving for with the Works program.

Kelvin Price made the following comment:

Tied vote, no winners with tied votes (casting vote)

President: Agreed and stated that given the circumstances, we have six councillors and this is likely to come up similar to last meeting, it was a very difficult thing to do and puts a lot of pressure on this seat.

CEO: Stated that there is an allowance in the act for circumstances like this, unfortunately this has presented itself because we were not able to fill all positions at the last election.

5. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

The confirmation of minutes from the last Ordinary Meeting of Council will be included in the Agenda for the next Ordinary Meeting to be held at 3.30pm, Thursday 21 February, 2019.

6. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

7. REPORTS OF OFFICERS

7.1 CHIEF EXECUTIVE OFFICER

7.1.1 PROPOSED CHANGE TO SHIRE OF WANDERING ORGANISATIONAL STRUCTURE – IMPLEMENTATION OF EXECUTIVE MANAGER OF TECHNICAL SERVICES

File Reference	1.2.2
Proponents:	Nil
Disclosure of Interest:	Nil
Date:	16 January 2019
Previously Before Council:	10.1.3 OCM - 13 December 2018
Author's Name & Position:	Amanda O'Halloran CEO
Attachments:	7.1.1.1 Executive Manager Technical Services Job Description and Salary Package 7.1.2.1 Four Year Budget Forecast

NATURE OF COUNCIL'S ROLE IN THE MATTER:

- Advocacy *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, local planning schemes and policies.*
- Review *When Council reviews decisions made by Officers.*
- Quasi-judicial *When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).*

PURPOSE OF THE REPORT

To present to Council, as requested at the 13 December 2018 Ordinary Meeting of Council, a report outlining a job description, selection criteria and salary package for the role of Executive Manager of Technical Services.

BACKGROUND

At the 13 December council meeting, the Council was recommended to approve the recruitment of a Works Manager due to the recent resignation of the role's incumbent. This item was lost and an alternative motion was carried which directed the CEO to:

MOVED: CR WATTS

SECONDED: CR FERGUSON

1. That Council investigate the role of an Executive Manager of Works for a three year contract.
2. That the Chief Executive Officer prepares a report outlining further information for an Executive Manager of Works to include a job description, selection criteria and a salary package.

CARRIED 6/0

This Item seeks to provide Council with the information they have requested and give confidence that the budget and organisation has capacity to support the role and maintain its sustainability in the future.

COMMENT/ DETAILS

It is proposed that this role will significantly elevate the planning and service delivery of infrastructure services in the Shire of Wandering, with specific emphasis on leading the works team. This senior position will provide high level strategic advice and planning across fleet and plant operations, road infrastructure, waste management, parks and gardens. The role will require a high level of engineering and technical expertise, with proficiency in finance and project management.

ATTACHMENT 7.1.1.1 JOB DESCRIPTION

The successful applicant will manage and mentor the works team and be given extensive scope to formulate new policies, drive a range of Shire projects and improve the road infrastructure program. There will also be an increased focus on maintaining relationships with key stakeholders and ensuring a responsive approach to customer service.

Council's 2018 – 2028 Strategic Plan has a significant emphasis on projects and outcomes that require expertise beyond our current workforce capabilities – projects such as Plant and Road Asset Plan, Roadside Reserve Management Plan, development of the Wandering Industrial Subdivision Stage 2 and Gravel Reserve Strategy to name a few. It is anticipated the proposed role will be able to undertake a significant proportion of these projects in-house over a three year tenure. This will result in greater shared knowledge and outcomes more focused on the Shire of Wandering's needs.

In addition, a considerable advantage will be to reduce the CEO's role in completing annual road applications, overseeing daily budget management, road hierarchy planning and prioritisation of issues. This would enable the CEO to be more involved in the activities of Council, such as;

- Supporting Council and delivering on key priorities and projects such as rates review, business growth strategy, investment strategy and continue to drive Council's policies and local laws; and
- supporting Council to influence and lobby State and Federal Government policy development to better understand and support the plight of small Council's and other matters considered a priority by Council; and
- Leading the Shires Strategic Integrated Planning activities

Council has typically had two senior roles within its organisational structure, the CEO and Manager of Finance and Administration in recent times and previous to that Deputy CEO. The role of Manager of Finance and Administration has been contracted to Williams and the service is provided over 2 days per week. Recently it has been identified that the Shire could benefit substantially from increased executive leadership support.

To attract a skilled Executive Manager of Technical Services, Council will need to increase the salary to support the skills and experience required to achieve the outcomes important to the Shire of Wandering. The proposed role will offer a salary up to \$125,000pa cash to the appropriate candidate. All other salary package conditions will remain the same. Whilst this is an increase in salary of up to the \$30,000pa more than the remuneration proposed for the previously discussed role of Works Manager, recent budgets have had allocations in other areas that can be redirected to this role with very little impact to the annual budget's bottom line.

CONSULTATION

Shire President
Shire of Wandering Councillors
Finance Manager

STATUTORY/ LEGAL ENVIRONMENT

LOCAL GOVERNMENT ACT 1995

Division 4 — Local government employees

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

5.37. Senior employees

- (1) A local government may designate employees or persons belonging to a class of employee to be senior employees.
- (2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.
- (3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.
- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

[Section 5.37 amended by No. 49 of 2004 s. 45 and 46(4); No. 17 of 2009 s. 22.]

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Shire's annual budget over the last three years has had allocations to support consultants, Staff relief, technical advice and project support that can easily be directed into this area, and would sufficiently cover the increase in salary offered and leave surplus funds to support ongoing survey, valuation and data costs.

ATTACHMENT 7.1.1.2 FOUR YEAR BUDGET FORECAST

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

Council Priority 2 – Improve the Economic Growth of our Community

Strategic Community Plan		
Goal	Strategies	Our Measurement
Roads are a critical driver for our Shire	Develop a Road Management Plan, which incorporates a Road Hierarchy, Minimum Service Levels, Maintenance Policy, Contractor Policy and Asset Management Plan	Road infrastructure is maintained to satisfactory levels
		Plant and Road Asset Plan developed by 2021
	Lobby and build enduring partnerships with key government departments to better manage heavy vehicles and their impact on local roads	Road infrastructure is maintained to satisfactory levels
	Develop a Roadside Reserve Management Plan	Road Side Reserve Management Plan developed by 2021
	Develop a Strategic Gravel Reserve Plan and Policy	Gravel Reserve Policy and Plan developed by 2021

Council Priority 4 – Provide Strong Leadership

Strategic Community Plan		
Goal	Strategies	Our Measurement/ Outcomes
We plan for the future and are strategically focused	Service Level Plans detail operational roles, responsibilities and resources	We provide timely services and facilities by an adaptable workforce.
		Council makes informed decisions in regards to resource allocation and communicates this to the community

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

1. Approves the change in organisational structure to include the role of the Executive Manager of Technical Services
2. Directs the CEO to proceed with the appointment of an Executive Manager of Technical Services for the Shire of Wandering; and
3. Appoint Councillors _____ and _____ to the recruitment panel.

COUNCIL DECISION – ITEM 7.1.1

MOVED: CR WATTS

SECONDED: CR FERGUSON

That Council:

1. Approves the change in organisational structure to include the role of the Executive Manager of Technical Services
2. Directs the CEO to proceed with the appointment of an Executive Manager of Technical Services for the Shire of Wandering; and
3. Appoint Councillors _____ and _____ to the recruitment panel.

AMENDMENT:

MOVED: CR WATTS

1. Approves the change in organisational structure to include the role of the Executive Manager of Technical Services for the term of three years;
2. Directs the CEO to proceed with the appointment of an Executive Manager of Technical Services for the Shire of Wandering;

MOVED: CR WATTS

SECONDED: CR FERGUSON

ALTERNATIVE MOTION

Cr Parsons foreshadowed an alternative motion. The motion was put and subsequently voted on as follows:

MOVED: CR PARSONS

SECONDED: CR PRICE

That Council appoint a Works Manager.

LOST 3/4

*Cr Price, Cr Parsons, Cr Turton voted for the motion
Cr Watts, Cr Ferguson, Cr Whitely voted against the motion – the Presiding Member
Cr Whitley made the casting vote for the motion*

AMENDMENT

1. Approves the change in organisational structure to include the role of the Executive Manager of Technical Services for the term of three years;
2. Directs the CEO to proceed with the appointment of an Executive Manager of Technical Services for the Shire of Wandering;

MOVED: CR WATTS

SECONDED: CR FERGUSON

4/3 CARRIED

*Cr Price, Cr Parsons, Cr Turton voted against the motion
Cr Watts, Cr Ferguson, Cr Whitely voted for the motion – the Presiding Member
Cr Whitley made the casting vote for the motion*

MOTION

MOVED: CR WATTS

SECONDED: CR FERGUSON

That Council:

1. Approves the change in organisational structure to include the role of the Executive Manager of Technical Services for the term of three years;
2. Directs the CEO to proceed with the appointment of an Executive Manager of Technical Services for the Shire of Wandering;

4/3 CARRIED

*Cr Price, Cr Parsons, Cr Turton voted against the motion
Cr Watts, Cr Ferguson, Cr Whitely voted for the motion – the Presiding Member
Cr Whitley made the casting vote for the motion*

8 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

MOVED: CR WATTS

SECONDED: CR FERGUSON

That Council accept business of an urgent nature.

CARRIED 6/0

MOTION

That Council appoint Councillors Whitely, Councillor Ferguson, Councillor Turton, Councillor Parsons and the CEO to the recruitment panel for the role of the Executive Manager of Technical Services.

MOVED: CR WATTS

SECONDED: CR TURTON

That Council appoint Councillors Whitely, Councillor Ferguson, Councillor Turton, Councillor Parsons and the CEO to the recruitment panel for the role of the Executive Manager of Technical Services.

6/0 CARRIED

9 TIME AND DATE OF NEXT MEETING

Next Ordinary Council meeting to be held on 21 February, 2019 at 3:30pm.

10 CLOSURE OF MEETING

The meeting closed at 10.12am