



SHIRE OF
DOWERIN
TIN DOG TERRITORY

MINUTES

Special Council Meeting

Held in Council Chambers
13 Cottrell Street, Dowerin WA 6461
Tuesday 6 July 2023



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Shire of Dowerin
Special Council Meeting
3.00pm Thursday 6 July 2023



1. Official Opening

The President welcomed those in attendance and declared the meeting open at 3.00pm.

2. Record of Attendance / Apologies / Leave of Absence

Councillors:

Cr RI Trepp	President
Cr BA Ward	Deputy President
Cr WG Allsopp	
Cr LG Hagboom	
Cr DP Hudson	
Cr AJ Metcalf	

Staff

Ms R McCall	Chief Executive Officer
Ms L Dreghorn	Executive & Governance Officer

Members of the Public:

Apologies: Cr JC Sewell, Cr NP McMorran
Mr A Wooldridge, Deputy Chief Executive Officer

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

Community interest in gravel item.

5. OFFICER'S REPORTS – ASSET & WORKS

5.1 Policy Manual Review – Policy 4.2 – Gravel, Sand & Pit Rehabilitation Policy

<h1>Asset & Works</h1>		 SHIRE OF DOWERIN TIN DOG TERRITORY
Date:	28 June 2023	
Location:	Various	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Linley Dreghorn, Executive & Governance Officer	
Legislation:	<i>Local Government Act 1995</i>	
Sharepoint Reference:	Organisation/Governance/Council Policies	
Disclosure of Interest:	Nil	
Attachments:	Attachment 5.1A – Policy 4.2– Gravel Sand & Pit Rehabilitation Policy	

Purpose of Report

Executive Decision



Legislative Requirement

Summary

This Item presents a review of Policy 4.2 – Gravel, Sand & Pit Rehabilitation Policy to Council for consideration and, if satisfactory, adoption.

Background

This policy was last reviewed by the Council at its January 2021 Meeting (Item 13.1, CMRef 0357).

Comment

Policy 4.2 – Gravel, Sand & Pit Rehabilitation Policy provides clarity for all parties regarding any transactions relating to the removal of materials for roadworks and the rehabilitation of pits once no longer required.

The Policy clearly states the dollar value for each of the material types and also identifies who is responsible for areas that might be impacted ie change in fencing due to stock, rehabilitation of disused pit etc.

It also allows for agreements to be negotiated so that the materials used by the Shire can be paid to the owner as a part cash payment/part private works arrangement. This is something that landowners have requested before and this Policy clarifies the conditions where such a transaction may occur.

The current Policy also includes the legislative right of a local government to undertake forced acquisition of materials as per the *Local Government Act 1995*, specifically Sections 3.21, 3.22, 3.27, 3.31, 3.32, 3.33 and Schedule 3.2.

Minor amendments, including Policy title, position titles, price for materials and the addition of a document control box have been made.

Consultation

Rebecca McCall, Chief Executive Officer
Ben Forbes, Asset & works Coordinator
Council Workshop, 20 June 2023

Policy Implications

The Policy Manual will be updated accordingly, should Council resolve to adopt the Officer's Recommendation.

Strategic Implications

Strategic Community Plan

Community Priority: Our Infrastructure
Objective: We have functional assets and infrastructure that supports the community
Outcome: 3.2
Reference: 3.2.3

Asset Management Plan

Nil

Long Term Financial Plan

Nil

Statutory Implications

Section 2.7(2)(b) of the *Local Government Act 1995* is applicable to Council's role in relation to policies and states:

"2.7. Role of council

(1) *The council –*

- (a) governs the local government's affairs; and*
- (b) is responsible for the performance of the local government's functions.*

(2) *Without limiting subsection (1), the council is to –*

- (a) oversee the allocation of the local government's finances and resources; and*
- (b) determine the local government's policies."*

The following Sections and Schedules of the *Local Government Act 1995* are also applicable:

Section 3.21	Duties when performing functions
Section 3.22	Compensation
Section 3.27	Particular things local governments can do on land that is not local government property
Section 3.31	General procedure for entering property
Section 3.32	Notice of entry
Section 3.33	Entry under warrant
Schedule 3.2	Particular things local government can do on land this is not local government property

Risk Implications

Risk Profiling Theme	Asset Management Practices
Risk Category	Project Budget
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Road Asset Management Program
Action (Treatment)	Review Road Asset Management Program
Risk Rating (after treatment)	Adequate

Financial Implications

Financial implications will form part of Council's annual budget deliberations.

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation/Resolution - 5.1

Moved: Cr Metcalf

Seconded: Cr Hagboom

0798

That, by Simple Majority, in accordance with the *Local Government Act 1995*, Council adopts the amended Policy 4.2 - Gravel, Sand and Pit Rehabilitation Policy, as presented in Attachment 5.1A.

CARRIED 6/0

5.2 Resignation of Chief Executive Officer (CEO)

Governance & Compliance



Date:	29 June 2023
Location:	Shire of Dowerin
Responsible Officer:	Rebecca McCall, CEO
Author:	Linley Dreghorn, Executive & Governance Officer
Legislation:	<i>Local Government Act 1995</i>
SharePoint Reference:	
Disclosure of Interest:	
Attachments:	Nil

Purpose of Report

Executive Decision

Legislative Requirement

Summary

This item is presented to Council to receive the resignation of the Chief Executive Officer (CEO), Ms Rebecca McCall from the Shire of Dowerin.

Background

In April 2023 the current CEO, Ms Rebecca McCall provided a letter of resignation to the Shire President affective from 8 September 2023.

At the May Ordinary Meeting of Council, it was ratified (CMRef 0784) to commence the recruitment process for a new CEO.

Consultation

Rebecca McCall, Chief Executive Officer
Aaron Wooldridge, Deputy Chief Executive Officer
Cr Robert Trepp, Shire President
Ordinary Council Meeting 16 May 2023

Policy Implications

Council Policy "Model Standards for CEO Recruitment, Performance and Termination" is relevant to this item.

Statutory Implications

Section 5.36, 5.39 and 5.39C of the *Local Government Act 1995* is relevant.

5.36. Local government employees

- (1) A local government is to employ –
 - (a) a person to be the CEO of the local government; and

- (2) A person is not to be employed in the position of CEO unless the council –
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

** Absolute majority required.*

- (4) Unless subsection (5A) applies, if the position of CEO 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.

5.39. Contracts for CEO and senior employees

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) –*
 - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
 - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section –*
 - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years*
- (3) *A contract under this section is of no effect unless –*
 - (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*

- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

5.39C. Policy for temporary employment or appointment of CEO

- (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following –*
- (a) *the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - (b) *the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

** Absolute majority required.*

- (2) *A local government may amend* the policy.*

** Absolute majority required.*

- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*

- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website.*

Strategic Implications

Strategic Community Plan

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively managed Local Government

Outcome: 5.3

Reference: 5.3.1

Asset Management Plan

Nil

Long Term Financial Plan

There will be no impact on the Long-Term Financial Plan as remuneration is factored into the proposed 2023/24 budget.

Risk Implications

Risk Profiling Theme	Employment Practices
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Low (4)
Key Controls (in place)	Council Policies

Action (Treatment)	Recruitment and enactment of Council Policies.
Risk Rating (after treatment)	Adequate

Financial Implications

The cost to engage an Acting CEO can be covered under the existing budget allocation in (GL 2140500) so no additional financial implications.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution - 5.2

Moved: Cr Ward **Seconded:** Cr Allsopp

0799 **That, by Absolute Majority, in accordance with the *Local Government Act 1995*, Council receives the resignation from Ms Rebecca McCall, Chief Executive Officer.**

CARRIED 6/0

6. Matters Behind Closed Doors

6.1 Confidential Item 6.1 – Appointment of Chief Executive Officer (CEO)

In accordance with Section 5.23(2)(c) of the *Local Government Act 1995*, Council will go Behind Closed Doors to discuss a matter that if disclosed, would reveal information that has a commercial value to a person and a contract which may be entered into by the local government.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Hudson **Seconded:** Cr Metcalf

0800 That, in accordance with Sections 5.23(2)(c) of the *Local Government Act 1995*, Council go Behind Closed Doors.

CARRIED 6/0

3.08pm – Council went Behind Closed Doors.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution

Moved: Cr Metcalf **Seconded:** Cr Allsopp

0802 That, in accordance with Section 5.23(1) of the *Local Government Act 1995*, Council come out from Behind Closed Doors.

CARRIED 6/0

3.15pm – Council came out from Behind Closed Doors.

Voting Requirements

Simple Majority Absolute Majority

Officer's Recommendation/Resolution – 6.1

Moved: Cr Trepp **Seconded:** Cr Ward

0801 That, by Absolute Majority, in accordance the *Local Government Act 1995*, Council endorses the recommendation of the CEO Selection Panel and:

- 1. Approves the making of an offer of employment to Mr David Singe to the position of Chief Executive Officer with the Shire of Dowerin for a period of three (3) years, with a commencement date on 9 October 2023.**
- 2. Approves the proposed terms of the CEO Employment Contract to be entered into with Mr David Singe with a Total Reward Package (SAT) of \$205,738 per annum, calculated in accordance with the 2023 Salaries and Allowances Tribunal Local Government Determination Band 4 Range.**
- 3. Is of the belief that Mr David Singe is suitably qualified for the position of Chief Executive Officer.**
- 4. Authorises the Shire President to execute and affix the common seal to the Chief Executive Officer Employment Contract in accordance with section 9.49A (1) & (2) of the *Local Government Act 1995*.**

CARRIED BY ABSOLUTE MAJORITY 6/0

7. Closure

There being no further business the President thanked those in attendance and declared the meeting closed at 3.16pm.