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APPENDIX 10.3.2. Investment Report – July 2016	Blue Page

MINUTES**1. Declaration of Opening and Announcement of Visitors**

3pm

2. Record of Attendance / Apologies and Leave of Absence Previously Approved

Cr Jim Quadrio President

Cr Norma Ward

Cr Stacey Petterson

Cr Caroline Thomas

Dean Taylor

Glenn Deocampo

Tracey Luke

Acting Chief Executive Officer

Executive Manager Corporate Services

Executive Manager Community & Economic
Development**Apologies**

Cr Graham Harris

Cr Chris Webb

Deputy President

3. Response to Previous Public Question Taken on Notice

Nil

4. Public Question Time

Nil

5. Applications for Leave of Absence

Nil

6. Notations of Interest**6.1. Interest Affecting Impartiality Shire of Wiluna Code of Conduct****6.2. Financial Interest Local Government Act Section 5.60A**Dean Taylor declared a financial interest in Late Item 12.2 as he is the
Principal of Red Tail Ridge Consulting**6.3. Proximity Interest Local Government Act Section 5.60B****7. Petitions and Deputations**

Nil

8. Confirmation of Minutes of Previous Meeting

- 8.1. The Minutes of the Meeting held on 27 July 2016 be accepted as a true record of the meeting.

Council Decision	Item 8.1.
MOVED CR PETERSON	SECONDED CR WARD
The Minutes of the Meeting held on 27 July 2016 be accepted as a true record of the meeting.	
<u>CARRIED 4/0</u>	Resolution 070/16

9. Announcement Presiding Member without Discussion

Nil

10. Reports of Officers and Committees

10.1. Chief Executive Officer's Reports

Item 10.1.1 was deferred from the 27 July 2016 Ordinary Council Meeting

10.1.1. Subject/Applicant:	MAINTENANCE & BUILDING WORKS PANEL TENDER
File:	ADM 0359
Reporting Officer:	Dean Taylor – Acting Chief Executive Officer
Date of Report:	8 August 2016
Disclosure of Interest:	Nil

Purpose

Council issued a tender to seek contractors who were interested in forming a panel of contractors to undertake Maintenance & Building Works for the Shire of Wiluna. This was presented to Council at its Ordinary Meeting in July and was deferred to allow Council more time to consider the recommendations.

Background

In December 2015 council adopted changes to its purchasing policy to allow the appointment of a panel of contractors to undertake various works for the shire.

Tenders for Maintenance and Building Works were firstly called with applications to be submitted by 4.00pm Tuesday 8 March 2016. Due to a very limited response to the tender it was re-advertised with a closing date of 3.00pm Tuesday 27 May 2016.

The primary purposes of the request for tender:

- To achieve and maintain a high standard of performance in provision of the Services by the Contractor;
- To promote the health, safety and welfare of all persons engaged in or affected by the Services;
- To provide well maintained plant and equipment for the construction and maintenance of buildings and infrastructure within the Shire of Wiluna;
- To ensure the provision of ongoing effective communication and cooperation between the Council and the Contractor;
- To provide cost-effective services that will offer genuine value for money.

A total of fifteen tenders were received with rates being submitted for single areas of work or multiple areas of work.

The tenders have taken some time to assess as there was information not provided and/or that need to be clarified. The assessment is also somewhat in-depth due to the different charges that apply. There have also been delays due to other pressing priorities.

Aside from ensuring compliance, each tender was considered based on the hourly rates, experience and qualifications.

Comment

Currently council purchases goods in accordance with councils purchasing policy which requires quotes of various numbers to be obtained prior to awarding work. This process is both costly and time consuming which in turn delays response times to various maintenance and other works.

By determining a panel of contractors who have expressed a desire to be included on a panel, the contractors have also predetermined the hourly rates etc that council will be charged for the work. As such council is ensuring that it receives good value for money and has a ready supply of contractors willing and able to carry out the works required.

Shire staff will ensure that the most appropriate contractor is appointed for each job and can still request quotes from contractors on the panel should it be necessary.

Consultation

Nil

Statutory Environment

Local Government Act 1995, Section 3.57

Local Government (Functions & General) Regulations 1996 – Part 4 **Division 3**

Policy Implications

Nil all procurement will still be done in compliance with Policy 2.6 Purchase of Goods and Services.

Financial Implications

The 2016/17 budget includes a significant allocation for various maintenance and building works.

Voting Requirement SIMPLE MAJORITY

Officer Recommendation & Council Decision	Item 10.1.1.
MOVED CR PETTERSON	SECONDED CR WARD
<p>That Council determine a panel of contractors as detailed in the attached spreadsheets (10.1.1(a) and 10.1.1.(b)) to undertake Maintenance and Building Works as required</p> <p>The Panel of contractors will be managed in accordance with Council purchasing policy.</p>	
<u>CARRIED 4/0</u>	Resolution 071/16

10.1.2. Subject/Applicant:	Single Persons Accommodation
File:	Finance
Reporting Officer:	Dean Taylor, Contract Project Manager
Date of Report:	16/08/16
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider an opportunity to develop additional single person's accommodation for shire staff in Wiluna.

Background

It is an unfortunate reality that the Wiluna Townsite has a severe shortage of housing and accommodation. There are very few privately owned houses and the sale of properties is a rarity as are rental properties.

With the appointment of the Deputy Chief Executive Officer, Executive Manager Engineering and Development Services and Ranger all currently suitable accommodation is now utilised. One contractor is currently using one unit but will vacate this to allow the Executive Manager Engineering and Development to occupy the unit.

Council currently has eight further vacancies within its structure including;

- Two Finance staff (Rates, Finance)
- Administrative Assistant (shared Engineering, Community Development)
- Community Development Co-ordinator – Sport, Recreation, Youth, Seniors
- Community Development Co-ordinator – Arts, Culture
- Arts Centre Trainee
- Community Development Co-ordinator – Economic Development

Works Supervisor

With the current capital construction program and the announcement of the \$60m Wiluna-Meekatharra Road project it is expected that the demand for shire housing/accommodation will be come more acute.

Council has made an allocation of \$1m in the 2016/17 budget to purchase 3 executive style houses.

During Local Government week the Chief Executive Officer and some councillors commenced the process of looking at the transportable housing options that are available.

At one of the manufacturers the availability of new 4 person “donga” style units at discounted prices was identified.

The Dongas in question are new 4 bedroom, 4 bathroom units which cost the company \$48,000 each are being offered for \$20,000.

Comment

Donga style accommodation is typically not suitable for long term occupation by council staff but would be appropriate for FIFO, DIDO, contractors or remote works crew employees.

Council previously had single persons accommodation in Woodley Street but this property is now in a dilapidated condition and is unsuitable for occupation.

With the current need to house a construction crew and the probable need to accommodate a road construction crew for the next few years – the donga option is recommended as a low cost alternative to housing units.

It would be recommended to purchase 2 – 4 donga units and arrange them in configuration which would allow them to be roofed and a common kitchen/ living area constructed.

In the future if the donga style accommodation was no longer needed by council the Donga units may be suitable for future caravan park type accommodation units.

Council currently has a vacant block of land that may be suitable to locate the Donga house adjacent to the New Ranger residence, the block has sewer available.

Consultation

Shire President

Statutory Environment

Local Government Act 1995 (as amended)

Unbudgetted Expenditure - section 6.8 (1)(b)

Unbudgetted utilisation of Reserve Funds – section 6.11(2)(b)

Unbudgetted loan raising – section 6.20(2)(b)
 One months local advertising required for 6.11(2)(b) and 6.20(2)(b)

Policy Implications

Nil

Financial Implications

The 2016/17 budget includes the provision for \$1m to be spent on 3-4 executive style houses.

It is estimated that the completed 12 bed, 12 ensuite donga accommodation would cost approximately \$300,000 including transport, roofing, cladding, fitout, siteworks, concreting, sewer connection etc

Strategic Implications

Staff recruitment and accommodation is one of the imperatives of council in order to be able to achieve its strategic plans.

Voting Requirement ABSOLUTE MAJORITY

Officer Recommendation

That Council ;

1. Authorise unbudgeted expenditure of \$300,000 to be funded 50% from the Asset Replacement reserve and 50% by additional borrowings; and
2. The unbudgeted utilisation of the reserve and the additional Loan to be advertised for public comment.

Council Decision	Item 10.1.2.
MOVED CR PETERSON	SECONDED CR THOMAS
That Council ;	
<ol style="list-style-type: none"> 1. Authorise unbudgeted expenditure of \$300,000 to be funded by additional borrowings; and 2. The additional Loan to be advertised for public comment. 	
<u>CARRIED 4/0 by Absolute Majority</u>	Resolution 072/16

Reason for change: Council preferred to fund the additional expenditure by loan rather than utilise councils reserve funds

10.2. Principal Environmental Health Officer and Building Surveyor Report

Nil

10.3. Executive Manager of Corporate Services Reports

10.3.1. Subject/Applicant:	Financial Report – July 2016
File:	Finance
Reporting Officer:	Glenn Deocampo - Executive Manager Corporate Services
Date of Report:	16 August 2016
Disclosure of Interest:	Nil

Purpose

Presentation of the Financial Reports for the period ending 31 July 2016

Background

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

The report for the period ending 31 July 2016 is listed as Appendix 10.3.1. (Green pages).

Comment

The net current asset as at 31 July 2016 is \$6,777,525.00. The Statement of Financial Activity and Net Current Asset reports details the composition of this surplus. The opening surplus amount may vary, once audit is completed.

A report for variances between budgeted and actual expenditure including the required material variances is included in the monthly financial statements.

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35.

Voting Requirement SIMPLE MAJORITY

Officer Recommendation & Council Decision**Item 10.3.1****MOVED CR THOMAS****SECONDED CR PETTERSON****That:**

- 1 The Financial Reports, including the Statement of Financial Activity, for the period ending 31 July 2016 be received.**
- 2 Council receives the list of accounts paid by authority for 31 July 2016, \$903,409.39.**

CARRIED 4/0**Resolution 073/16**

10.3.2. Subject/Applicant:	FINANCIAL INVESTMENTS REPORT
File:	
Reporting Officer:	Glenn Deocampo – Executive Manager, Corporate Services
Date of Report:	1 August 2016
Disclosure of Interest:	Nil

Purpose

Information to Council regarding the current investments – July 2016

Background

The Council policy no. 2.20 - Financial Investment Policy requires that monthly report is to be presented to “Council detailing the performance of all investments”. Further, it requires that investment register is to be maintained.

The current investments of both reserves and municipal funds are presented as Appendix 10.3.2. (blue page).

Comment

Municipal Funds: The funds are currently deposited in “call deposit” and fixed term accounts. Both types of deposits yield higher interest than the normal checking account.

A total of \$4,247,474.11 fund was reinvested with NAB-Curve Securities in a fixed term, 122 days, due to mature on 29 August 2016 and the expected interest earnings at maturity is \$43,017.02. This fund includes the Asset Replacement reserve, \$3,163,589.98 and Municipal Funds, \$1,083,884.13.

Reserve Funds: The reserve funds comprised of the following:

Asset Replacement Reserve	\$3,163,589.98
Leave Reserve	\$ 72,893.59
Computer Reserve	\$ 100,871.77
Airport Reserve	\$1,084,260.51
Wiluna Tele centre	\$ 15,846.29

The Leave Reserve, Computer Reserve, Airport Reserve and Wiluna Tele centre reserve funds totalling to \$1,273,872.16, were invested in NAB, 122 days, due to mature on 09 September 2016, and expected earnings at maturity of \$12,347.84.

The call account balance as at 31 July 2016 is \$2,027,951.86.

All investments are done in compliance with the policy.

Consultation

Chief Executive Officer

Statutory Environment

Nil

Policy Implications

In compliance with Policy No. 2.20 - Financial Investments Policy

Financial Implications

Interest earned from investments is an income for the Council.

Strategic Implications

Effective governance and administration of Shire's services and prudent financial management all underpin the ability of the Shire to effectively deliver services and programmes.

Voting Requirements SIMPLE MAJORITY

<i>Officer Recommendation and Council Decision</i>	<i>Item 10.3.2.</i>
MOVED CR THOMAS	SECONDED CR PETTERSON
That information in this report is received.	
<u>CARRIED 4/0</u>	Resolution 074/16

10.4. Executive Manager Technical Services Report

Nil

10.5. Executive Manager Community & Economic Development

10.5.1. Subject/Applicant:	Ranger Authorised Person
File:	
Reporting Officer:	Tracey Luke – Executive Manager Community Development
Date of Report:	17 August 2016
Disclosure of Interest:	Nil

Purpose

To request Council to appoint Mr Arron Livingston as Ranger for the Shire of Wiluna and to endorse him as an Authorised Person under the various Acts.

Background

For several years the Shire of Wiluna has employed a ranger on a casual basis but has now determined that a full time ranger would be more beneficial to the town in terms of animal management, emergency and fire management and other ranger duties .

Following a recruitment process, the Shire of Wiluna has now appointed Mr Arron Livingstone to this position.

Council is required to authorise and gazette the ranger to be an Authorised Person to administer the following acts ;

Dog Act 1976 & Regulations

Control of (Off Road Areas) Act 1978 & Regulations

Litter Act 1976 & Regulations

Shire of Wiluna Local Laws

Cat Act 2011

Local Government (Miscellaneous Provisions) Act 1960 – section 449 – Ranger & Pound Keeper

Bush Fires Act 1954 – section 38 – Fire Control Officer, section 59(2) (a) – Issue of Infringement Notices

Cemeteries Act 1986 – section 64(1) – Authorised Persons

Caravan Parks and Camping Grounds Act 1995, Pt 3, section 17

Emergency Management Act 2005

Comment

Mr Livingston has relocated to Wiluna and has commenced duties. In order to be able to administer the various regulatory Acts he is required to be an Authorised Person under each of the Acts.

Administratively the simplest method of establishing an Authorised Person is to advertise the appointment in the State Government Gazette.

Consultation

Nil

Statutory Environment*Dog Act 1976 & Regulations**Control of (Off Road Areas) Act 1978 & Regulations**Litter Act 1976 & Regulations**Shire of Wiluna Local Laws**Cat Act 2011**Local Government (Miscellaneous Provisions) Act 1960 – section 449 – Ranger & Pound Keeper**Bush Fires Act 1954 – section 38 – Fire Control Officer, section 59(2) (a) – Issue of Infringement Notices**Cemeteries Act 1986 – section 64(1) – Authorised Persons**Caravan Parks and Camping Grounds Act 1995, Pt 3, section 17**Emergency Management Act 2005***Policy Implications**

Nil

Financial Implications

The 2016-17 budget includes an allocation for advertising in the Gazette

Strategic Implications

A Green Wiluna – Safe streets and places

A Healthy, Safe and Fun Wiluna – Housing and living standards that meet community expectations

A healthy environment managed in accordance with best practice standards and regulatory controls.

Voting Requirement ABSOLUTE MAJORITY

<i>Officer Recommendation & Council Decision</i>	<i>Item 10.5.1.</i>
MOVED CR WARD	SECONDED CR THOMAS
That council appoint Mr Arron Livingstone as an Authorised Person as Ranger for the Shire of Wiluna to administer the various Acts on behalf of council.	
<u>CARRIED 4/0 by Absolute Majority</u>	Resolution 075/16

11. **Elected Members Motion of Which Previous Notice Has Been Given**
Nil

12. Urgent Business Approved by the Person Presiding or by Decision of Council

Council Decision	Items 12.1 and 12.2
MOVED CR PETTERSON	SECONDED CR THOMAS
That council agree to consider 12.1 and 12.2 as late items to the agenda.	
<u>CARRIED 4/0</u>	Resolution 076/16

12.1.. Subject/Applicant:	DESIGNATED SENIOR OFFICERS
File:	Finance
Reporting Officer:	Dean Taylor, Contract Project Manager
Date of Report:	24/08/16
Disclosure of Interest:	Nil

Purpose

To re-consider the issue of Designated Senior Officers in the Shire of Wiluna

Background

At its December meeting, Council received a report addressing a number of issues one of which was whether council wished to identify specific positions within the organisation as Designated Senior Officers for the purpose of the Local Government Act.

At that time the recommendation and council decision was to form a Management Advisory Committee with delegated authority for certain decisions as outlined in the Management Advisory Committee Charter.

The Management Advisory Committee has been operating since December 2015 and during the last six months has had 5 meetings to discuss various issues including Staff structure, position descriptions, advertising, Chief Executive Officer position, staff conditions and appointments etc.

In recent times it has become apparent that at least some councillors may have concerns and are perhaps dissatisfied with the arrangements and as such it is probably appropriate to revisit the situation.

Comment

The Local Government Act is clear with regards to the appointment of employees – Council appoints the Chief Executive Officer and in turn the Chief Executive Officer employs all other employees.

5.36. Local government employees

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

The Chief Executive Officer is responsible for the selection and appointment of any other officer.

5.41. Functions of CEO

The CEO's functions are to —

(g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and

The Chief Executive Officer is required to inform the Council of each proposal to employ or dismiss a permanent (ie not acting) Designated Senior Officer.

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.

Currently the Shire of Wiluna does not have any Designated Senior Officers.

Council received a report, which it accepted, from the previous Chief Executive Officer (September 2013) which recommended the removal of the Manager of Corporate Services, Manager Community Services and the Works Manager from the list of designated senior officers.

The report in September 2013 argued that the designation of senior officers somewhat curtailed the ability of the CEO to flexibly and effectively recruit staff quickly. The comments from the previous Chief Executive Officer in the report are valid and by not having designated officers makes it easier for the Chief Executive Officer to appoint staff quickly.

This however has to be tempered with the councils desire to have the right of veto over the Chief Executive Officer's recommendations.

It should be noted that by identifying certain employees as designating senior officers does not give council the right to be involved in the selection process but merely gives council the right to say no.

The issue of the Chief Executive Officer being responsible for the employment of all employees is somewhat discussed above. On occasion the issue of differentiation of responsibilities is difficult for some councillors to accept and as a consequence this issue sometimes results in frustration or conflict.

Councils responsibility is to set the strategic direction that it wishes to head into the future and then to provide the Chief Executive Officer with the resources(staff structure) and budget to enable him/her to achieve those goals.

Ultimately the Chief Executive Officer is responsible to council and the community for delivering the budget and providing accurate reporting and compliance. This includes the Chief Executive Officer being responsible for recruiting effectively to implement the council's decisions and strategic direction.

The introduction of a Management Review Committee was to facilitate communication between the Chief Executive Officer and senior council members. The committee enables the Chief Executive Officer to sound out council's views on issues relating to management of staff and staffing issues which breach the gap between the responsibilities of Council and the responsibilities of the Chief Executive Officer.

The Management Review Committee is not and cannot be used for councillors to become involved in operational and staffing matters that are beyond what is allowed within the Act.

If council wishes to re-establish the power of veto provided by Section 5.37 (2), it is recommended that council determine which positions within the current staffing structure it wishes to designate as Senior Employees under Section 5.37 (1) of the Act.

Consultation

Shire President

Statutory Environment

Local Government Act (1995) contains the following;

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.

2.8. Role of mayor or president

- (1) The mayor or president —
 - (a) presides at meetings in accordance with this Act; and
 - (b) provides leadership and guidance to the community in the district; and

- (c) carries out civic and ceremonial duties on behalf of the local government; and
- (d) speaks on behalf of the local government; and
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

2.10. Role of councillors

A councillor —

- (a) represents the interests of electors, ratepayers and residents of the district; and
- (b) provides leadership and guidance to the community in the district; and
- (c) facilitates communication between the community and the council; and
- (d) participates in the local government's decision-making processes at council and committee meetings; and
- (e) performs such other functions as are given to a councillor by this Act or any other written law.

3.1. General function

- (1) The general function of a local government is to provide for the good government of persons in its district.

5.41. Functions of CEO

The CEO's functions are to —

- (a) advise the council in relation to the functions of a local government under this Act and other written laws; and
- (b) ensure that advice and information is available to the council so that informed decisions can be made; and
- (c) cause council decisions to be implemented; and
- (d) manage the day to day operations of the local government; and
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions; and
- (f) speak on behalf of the local government if the mayor or president agrees; and
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees); and
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Policy Implications

Nil

Financial Implications

Nil at this stage.

Strategic Implications

The recruitment and employment of suitably qualified and experienced staff, particularly in senior positions, is one of the most important tasks of any local government.

Voting Requirements SIMPLE MAJORITY (1) ABSOLUTE MAJORITY (2)**Officer Recommendation**

1. That Council designates the following positions as Senior Officers in accordance with section 5.37 of the Local Government Act 1995.

Deputy Chief Executive Officer
Executive Manager Engineering and Development Services
Executive Manager Finance
Executive Manager Community and Economic Services.

2. That council discontinues the Management Review Committee.

Council Decision**Item 12.1.****MOVED CR THOMAS****SECONDED CR WARD**

- 1 That Council designates the following positions as Senior Officers in accordance with section 5.37 of the Local Government Act 1995.

Deputy Chief Executive Officer
Executive Manager Engineering and Development Services
Executive Manager Finance
Executive Manager Community and Economic Services.

- 2 That council include all councillors on the Management Review

CARRIED 4/0**Resolution 077/16**

Reason for change : Council considered that the Management Review Committee was a valuable communication option between council and the Chief Executive Officer and as such needed to be retained. All councillors as members was seen as the preferred model.

Mr Taylor declared an interest and left the room 3.28pm

12.2. Subject/Applicant:	CHIEF EXECUTIVE OFFICER POSITION
File:	Acting Chief Executive Officer
Reporting Officer:	Dean Taylor in consultation with Jim Quadrio
Date of Report:	24 August 2016
Disclosure of Interest:	Nil

Issue

To re-consider the issue and options for the filling of the Chief Executive Officer position.

Background

At the December 2015 meeting council adopted the following resolution;

“That Mr Dean Taylor from Red Tail Ridge Consulting is appointed Acting Chief Executive Officer for the Shire of Wiluna until a permanent Chief Executive Officer can be recruited.

The appointment may be terminated at any stage by council with no notice.

Mr Taylor is appointed in accordance with the Red Tail Ridge Schedule of Fees as provided. Council may choose to provide a vehicle, travel and accommodation.”

The resolution was made to formalize the appointment of the Acting Chief Executive Officer to enable various functions to occur – including the recruitment of staff.

On the 27th January 2016 the Management Review Committee considered the options for filling the position of the Chief Executive Officer.

At that meeting the Committee passed the following resolution;

“That the Management Review Committee recommends that the selection of a new permanent Chief Executive Officer be deferred until after the 2016/2017 budget has been adopted. This will give a period of stability and consistency to the Shire of Wiluna and enable the recruitment of a stable senior staff structure.

That the Shire President negotiate with Mr Taylor and Mr Durtanovich to Act in the position of Chief Executive Officer until a permanent Chief Executive Officer can be recruited.”

Council has now recruited and appointed the following positions;

Deputy Chief Executive Officer.
Executive Manager - Community and Economic Development.
Executive Manager – Engineering and Development Services.
Ranger

Community Development Officer – Events, Public relations and Tourism

Given that the 2016/17 budget has now been adopted and all Senior Officer positions have now been recruited and appointed and the staff have or will be commencing duties shortly.

It is now time for Council to review the previous January decision. Council needs to consider whether it is time to re-commence the process of recruitment and appointment of a new permanent Chief Executive Officer.

It should be council's goal to recruit and secure a suitably qualified and experienced permanent Chief Executive Officer who can provide the ongoing leadership and stability that the Shire of Wiluna requires.

Officer's Comment

Over the past few years Council has had a number of different Chief Executive Officers and whilst there were understandable reasons for this; it is imperative that council retains the services of a competent and experienced officer who can provide leadership, security and certainty to the staff and community.

Council needs to consider what is needed by the shire and weigh up the sometimes opposing requirements of recruiting a Chief Executive Officer quickly and providing stability in the short to medium term.

Council should be aware that there are a large number of Chief Executive Officer vacancies at present in Local Government and as such the recruitment process to get the "right" person could take sometime. In general terms the formation of a selection process, advertising and selection of a preferred candidate could realistically take 3 months. Most existing Chief Executive Officer's will have to give around 3 months notice and therefore it will realistically be a 6 month process.

Council has recently appointed a Deputy Chief Executive Officer who should be capable of fulfilling the role of Acting Chief Executive Officer. Whether offering the acting position to this officer is appropriate; at this time or at sometime in the future is a decision that council will need to consider.

Mr Taylor's appointment in December 2015 was for a period of 12 months or until a new Chief Executive Officer was recruited. Mr Taylor has indicated that he is willing to continue in the position in the medium term but advises that he and his wife are attempting to have a baby and as such if successful he may not be available for up to 2 months during the next 12 months. If council wishes to continue with Mr Taylor then council will have to re-appoint Red Tail Ridge Consulting prior to December 2016.

Council has recently determined a Panel Tender for consultants to deliver services to the Shire of Wiluna – Red Tail Ridge Consulting was the preferred tenderer for the supply of Relief Staff, Administration, Governance, Compliance and a number of other services.

Alternatively, there are usually a number of ex-Local Government Chief Executive Officer's who undertake temporary relief services for shires who do not currently have a permanent Chief Executive Officer, it may be possible to find one of these people to undertake the acting duties for the shire.

Statutory Environment:

Local Government Act (1995) contains the following;

5.36. Local government employees

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

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*

Local Government Administration Regulations contain the following;

Part 4 — Local government employees**18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))**

- (1) *If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —*
 - (a) *a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or*
 - (b) *a person who will be acting in the position for a term not exceeding one year.*
- (2) *An advertisement referred to in subregulation (1) is to contain —*
 - (a) *the details of the remuneration and benefits offered; and*
 - (b) *details of the place where applications for the position are to be submitted; and*

- (c) *the date and time for the closing of applications for the position; and*
- (d) *the duration of the proposed contract; and*
- (e) *contact details for a person who can provide further information about the position; and*
- (f) *any other information that the local government considers is relevant.*

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

Consultations

Shire President and councilors

Policy Implications:

Nil

Financial Implications:

Nil at this stage. The 2016/17 budget includes sufficient funds to recruit and employ a Chief Executive Officer and or Relief Staff.

Strategic Implications:

Securing, appointing and retaining staff for the Shire of Wiluna are critical to the effectiveness of shires operations.

Voting Requirements ABSOLUTE MAJORITY

Officer Recommendation & Council Decision	Item 12.2.
MOVED CR THOMAS	SECONDED CR WARD
<p>That council takes the following actions regarding the position of the Chief Executive Officer;</p> <ol style="list-style-type: none"> 1. the advertising and selection of a new permanent Chief Executive Officer be deferred for a period of six months; <ul style="list-style-type: none"> • to enable a period of settling in of the new staff. • to allow the current major projects to be further advanced • to enable the council sufficient time to review the selection criteria and duty statement of the Chief Executive Officer position. • to enable the council sufficient time to determine a selection process, development of selection criteria and interview questions • to decide whether council will undertake the recruitment or whether to engage a consultant to assist in the 	

process

- determine the advertising, its form, where to advertise, when to advertise and the duration of the advertising
- determine a method of making the preliminary assessment and shortlisting
- determine the co-ordinating of the interviews including who will be involved and the location.

2. The aim of council should be that the process above be documented, finalized and adopted by council at the December 2016 meeting so that advertising can occur from mid-January onwards.
3. That the Shire President negotiates with Mr Taylor from Red Tail Ridge Consulting to Act in the position of Chief Executive Officer for a period of up to 12 months from September 2016 or until a permanent Chief Executive Officer can be recruited.

Mr Taylor is appointed in accordance with the Red Tail Ridge Schedule of Fees as provided in the Panel Tender.

The contract with Red Tail Ridge can be terminated at any time by council.

CARRIED 4/0 by Absolute Majority

Resolution 078/16

13. Matters Behind Closed Doors

Nil

- 14. There being no further business the Chairperson closed the meeting at 3.48pm.**

These minutes were confirmed at the Ordinary Meeting of Council on the 28 September 2016.

Signed _____
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: _____