



**MINUTES
FOR
ORDINARY MEETING OF COUNCIL
Wednesday 17 August 2022**

**Council Chambers
Lot 66 Railway Street
Trayning WA 6488**

Commencement: 4.00 pm





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Signed

Leanne Parola
Chief Executive Officer



PREFACE

When the Chief Executive Officer approves these Minutes for distribution, they are in essence “Unconfirmed” until the following Council Meeting, where the Minutes will be confirmed subject to any amendments made by the members of the Committee

The “Confirmed” Minutes are then signed off by the Presiding Person.

UNCONFIRMED MINUTES

These minutes were approved for distribution on 25 August 2022.

Leanne Parola
CHIEF EXECUTIVE OFFICER

CONFIRMED MINUTES

These minutes were confirmed at a meeting held on

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



MINUTES

Ordinary Meeting of the Trayning Shire Council,
held in the Council Chambers, Lot 66 Railway Street, Trayning,
on Wednesday 17 August 2022, commencing at 4.00 pm

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1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Cr MA Brown welcomed Councillors and staff, declaring the meeting open at 4:20pm.

2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

MEMBERS:

Cr Melanie Brown (Shire President)
Cr Geoff Waters (Deputy Shire President)
Cr Michelle McHugh
Cr Peter Barnes
Cr Mark Leslie

STAFF:

Mrs Leanne Parola (Chief Executive Officer)
Mr Stephen Thomson (Works Supervisor)
Miss Belinda Taylor (Manager of Corporate Services)
Mrs Jessica Bell (Customer Service Officer) Observing for training
Mr Brett Mason (Shire of Trayning Project Officer)

APOLOGIES:

Cr Clayton Marchant

ON APPROVED LEAVE(S) OF ABSENCE:

Nil

ABSENT:

Nil

VISITORS:

Nil



3 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 APPLICATIONS FOR, AND PREVIOUSLY APPROVED, LEAVE OF ABSENCE AND DISCLOSURES OF INTEREST

5.1 Applications Previously Approved

Nil

5.2 Leave of Absence

Nil

5.3 Disclosure of Interest

Nil

6 PETITIONS/DEPUTATIONS/PRESENTATIONS

6.1 Petitions

Nil

6.2 Deputations

Nil

6.3 Presentations

Nil

7 CONFIRMATION OF MINUTES



7.1 Ordinary Meeting of Council

Officer Recommendation/Council Decision

Moved Cr GF Waters

Seconded Cr PM Barnes

That the minutes of the Ordinary Meeting of Council held on 20 July 2022 be confirmed as a true and correct record of the proceedings.

Resolution 08-2022.51

Carried 5/0

8 ANNOUNCEMENT BY PRESIDING MEMBER WITHOUT DISCUSSIONS

Nil

9 REPORTS OF OFFICERS

9.1 REGULATORY SERVICES

Nil



9.2 FINANCE REPORTS

9.2.1 Monthly Payment List July 2022

Date of Report:	14 July 2022
Proponent:	N/A
File Ref:	3.2.2.3 – Accounts Payable (Creditors)
Officer:	Jessi Shannon - Finance Officer
Senior Officer:	Wendy Stringer – LG Best Practices
Officer's Disclosure of Interest:	Nil
Attachments:	9.2.1 Monthly Payment List July 2022
Voting Requirements:	Simple Majority

Purpose of Report

To meet legislative requirements under the Local Government (Financial Management) Regulations.

Background

The Local Government (Financial Management) Regulations 1996 requires that Council is to be presented with a Statement of Payments each month.

Consultation

There has been consultation with the Chief Executive Officer.

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Officer's Comment

The list of payments has been compiled for the month of July 2022 and is attached. These payments have already occurred and Council are not making a decision as to whether payments are to be made.

At the request of Councillors, the Credit Card statement is also attached for information.

Officer Recommendation/Council Decision

Moved Cr ML McHugh

Seconded Cr PM Barnes

That Council receives the list of payments and credit card statement, as presented, for the month of June 2022, totalling \$241,308.16.

Resolution 08-2022.52

Carried 5/0



9.3 CHIEF EXECUTIVE OFFICER

9.3.1 Establishment of a CEO Performance Review Panel

Date of Report:	11 August 2022
Proponent:	Chief Executive Officer
File Ref:	4.1.1.10 Committees and Representatives
Senior Officer:	
Officer's Disclosure of Interest:	The Officer would be the subject of future performance review/s
Attachments:	9.3.1a Draft CEO Performance Review Panel Terms of Reference 9.3.1b DLGRD Operational Guidelines
Voting Requirements:	Absolute Majority

Purpose of Report

To form a CEO Performance Review Panel and adopt a performance review process for the Chief Executive Officer.

Background

Council adopted Policy 1.15 Standards for the Recruitment, Selection, Performance Review and Termination of CEOs on 17 February 2021 which includes the standards to be observed by the Shire in relation to the review of the performance of the Chief Executive Officer.

In response to Local Government Operational Guidelines published by the Department of Local Government Sport and Cultural Industries, a recommendation is made to adopt Terms of Reference for a CEO Performance Review Panel.

Consultation

At a recent Councillors Briefing Session, Councillors indicated that they would like to engage an independent consultant to ensure the review of the CEO meets the requirements of Policy 1.15.

The Shire President and CEO recently met with Stephen Tindale, a former Acting Chief Executive Officer of the Shire of Trayning to discuss a potential facilitation role for the CEO performance review process.

He has expressed an interest in taking on the role of facilitator subject to Council's agreement on the process. To that end, a draft Terms of Reference for a CEO Performance Review Panel is the subject of this report.

The Terms of Reference are a draft and subject to amendment as Council sees fit.



Statutory Environment

Section 5.38 of the *Local Government Act 1995* requires the following:

5.38 Annual review of employees' performance

- (1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
- (2) The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
- (3) A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person's employment.

Policy Implications

Policy 1.15 – Standards for the Recruitment, Selection, Performance Review and Termination of CEOs, Division 3 – Standards for review of performance of CEOs

The Shire's policy mirrors Division 3 of the ***Error! Use the Home tab to apply Name of Act/Reg to the text that you want to appear here.*** which sets out the standards to be observed by the Council in relation to the review of the performance of the CEO under the following clauses.

16. Performance review process to be agreed between local government and CEO

- (1) *The local government and the CEO must agree on —*
 - (a) *the process by which the CEO's performance will be reviewed; and*
 - (b) *any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.*
- (2) *Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.*
- (3) *The matters referred to in subclause (1) must be set out in a written document.*

17. Carrying out a performance review

- (1) *A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.*
- (2) *The local government must —*
 - (a) *collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and*
 - (b) *review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.*

18. Endorsement of performance review by local government

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

19. CEO to be notified of results of performance review

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) *the results of the review; and*
- (b) *if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.*



Local Government Operational Guidelines

Local Government Operational Guidelines dated 16 March 2022 and published by the Department of Local Government Sport and Cultural Industries in relation to CEO recruitment and selection, performance review and termination includes the following advice.

Performance review panel

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer) (emphasis added). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council.

It is also recommended that council develop a policy to guide the performance review process. A policy might include the composition of the panel, primary functions, the role and appointment of an independent consultant, and the responsibilities of review panel members (emphasis added).

Independent consultant

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance review and, if possible, experience in local government or dealing with the performance review of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- *setting performance criteria*
- *preparing the performance agreement*
- *collecting performance evidence*
- *writing the performance appraisal report*
- *facilitating meetings between the performance review panel*
- *assisting with the provision of feedback to the CEO*
- *formulating plans to support improvement (if necessary)*
- *providing an objective view regarding any performance management-related matters between the concerned parties (emphasis added).*

The policy requires that a review of the performance of the CEO must be carried out in an impartial and transparent manner.

Financial Implications

There will be costs associated with the use of an independent consultant, and meeting fees payable to the members of the proposed CEO Performance Review Panel.



Strategic Implications

There are no direct Strategic Implications.

Officer's Comment

Mr Tindale has recommended that the Shire establish a CEO Performance Review Panel as attached. The Chief Executive Officer agrees with his recommendation.

Officer Recommendation/Council Decision

Moved Cr PM Barnes

Seconded Cr GF Waters

That:

1. The Shire of Trayning CEO Performance Review Panel be established with the attached Terms of Reference.
2. The Shire President, Deputy Shire President and Councillor Barnes be appointed to the CEO Performance Review Panel.

Resolution 08-2022.53

Carried by Absolute Majority 5/0

New Motion

Moved Cr GF Waters

Seconded Cr ML McHugh

That Standing Order number 7.5 - Addressing the Meeting be suspended at 4:25 pm in order to discuss item 9.2.2 Budget Amendment – Local Roads and Community Infrastructure Program.

Resolution 08-2022.54

Carried 5/0

New Motion

Moved Cr PM Barnes

Seconded Cr GF Waters

Restate standing orders 7.5 Addressing the Meeting at 4:30 pm.

Resolution 08-2022.55

Carried 5/0



9.2.2 Budget Amendment – Local Roads & Community Infrastructure Program

Date of Report:	27 July 2022
Proponent:	Chief Executive Officer
File Ref:	3.2.7.1 Annual Budget
Senior Officer:	Leanne Parola –Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	Nil
Voting Requirements:	Absolute Majority

Purpose of Report

To amend the 2022/2023 to remove the income and expenditure related to the Local Roads and Community Infrastructure Phase 3.5 funding.

Background

The Shire of Trayning 2022/2023 budget adopted at the Ordinary Meeting of Council held 20 July 2022 included grant income and capital expenditure relating to the Local Roads and Community Infrastructure Phase 3.5. Staff have been advised that the funding is not available until July 2023.

Consultation

Senior Staff and Project Officer

Statutory Environment

Local Government Act 1995, Section 6.2 - Local government to prepare annual budget

Policy Implications

There are no policy implications.

Financial Implications

The Local Roads and Community Infrastructure Phase 3 and 3.5 grant income of \$986,739 was included in the 2022/2023 budget and was intended to partially finance the following capital projects:

Job No	Description	Total Budget	LCRIP Funds
BC01	Administration Building	180,016	150,000
BC05	Trayning Hall	70,000	66,039
BC92	Kununoppin Sports Ground	56,000	50,000
BC93	Tennis Shelter	40,000	40,000*
BC07	Bowling Club surface	146,000	100,700*



BC80	Outdoor tennis/basketball courts	456,939	240,000*
BC94	Trayning Sports Ground	43,750	20,000
Various	Footpaths	284,966	280,000
BC36	Caravan Park septic/leach drains	65,007	60,000

*funding already applied for/approved

Strategic Implications

The Officer recommendation would defer a number of capital projects from the 2022/2023 financial year into the 2023/2024 financial year. This will have an impact on the next Long Term Financial Plan, but no major strategic implications.

Officer's Comment

The Local Roads and Community Infrastructure Phase 3.5 funding is \$328,913. Staff are recommending that the following projects be deferred to 2023/2024 as they are less urgent than the others:

- Administration Building (LRCIP \$150,000)
- Trayning Hall (LRCIP \$66,039)
- Wilson Street footpath (LRCIP \$100,000)

The balance of the grant funding can be removed by not applying for funding on the smallest over the proposed LRCIP projects (Trayning Sports Ground - \$20,000), and adjusting the funds required for the other sport and recreation infrastructure projects.

Officer Recommendation

That the 2022/2023 budget be amended as follows:

GL/Job	Description	Original Budget	Amended Budget	Variation
BC01	Administration Building	(180,016)	(21,635)	158,381
BC05	Trayning Hall	(70,000)	0	70,000
FCC76	Wilson Street Footpath	(100,532)	0	100,532
3042352	Admin Grant Income	150,000	0	(150,000)
3111308	Public Hall & Civic Centre – Grant Income	66,039	0	(66,039)
3113323	Grant Income Capital Sport & Rec	700,700	687,826	(12,874)
3121320	Footpath Grant	280,000	180,000	(100,000)
Impact on Rate Setting Statement				0



Council Decision

Moved Cr GF Waters

Seconded Cr ML Leslie

That the 2022/2023 budget be amended as follows:

GL/JOB	Description	Original Budget	Amended Budget	Variation
BC01	Administration Building	(180,016)	(81,635)	98,381
BC05	Trayning Hall	(70,000)	0	70,000
FCC76	Wilson Street Footpath	(100,532)	0	100,532
3042352	Admin Grant Income	150,000	80,000	-70,000
3111308	Public Hall & Civic Centre - Grant Income	66,039	0	-66,039
3113323	Grant Income Capital Sport & Rec	700,700	687,828	-12,872
3121320	Footpath Grant	280,000	180,000	-100,000
3132319	Grants Income (LRCIP)	60,000	0	-60,000
5113700	Transfers from Facilities Reserve	70,000	109,998	39,998
				0

Resolution 08-2022.56

Carried by Absolute Majority 5/0

Reason for resolution change

Councillors wanted to commence works to the Administration Building this financial year, with the balance to be completed in 2023/2024.



10 NEW BUSINESS OF AN URGENT NATURE BY DECISION OF MEETING

Nil

11 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

12 CLOSURE

There being no further business, the Shire President thanked all Councillors and Staff for their attendance and declared the meeting closed at 4:31pm.