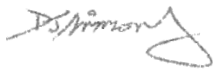


Shire of Koorda

AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held in Council Chambers, 10 Haig Street, Koorda commencing at 5.00pm on Wednesday, 19 May 2021.



Darren Simmons
Chief Executive Officer



DISCLOSURE OF INTEREST

✦ WRITTEN

- Prior to meeting
- CEO to advise Presiding Person
- Reported to meeting immediately before item discussed
- Standard form may be used

✦ VERBAL

- No round robin at start of meeting
- Advise immediately before item discussed

✦ TO BE DISCLOSED

- Nature of interest
- Extent if vote on participation held.



SHIRE OF KOORDA

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed

DJ Simmons
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING

2 ANNOUNCEMENT OF VISITORS

3 RECORD OF ATTENDANCE

3.1 *Record of Attendance:*

3.2 *Apologies:*

3.3 *Approved Leave of Absence: Cr PL McWha*

**PRESIDENT TO DRAW THE DISCLAIMER TO THE PUBLIC'S ATTENTION
(If members of the public present)**

4 QUESTION TIME FOR THE PUBLIC

4.1 *Response to Previous Public Questions Taken on Notice*

4.2 *Public Question Time Open*

4.3 *Public Question Time Closed*

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 DECLARATIONS OF INTEREST

7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 **ORDINARY MEETING HELD 21 April 2021** ([Click here to view](#))

OFFICER RECOMMENDATION

That the Minutes of the Koorda Shire Council Ordinary Meeting held on the 21 April 2021, as circulated be confirmed and certified as a true and accurate record.

9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION


10 REPORTS OF COMMITTEES

11 CHIEF EXECUTIVE OFFICERS REPORT

11.1 Governance and Administration

11.1.1 **NEWROC COUNCIL MEETING** 19 April 2021 at Mukinbudin

Section 5.23 – Applicability

Location: NEWROC Regions
Portfolio: Governance, Administration and Finance
Cr JM Stratford
File Reference: ADM 0105
Disclosure of Interest: No Interest declared by CEO
Author: Darren J Simmons, Chief Executive Officer
Signature of CEO 
Attachment: [Minutes](#)

Background:

Minutes of the NEWROC Council Meeting held on 19 April 2021 at Mukinbudin.

Comment:

The following issues were discussed:

- Item 5 Minutes of Meetings
- Item 6.1 Income, Expenditure and Profit and Loss
- Item 7.1 Waste
- Item 7.2 Energy
- Item 7.3 Dowerin Do Over

Consultation

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.1.7 – Develop successful and collaborative partnerships

4.2.2 – Facilitate resource sharing on a regional basis

Voting Requirement:

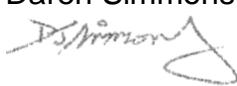
Simple majority

OFFICER RECOMMENDATION

That Council note and endorse the recommendations of the NEWROC Council Meeting held at Mukinbudin on 19 April 2021.

11.1.2 GREAT EASTERN COUNTRY ZONE MEETING
27 April 2021

Section 5.23 – Applicability

Location: GECZ Regions
Portfolio: Governance, Administration and Finance
Cr JM Stratford
File Reference: ADM 0092
Disclosure of Interest: No Interest declared by CEO
Author: Daren Simmons, Chief Executive Officer
Signature of CEO 
Attachment: [Minutes](#)

Background:

Minutes of the GECZ Meeting held on 27 April 2021 via Microsoft Teams.

Comment:

The following business issues were discussed:

- Item 7.1 Elected Member Training
- Item 7.2 Fire Bans & Public Holidays
- Item 7.3 Cyclone Seroja
- Item 8 Various Zone Reports
- Item 9 WALGA Business – State Councillor Report, WALGA Status Report, State Council Agenda Items, Organisational Reports, WALGA President's Report
- Item 10 Agency Reports

Consultation:

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

- Shire of Koorda Strategic Community Plan
- 4.1.7 - Develop successful and collaborative partnerships
 - 4.2.2 - Facilitate resource sharing on a regional basis

Voting Requirement:

Simple majority

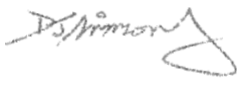
OFFICER RECOMMENDATION

That Council note and endorse the recommendations of the GECZ Meeting held via Microsoft Teams on 27 April 2021.

11.1.3

MODEL STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION

Section 5.23 – Applicability

Location:	Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	CEO Personnel Files
Disclosure of Interest:	The Author declares both an Impartiality and Financial Interest that requires disclosure as the officer is potentially impacted by adoption or variation of the Standards.
Author:	Darren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Attachment #1 - Draft Shire of Koorda Standards for CEO Recruitment, Performance and Termination Attachment #2 - Guidelines for Local Government CEO Recruitment and Selection, Performance Review and Termination Attachment #3 - Local Government (Administration) Amendment Regulations 2021 – Explanatory Notes

Background:

The State Government has enacted new legislation requiring all local governments to adopt mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers (the standards).

The Model CEO Standards provide a framework for local governments to select a CEO, review their performance and terminate their contract of employment early, in accordance with the principles of merit, probity, fairness, equity and transparency.

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

Local Government (Administration) Amendment Regulations 2021

Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021

Local Government (Model Code of Conduct) Regulations 2021.

Key features of the regulations relating to recruitment, selection, performance review and early termination of local government Chief Executive Officers include the requirements to:

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and

- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

In addition, requirements for advertising vacant CEO positions have been updated to align with amendments to state-wide public notice provisions.

Local governments are required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021).

Comment

It is suggested that, for consistency and transparency of information concerning the standards, Councillors refer to the Department of Local Government, Sport and Cultural Industries (DLGSC) produced Guidelines on the Standards (provided as Attachment #2).

If Council does not adopt the model standards, the model is taken to be the Shire's Standards.

The CEO is of the opinion that they are satisfactory to be adopted without modification, (as per the draft version provided as Attachment #1), however the Council is at liberty to adjust them, as long as they are not inconsistent with the default standards in the regulations.

Whilst the current CEO's contract is renewable (if both parties are agreeable), his 2-year tenure means that it would be beyond 2030 before the Council is legally bound to advertise the position in accordance with the adopted standards of the day.

In the opinion of the author, subject to being 'set out in a written document' as per Standard 16 (3), the current process for review of the current CEO's performance is consistent with the model requirements.

In the opinion of the author, the proposed process for early termination of a Chief Executive Officer's contract of employment appears fair and reasonable.

It is also worth noting that whilst the Council's consideration of this matter is slightly outside three-month transitional period (i.e. 3 May 2021) the Model Standards under the regulations have applied in any event.

Consultation

Nil

Statutory Environment:

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995, Section 5.39B;
- Local Government (Administration) Amendment Regulations 2021; and
- Local Government (Administration) Regulations 1996.

Section 5.39B, States:

"Adoption of model standards

(1) *In this section —*

model standards means the model standards prescribed under section 5.39A(1).

(2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.*

** Absolute majority required.*

(3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.*

** Absolute majority required.*

(4) *A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.*

(5) *The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.*

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

(7) *Regulations may provide for —*

(a) the monitoring of compliance with adopted standards; and

(b) the way in which contraventions of adopted standards are to be dealt with".

Policy Implications:

Nil

Financial Implications:

Whilst unknown, it is conceivable to expect that adoption and adherence to the mandated 'minimum' standards will add further costs and time due to the additional components (such as the addition of an external person as well as a recruitment consultant) and recording requirements.

Strategic Implications:

Shire of Koorda Strategic Community Plan 2018

Outcome 4.1 – To provide accountable and transparent leadership

Voting Requirement:

Absolute majority

OFFICER RECOMMENDATION

That with respect to the new mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers, Council;

- 1. Pursuant to section 5.39B (2) of the Local Government Act 1995, adopt the Shire of Koorda Standards for CEO Recruitment, Performance and Termination as presented in Attachment #1; and**
- 2. Pursuant to section 5.39B (6) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Standards are published on the Shire's website, as soon as practical.**

11.1.4 **NEW POLICY ON APPOINTING AN ACTING CHIEF EXECUTIVE OFFICER**

Section 5.23 – Applicability

Location: Koorda

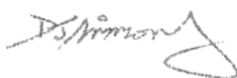
Portfolio: Governance, Administration and Finance
Cr JM Stratford

File Reference: Policy Manual

Disclosure of Interest: The Author declares both an Impartiality and Financial Interest that requires disclosure as the officer is potentially impacted by adoption or variation of the Policy.

Author: Darren Simmons, Chief Executive Officer

Signature of CEO



Attachment: Nil

Background:

The State Government has enacted new legislation requiring all local governments to adopt a policy that covers 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; and
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 5.39C of the Local Government Act 1995.

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

Local Government (Administration) Amendment Regulations 2021

Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021

Local Government (Model Code of Conduct) Regulations 2021.

Comment

Whilst there is an expectation that the Council should adopt such a policy within a reasonable timeframe (no set date has been enshrined in legislation) at the time of writing no model templates have been made available.

In the opinion of the author, the current process for appointing the Shire's Deputy CEO as Acting Chief Executive Officer is mostly consistent with the new requirements, however it does need to be referenced in 'Policy', rather than relying on the Deputy CEO's contractual arrangements, as currently occurs.

Consultation

Nil

Statutory Environment:

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995, Section 5.39C and 5.36 (2); and

- Local Government (Administration) Amendment Regulations 2021.

Section 5.39C states:

“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”.

Policy Implications:

Local governments are required to adopt such a policy within a reasonable, but expeditious period of time.

It is anticipated that WALGA will develop a model policy, however as Council has an accepted process that sees the Deputy CEO appointed as acting CEO for planned (and, potentially unplanned) absences, the Chief Executive Officer is of the opinion that this process be formalised through Policy, from an immediate compliance perspective. The model can be reviewed once it becomes available.

In its guidance on the subject, the Department of Local Government, Sport and Cultural Industries (DLGSC) notes:

“Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy must include the decision-maker(s) for appointing an acting CEO.

As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the council.

The policy must be made available on the local government’s official website”.

Financial Implications:

As the proposed policy mirrors the current practice there are no financial implications that are different to the current practice / process.

Strategic Implications:

Shire of Koorda Strategic Community Plan 2018

Outcome 4.1 – To provide accountable and transparent leadership

Voting Requirement:

Absolute majority

OFFICER RECOMMENDATION

That with respect to the new mandatory policy that covers the appointment of local government Chief Executive Officers on terms less than one year (including those in an Acting capacity), Council;

1. Pursuant to section 5.39C (1) of the Local Government Act 1995, adopt the Policy for Appointing an Acting Chief Executive Officer as follows:

“Appointment of an Acting Chief Executive Officer Policy

Policy Objective

To outline the process for the appointment of an Acting Chief Executive Officer to cover periods of leave up to 6 weeks in duration.

Policy Scope

This policy applies in respect of periods of leave and during periods of unforeseen prolonged absence of the Chief Executive Officer (CEO) for periods of leave up to 6 weeks in duration.

Policy Statement

The Local Government Act 1995, section 5.36 requires that a local government is to employ a person to be the CEO of the local government and section 5.39C (1) requires that a local government prepares and adopts a policy for temporary employment or appointment of a CEO.

1. Application for Leave

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the President.

2. Appointment of an Acting CEO

Where there are periods of annual leave, long service leave or other periods of extended absence of the CEO, it is appropriate for a person to perform the duties of the CEO to enable the efficient functioning of the local government's administration.

The Deputy CEO will be appointed to the role of Acting CEO at the discretion of the CEO, subject to officer performance and dependent on availability and operational requirements.

Appointment to the role of Acting CEO must be made in writing by the CEO.

Appointment to the role of Acting CEO may only be made by the CEO for periods of leave up to 6 weeks.

A Council resolution is required for periods exceeding 6 weeks.

Where the CEO appoints the Deputy CEO to the position of Acting CEO, the CEO is to advise all Elected Members in writing of the appointment and the period to which the appointment covers.

3. Unexpected leave or vacancy


In the event that the CEO is required to take unexpected leave or is otherwise incapacitated or the position falls unexpectedly vacant, and no appointment has been made, the President is authorised to appoint the Deputy CEO to the role of Acting CEO until Council appoints an Acting CEO.

2. Pursuant to section 5.39C (4) of the Local Government Act 1995, request the Chief Executive Officer to ensure that the adopted Policy is published on the Shire's official website, as soon as practical.

11.2	Finance
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11.2.1 **MONTHLY FINANCIAL STATEMENTS**
As at 30 April 2021

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance
	Cr JM Stratford
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Monthly Financial Statement

Background:

Submission of monthly Financial Statements for period ended 30 April 2021

Comment:

Monthly Financial Statements for the period ended 30 April 2021 for Council's information and acceptance. The variances are mentioned on Note 14 of Statement of Financial Activity.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996 34.1(2) as amended 2005

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.2.4 – Operate in a financially sustainable manner

4.3.3 – Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement:


Simple majority

OFFICER RECOMMENDATION

That the monthly Financial Statements for the period ended 30 April 2021, as presented, be received and adopted.

11.2.2 **ACCOUNTS PAID AS LISTED**
As at 11 May 2021

Section 5.23 – Applicability

Location: Shire of Koorda
Portfolio: Governance, Administration and Finance
Cr JM Stratford
File Reference: ADM 0448
Disclosure Of Interest: No interest declared by CEO
Author: Lana Foote, Deputy Chief Executive Officer
Signature of CEO 
Attachment: [Monthly Payment List](#)

Background:

Regulatory requirement to advise Council of payments made, since the previous meeting.

Comment:

The payments on the attached schedule have been made for the period 16 April to 11 May 2021 and are generally within budget guidelines and are of an operational nature. Payments for capital assets expenditure are:

V675	KTY Electrical Services	\$1,848.00
V689	Bendigo Card Services	\$2,404.28
V693	Arena Clauson Engineering Group Pty Ltd	\$616.00
V701	JR & A Hersey	\$209.00
V705	KTY Electrical Services	\$2,710.95
V713	RB Motors Pty Ltd	\$23,650.00
V720	WCS Concrete Pty Ltd	\$4,129.84

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 5.42

Local Government (Financial Management) Regulations 1996 12(1) (a), 13(1), 13(3).

Policy Implications:

Nil

Financial Implications:

Budget guidelines and constraints

Need to authorise unbudgeted expenditure (if any)

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.2.4 – Operate in a financially sustainable manner

4.3.3 – Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement:

Simple majority

OFFICER RECOMMENDATION

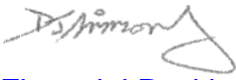
That accounts as listed being for period 16 April 2021 to 11 May 2021.

Municipal Vouchers No's V707 to V745	Totalling	\$ 166,265.97
Credit Card Transactions (V689)	Totalling	\$ 2,404.28
	Total	\$ 168,670.25

To be endorsed or passed for payment

11.2.3 **MONTHLY FINANCIAL POSITION**
As at 11 May 2021

Section 5.23 – Applicability

Location: Shire of Koorda
Portfolio: **Governance, Administration and Finance**
Cr JM Stratford
File Reference: ADM 0448
Disclosure Of Interest: No interest declared by the CEO
Author: Lana Foote, Deputy Chief Executive Officer
Signature of CEO

Attachment: [Financial Position](#)

Background:

Current Monthly Financial position as at 11 May 2021 on various accounts.

Comment:

The Municipal Account's financial position as at 11 May 2021 indicated at this time.

Monthly Financial Position	Municipal Account	\$ 214,901.23
	Reserve Account	\$ 5,748,350.90
	Trust Account	\$ 0.00

Consultation:

Monthly advice

Statutory Environment:

Local Government Act 1995, Section 6.4

Policy Implications:

Regulation

Financial Implications:

Shows current financial position

Strategic Implications:

4.2.4 – Operate in a financially sustainable manner

4.3.3 – Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement:

Simple majority

OFFICER RECOMMENDATION

That the Financial Position as at 11 May 2021 as presented, be noted, received and adopted.

11.3	Law, Order & Public Safety
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No items this month

11.4	Health and Building
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No items this month

11.5	Education & Welfare
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No items this month

11.6	Housing
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No items this month

11.7	Community Amenities
-------------	----------------------------

No items this month

11.8	Recreation and Culture
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No items this month

11.9	Transport
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No items this month

11.10	Economic Services
--------------	--------------------------

No items this month

11.11	Other Property & Services
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No items this month

11.12	Reserves
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No items this month

12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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13	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING
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14	MATTERS FOR WHICH MEETING MAY BE CLOSED
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15	DATE OF NEXT MEETING
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Wednesday 16 June 2021 @ 5.00pm

16	CLOSURE
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PORTFOLIO'S

- ***Governance, Administration and Finance - Cr JM Stratford***

- ***Law, Order, Health and Building - Cr BG Cooper***

- ***Education, Welfare and Property – Cr GL Boyne***

- ***Community Amenities, Environment, Recreation and Culture - Cr LC Smith***

- ***Transport and Communication - Cr G Storer***

- ***Economic, Other Property and Services and Reserves - Cr PL McWha***