



**SHIRE OF MENZIES**

# **Minutes**

**FOR THE SPECIAL MEETING OF COUNCIL  
TO BE HELD ON**

**8 JULY 2021**

**Commencing at 1.00 pm**

**At the Council Chambers  
124 Shenton Street, Menzies**

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Menzies for any act or omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

## **FINANCIAL INTEREST**

A financial interest occurs where a Councillor, or person with whom the Councillor is closely associated, has direct or indirect financial interest in the matter. That is, the person stands to make a financial gain or loss from the decision, either now or at some time in the future.

An indirect financial interest includes a reference to a financial relationship between that person and another person who requires a Local Government decision in relation to the matter.

### **Councillors should declare an interest:**

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

A member who has declared an interest must not:

- Preside at the part of the meeting relating to the matter; or
- Participate in or be present during the discussion of decision-making procedure relating to the matter unless the member is allowed to do so under Section 5.68 or 5.69 of the *Local Government Act 1995*.

**Councillor Attendance**  
**Shire of Menzies Council Meetings**

<b>Council Meeting Date</b>	<b>Attended in Person</b>	<b>Electronic Attendance</b>	<b>Leave of Absence</b>	<b>Apologies</b>	<b>Absent</b>
17 December 2020	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader			Cr J Lee Cr V Ashwin	
28 January 2021	Cr G Dwyer Cr K Mader Cr S Baird	Cr J Dwyer (Kambalda) Cr J Lee (MAC Office) Cr I Baird (Wongary)	Cr J Dwyer Cr V Ashwin		
25 February 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader	Cr J Lee (MAC Office)	Cr V Ashwin	Cr S Baird	
25 March 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader Cr S Baird Cr J Lee		Cr V Ashwin		
29 April 2021	Cr G Dwyer Cr J Dwyer Cr K Mader	Cr I Baird (PT) Cr J Lee (MAC)		Cr S Baird	
27 May 2021	Cr G Dwyer Cr I Baird Cr K Mader Cr S Baird	Cr J Dwyer (Kambalda East)			
24 June 2021	Cr G Dwyer Cr I Baird Cr J Dwyer Cr K Mader Cr S Baird	Cr J Lee (MAC)		Cr J Lee	

# TABLE OF CONTENTS

- 1 DECLARATION OF OPENING ..... 5
- 2 ANNOUNCEMENT OF VISITORS ..... 5
- 3 RECORD OF ATTENDANCE ..... 5
- 4 PUBLIC QUESTION TIME ..... 5
- 5 APPLICATION BY MEMBERS ..... 5
- 6 DECLARATIONS OF INTEREST ..... 5
- 7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS..... 6
- 8 PETITIONS/DEPUTATIONS/PRESENTATIONS..... 6
- 9 REPORTS OF OFFICERS ..... 6
  - 9.1 FINANCE REPORTS..... 6
    - 9.1.1 Adoption of Draft Annual Budget 2021/22 FY..... 6
  - 9.2 ADMINISTRATION REPORTS ..... 14
    - 9.2.1 Chief Executive Officer final probation performance review..... 14
- 10 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS..... 18
- 11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING ..... 18
- 12 NEXT MEETING..... 18
- 13 CLOSURE OF MEETING..... 18

## 1 DECLARATION OF OPENING

The Shire President declared the meeting open at 1326.

Councillors by video/telephone link:

Cr I Baird  
Cr J Dwyer

Councillors confirmed they are in a secure and private location for when Confidential Papers are discussed.

## 2 ANNOUNCEMENT OF VISITORS

The President welcomed Ms Anne Lake of Anne Lake Consulting.

## 3 RECORD OF ATTENDANCE

Councillors: Cr G Dwyer, Shire President  
Cr I Baird, Deputy Shire President  
Cr J Dwyer  
Cr K Mader

Staff: Mr B Joiner, Chief Executive Officer  
Mr A Giometti, Chief Financial Officer (1415 to 1521)

Apologies: Cr J Lee  
Cr S Baird

The meeting was adjourned at 1327.

The meeting reconvened at 1353.

## 4 PUBLIC QUESTION TIME

Nil.

## 5 APPLICATION BY MEMBERS

## 6 DECLARATIONS OF INTEREST

The CEO has declared a **Financial Interest** in Item *10.2.1 Chief Executive Officer final probation review*, as it affects his terms of employment.

## 7 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil.

## 8 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

## 9 REPORTS OF OFFICERS

### 9.1 Finance Reports

<b>9.1.1</b>	<b>Adoption of Draft Annual Budget 2021/22 FY</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>21 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>Nil</b>
<b>ATTACHMENT</b>	<ol style="list-style-type: none"><li>2021-22 Statutory Budget- Shire of Menzies [9.1.1.1 - 30 pages]</li><li>Budget Supplementary Information 2021-22 [9.1.1.2 - 53 pages]</li><li>Budget Summary 2021 22 [9.1.1.3 - 4 pages]</li><li>Works Building Operating and Maintenance Budget 2021-22 [9.1.1.4 - 3 pages]</li><li>Works Capital Budget 2021-22 [9.1.1.5 - 2 pages]</li><li>Works General Operating Budget 2021-22 [9.1.1.6 - 2 pages]</li></ol>

#### SUMMARY:

The 2021/22 Draft Annual Budget for the year ending 30 June 2022 has been prepared and is provided to Council for formal consideration and adoption.

#### BACKGROUND:

The Statutory Budget has been developed following two workshops with input from Councillors. All items were discussed for both the operating and capital budget.

The Budget has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

**COMMENT:**

Council has determined that there will be a zero increase in rates and fees & charges for the 2021/22 FY. This is aimed at providing some relief to ratepayers as the economy comes out of the COVID19 pandemic.

Operating expenses are forecast to increase however this is largely due to the creation of new positions in the areas of community development and caravan park management. Staff salaries have been forecast to rise by 2.5% in accordance with expected determinations for staff on Awards. The SGC increase from 9.5% to 10% will also materially impact staff costs.

With strong reserves, there is a significant program of works contained within the budget. This will include over \$5M of infrastructure and building projects and over \$5.7M of road projects.

Although the Shire is in a strong financial position, even with a zero increase in rates and fees & charges, there are some efficiency opportunities identified in the budget. This includes the sale of under-utilised fleet and plant, increasing commercial revenue, reducing reliance on external contractors and reviewing and aligning roles and remuneration in accordance with organisational need.

**CONSULTATION:**

Elected members.

Staff.

Antonio Giometti - CFO

Rhona Hawkins – Financial consultant.

**STATUTORY AUTHORITY:**

*Local Government Act 1995*

*Local Government (Financial Management) Regulations 1996*

Section 6.2 Local Government Act 1995 of requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its Municipal Fund for the financial year ending on the next following 30 June.

Section 5.63 (1)(b) The Local Government Act 1995 specifically excludes the need for Elected Members to “Declare a Financial Interest” in imposing a rate, charge or fee.

Additionally, the declaration provisions of the Act to not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

**POLICY IMPLICATIONS:**

*Policy 4.1 – Budget Preparation Timetable.*

**FINANCIAL IMPLICATIONS:**

The financial implications of the budget are based upon the objective of achieving a balanced budget at 30 June 2021 after carrying out normal operational requirements and an extensive capital program.

**RISK ASSESSMENT:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
<p>Budgets are inaccurately reported with differences in the Budget adopted by Council, and that exercised by Council administration.</p> <p>Budgets do not reflect strategic objectives.</p> <p>Council does not comply with statutory reporting requirements and deadlines.</p> <p>Council does not raise the correct level of rate income.</p> <p>Unrealistic budgets adopted.</p>	<p>Moderate</p>	<p>Budget workshops.</p> <p>Comparison with 2019/20FY actuals.</p> <p>Budget reviews.</p>

**STRATEGIC IMPLICATIONS:**

- 4.2 An efficient and effective organisation.
  - 4.2.1 Maintain a high level of corporate governance, responsibility and accountability.
  - 4.2.2 Provide appropriate services to the community in a professional and efficient manner.

**VOTING REQUIREMENTS:**

Absolute Majority



## **OFFICER RECOMMENDATION:**

That with respect to the Budget for the 2021/22 Financial Year, Council Resolve:

### **Recommendation 1**

In accordance with Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, to Nominate the following due dates for the payment of rates and charges in the 2020 / 2021 financial year:

Issue Date	13 August 2021
Payment in Full	24 September 2021

Payment in Four Instalments

- |                      |                   |
|----------------------|-------------------|
| a. First Instalment  | 24 September 2021 |
| b. Second Instalment | 26 November 2021  |
| c. Third Instalment  | 28 January 2022   |
| d. Fourth Instalment | 01 April 2022     |

### **Recommendation 2**

In accordance with section 6.45(3) of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, to impose administration fees (excluding eligible pensioners and seniors) as:

1. Payment of rates and charges by instalments (not including the first instalment) \$10 per instalment and 5.5% interest to apply to instalments that remain outstanding after the due date;

### **Recommendation 3**

In accordance with section 6.51 of the Local Government Act 1995, to impose penalty interest of 7% per annum, calculated daily, on rates and service charges remaining unpaid (excluding eligible pensioners opting to defer the payment of their rates), after the due date and that the following fees be adopted for the non-payment of rates and charges;

1. A fee of \$11 will be levied on each Final Notice issued (concession holders not to receive final notices).
2. A fee of \$40 will be levied on each title search required for recovery of outstanding rates.

### **Recommendation 4**

As determined by Western Australia Salaries and Allowances Act 1975, Determination of the Salaries and Allowances Tribunal for Local Government, Chief Executive Officers and Elected Members Part 6.4 and Part 7 Band 4, that the following Fees and Allowances be adopted.

President

Annual Attendance Fee	\$19,410.00
Annual Presidents Allowance	\$19,864.00

Deputy President

Annual Attendance Fee	\$9,410.00
Annual Deputy Presidents Allowance	\$4,966.00

All other Councillors

Annual Attendance Fee	\$9,410.00
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All Councillors

Annual Communication Fee	\$1,100.00
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**Recommendation 5**

In accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1995, to adopt the percentage and dollar value for identifying and reporting material variances for the Monthly Statement of Financial Activity presented to Council for review and comparison to Budget which indicates the variance value of plus (+) or minus (-) of 10% for items greater than \$25,000 variance.

**Recommendation 6**

In accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Adopt the 2021/2022 Annual Budget for the Shire of Menzies contained as Attachment 1 (9.1.1.1) including the following:

- Statements of Comprehensive Income by Nature and Type
- Statement of Comprehensive Income by Program
- Statement of Cash Flows
- Rate Setting Statement by Program
- Notes to and forming the Annual Budget
- Capital Works Program

**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-20</b>
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**Moved: Cr J Dwyer**

**Seconded: Cr K Mader**

**Recommendation 1**

In accordance with Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, to Nominate the following due dates for the payment of rates and charges in the 2020 / 2021 financial year:

- Issue Date**                      **13 August 2021**
- Payment if Full**                **24 September 2021**
- Payment in four instalments**
- First Instalment**              **24 September 2021**
- Second Installment**        **26 November 2021**
- Third Instalment**            **28 January 2022**
- Fourth Instalment**         **01 April 2022**

<b>Carried</b>	<b>4 / 0</b>
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**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-21</b>
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**Moved:**        **Cr I Baird**                                      **Seconded:**        **Cr J Dwyer**

**Recommendation 2**

In accordance with section 6.45(3) of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, to impose administration fees (excluding eligible pensioners and seniors) as:

1. **Payment of rates and charges by instalments (not including the first instalment) \$10 per instalment and 5.5% interest to apply to instalments that remain outstanding after the due date;**

<b>Carried</b>	<b>4 / 0</b>
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**COUNCIL DECISION:**

<b>Council Resolution Number:</b>	<b>CM-22</b>
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Moved: Cr J Dwyer

Seconded: Cr I Baird

**Recommendation 3**

In accordance with section 6.51 of the Local Government Act 1995, to impose penalty interest of 7% per annum, calculated daily, on rates and service charges remaining unpaid (excluding eligible pensioners opting to defer the payment of their rates), after the due date and that the following fees be adopted for the non-payment of rates and charges:

1. A fee of \$11 will be levied on each Final Notice issued (concession holders not to receive final notices).
2. A fee of \$40 will be levied on each title search required for recovery of outstanding rates.

Carried	4 / 0
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**COUNCIL DECISION:**

Council Resolution Number:	CM-23
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Moved: Cr I Baird

Seconded: Cr K Mader

**Recommendation 4**

As determined by Western Australia Salaries and Allowances Act 1975, Determination of the Salaries and Allowances Tribunal for Local Government, Chief Executive Officers and Elected Members Part 6.4 and Part 7 Band 4, that the following Fees and Allowances be adopted.

**President**

Annual Attendance Fee \$19,410.00  
Annual Presidents Allowance \$19,864.00

**Deputy President**

Annual Attendance Fee \$9,410.00  
Annual Deputy Presidents Allowance \$4,966.00

**All other Councillors**

Annual Attendance Fee \$9,410.00

**All Councillors**

Annual Communication Fee \$1,100.00

Carried	4 / 0
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## 9.2 Administration Reports

<b>9.2.1</b>	<b>Chief Executive Officer final probation performance review</b>
<b>LOCATION</b>	<b>Shire of Menzies</b>
<b>APPLICANT</b>	<b>Internal</b>
<b>DOCUMENT REF</b>	<b>N/A</b>
<b>DATE OF REPORT</b>	<b>21 June 2021</b>
<b>AUTHOR</b>	<b>Chief Executive Officer, Brian Joiner</b>
<b>RESPONSIBLE OFFICER</b>	<b>CEO, Brian Joiner</b>
<b>DISCLOSURE OF INTEREST</b>	<b>CEO declares a financial interest as it deals with details of his contract</b>
<b>ATTACHMENT</b>	1. Collated CEO Probationary Review 2021 [9.2.1.1 - 12 pages]

*This item preceded Item 9.1.1.*

*The CEO left the meeting at 1403.*

### **SUMMARY:**

Each year the Council is obliged by statute and contractual arrangement to carry out the Annual Performance Review of the CEO and to revisit any other contractual requirements as the contract warrants. In addition to this statutory requirement the CEO's contract provided for a 3-month's review and a 6-month probationary review before progressing to a program of annual reviews, provided that each review was satisfactory. Council is now contractually required to undertake the probationary review and to notify the CEO of the outcomes and considerations including the adoption of the Key Performance Indicators for the coming 12 months and in some cases ongoing.

### **BACKGROUND:**

The CEO's 3-month review was completed with an above average result, and it is now time for the Council to consider the 6-month probationary review. To assist Council and in agreement with the CEO, the Council appointed Anne Lake Consultancy to undertake this review. Both the President and the CEO approved of the documentation prior to use. The CEO also prepared a report that was circulated with the documentation. The Consultant undertook the review in the 10 days prior to the 22 June. All Elected Members were consulted, and all completed the review documentation either by email or via the telephone. The results were then summarised and circulated to all Elected Members for comment and correction if required.

## **COMMENT:**

On 27 June 2019 the *Local Government Legislation Amendment Act 2019* was passed in Parliament with the Reforms introduced on 3 February which addressed new standards for CEO recruitment and selection, performance review and termination. This was adopted by the Shire of Menzies at the OCM 29 April 2021.

The conduct of the CEO performance review is in accordance with Shire of Menzies Policy 5.16:

### **3.3. 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.*

### **3.4. 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.*

### **3.5. 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 3.4, 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.*

The CEO has waived the right to have this matter dealt with in closed council under the *Local Government Act 1995 S5.23(a)* in the interests of open and transparent government.

## **CONSULTATION:**

- All Councillors participated in the review process and have in their possession a copy of the finalised review document.
- All Councillors were circulated with a copy of the draft Key Performance Indicators and were at liberty to put up alternatives so they so wish.

## **STATUTORY AUTHORITY:**

*Local Government Act 1995 S5.39(b)*

## **POLICY IMPLICATIONS:**





- 2. Endorse that the CEO has successfully completed his 6-month Probationary Review in keeping with contractual and statutory requirements; and**
- 3. Approve the tabled CEO KPIs for the 2021-2022 review year; and**
- 4. Advise the CEO that he is to be congratulated for his positive and value-added contribution to the Council and its services over the previous 6 months; and**
- 5. Approve the President writing to the CEO and notifying him of the successful completion of the Probationary Period.**

<b>Carried</b>	<b>4 / 0</b>
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The CEO reentered the meeting at 1408.

## **10 BEHIND CLOSED DOORS - CONFIDENTIAL REPORTS**

Nil.

## **11 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING**

Nil.

## **12 NEXT MEETING**

The next meeting will be held on 29 July 2021.

## **13 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 1521.