



AGENDA

Ordinary Council Meeting

22 November 2023

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.00pm

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager
WSFN	Wheatbelt Secondary Freight Network
EPA	Environmental Protection Authority
DPIRD	Department of Primary Industries and Regional Development
HCWA	Heritage Council of Western Australia
WAPC	Western Australian Planning Commission
WDC	Wheatbelt Development Commission

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AGENDA NOTICE

Dear President and Councillors

NOTICE is given that the next Ordinary Meeting of the Shire of Victoria Plains Council Will be held in the Calingiri Shire Chambers and/or via E-meeting Protocol on **22 November 2023** commencing at 2.00pm

Sean Fletcher
Chief Executive Officer

1. DECLARATION OF OPENING

1.1 Opening

1.2 Announcements by Shire President

2. REMOTE ATTENDANCE BY ELECTED MEMBERS

THAT:

- Under regulation 14C (2)(b) of the Admin Regulations, the Shire President can approve Elected Member attendance by electronic means;
- In doing so, under r.14C (5) the Shire President must have regard as to whether the location that the Elected Member intends to attend the meeting, and the equipment intended to be used to attend the meeting, are suitable;
- Electronic means includes, as per r.14CA(2) by telephone or video conference;
- Suitable equipment would include an electronic device that can hold a Teams meeting, and perhaps, the use of headphones;
- In accordance with r.14CA (5) the Elected Member must declare that they are able to maintain confidentiality during the meeting. Under r.14CA(7), the declaration by the Elected Member is recorded in the minutes of the meeting;
- Summarily, according to Departmental guidance, a suitable location is one that is quiet and private e.g. a private room in your house. If there are other people at the location at the time of the meeting, an Elected Member may be required to close a door and wear headphones.

Approval to Attend and Declaration of Confidentiality
--

THAT:

Cr has been approved to attend the Ordinary Council Meeting by electronic means as approved by the Shire President and that a declaration has been received regarding confidentiality and other requirements as noted in Section 2 herewith.

3. RECORD OF ATTENDANCE

Members present

Staff attending

Apologies

Approved leave of absence

Visitors

Members of the public

4. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

<i>Type</i>	<i>Item</i>	<i>Person / Details</i>
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4.1 Financial

4.2 Proximity

4.3 Impartiality

5. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

5.1 Public Questions With Notice

Public Question Time was opened to the floor at

5.2 Public Questions Without Notice

Public question time closed at

6. PRESENTATIONS AND DEPUTATIONS

6.1 Presentations

6.2 Deputations

7. APPLICATIONS FOR LEAVE OF ABSENCE

8. MINUTES OF MEETINGS

8.1 Confirmation of Council Meeting Minutes

Officer Recommendation

Moved:

Seconded:

That the Minutes of the following meetings:

- *Ordinary Council Meeting held 25 October 2023*

as circulated, be **CONFIRMED** as a true and correct record,

For / Against

PUBLIC AGENDA

9. REPORTS REQUIRING DECISION**9.1 Accounts for Endorsement – October 2023**

File reference	F1.8.4		
Report date	13 November 2023		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Coordinator Financial Services		
Senior Officer	Colin Ashe – Deputy Chief Executive Officer		
Authorised by	Sean Fletcher – Chief Executive Officer		
Attachments			
Attachment 1	Page	2	Public schedule in the Attachments to Agenda

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for October 2023.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month, the amount, payee, date and reason for payment.

Please note a serial column has been added to the payment listing for ease of referencing specific line payment queries raised by council.

For awareness a Telstra direct debit (Serial No. 135) for \$8,044.27 was paid out of the Municipal Account, of which \$4,499.75 has been raised in error and a credit / refund is expected in Nov 23. This is related to the installation of fibre connection to the shire office and the following costs should be waived or reduced under the WALGA contract:

Installation Costs	\$3,960.00
Activation Charge	\$ 330.00
Incorrect Plan Costs	<u>\$ 209.75</u>
Total	<u>\$4,499.75</u>

Whilst on going costs once this credit is applied will still be higher than previously experienced, this will be offset by the WCS internet connection (wireless) which will be retired from service.

CONSULTATION

Deputy CEO

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee’s name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction
 - (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3.1 Purchasing Framework

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff and two-step process for payment will ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

All payments are in accordance Council’s adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That the payments made for October 2023 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	12488 – 12591	1,427,198.79
Creditor Cheque Payments	12583 - 12584	749.00
Direct Debit Payments**	DD14323-DD14378	66,610.61
Salaries & Wages EFT	PE 11/10/23, PE 25/10/2023	112,591.32
Credit Card–Bendigo Bank- Fuel Card – Wright Express	DD14411.1 DD14411.2	6,471.12 128.18
Trust Payments		0.00
	TOTAL	\$1,613,749.02

Local Spending	\$	%
Local Supplier	59,887.58	3.71
Payroll	112,591.32	6.98
Total	172,478.90	10.69

**includes salary and wages deductions, and SGC

For _____ / Against _____

9.2 Monthly Financial Statements – October 2023

File reference	12.8.1		
Report date	14 Nov 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Colin Ashe, DCEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	15	Monthly Financial Statements – 31 Oct 2023

PURPOSE

To receive the monthly financial statements for the period ending 31 Oct 2023.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

The Oct 23 Monthly Financial Statements has been fully prepared by shire Finance staff which meets compliance but is still being fine tuned to ensure it is fit for purpose and in order to provide quality and understandable financial information.

The Annual Financial Report 22-23 whilst technically still in draft pending the audit exit meeting but has now been incorporated into the monthly financial report for Oct 23 as there is a high probability there will be no further changes to the financial figures.

Consequently previously raised impacts of the Grants Commission payment on 30 Jun 23 have been incorporated with a final surplus of \$890,286 as at 30 Jun 23. This is a pleasing result considering the original budget forecast was a deficit of (\$192,160), equating to a \$1,082,446 turnaround and a major improvement from 30 Jun 22 which only realised a surplus of \$117,039 under the same funding conditions. The Annual Financial Report 22-23 will be explained in more details as a separate agenda item.

A budget review has been completed for the 1st quarter as at 30 Sep 23 given there is now an audited closing balance with information and recommendations presented to the audit committee.

STATEMENT OF FINANCIAL ACTIVITY:

The month of Oct 23 references an actual surplus of \$3,833,654 as shown on the Statement of Financial Activity. This is calculated by removing all the non-cash items such as depreciation to arrive at a liquidity position and reconciled in Note 1 through a Current Assets and Liabilities position on the Balance Sheet.

NOTES TO ACCOUNT

The following provides a summary and explanation of the major notes in the Sep 23 Financial Statement.

Note 2 Cash and Financial Assets:

The current total cash position balance is \$5,049,693 with an Unrestricted Municipal Bank Balance of \$3,030,844 and \$2,040,703 in Restricted Cash, the latter comprising:

- \$1,256,366 in Reserves.
- \$762,483 major grant funding received and quarantined noting portions will be transferred in the coming months as works have been carried out (e.g. WSNF funding).

Note 4 – Debtors:

An overall balance of \$1,398,654 of which 59% relates to rates receivable and 41% sundry debtors comprising of:

Rates:

- \$621,088 or 75% on instalments.
- \$132,929 or 16% that have not provided any correspondence to the shire to arrange payment plans. This figure has reduced by 55% from Sep 23 and will receive a final demand letter before being referred to council's debt collectors.
- \$59,747 or 7% interim rates not yet due for payment.
- A collection rate of 77% of rates levied for 23-24.

Sundry Debtors:

- Current of \$385,487 includes invoicing for the e-waste grant, ex gratia rates for CBH, DFES reimbursement and Australia Day Council grant.
- 90+ Days includes a debt where the debtor has passed away and staff will undertake the process for recovery from the estate and an amount that will now be referred to councils' debt collectors.

Note 5 Reserves:

Current balance is \$1,256,366 with little movement in this restricted fund but of note, \$812,412 has been placed in a term deposit at 3.85% interest, maturing on 05 Dec 23. The balance is being held in a lower interest-bearing fund but more readily accessible for funding of Plant Replacement.

Note 7 – Capital Program

As provided through various briefing sessions – major road works have commenced and as forecast last month, some costs are starting to be reflected in the capital program which includes:

- Purchase of CEO Vehicle.
- Retaining Wall at U1 and U2 Calingiri APU's
- Footpath construction in Yerecoin (Milner St)
- In total as at 31 Oct 23 \$645,141 expended on Mogumber – Yarawindah Rd comprising;
 - \$128,303 from R2R
 - \$8,167 from LRCI
 - \$508,671 from WSNF

Note 10 – Grants and Subsidies

During Oct 23 The following capital grant funding was triggered (noting this is raising an invoice as opposed to the funding being deposited);

- \$230,795 E-waste infrastructure grant
- \$386,876 LRCI
- \$1,240,583 WSNF Funding

Note 11 – LRCI Program

An addition to the reporting suite is to provide a status report on LRCI projects of which there is outstanding works on all Phases 1-3 as follows:

Phase 1 – Standpipe relocation – significant visual progress has been made on this project but as at 31 Oct 23 all costs are not reflected as yet. This will come through in Nov 23.

Phase 2 – Mogumber Toilets have been completed but costs have been miscoded into the operating budget, this will be remedied in Nov 23 and this phase can be closed.

Phase 3 – as detailed, some projects are a carry over from 22-23 and planned to be completed in Nov 23.

Phase 4 and 4B – current financial year and in the budget, should be completed by calendar year end.

Note 12 – Material Variances

This provides an explanation of variances in excess of 10% and \$10,000 as per council policy. The major or permanent variances will be addressed through the budget review, in particular the grants commission funding and budget allocation.

CONSULTATION

Coordinator Financial Services
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each month and details of what is to be included.

CORPORATE CONTEXT

Delegations Register –

Section 3 – Financial Management

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract external funding to help achieve our goals
	Councilors attend training and feel supported in their role
	Council is supported by a skilled team

Strategic Priority 4.3 is relevant as part of sound financial management policies.

Policy Implications

Policy Manual –

- 3 Financial Management

Other Corporate Document

- N/A

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Unlikely (2) The event could occur at some time	High (10)	Senior Management Team / CEO Risk acceptable with excellent controls, managed by senior management / executive and subject to monthly monitoring	Policies and processes including preparation by Finance staff ensure that the residual risk is moderate.

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation / Council Resolution
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Moved Cr _____

Seconded Cr _____

That Council **RECEIVE** the 31 Oct 2023 Monthly Financial Reports as presented.

For _____ / Against _____

PUBLIC AGENDA

9.3 Revoking of Policy 8.15a - Christmas Closure Policy

File reference	
Report date	30 October 2023
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	OCM 25 November 2020- Item 8.7 2011-17; OCM 27 October 2021 – Item 8.5 2110-07; OCM
Prepared by	Sean Fletcher, CEO
Authorised by	Sean Fletcher, CEO
Attachments	
Attachment 1	Page 33 Policy 8.15a – Christmas Closure

PURPOSE

That Council revoke what is known as Policy 8.15a – Christmas Closure Policy.

BACKGROUND

The CEO is requesting Council revoke what is known as Policy 8.15a regarding Christmas Closures for the Christmas/New Year Period.

Council adopted a Christmas Closure policy at the OCM on 19 October 2019. The policy was introduced to provide guidance, reduce red tape and streamline Shire operations through a policy in lieu of continual annual reports to Council requesting the same or similar. It should be noted that this policy was not inserted into the Council policy manual at that time.

Council has, at the request of the CEO set aside Policy 8.15a since its inception. Council has been advised previously (November OCM 2020, October OCM 2021, November OCM 2022) such a policy is not required as the CEO is responsible for the Shire's operations and the management of staff. This matter is not an "administrative" function under the Local Government Act that Council must provide guidance to the CEO on.

In previous reports to Council, the author has mentioned that this policy will be brought forward for consideration as part of the review of the Shire's policies. This has yet to occur as the current policy would sit within the suite of personnel policies currently under review. In order to fix this anomaly, the author has brought forward Policy 8.15a for revocation by Council.

COMMENT

The policy currently states:

"The Shire of Victoria Plains Administration Centre and Works Depot shall close operations each year for the non-public holidays between Christmas Day and New Year's Day each year. Closure on public holidays will be observed."

"In addition, when Christmas Eve falls on a working day, the Administration Centre and Works Depot shall close operations from 12 noon onwards."

Emergency contacts during the Christmas Closure must also be advertised.

As it stands, the content of such a policy falls within the ambit of an Administration Policy (or executive policy) regarding the day to day running of the organisation. The CEO is the decision maker for approving new, amended or revoking an Administration Policy.

By way of interest, Policy 8.15a is rather inflexible in its application and ties the CEO's hands in terms of supporting staff members and their family obligations during the festive period.

Christmas New Year Arrangements

As a point of interest, the CEO advises that it is planned for Shire staff to proceed on leave for the Christmas New Year period from 12 Noon, Wednesday 20 December 2023, with the Shire reopening on Tuesday 2 January 2023.

The Shire will be closed for a total of five business days during this time.

Some members of the outside crew will be working over the Christmas New Year period and will also be on-call during this time. Further to these arrangements, It is expected that the Shire's new after hours/emergency contact service will be in place.

CONSULTATION

Council Briefing Session November 2023

STATUTORY CONTEXT

(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.

CORPORATE CONTEXT

Strategic Community Plan and Corporate Business Plan

This matter of revoking the Christmas Closure policy is more of a tactical (operational) issue rather than a strategic one.

Policy

As per the background and comments section in this agenda item (Also refer to Attachment 1).

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
Interruption to Service	Moderate (3)	Likely (4)	High (12)	Senior Management	By the CEO and SMT ensuring there is

Christmas Closure includes 5 business days in total	Medium term temporary interruption – backlog cleared by additional resources < 1 week	At least once per year		Team(SMT)/ CEO	effective arrangements (controls such as the Christmas Closure bring up and Well Done after hours service) in place to manage Christmas Closures, will move the Shire from High to Low risk.
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FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved

Seconded Cr _____

That Council In accordance with s2.7(2)(b) of the *Local Government Act 1995*, **REVOKES** Policy 8.15a - Christmas Closures.

For _____ / Against _____

PUBLIC AGENDA

9.4 CEO's October 2023 Quarterly KPI Report

File reference			
Report date	1 November 2023		
Applicant/proponent	Shire of Victoria Plains		
Officer disclosure of interest	Financial – Matters to do with Mr Fletcher's performance		
Previous meeting references	OCM 14 Dec 2022 – Item 11.2 2212-15; SCM 13 February 2023 – 12.1 2302-05, OCM 23 August 2023 (Item 12.2)		
Prepared by	Sean Fletcher, CEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	35	CEO KPI Report

PURPOSE

For Council to accept the quarterly update regarding the status on the progress of the CEO's KPIs.

BACKGROUND

Presented for Council is the first quarterly update regarding the KPIs for the Shire's CEO (Refer to Attachment 1). This update is provided in support of the new requirements to be implemented under the Local Government Act (the Act) regarding the publishing of the CEO's KPIs.

Current Provisions

- It is a requirement of the Act that CEO performance reviews are conducted annually.
- The Model Standards for CEO recruitment and selection, performance review and termination require that a local government must review the performance of the CEO against contractual performance criteria.
- Additional performance criteria can be used for performance review by agreement between both parties.

Amendments to the Act - Original Proposal

- To provide for minimum transparency, it is proposed to mandate that the KPIs agreed as performance metrics for CEOs:
 - be published in council meeting minutes as soon as they are agreed prior to (before the start of the annual period);
 - the KPIs and the results be published in the minutes of the performance review meeting (at the end of the period);
 - the CEO has a right to provide written comments to be published alongside the KPIs and results to provide context as may be appropriate (for instance, the impact of events in that year that may have influenced the results against KPIs).

Amended Proposal

It is proposed that a provision is included to allow councils to seek the inspector's approval not to publish a specific CEO KPI, if there is a clear public interest reason for doing so.

KPI Process

The current CEO's contract was agreed by Council and then signed by both parties, taking

effect from 16 February 2023. A key part of meeting the terms of the contract was for Mr Fletcher to complete a six month probationary period. The assessment of Mr Fletcher's probation was conducted during July 2023 and rated as "exceeds expectations" and as a result, was deemed no longer on probation as he had successfully completed his probationary period.

Council and the CEO then agreed on a set of KPIs for the performance review period. These were published in the minutes of the August ordinary council meeting.

Although the KPIs in the main run through to July 2024, the next annual review of the CEO's performance and total remuneration package is for consideration by Council no later than February 2024.

There are 12 KPIs spread across six Key Result Areas (KRAs) as follows:

PUBLIC AGENDA

Shire Victoria Plains CEO Performance Schedule For 2023-24 Period			
KRA #	Goal	KPIs	By When
1	Provide a high-quality governance and service level from the Shire to residents and the public.	<ul style="list-style-type: none"> Results of the annual Department of Local Government Compliance Returns submitted to Council. Oversee the 2023 Election process and induct and provide support any new Elected Members into the Shire. 	<ul style="list-style-type: none"> Annually as reported to Council – March 2024. Assessed via briefing to Council in February 2024.
2	Ensure the sustainability of the Shire's finances.	<ul style="list-style-type: none"> Budget prepared by July 2024 for adoption and ongoing performance (<i>Actual vs Planned</i>). Unqualified Audit for the 2023-2024 period. 	<ul style="list-style-type: none"> Monthly Reporting to Council – within budget parameters. Report to Council when completed.
3	Work towards infrastructure assets being managed and maintained at set service levels.	<ul style="list-style-type: none"> Implementation of asset maintenance as budgeted and as scheduled. Implement Capital Program as per budget and CBP. 	<ul style="list-style-type: none"> Assessed at the end of the performance period. Report Monthly to Council.
4	Ensure the operational effectiveness, efficiency, and safety of the organisation.	<ul style="list-style-type: none"> Monitor the culture of the organisation annually and report results. Provide and maintain a working environment in which employees of the Shire are not exposed to hazards. 	<ul style="list-style-type: none"> Assessed by Staff Turnover rate and Culture Survey results by June 2024. Quarterly reporting to Council on safety performance and LGIS Reports.
5	Ensure the Shire's Strategic Priorities are implemented (IPR Process)	<ul style="list-style-type: none"> Strategic Priority Area of: <ul style="list-style-type: none"> Community Economy Environment Civic Leadership Strategic Risks Found in the Corporate Business Plan (CBP) are implemented. 	<ul style="list-style-type: none"> Priority for activity areas identified and a multi-year implementation schedule developed by November 2024 for Council adoption. Report quarterly progress to Council.
6	Ensure effective Communication with Council, staff, residents, and the public.	<ul style="list-style-type: none"> Quality of written and verbal communication. Ensure appropriate Social Media presence. 	<ul style="list-style-type: none"> Assessed Annually July 2024. Assessed Annually July 2024.

COMMENT

The requirement regarding the publication of the CEO KPIs and performance report is yet to come into effect, but the author (as CEO) is happy for the agreed KPIs and quarterly reporting against these KPIs to be published in the ordinary council meeting agendas for information purposes as of now.

It must be understood that Mr Fletcher is acting in good faith with the report that he has prepared.

General Comments

Overall there has been good progress against the KRAs for the October quarter. Those KPIs that exceed expectations include:

- Oversee the 2023 Election process and induct and provide support any new Elected Members into the Shire;
- Implement Capital Program as per budget and CBP (Corporate Business Plan – Implementation Plan);
- Quality of written and verbal communication;
- Strategic Priority Area of:
 - Community
 - Economy
 - Environment
 - Civic Leadership
 - Strategic Risks

Found in the Corporate Business Plan (CBP) are implemented. This is set for November 2024, however, this process is already in place.

With regard to the KPI “Implementation of asset maintenance as budgeted and as scheduled,” comments are based on the criteria within Shire’s Asset Management Plan, the 23/24 Budget Capital Program and the CEO’s Key Work Plan (CBP Implementation Plan). Overall, this KPI is performing well.

Those KPIs not progressed due to the reporting period yet to get underway include:

- Results of the annual Department of Local Government Compliance Returns submitted to Council. This KPI does not commence until the Department making the reporting portal available after 31 December 2023;
- Budget prepared by July 2024 for adoption and ongoing performance (Actual vs Planned). This does not commence until the development of the next budget gets underway. Current performance gives an indication of what to expect for 23/24;
- Unqualified Audit for the 2023-2024 period. This does not commence until the annual audit for 23/24 gets underway. Current performance gives an indication of what to expect for 23/24;
- Develop a Communications Policy (MOU) for the communications between Administration and Council as per tranche 2 Reforms. N/A at this point in time as Minister’s template is yet to be proclaimed in new regulations and implemented by DLGSC (The Department of Local Government, Sporting and Cultural Industries)

Annual Review of the CEO's Performance

To schedule the undertaking of the CEO's annual performance review during February 2024, it is suggested that Council, in conjunction with the CEO, considers commencement of the review process at today's meeting. The process to conduct the CEO performance Review is set out in a separate item for consideration.

CONSULTATION

- Council November 2023 Briefing Session

STATUTORY CONTEXT**Local Government Act**5.38. Annual review of employees' performance

(b) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.

(3) A review under subsection (1) must be conducted at least once in relation to each year of the person's employment.

5.39 Contracts for CEO and Senior Employees

(b) 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) refers to acting CEOs, who are staff may perform this role for up to 12 months without a contract.

(2)(b) A CEO's contract cannot exceed 5 years and (4) is renewable.

(7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.

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

The KRAs (key performance indicators) form part of the CEO's contract and are the basis of the annual assessment of the CEO.

CORPORATE CONTEXT**Strategic Community Plan and Corporate Business Plan**

Strategy 5.4: Measures to improve organisational efficiency
5.4.3 Maintain controls to promote a high level of legislative compliance throughout the organisation

Policy 2.6: - Standards for CEO Recruitment, Performance and Termination**Division 3 – The Adopted Standards – Broad Framework****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.

Risk Management

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance	Mitigation and Outcome
<p>Compliance</p> <p>CEO performance review must be conducted annually</p> <p>The standards regarding the CEO performance review are based on the principles of fairness, integrity and impartiality</p>	<p>Extreme (5)</p> <p>Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers</p>	<p>Likely (4)</p> <p>The event will occur at least once per year</p>	<p>Extreme (20)</p>	<p>CEO & Council</p> <p>Risk acceptable with excellent controls, managed by routine procedures subject to annual monitoring</p> <p>Effective: Processes (Controls) operating as intended and / or aligned to Policies & Procedures; are subject to ongoing maintenance and monitoring and are being continuously reviewed and tested.</p>	<p>By Council and the CEO adhering to the CEO Standards, there is little chance of breaching the level of compliance required and so the mitigated risk is low.</p>

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **ACCEPTS** the October 2023 Quarterly Report on the status of the KPIs regarding the Shire CEO, Mr Sean Fletcher.

For _____ / Against _____

PUBLIC AGENDA

9.5 Budget Review as at 30 September 2023

File reference	12.2.1		
Report date	14 Nov 2023		
Applicant/proponent	Audit Committee		
Officer disclosure of interest	NIL		
Previous meeting references	N/A		
Prepared by	Colin Ashe, DCEO		
Authorised by	Sean Fletcher, CEO		
Attachments			
Attachment 1	Page	43	Budget Amendments No. 1 – Sep 23

PURPOSE

That Council, as recommended by the Audit Committee approves the 1st quarter budget review 23-24 and endorses the budget amendments as set out in attachment 1.

BACKGROUND

Council approved the 2023-24 budget that forecast a deficit of (\$58,888) at year end and this was based on an estimated actual closing balance deficit of (\$12,763) from 22/23. During monthly financial reporting in 23/24 it has been noted that funds from the Grants Commission received on 30 Jun 23 has somewhat clouded the actual closing balance and accordingly impacted on the budget 23/24.

Now that the Annual Financial Report 22/23 has been completed, the audited financial position and surplus /deficit can now be factored into the 23/24 financial reporting and budget 23/24.

The first budget review has now been completed utilising Sep 23 data for the audit committee to review.

COMMENT

As to be expected, the 1st quarter of the financial year is relatively quiet on a transactional basis as budget adoption, rates income and other grant funding is received. Whilst planning for major expenditure occurs during this period, actual expenditure is not reflected in the financial reports until generally the 2nd quarter.

Attachment 1 provides the previously received 30 Sep 23 monthly financial report which will be discussed in detail and now with the addition of the 1st budget review provided in attachment 2.

1ST Quarter Budget Review 23/24:

The main variation is the treatment of Grants Commission funding received last financial year which based on the final audited Annual Financial Report 22/23 has resulted in an actual surplus of \$890,296 and therefore the opening position of 23/24, compared to the budget

forecast of (\$12,763) deficit.

This has been somewhat offset by a budgeted Grants Commission funding in 23/24 of \$456,616, of which advise is \$65,782 will actually be provided.

With the other variations the current forecast at 30 Jun 24 is a \$373,268 surplus however this figure should be taken cautiously as;

- This is only the 1st quarter of the FY and there are a number of projects currently underway that could see an escalation in costs.
- The RFQ cost for the Calingiri – New Norcia Rd intersection has yet to be finalised and more importantly, the funding aspect not yet crystalised. There is a high probability that the shire will need to contribute in excess of \$200,000 in lieu of a budgeted MRWA funding line yet to be confirmed.
- Due to some personnel absences, management is aware there was a delay in vendor invoices being entered into the system until Oct 23 resulting in Sep 23 financials being slightly skewed.

Overall, a conservative approach has been undertaken to this first review given its timing however the initial results is particularly pleasing. Should this financial outcome continue during the FY, excess funds will be placed into Reserves to assist in budget deliberations into 24/25.

CONSULTATION

Mr Sean Fletcher, Chief Executive Officer

STATUTORY CONTEXT

Local Government Act 1995 and associated regulations in particular;

Local Government (Financial Management) Regulations 1996; regulation 33A requires a budget review to be undertaken between 01 Jan and 31 Mar of its financial performance from 01 Jul to 31 Dec.

Whilst this review is not the formal requirement as above because of the timeframes, there is no restriction on early and more frequent reviews.

CORPORATE CONTEXT

Strategic Business Plan/Corporate Business Plan

STRATEGIC PRIORITIES	WE KNOW WE ARE SUCCEEDING WHEN
4. CIVIC LEADERSHIP	
4.3 Proactive and well governed Shire	External audits and reviews confirm compliance
	We have sound financial management policies and attract

	external funding to help achieve our goals
	Council is supported by a skilled team

Strategic Priority 4.3 - Management considers budget reviews in addition to statutory requirements as good governance allowing early intervention to identify any significant issues.

Delegation

NIL

Policy Implications

Section 3 – Financial Management

Other Corporate Document

NIL

Risk Analysis

Consequence	Consequence Rating:	Likelihood Rating:	Risk Rating	Risk Acceptance/ Controls	Mitigation and Outcome
Compliance	Moderate (3) Short term non-compliance but with significant regulatory requirements imposed	Unlikely (2) The event could occur at some time	Moderate (6)	Operational Manager Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Ensuring frequent budget reviews in excess of statutory requirements will ensure that the residual risk is low.

FINANCIAL IMPLICATIONS

Amendments to the budget will provide better forecasting and therefore management of councils finances.

VOTING REQUIREMENTS

Absolute majority required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **APPROVES**:

1. the budget review and **ENDORSES** the budget amendments and set out in attachment 1.

For _____ / Against _____

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**11. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION***Admitted by resolution of Council***12. MEETING CLOSED TO PUBLIC****12.1 Meeting Closed to Public**

File reference			
Report date	15 November 2023		
Applicant/proponent	CEO		
Officer disclosure of interest	Nil		
Previous meeting references			
Prepared by	Sean Fletcher, CEO		
Authorised by	CEO		
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider a matter regarding the Shire of Victoria Plains CEO KPI and Performance Review under item 12.2. and the Shire of Victoria Plains Citizen of the Year Awards (Australia Day Awards) 2024 under item 12.3.

BACKGROUND

Under section 5.23 (2)(b) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting the personal affairs of any person.

COMMENT

As there is Policy 2.6 “Standards for CEO Recruitment, Performance and Termination” in place for the Shire of Victoria Plains, Council is required under the Local Government Act to undertake an annual review of the CEO’s performance.

Further, as there is no policy in place regarding the Australia Day Award process for the Shire of Victoria Plains, Council is required to conduct the Australia Day Award process and determine the recipients of the awards.

CONSULTATION

CEO

OCM Officer

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

Officer's Recommendation

Moved Cr _____

Seconded Cr _____

That Council **CLOSE** the meeting under section 5.23 (2)(b) of the Local Government Act to consider a matter under item 12.2 regarding the CEO's Annual Performance Review and item 12.3 regarding the Shire of Victoria Plains Citizen of the Year Award Nominations 2024.

For _____ / Against _____

PUBLIC AGENDA

12.2 CEO's Annual Performance Review - Confidential

File reference	
Report date	14 November 2023
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Financial – Matters to do with Mr Fletcher's performance
Previous meeting references	OCM 14 Dec 2022 – Item 11.2 2212-15; SCM 13 February 2023 – 12.1 2302-05, OCM 23 August 2023 – Item 12.2
Prepared by	Sean Fletcher, CEO
Authorised by	Sean Fletcher, CEO
Attachments	
Attachment 1	Page Nil

VOTING REQUIREMENTS

Absolute majority required: No

PUBLIC AGENDA

12.3 Community Citizen of the Year Awards (Australia Day Awards) 2024- Confidential

File reference	
Report date	31 October 2023
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	N/A
Prepared by	PACEO and Council Meeting Officer
Authorised by	CEO
Attachments	
Attachment 1	Page
	Nominations and 2024 Awards Score Sheet

VOTING REQUIREMENTS

Absolute majority required: No

PUBLIC AGENDA

13. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on _____ 2023.

Signed _____ Date _____
(Presiding member at the meeting which confirmed the minutes)

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

PUBLIC AGENDA