



MINUTES

For the Special Council Meeting held on

Monday 7 October, 2019

Commencing at 5.00 pm.

In the Council Chambers, Ravensthorpe.



SHIRE OF RAVENSTHORPE

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of Ravensthorpe Shire Council during the course of any meeting is not intended to be and is not taken as notice of approval from the Ravensthorpe Shire Council. The Ravensthorpe Shire Council warns that anyone who has an application lodged with the Ravensthorpe Shire Council must obtain and only should rely on **WRITTEN CONFIRMATION** of the outcome of the application, and any conditions attaching to the decision made by the Ravensthorpe Shire Council in respect of the application.

A handwritten signature in black ink, appearing to be "G. Pollock".

Gavin Pollock
Chief Executive Officer

7 October 2019

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SPECIAL MEETING OF COUNCIL

**HELD IN THE COUNCIL CHAMBERS, RAVENSTHORPE ON
7 OCTOBER 2019, COMMENCING AT 5.00 PM**

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EXTRACT FROM LOCAL GOVERNMENT ACT 1995**5.5. CONVENING COUNCIL MEETINGS**

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) **The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

5:00pm – The presiding person, Cr K Dunlop declared the meeting open.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

MEMBERS: Cr Keith Dunlop (Shire President)
 Cr Julianne Belli (Deputy Shire President)
 Cr Ian Goldfinch
 Cr Peter Smith
 Cr Kerry Dickinson
 Cr Thomas Major
 Cr Graham Richardson

STAFF: Gavin Pollock (Chief Executive Officer)

APOLOGIES: Graham Steel (Director of Technical Services)
 Les Mainwaring (Director Corporate and Community Services)

ON LEAVE OF ABSENCE: NIL

ABSENT: NIL

3. DISCLOSURE OF INTEREST

Councillor/Officer	Item	Nature of interest	Extent of interest
Gavin Pollock	5.1	Financial	Individuals probation and performance review as the Chief Executive Officer

4. SUSPENSION OF STANDING ORDERS

NIL

5. MATTERS BEHIND CLOSED DOORS

Moved: Cr Goldfinch

Seconded: Cr Dickinson

Res: 102/19

In accordance with section 5.23 (2) of the *Local Government Act 1995*, the meeting closed to members of the public for this item as the following subsection applied

- a. a matter affecting an employee/employees**
- b. the personal affairs of any person**
- c. a matter that if declared, would reveal –**
 - i. a trade secret**
 - ii. information that has a commercial value to a person**
 - iii. information about the business, professional, commercial, financial affairs of a person.**

Voting Requirements: Absolute Majority

Carried: 7/0

5:01pm Prior to any consideration of Item 5.1 the CEO declared a financial interest on the basis that agenda item 5.1 pertains to the CEO performance and probation review.

Chief Executive Officer, Gavin Pollock, left the room.

5.1 CHIEF EXECUTIVE OFFICER PROBATION AND PERFORMANCE REVIEW

File Reference:	PL.ES.172
Location:	Shire of Ravensthorpe
Applicant:	Chief Executive Officer
Author:	Shire President
Authorising Officer:	N/A
Date:	14 August 2019
Disclosure of Interest:	Chief Executive Officer
Attachments:	Chief Executive Officers Amended Employment Contract Provided to councillors under separate cover
Previous References:	13.1 Ordinary Council Meeting, Tuesday 20 August, 2019

Moved: Cr Major

Seconded: Cr Smith

Res: 103/19

That Council Resolved;

- 1. Endorse the Shire President advising Mr Pollock, Chief Executive Officer of successfully completing the six (6) month probation requirements as per the contract of employment.**

Voting Requirements: Absolute Majority

Carried: 7/0

Moved: Cr Dickinson

Seconded: Cr Belli

Res: 104/19

That Council Resolved;**2. Endorse the following table of Key Result Areas (KAR's) being set as the Chief Executive Officer KRA's for achievement in 2019/20 financial year.**

	Key Result Areas (KRA's) for 2019/20	Actions to achieve these KRA's 2019/20
1	Organisation Occupational Safety, Leadership and Development	<p>1.1 <i>Maintain staffing levels to meet operational requirements and reduce staff turnover to less than 40% due to staff resignations.</i></p> <p>1.2 <i>Continue to mentor staff and provide training opportunities to further develop their skills within the Shire's operations.</i></p> <p>1.3 <i>With the support of LGIS review the current OHS standards and processes along with implementing required improvements.</i></p>
2	Development and Implementation of Financial Management Systems	<p>2.1 <i>The development and implementation of statutory Financial Management Systems that will improve our current reporting processes by 30 June 2020.</i></p> <p>2.2 <i>To complete 80% of the projects and works identified in the 2019/20 projects sheets by 30 June 2020.</i></p> <p>2.3 <i>To implement improvements and sound process based on the recommendations from the 2017/18 and 20118/19 Audit reports.</i></p>
3	Policy and Delegation Review	<p>3.1 <i>Review all Policies and Delegations to ensure they meet current operation requirement in line with the Local Government Act review and seek Council's adoption.</i></p> <p>3.2 <i>Commence the development a procedure manual for staff that supports the relevant policy.</i></p>
4	Local Law Review	<p>4.1 <i>Undertake a review of the Shire's Local Laws including Standing Orders with Council and seek Council's adoption.</i></p>
5	Integrated Planning Framework	<p>5.1 <i>Undertake statutory reviews of the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Long Term Financial Plan and Asset Management Plan.</i></p>

Voting Requirements: Absolute Majority

Carried: 7/0

Moved: Cr Richardson

Seconded: Cr Smith

Res: 105/19

That Council Resolved;

- 3. Endorse the amendments to the Chief Executive Officer's employment contract as outlined in the attached document.**

Voting Requirements: Absolute Majority

Carried: 7/0

Moved: Cr Goldfinch

Seconded: Cr Major

Res: 106/19

That Council Resolved;

- 4. Endorse the amendments becoming the new employment contract and effective from the 8 October 2019 with all other employment conditions remaining unchanged.**

Voting Requirements: Absolute Majority

Carried: 7/0

Moved: Cr Dickinson

Seconded: Cr Smith

Res: 107/19

That Council Resolved;

- 5. Endorse the Shire President and Deputy Shire President signing the amended employment contract and a fixing the Shire of Ravensthorpe Common Seal.**

Voting Requirements: Absolute Majority

Carried: 7/0

Summary:

At the 20 August 2019 Council Meeting, Council resolved to defer Item 13.1 Chief Executive Officer Probation and Performance Review. This decision was made due to the number of Councillors able to attend the meeting.

Council is requested to review the Chief Executive Officer performance over the past 6 months of employment as per the probation condition outlined within the Chief Executive Officer contract of employment.

As part of the probation review process Council and the Chief Executive Officer are required to set Key Result Areas (KAR's) for the 2019/20 financial year. Council are asked to consider the contract employment conditions changes proposed the Chief Executive Officer.

Background:

The Chief Executive Officer has been employed since the 22 February 2019 and as per the employment contract been on a six (6) month probation since commencement.

Councillors have been requested to review the Chief Executive Officers performance over the past six (6) month in consultation with the Shire President Cr Dunlop and the Chief Executive Officer Mr Pollock.

During the consultation period the Chief Executive Officer was asked by Council to put forward any proposed contract amendments and a list of KRA's for Councils consideration.

	Key Result Areas (KRA's) for 2019/20	Actions to achieve these KRA's 2019/20
1	Organisation Occupational Safety, Leadership and Development	<p><i>1.1 Maintain staffing levels to meet operational requirements and reduce staff turnover to less than 40% due to staff resignations.</i></p> <p><i>1.2 Continue to mentor staff and provide training opportunities to further develop their skills within the Shire's operations.</i></p> <p><i>1.3 With the support of LGIS review the current OHS standards and processes along with implementing required improvements.</i></p>
2	Development and Implementation of Financial Management Systems	<p><i>2.1 The development and implementation of statutory Financial Management Systems that will improve our current reporting processes by 30 June 2020.</i></p> <p><i>2.2 To complete 80% of the projects and works identified in the 2019/20 projects sheets by 30 June 2020.</i></p> <p><i>2.3 To implement improvements and sound process based on the recommendations from the 2017/18 and 20118/19 Audit reports.</i></p>
3	Policy and Delegation Review	<p><i>3.1 Review all Policies and Delegations to ensure they meet current operation requirement in line with the Local Government Act review and seek Council's adoption.</i></p> <p><i>3.2 Commence the development a procedure manual for staff that supports the relevant policy.</i></p>
4	Local Law Review	<i>4.1 Undertake a review of the Shire's Local Laws including Standing Orders with Council and seek Council's adoption.</i>
5	Integrated Planning Framework	<i>5.1 Undertake statutory reviews of the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Long Term Financial Plan and Asset Management Plan.</i>

Comment:

The Chief Executive Officer would like Council to please note that the past 6 months have been very challenging and relate to resolving some very sensitive staff issues plus the need to employee a number of suitably skilled staff to hold key position within the organisation. During this time the Chief Executive Officer had to undertake the majority of the compliance tasks as well trying to resolve a number of childcare issues, complete the 2017/18 financials,

rebuild staff and community confidants, negotiate the purchase of a new Depot site, re-structure the organisation, develop staff role segregation, resolve a number of Telstra and NBN issues, upgrade our computer systems to increase productivity, implement better communication lines with councillors and staff, provide staff with new work stations, trying to find a suitable solution to our Doctor situation, commencement of a work experience program with Ravensthorpe High School and CRC, progression of the final stages of the Planning Scheme review, commencement of the Coordination Group consisting of our (4 Mining companies, the GEDC, SDC, Shire of Esperance, Jerramungup and City of Albany) plus a number of day to day tasks of being the Shire Chief Executive Officer.

Consultation:

All of Council, Shire Councillors.
Chief Executive Officer, Mr Gavin Pollock.

Statutory Environment:

Chief Executive Officer Remuneration, Amendments to section 5.39(7) of the Act now provide for a Chief Executive Officer's remuneration to be determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975*.

Please note the Shire of Ravensthorpe is in a Band 3 as set under the *Salaries and Allowances Act 1975* for WA Local Government Chief Executive Officer's and is capped at a total reward package of \$259,278 per annum. Under the *Salaries and Allowances Act 1975* the Shire of Ravensthorpe has access to a \$30,000 per annum Regional / Isolation Allowance in addition to the Total Reward Package available to the Chief Executive Officer.

Policy Implications:

Nil.

Financial Implications:

The Chief Executive Officer has requested an increase in the salary package be considered as part of a 12 month employment review.

An allocation has been included in the draft 2019/20 financial year's budget to accommodate an independent consultant to conduct the Chief Executive Officers performance review and any agreed remuneration increase.

Strategic Implications:

The Chief Executive Officer proposed contract amendments and a list of KRA's for Councils consideration that will provide the Chief Executive Officer and the Shire of Ravensthorpe with stable and clear direction of consistency.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 1 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

6:00pm CEO returned to the room.

Moved: Cr Richardson

Seconded: Cr Belli

Res: 108/19

COUNCIL DECISION

1. That Council re-open the meeting to the public.

Voting Requirements: Majority

Carried: 7/0

6. CLOSURE OF MEETING – 6:45PM

These minutes were confirmed at the meeting of the _____

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

Date: _____