



MINUTES

CEO REVIEW COMMITTEE MEETING

22nd April 2020
Commencing at 1:30pm

Gnowangerup Town Hall
Yougenup Road, Gnowangerup WA 6335

SHIRE OF GNOWANGERUP

NOTICE OF COMMITTEE MEETING OF COUNCIL

Dear Committee Member

A meeting of the CEO REVIEW COMMITTEE of the Shire of Gnowangerup will be held on Wednesday 22nd April 2020, in the Gnowangerup Town Hall, Yougenup Road, Gnowangerup, commencing at 1:30pm.



Signed: _____

Bob Jarvis

CHIEF EXECUTIVE OFFICER



CEO REVIEW COMMITTEE

TERMS OF REFERENCE

Purpose

The CEO Review Committee (Committee) is responsible for making recommendations to Council on Chief Executive Officer (CEO) appointments, contract reviews/renewals, performance and remuneration reviews and assessments, and the actioning of complaints against the CEO.

The Committee is a formally appointed committee of Council and is responsible to that body. The Committee does not have executive powers or authority to implement actions in areas over which the CEO has legislative responsibility and does not have a delegated power from Council. The Committee does not have any management functions and cannot involved itself in management processes or procedures.

The Committee is to report to Council and provide appropriate advice and recommendations on matters relevant to its terms of reference in order to facilitate informed decision making by Council in relation to the legislative functions and duties of the local government that have not been delegated to the CEO.

Objectives

The primary objectives of the Committee are to make recommendations to Council on CEO appointments, contract reviews/renewals, performance and remuneration reviews and assessments, and the actioning of complaints against the CEO.

Reports from the Committee will assist Council in discharging its legislative responsibilities of governing the Shire's affairs.

Duties and Responsibilities

The duties and responsibilities of the Committee members will be to:

1. Make recommendations to Council on CEO performance reviews and assessments;
2. Review and recommend annual goals and targets for the CEO against key performance indicators to Council for consideration.
3. Make recommendations to Council on CEO remuneration reviews and assessments.
4. Assess and make recommendations on action arising from complaints against the CEO.
5. Make recommendations to Council on CEO appointments.
6. Make recommendations to Council on CEO contract reviews and/or renewals.

Membership

The Committee will consist of all elected members of Council. All members shall have full voting rights.

The CEO and employees are not members of the Committee.

The CEO and senior staff, with the approval of the Presiding Member and CEO, may be called to attend meetings to provide advice and guidance to the Committee.

The Executive Assistant will provide administrative support to the Committee by preparing agendas and minutes, and organising meetings.

The Presiding Member and Deputy Presiding Member must be elected in accordance with section 5.12 and Schedule 2.3 of the Act.

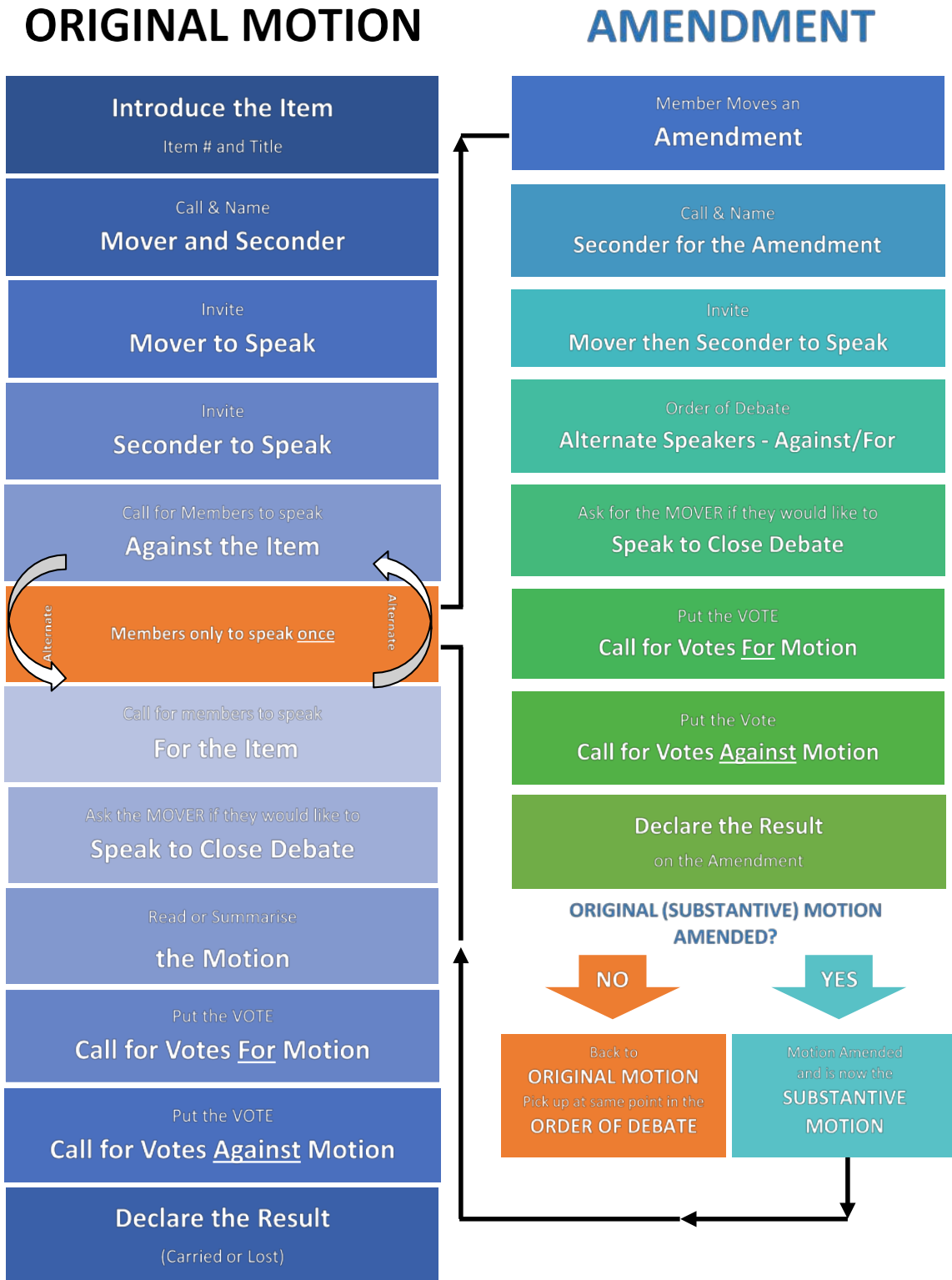
Meetings

The Committee shall have flexibility in relation to when it needs to meet, but as a minimum, will need to meet at least once a year. It is the responsibility of the Presiding Member to call the meetings of the Committee.

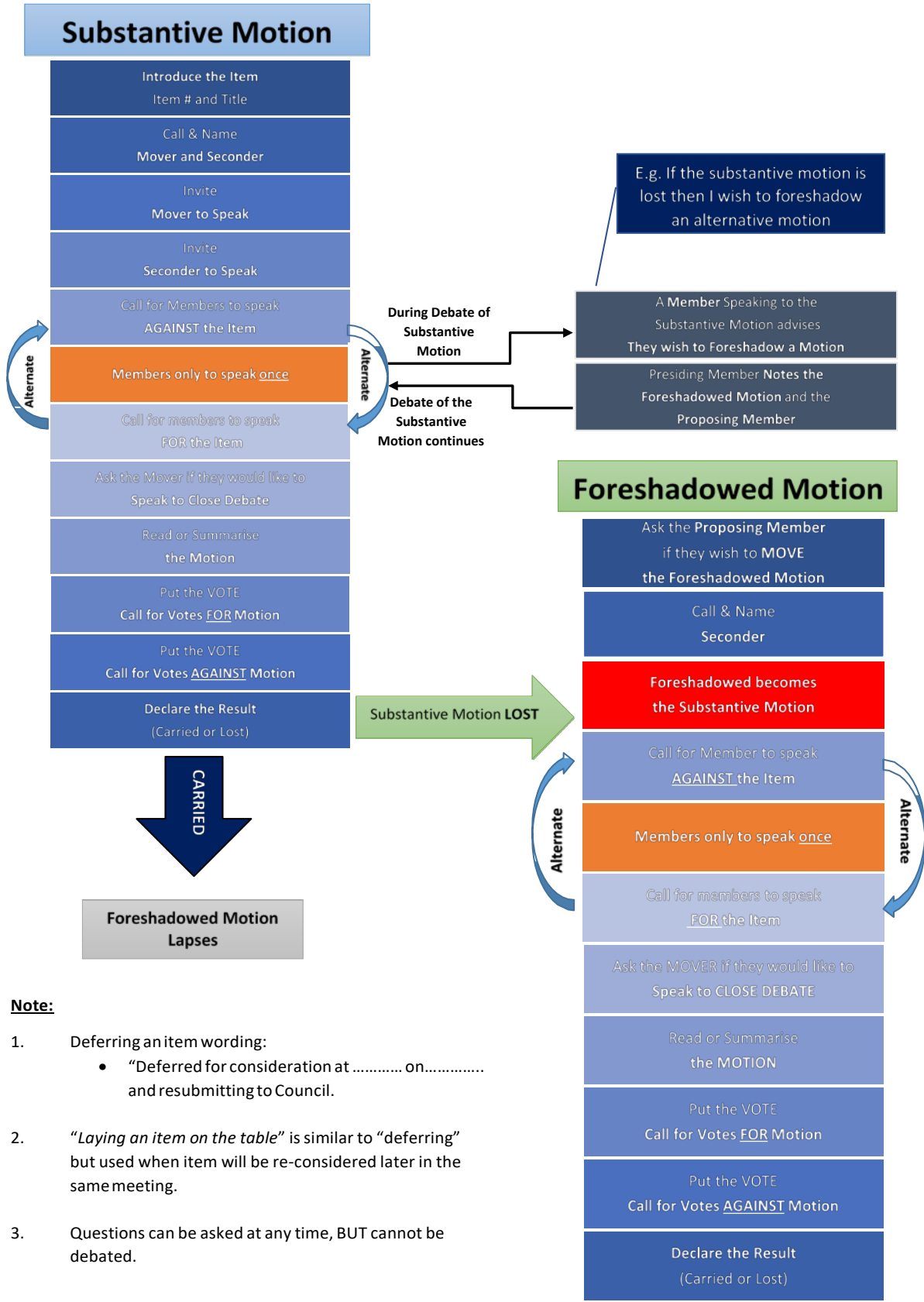
Reporting

Reports and recommendations of each Committee meeting shall be presented to the next ordinary meeting of the Council and must be moved by the Presiding Member, or in his/her absence the Deputy Presiding Member, or in both their absences, any other member of the Committee.

Process of Motions



Slight clarification of wording of motion: A minor amendment of the motion can be done at any time through the President with the approval of the Mover and the Secunder. The Minor amendment must be minuted.



Note:

- Deferring an item wording:
 - “Deferred for consideration at on..... and resubmitting to Council.
- “Laying an item on the table” is similar to “deferring” but used when item will be re-considered later in the same meeting.
- Questions can be asked at any time, BUT cannot be debated.

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1. OPENING AND ANNOUNCEMENT OF VISITORS

The Chief Executive Officer Bob Jarvis welcomes Committee members and Staff and opens the meeting at 1:50pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Shire of Gnowangerup would like to acknowledge the Goreng people who are the Traditional Custodians of this land. The Shire of Gnowangerup would also like to pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Aboriginals present.

3. ATTENDANCE /APOLOGIES

3.1. ATTENDANCE

Fiona Gaze
Greg Stewart
Chris Thomas
Richard House (from 1:55pm)
Shelley Hmeljak
Frank Hmeljak
Michael Creagh
Kate O'Keeffe

Bob Jarvis	Chief Executive Officer
Ian Graham	Deputy Chief Executive Officer
Anita Finn	Executive Assistant

3.2. APOLOGIES

Keith House

ELECTION OF PRESIDING AND DEPUTY PRESIDING MEMBERS

4.1	ELECTION OF PRESIDING AND DEPUTY PRESIDING MEMBERS
Proponent:	N/A
File Ref:	ADM0525
Date of Report:	15 th April 2020
Business Unit:	Strategy and Governance
Officer:	Bob Jarvis – Chief Executive Officer
Disclosure of Interest:	Nil

ATTACHMENTS

Nil

PURPOSE OF THE REPORT

As this is the first Committee meeting since the Ordinary Council Elections in 2019 election of a Chairperson for the Committee must be conducted as the first order of business.

BACKGROUND

The *Local Government Act 1995 (Act)*, Section 5.12 states that the election of a Presiding Member of a Committee is to be in accordance with Schedule 2.3 Division 1 and, if applicable, Schedule 4.1 of the Act (Schedule 4.1 dealing with elections where more than one candidate runs for the position):

- *The office is to be filled as the first matter dealt with at the first meeting of the committee after an ordinary elections day.*
- *The CEO is to preside at the meeting until the office is filled.*
- *The committee is to elect a committee member to fill the office.*
- *The election is to be conducted by the CEO in accordance with the procedure prescribed.*
- *Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.*
- *Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.*
- *If a committee member is nominated by another committee member, the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the Office.*
- *The committee members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- *In accordance with Schedule 4.1 Division 1, where there are two candidates for the position and an election takes place, the candidate who has the greatest number of votes is elected – if the candidates have an equal number of votes, lots are drawn in accordance with regulations to determine which candidate is elected. The candidate whose name is drawn out is elected. If there are three or more candidates for the position, clauses 3 to 25 of Schedule 4.1 Division 2 are applicable.*

- *In accordance with cl. 5 (1) of Schedule 2.3 Division 1, the votes cast are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the results of an election) as if those votes were votes cast at an election.*
- *If, when the votes cast under clause 4 (5) of Schedule 2.3 Division 1 (secret ballot) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.*
- *Any nomination for the office may be withdrawn and further nominations may be made, before or when the meeting resumes.*
- *When the meeting resumes, the committee members are to vote again.*

COMMENTS

Committee members are required to elect a chairperson from amongst themselves in accordance with the Local Government Act 1995.

CONSULTATION

Nil

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995- s. 5.12

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

ELECTION

ELECTION OF PRESIDING MEMBER (CHAIRPERSON)

The Chief Executive Officer called for nominations for the position of Presiding Member.

Cr Fiona Gaze nominated herself. As there were no further nominations the Chief Executive Officer closed nominations and declared Shire President Fiona Gaze elected unopposed to the position of Presiding Member.

ELECTION OF DEPUTY PRESIDING MEMBER (DEPUTY CHAIRPERSON)

The Presiding Member Fiona Gaze assumed the chair and called for nominations for the position of Deputy Presiding Member.

The Shire President Fiona Gaze nominated Cr Greg Stewart. Cr Greg Stewart accepted the nomination.

As there were no further nominations the Presiding Member closed nominations and declared Cr Greg Stewart elected unopposed to the position of Deputy Presiding Member.

CONFIRMATION OF PREVIOUS MEETING MINUTES

CEO REVIEW COMMITTEE MEETING 15TH MAY 2019.

COMMITTEE RESOLUTION

Moved: Cr C Thomas

Seconded: Cr F Hmeljak

CRC0420.01 That the minutes from the CEO Review Committee Meeting held on 15th May 2019 confirmed as true and correct.

UNANIMOUSLY CARRIED: 7/0

GENERAL BUSINESS

PROCEDURAL MOTION

Moved: Cr S Hmeljak

Seconded: Cr C Thomas

CRC0420.02 That the CEO Review Committee:

Closes the meeting to members of the public and staff in order to discuss the items which are considered confidential pursuant to Section 5.23(a) of the Local Government Act 1995 due to the matter affecting an employee.

UNANIMOUSLY CARRIED: 7/0

***Bob Jarvis, Ian Graham and Anita Finn left the meeting at 1:55pm.
Cr R House entered the meeting at 1:55pm.***

6.1	CONFIRMATION OF THE COMPLETION OF THE CEO'S CONTRACTUAL SIX MONTHS PROBATIONARY PERIOD
Location:	N/A
Proponent:	N/A
File Ref:	ADM0525
Date of Report:	14 th April 2020
Business Unit:	Strategy and Governance
Officer:	N/A
Disclosure of Interest:	The CEO is the author and subject of the Report as it is a contractual obligation to provide a report to the Committee for review. The CEO will declare an interest and vacate the chamber during debate

ATTACHMENTS

- CEO KPI's with update on progress as at the time of writing this report.

PURPOSE OF THE REPORT

To seek written confirmation of the CEO's employment following the six month contractual probationary period which expired on the 1st April 2020.

BACKGROUND

At its Ordinary Meeting in March 2020, the Council resolved that the CEO Review Committee be delegated the responsibility of meeting with the CEO in April 2020 to assess the confirmation of his employment with the Shire in accordance with the obligation of the Shire under the Contract of Employment with the CEO, and make a recommendation to Council.

The contract requires that Council confirm the employment of the CEO in writing following the successful completion of an initial six months probationary period.

COMMENTS

Council will recall adopting a set of KPI's for the CEO for the first twelve months of his employment with the Shire, and whilst the circumstances for the Shire and the CEO have been greatly affected by bushfires, an ongoing water shortage for the Shire, and more significantly the impact of a global COVID-19 virus pandemic, it would seem reasonable to not only refer to how the CEO has dealt with these significant events, but have some referral to the progress of addressing the KPI's.

With respect to the bushfires, the CEO and the Shire President were very active in lobbying for increased resources for the Shire's brigades for future events, and in liaising with staff and brigades to debrief the event and review current plans. The Shire President and CEO also took active lobbying activities to assist struggling tourism operators (in the Stirling Ranges) seriously impacted by the fires. These included face to face meetings with politicians including the Minister for Emergency Services, and numerous written entreaties to Ministers, Directors General, and senior staff at State and Federal Departments. These activities resulted in positive actions, including the use of prisoners for remediation works, but of course the tourism industry across the State has subsequently been severely impacted by the pandemic.

With respect the pandemic the CEO has had a key role in the Shire's response. He has enacted the Shire's Business Continuity Plan with weekly senior staff meetings to address such issues as staff working from home, ensuring that capital works continue, oversight of Occupational Safety and Health requirements for safe working, and developing strategies to ensure that the Shire is in compliance with State directives. The group also is active in providing essential information to business and the community. The CEO and Shire President attend weekly webinars with WALGA and State Ministers, and attend the weekly LEMAC meeting, for shire based agencies, in the Town Hall. These meetings address issue surrounding compliance with public safety directives such as playground closures, public gatherings and social distancing, as well as the availability of essential food, medical and personal protective equipment supplies. Through the presence of the doctor and other health agencies at the meeting, a high standard of preparedness for dealing with any public health issues is being maintained.

The CEO is being requested to respond to numerous requests for information on the status of the Shire's response, and resources, by State and Federal Agencies. Thus far the Shire, through the CEO and staff, has been successful in ensuring that its obligations have been met and that its community is faring well through this difficult time. The lack of some key food and health related products and critical medical supplies have been the subject of formal and informal lobbying activities by the CEO.

A report to Council is on this agenda to formally resolve the Council's response to COVID-19 during the pandemic and for recovery activities.

With respect to the water shortage issues, the CEO has been very successful in lobbying State

agencies which has resulted in two 250,000 litre tanks being gifted to the Shire by the Department of Water and Environmental Regulation (DWER) for installation at the bores at Highdenup and Formby Road South. The installation and earth works were carried out by Shire staff and these two tanks have significantly reduced waiting times for water carting by allowing large tankers to fill quickly without impacting the ability of the next vehicle waiting to fill quickly as well. The lobbying with DWER has also resulted in the #1 Dam in Gnowangerup being topped up with water by Watercorp, and DWER taking over the #2 Dam and removing the bund. DWER has assisted in planning for future works, and a grant application for a new dam at the airstrip in Gnowangerup will be submitted to DWER to provide a significant increase in the water storage capacity of the Shire by taking advantage of the excellent catchment provide by the sealed runway. Council will be aware that an informal group met on several occasions to provide input in to addressing the water shortages, and Council has agreed to establish this group as a working group of the shire to assist the CEO in developing a Water Strategy for the Shire. DWER has offered assistance in developing the Strategy and offered the attendance of an officer to the working group meetings. DWER and Watercorp were made aware of the water taken for firefighting and the limited storage of water in dams in the Shire for stock water, and water has subsequently been provided by Watercorp to the #1 Dam in Gnowangerup at a rate which has enabled the Shire to get through the summer period with water still available in the dam at the time of this report.

The CEO's KPI's suggested that projects would be developed for the Federal Government's National Drought Resilience Response funding in July of this year, which would have required Council to allocate up to one third of the funding to match grant funds. Since then, the Federal Government has allocated \$1 million dollars of funding to the Shire through the Drought Communities Extension, and this does not require any matching contribution from the Shire. The CEO is working towards taking full advantage of these funds for major water projects, and the Council has already resolved (in March) the priorities for these funds for drought resilience and community projects. This is a significant improvement of the Shire's position in that it no longer has to apply for funds in a competitive funding programme, and make a contribution to the project from the Shire's resources. It is guaranteed the funding subject to compliance with guidelines.

Attached to this report is a copy of the adopted CEO KPI's with comments on progress up to date. Councillors should be mindful of the impact of the emergencies on the progress to this point in time, but the CEO is still confident that most KPI's will be completed within the required time frame, and many have been substantially progressed already.

CONSULTATION

Nil

LEGAL AND STATUTORY REQUIREMENTS

The confirmation of the CEO's employment in writing after six months' probation is a contractual obligation of the Council

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan

Theme: A sustainable and capable Council

Objective: Provide accountable and transparent leadership

Strategic Initiative: Demonstrate accountability through robust reporting that is relevant and easily accessible by the Community.

STRATEGIC RISK MANAGEMENT CONSIDERATIONS:

Nil

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Council may choose to extend the probationary period which also extends the ability for either part to exit without penalty.

CONCLUSION

It is Council's prerogative to consider the confirmation of the CEO's employment and the Committee's responsibility to make a recommendation to Council

VOTING REQUIREMENTS

Simple Majority.

COMMITTEE RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr G Stewart

CRC0420.03 That the Committee recommends that Council:

Confirms the CEO's employment in writing now that the contractual six month's probationary period has elapsed.

UNANIMOUSLY CARRIED: 8/0

PROCEDURAL MOTION

Moved: Cr C Thomas

Seconded: Cr M Creagh

CRC0420.04 That the CEO Review Committee:

Reopens the meeting to Staff.

UNANIMOUSLY CARRIED: 8/0

Bob Jarvis, Ian Graham and Anita Finn returned to the meeting at 2:00pm.

Chief Executive Officer's KPI's for the period December 2019 to November 2020

Capital Works Programme

- Complete the capital works programme for the 2019/2020 budget
On track to be completed on time

- Prepare a capital works programme for the 2020/2021 budget based on Asset management Plans, a pre-budget capital works bus tour for Councillors and Senior staff, and projects previously approved for the financial year or identified in the Long Term Financial Plan
Capital budget is being prepared based on the premise that capital projects will be funded from reserves or grants to contribute to a no rate or fee increase process as requested by the State Government in response to the COVID-19 pandemic. As a result of social distancing requirements, the bus tour will not proceed but suggestions for individual councillor inspection might be made where appropriate or direction is sought.

- Demonstrate appropriate level of implementation of the 2020/2021 capital works programme to the review date via a report to Council as part of the CEO review.
Due late 2020.

- Carry out a detailed analysis of the Shire's Asset management systems and provide a report to Council for budget consideration for the 2020/2021 Budget.
Analysis has been carried out and further improvements are being made. Report on asset management will accompany the draft budget.

- Submit to Council and have adopted a formal and comprehensive Asset Management policy and establish the basis for Asset Management Plans for key asset groups to comply with the standard established by the Department of Local Government.
This will be done in late 2020 where it is expected that the Shire will comply with the Standard. Considerable progress has been made in this space over the last six months.

- Carry out key asset renewal and maintenance programmes identified in the 2019/2020 budget, and in particular all road maintenance projects.
Refuse site works are underway, new prime mover and trailer have been ordered and maintenance programmes are substantially completed. Maintenance grading is continuing.

Environmental Projects

- Complete a comprehensive Water Strategy for the Shire which addresses water conservation, water storage, water usage and access, and water security by the end of November 2020, but ensure that the Shire does not take on any State, Federal or private responsibilities in the process without appropriate resources or support being provided.

Water strategy will be completed within the time frame allowed and considerable progress has been made towards increased storage capacity and identifying key capital projects for securing the Shire's water future with assistance from government agencies and the establishment of a Water Strategy Working Group. Funding sources have been secured for major water projects for the 2020/2021 financial year.

- Provide a budget submission to Council for the 2020/2021 budget to provide for funds for expert analysis of water supplies, catchments, technologies, and projects towards implementing a Water Strategy.

Much of this work has been done already in conjunction with the Department of Water and Environmental Regulation which has supplied professional advice and assistance as well as the provision of infrastructure to make substantial gains in this area. This has led to the identification of future projects and funding sources to secure works that will support a viable water strategy.

- Prior to the end of the 2019/2020 Financial Year, have in place a framework for a water strategy and several shovel ready projects to take advantage of the Federal Government's National Drought Response Resilience Funding Plan.

Shovel ready projects almost complete but will access the Drought Communities Extension funds allocated to the Shire instead so that no Shire co-contribution is required.

- Establish a Water Strategy working group including staff, State Agencies, adjacent Local Governments, and a consulting Hydrologist

Working Group established and formal liaison with agencies and neighbouring local governments in place through regular liaison with DWER and through the VROC

Economic Development

- With the Shire's Town Planner, carry out a review with Council of all of the land holdings of the Shire, including Reserves vested in the Shire, vacant land, housing, and land with buildings other than housing.

Land holdings identified, and preliminary work with Town Planner commenced.

- Identify land and housing which may be suitable for encouraging population growth and development of commercial enterprises or community and tourism assets.
Some preliminary discussions have been held in this area.
- Investigate the possibility of some underutilised State Reserves being made freehold to the Shire.
Transfer of Reserve on which the Doctor's house is located is in process of being transferred to the Shire. Other locations are being investigated.
- Demonstrate a significant contribution to projects in collaboration with community and government agencies and neighbouring local governments.
Housing initiative with other local governments now complete, and the Shire has been invited to join the VROC with a number of neighbouring local governments to support joint projects. Waste management infrastructure upgrade (joint grant with other local governments) now underway and will be completed by end of June 2020. Community Water Supply grant will be the subject of an application for 2020/2021 budget developed with DWER.

Community engagement

- Have in place, and working, a regular "meet the CEO" programme in all three towns to enable first hand engagement with community members and groups.
Ongerup and Borden CEO engagement schedule in place since the beginning of February 2020. CEO has had scheduled meetings with key Gnowangerup agencies.
- Have in place a periodic joint, CEO and Shire President, community engagement programme to demonstrate the Council's wish to have open communications with the community.
CEO and Shire President have had numerous meetings with agencies and government departments as a result of emergencies such as the fires and pandemic, and continue to meet with agencies as part of the LEMAC on a weekly basis. When social distancing cease and time permits the CEO and the Shire President will meet to discuss further opportunities.

Governance

- Review of the Shire's Integrated Planning and Reporting framework following the report by the Great Southern Peer Support Network's assessment of the Shire's current plans.
Completed, and review shows substantial compliance with recommendations for action which are now being pursued.

- Employment and induction of a new Deputy CEO
Completed
- A review with Council of governance policies (post budget)
Is a task identified in the compliance calendar for completion by the CEO and Deputy CEO
- Standing Orders Local Law review
Yet to be commenced and will be influenced by changes being made to the Local Government Regulations
- Fraud and Corruption control plan
Australian Standard has been purchased and modified right sized programme being investigated for the Shire.

The above is in keeping with the CEO's contractual obligation to establish achievable KPI's with the Council within the first three months of employment. It is proposed that these will be reported on quarterly, with a final report to be prepared for a CEO's Review Committee meeting in November 2020.

Please find attached the KPI's set for the previous CEO for the previous financial year, and please consider if any of these are priorities that need to be reconsidered.

4. DATE OF NEXT MEETING

That the next CEO Review Committee meeting be held on 25th November 2020.

5. CLOSURE

There being no further business, the Presiding Member Fiona Gaze thanked Committee members and Staff for their time and closed the meeting at 2:05pm.