



SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Special Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday, 13 April 2021
Commencing 5.30pm



Common Acronyms Used in this Document	
CBP	Corporate Business Plan
CEACA	Central East Accommodation & Care Alliance Inc
CSP	Community Strategic Plan
CWVC	Central Wheatbelt Visitors Centre
DCEO	Deputy Chief Executive Officer
EA	Executive Assistant to CEO
EMCS	Executive Manager of Corporate Services
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
GECZ	Great Eastern Country Zone
LGIS	Local Government Insurance Services
LPS	Local Planning Scheme
MCO	Media and Communications Officer
MoU	Memorandum of Understanding
MRCLC	Merredin Regional Community and Leisure Centre
SRP	Strategic Resource Plan
T/CEO	Temporary Chief Executive Officer
WALGA	Western Australian Local Government Association
WEROC	Wheatbelt East Regional Organisation of Councils



Shire of Merredin Special Council Meeting

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Shire of Merredin
Special Council Meeting
5:30pm Tuesday, 13 April 2021



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr JR Flockart	President
Cr MD Willis	Deputy President
Cr RA Billing	
Cr AR Butler	
Cr LN Boehme	
Cr PR Patroni	
Cr MJ McKenzie	
Cr RM Manning	
Cr PM Van Der Merwe	

Staff:

M Dacombe	T/CEO
A Brice	EA

Members of the Public:

Apologies:

Approved Leave of Absence: Nil

3. Public Question Time

Nil

4. Disclosure of Interest

5. Applications of Leave of Absence

6. Petitions and Presentations

Nil

7. Confirmation of Minutes of Previous Meetings

Nil

8. Announcements by the Person Presiding without Discussion

9. Matters for Which the Meeting may be Closed to the Public

19.1 Completion of CEO Recruitment and Selection Process (December 2020)

19.2 Recruitment of Chief Executive Officer

10. Receipt of Minutes of Committee Meetings

Nil

11. Recommendations from Committee Meetings for Council Consideration

Nil

12. Officers' Reports - Development Services

Nil

13. Officers' Reports - Engineering Services

Nil

14. Officers' Reports – Corporate and Community Services

Nil

15. Officer’s Reports - Administration

15.1 Adoption of Standards for CEO Recruitment, Performance and Termination

<h1>Administration</h1> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 15.1A - Local Government Regulation Amendments 2021 Guidance Note WALGA Attachment 15.1B - Existing Policy 2.30 Attachment 15.1C - Draft Policy 2.30 Shire of Merredin Standards for CEO Recruitment Performance and Termination

Purpose of Report

Executive Decision

Legislative Requirement

Background

The State Government has passed an amendment to the Local Government Act 1995 and put in place new Regulations requiring all local governments to adopt mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The new regulations came into effect on 3 February 2021 and are required to be adopted by 3 May 2021.

Comment

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

- Local Government (Administration) Amendment Regulations 2021;
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021; and
- Local Government (Model Code of Conduct) Regulations 2021.

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

- establish a selection panel comprised of council members and at least one independent person to conduct the recruitment and selection process for the position of CEO;
- establish a performance review process by agreement between the local government and the CEO; and
- conduct a recruitment and selection process where an incumbent CEO has held the position for a period of ten or more consecutive years on expiry of the CEO's contract.

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

Local governments are required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021). Until such time as a local government adopts the Model Standards (with or without minor permitted variations), the regulations apply.

Policy Implications

WALGA recommends that the new standards are adopted as a Council Policy thus ensuring that the Council periodically reviews their adopted position, within the regular policy review framework. In the Shire of Merredin case the CEO Standards would replace existing Policy 2.30 Chief Executive Officer Employment and Review Policy.

Local Governments are able to include in their adopted CEO standards additional provisions that are not inconsistent with the Model Standards. WALGA advises that local governments should exercise caution in adopting additional provisions, as the Council will be required to certify, by absolute majority, that a recruitment or termination process was undertaken in accordance with the adopted CEO standards.

It is proposed that the Council adopt the Model Standards without additional provisions and that, in undertaking the current recruitment process, the Council specifies the specific processes that it will adopt by resolution to give effect to the CEO Standards. This will be a separate agenda item.

Statutory Implications

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

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

5.39B, States:

“Adoption of model standards

- (1) *In this section —*
model standards means the model standards prescribed under section 5.39A(1).
- (2) *Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.*
**Absolute majority required.*
- (3) *Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.*
**Absolute majority required.*
- (4) *A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.*
- (5) *The model standards are taken to be a local government’s adopted standards until the local government adopts standards under this section.*
- (6) *The CEO must publish an up-to-date version of the adopted standards on the local government’s official website.*
- (7) *Regulations may provide for —*
(a) the monitoring of compliance with adopted standards; and
(b) the way in which contraventions of adopted standards are to be dealt with”.

	Strategic Implications
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➤	Strategic Community Plan	
	Priorities and Strategies for Change	N/A
➤	Corporate Business Plan	
	Key Action:	N/A
	Directorate:	
	Timeline:	

	Sustainability Implications
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➤	Strategic Resource Plan	
	Nil	
➤	Workforce Plan	
	Directorate:	Nil
	Activity:	Nil
	Current Staff:	Nil
	Focus Area:	Nil
	Strategy Code:	Nil

Strategy: Nil

Implications: Nil

Risk Implications

Failure to adopt the model standards is a breach of the Local Government Act 1995.

Financial Implications

It is possible that the model standard will add some costs to the process of recruiting a CEO and managing performance. It is likely also to add some time to the process, as any variations (no matter how seemingly insignificant or minor) to the proposed contract to be offered, have to be agreed by resolution of the Council.

Voting Requirements

Simple Majority

Absolute Majority

Officers Recommendation

That Council;

- 1. Rescinds existing Policy 2.30 Chief Executive Officer Employment and Review Policy; and**
- 2. Adopts new Policy 2.30 Mandatory Standards for CEO Recruitment, Performance and Termination being the WALGA Model Policy Template attached as 15.1C.**

16. Motions of which Previous Notice has been given

Nil

17. Questions by Members of which Due Notice has been given


Nil

18. Urgent Business Approved by the Person Presiding of by Decision

19. Matters Behind Closed Doors

In accordance with Section 5.23 (2) (c) of the *Local Government Act 1995* Council will go Behind Closed Doors to discuss this matter.

19.1 Completion of CEO Recruitment and Selection Process (December 2020)

<h1>Administration</h1> 	
Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	N/A
Disclosure of Interest:	The Author declares both an Impartiality and Financial Interest that requires disclosure as the officer is impacted by adoption of the Selection Panel's recommendations.
Attachments:	Attachment 19.1A – Private and Confidential Selection Report prepared by Beilby Downing Teal Principal Consultant Vanessa Warden

19.2 Recruitment of Chief Executive Officer

Administration



Responsible Officer:	Mark Dacombe, T/CEO
Author:	Mark Dacombe, T/CEO
Legislation:	<i>Local Government Act 1995</i>
File Reference:	Nil
Disclosure of Interest:	Nil
Attachments:	Attachment 19.2A - Application Package

20. Closure

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