



Special Council Meeting

2 October 2023

Minutes

To: The President and Councillors.

Here within are the Minutes of the Special Council Meeting of the Shire of Toodyay held on the above-mentioned date in the Shire of Toodyay Council Chambers, 15 Fiennes Street, Toodyay WA 6566.

Tabitha Bateman
Executive Manager Corporate and Community Services

on behalf of

S Haslehurst
CHIEF EXECUTIVE OFFICER



Our Vision, Purpose and Values

The Shire of Toodyay's Plan for the Future (Council Plan 2023-2033) is the Community's Strategic Plan outlining the direction that the Shire is undertaking to meet the needs and aspirations of its community.

Our Vision

A caring and visionary rural community, working together to preserve and enrich Toodyay's environment, character and lifestyle.

Our Purpose

The Shire of Toodyay exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

Our Values

We conduct ourselves in line with values the local community cares deeply about:

- **Integrity** - we behave honestly to the highest ethical standard;
- **Accountability** – we are transparent in our actions and accountable to the community;
- **Inclusiveness** – we are responsive to the community and we encourage involvement by all people; and
- **Commitment** – we translate our plans into actions and demonstrate the persistence that will provide results.

Community Aspirations

There are five core performance areas in this plan: People, Planet, Place, Prosperity, and Performance. These areas are interrelated, and each must be satisfied to deliver excellent quality of life in the Shire of Toodyay.

For each area, there is an overarching aspirational statement and desired outcomes, summarised in the Council Plan which is available on the Shire's website at: <https://www.toodyay.wa.gov.au/documents/432/council-plan-plan-for-the-future-2023-2033>

Disclaimer

Any discussion regarding a planning matter or other application that any statement or intimation of approval made by any member or officer of the Shire of Toodyay during the course of any meeting is not intended to be and is not to be taken a notice of approval from Council. No action should be taken on any item discussed at a Council Meeting prior to written advice on the resolution of the Council being received. Any plans or documents contained in this document may be subject to copyright law provisions (*Copyright Act 1998*, as amended) and the express permission of the copyright owner(s) should be sought prior to reproduction.

Availability of Meeting Agenda and its Attachments

Information about Council Meetings is located on the website

<http://www.toodyay.wa.gov.au/Council/Council-Meetings>

Agendas & Minutes are located under the heading "Council Meetings" at

<http://www.toodyay.wa.gov.au/Council/Council-Meetings/Agendas-Minutes-and-Notes>

Public copies are available by contacting the Shire on (08) 9574 9300.



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Preface

When these minutes are approved for distribution they are in essence "Unconfirmed" until the following a Special Meeting of Council, where the Minutes will be confirmed subject to any amendments made by the Council.

The "Confirmed" Minutes are then signed off by the Presiding Person.

Attachments that formed part of the Agenda, in addition to those tabled at the Council Meeting are put together as a separate attachment to these Minutes with the exception of Confidential Items.

Confidential Items or attachments that are confidential are compiled as separate Confidential Minuted Agenda Items.

Unconfirmed Minutes

These minutes were approved for distribution on 4 October 2023.



Tabitha Bateman

Executive Manager Corporate and Community Services

on behalf of

S Haslehurst

Chief Executive Officer

Confirmed Minutes

These minutes were confirmed at a meeting held on 25 October 2023.

Signed:

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.



1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Cr R Madacsi, Shire President, declared the meeting open at 1.07pm.

The Shire President read through other preliminaries and read aloud an Acknowledgement of Country:

"I acknowledge the Ballardong Noongar people, the traditional custodians of the land where we meet today and the Yued and Whadjuk people, who are traditional custodians of respective lands within the wider Shire of Toodyay. I pay my respect to their Elders, past, present and emerging."

2 RECORDS OF ATTENDANCE

Members

Cr R Madacsi	Shire President
Cr B Ruthven	Deputy Shire President
Cr C Duri	Councillor
Cr P Hart	Councillor (<i>via zoom</i>)
Cr S McCormick	Councillor
Cr M McKeown	Councillor
Cr S Pearce	Councillor
Cr D Wrench	Councillor (<i>via zoom</i>)

Staff

Mr C Sullivan	Executive Manager Infrastructure, Assets & Services
Ms T Bateman	Executive Manager Corporate and Community Services
Mr H de Vos	Executive Manager Development and Regulation
Mrs M Rebane	Executive Assistant

Visitors

R Mills	B Foley
M Sinclair-Jones	S Dival
R Pearce	P Ruthven

2.1 APOLOGIES

Ms S Haslehurst	Chief Executive Officer
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2.2 APPROVED LEAVE OF ABSENCE

Nil

3 DISCLOSURE OF INTEREST

No disclosures of interest were received prior to the commencement of the meeting.

Cr Hart and Cr Wrench read aloud disclosures in regard to their ability to maintain confidentiality during the meeting or a closed part of the meeting if required as they were attending the meeting electronically.

Clarification was sought.

The disclosures made by Cr Wrench and Cr Hart, in accordance with the *Local Government (Administration) Regulations 1996* are as follows:

Cr Wrench made a disclosure under the provisions of regulation 14CA of the Local Government (Administration) Regulations 1996 that she could maintain confidentiality during the meeting or the closed part of the meeting if required, in accordance with 14CA(5) as she was attending the meeting electronically.

Cr Hart made a disclosure under the provisions of regulation 14CA of the Local Government (Administration) Regulations 1996 that he could maintain confidentiality during the meeting or the closed part of the meeting if required, in accordance with 14CA(5) as he was attending the meeting electronically.

4 PUBLIC QUESTIONS

4.1 PUBLIC QUESTION TIME

Nil.

5 PUBLIC SUBMISSIONS

Nil.

6 OFFICER REPORTS

6.1 EXECUTIVE SERVICES

6.1.1 2023 CEO Performance and Remuneration Review

Date of Report:	27 September 2023
Applicant or Proponent:	Price Consulting
File Reference:	HR421
Author:	T Bateman – Executive Manager Corporate and Community Services
Responsible Officer:	T Bateman – Executive Manager Corporate and Community Services
Previously Before Council:	Nil.
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	<ol style="list-style-type: none"> 2023 Summary CEO Performance and Remuneration Review (confidential) Section 5.23(2) <ol style="list-style-type: none"> a matter affecting an employee or employees a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (under separate cover)

PURPOSE OF THE REPORT

To:

- Endorse the 2023 CEO Performance and Remuneration Review; and
- Endorse the recommendations provided by Price Consulting (the Consultant).

BACKGROUND

Council resolved at the Ordinary Council Meeting held on 26 July 2023:

That Council:

1. *Appoints Price Consulting Group Pty Ltd (Option 1) to assist Council to:*
 - (a) *Undertake the annual review of the CEO's performance;*
 - (b) *Review the CEO's remuneration for 2023/24;*
 - (c) *Determine the CEO's performance criteria for 2023/24; and*
 - (d) *Provide additional services of training upon request.*
2. *Endorses the methodology proposed by the selected Consultant for the CEO Performance and Remuneration Review and development of Performance Criteria.*
3. *Determines that all Elected Members may participate in the CEO Performance and Remuneration Review and development of Performance Criteria.*
4. *Notes that a report will be presented to Council as soon as is practicable to endorse the outcomes of the CEO's performance and remuneration review.*

COMMENTS AND DETAILS

Following completion of a detailed questionnaire by seven out of eight sitting councillors, a confidential report was presented to the CEO and all elected members. On 20 September 2023, the Consultant presented high-level outcomes to Councillors and facilitated a discussion that identified:

- Key achievements;
- Priority focus areas for the next period; and
- Any changes required to the Key Performance Indicators (KPI) for the next period.

Following this discussion, the Consultant met with the CEO to advise her of the outcomes and then facilitated a formal feedback session with the CEO and Councillors.

The report on the 2023 CEO Performance and Remuneration Review is presented to Council as **Confidential Attachment 1** for endorsement and approval of the recommendations contained therein.

IMPLICATIONS TO CONSIDER

Consultative:

During the performance review process, the Consultant liaised with the CEO, the Shire President, and individual Councillors.

Strategic:

Plan for the Future: Shire of Toodyay Council Plan 2023-2033

Outcome 9. Responsible and effective leadership and governance

O.9.1 Provide strong, clear, and accountable leadership.

Policy related:

[Standards for CEO Recruitment and Selection, Performance Review and Termination](#)

Financial:

Sufficient funds are available in the adopted 2023/2024 Budget to meet the costs of the recommendations contained in the CEO Annual Performance and Remuneration Review Report.

Legal and Statutory:***Local Government (Administration) Regulations 1996***

- *Regulation 18FA*
- *Schedule 2: cl 16-19*

Risk related:

There is a compliance risk if Council fails to complete the annual CEO performance review in accordance with legislation. This risk is rated high. This report mitigates this risk.

Workforce related:

Nil

VOTING REQUIREMENTS

Absolute Majority

Cr Ruthven moved the Officer's Recommendation.

Cr Pearce seconded the motion.

Clarification was sought in regard to the validity of the attachment.

Cr Ruthven raised a Point of Order in accordance with Standing Order 8.2 as the meeting was not in debate at present.

Cr Madacsi upheld the Point of Order in accordance with Standing Order 8.5 and stated that Cr Ruthven has a right to raise a Point of Order.

The Presiding Member provided further clarification in relation to the attachment to be considered at this meeting being identical to the attachment provided to Councillors as part of a late item that was not considered at the September 2023 Ordinary Council Meeting.

Further clarification was sought.

Cr McKeown objected to the motion.

Debate commenced.

The motion was put.

OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO. SCM227/10/23**MOVED** Cr B Ruthven**SECONDED** Cr S Pearce

That Council:

1. Receives and endorses the 2023 CEO Performance and Remuneration Review Report and recommendations in relation to the 2023 CEO Performance and Remuneration Review made by Price Consulting, as attached at **Confidential Attachment 1**; and
2. Recognises the high rating of the CEO's performance; and
3. Requests the Shire President write to Ms Suzie Haslehurst, Chief Executive Officer, outlining the results of the Annual Review.

Voted For: Crs R Madacsi, B Ruthven, C Duri, P Hart, S McCormick, S Pearce and D Wrench

Voted Against: Cr M McKeown

MOTION CARRIED 7/1 BY ABSOLUTE MAJORITY**7 CLOSURE OF MEETING**

The Shire President declared the meeting closed at 1.31pm.