



## **Special Meeting of Council**

# **Minutes**

**16 September 2014**

MINUTES OF SPECIAL MEETING OF COUNCIL  
HELD IN COUNCIL CHAMBERS ON 16 SEPTEMBER 2014

### **Preface**

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary 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 an addendum 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 17 September 2014.



Stan Scott  
**CHIEF EXECUTIVE OFFICER**

### **Confirmed Minutes**

These minutes were confirmed at a meeting held on 23 September 2014.

Signed:.....

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

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The Special Meeting of Council is for the purpose of:

- 6.1 Considering a report into the Annual review of the CEO's Performance;
- 6.2 Considering a report on the CEO's remuneration; and
- 6.3 Considering future Key Result Areas for assessing the CEO's Performance;

7.	<b>CLOSURE OF MEETING</b>	<b>10</b>
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There is NO **ADDENDUM**

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# Shire of Toodyay

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## SPECIAL MEETING – 16 SEPTEMBER 2014

### MINUTES

#### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 2.04 pm.

#### 2. RECORDS OF ATTENDANCE

##### Members

Cr D Dow	Shire President
Cr B Lloyd	Deputy Shire President
Cr A McCann	
Cr T Chitty	
Cr B Rayner	
Cr C Firms	
Cr S Craddock	
Cr R Madacsi	

##### Staff

Mr S Scott	Chief Executive Officer
Mrs M Rebane	Executive Assistant

##### Visitors

Mr J Phillips	Consultant, JCP Consulting
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#### 2.1 APOLOGIES

Nil

#### 2.2 LEAVE OF ABSENCE

Cr P Greenway

#### 3. DISCLOSURE OF INTERESTS

The Chief Executive Officer advised that no disclosures of interest in the form of a written notice had been received prior to the commencement of the meeting.

#### 4. PUBLIC QUESTIONS (relating to the purpose of the meeting)

There were no public questions.

**5. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS  
(relating to the purpose of the meeting)**

**5.1 Petitions**

Nil.

**5.2 Deputations**

Nil.

**5.3 Presentations**

Nil.

**5.4 Submissions**

Nil.

**6. PURPOSE OF MEETING**

**NOTE:**

1. *Local Government Act 1995, Section 5.23 (2)(a) provides that discussion of matters affecting an employee may be considered behind closed doors.*
2. *Council may choose to meet with the consultant without staff or the CEO present to consider the reports. If Council makes any resolutions without staff present it must ensure that the decision or decisions is correctly recorded.*

The Shire President requested a motion be moved in accordance with Standing Order 5.2 (2) that the meeting be closed to the public.

**COUNCIL RESOLUTION NO 272/09/14**

**MOVED** Cr Rayner

That Council move behind closed doors in accordance with Standing Order 5.2(2) order for confidential business to be discussed.

**MOTION CARRIED 8/0**

The meeting was closed to the public in accordance with Section 5.23(2) (a), (b) and (e) of the *Local Government Act 1995*.

No members of the public were present.

Council Chambers were closed at 2.06 pm.

**COUNCIL RESOLUTION NO 273/09/14**

**MOVED** Cr Madacsi

That Standing Order 7.9 be suspended to the extent that it will allow free and open discussion on this matter and for Members to address the Council more than once relative to the purpose of the meeting.

**MOTION CARRIED 8/0**

*Standing Order 7.9 was suspended at 2.07 pm.*

*The Executive Assistant departed Council Chambers at 2.07 pm.*

*The CEO departed Council Chambers at 2.07 pm.*

**6.1 CEO Performance Review**

Date of Report:	15 September 2014
Proponent:	Shire of Toodyay
File Ref:	HR317
Author:	Stan Scott – Chief Executive Officer
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	<b><u>CONFIDENTIAL:</u></b> Chief Executive Officer Annual Appraisal September 2014 REVIEWER REPORT
Voting Requirements:	Simple majority

**INTRODUCTION**

This report was prepared for Council to consider the endorsement of the appraisal process of the CEO including consideration of remuneration.

**BACKGROUND**

Council appointed John Phillips from JCP Consulting to undertake the performance review on behalf of Council.

This included conducting interviews, collating the responses, as well as preparing and presenting his report. All nine (9) Councillors provided feedback.

The aggregated responses obtained from all participants indicate that, overall, Mr Scott is rated as satisfactorily meeting the performance requirements of the position of Chief Executive Officer for the Shire of Toodyay.

## **CONSULTATION**

Each elected member was personally interviewed by Mr Phillips.

## **STATUTORY ENVIRONMENT**

The CEO's annual appraisal has been conducted in accordance with sections 5.38 and 5.39(3)(b) and Regulation 18D of the Local Government (Administration) Amendment Regulations (No 2) 2005, which requires that:

- The performance of the CEO be reviewed at least once a year;
- The CEO will have a written contract of employment, which shall include performance criteria for the purpose of conducting a review; and
- A Local Government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

## **POLICY IMPLICATIONS**

This proposal does not contain any notable policy implications.

## **FINANCIAL IMPLICATIONS**

The performance review will influence future payments to the CEO, but the remuneration review is a separate decision.

## **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

## **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

## **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

## **OFFICER'S COMMENT**

The attached report provides a summary and statistical breakup of Council ratings and provides a comparison with the previous year.

## **OFFICER'S RECOMMENDATION**

That **Council**:

1. **Notes** that Mr Stan Scott's Performance Review in his role as Chief Executive Officer for the Shire of Toodyay for 2013/14 has been



undertaken;

2. **Endorses** Mr Scott's overall rating of 'Satisfactory';
3. **Schedules** the next review of the CEO's performance to be conducted by July 2015;
4. **Reviews/Endorses** the Key Result Areas for the 2014/15 appraisal period.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 274/09/14**

**MOVED** Cr Rayner

That Council:

1. Notes that Mr Stan Scott's Performance Review in his role as Chief Executive Officer for the Shire of Toodyay for 2013/14 has been undertaken;
2. Endorses Mr Scott's overall rating of 'Satisfactory';
3. Notes the requirement to review the CEO's contract for renewal or otherwise by 22 January 2015;

**MOTION CARRIED 8/0**

*The Officer's Recommendation was amended due to the requirement to review the CEO's contract for renewal or otherwise by 22 January 2015.*

## 6.2 CEO Remuneration Review

Date of Report:	15 September 2014
Proponent:	Shire of Toodyay
File Ref:	HR317
Author:	Stan Scott – Chief Executive Officer
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	<b><u>CONFIDENTIAL:</u></b> Annual Performance Review 2014 Remuneration Report.
Voting Requirements:	Simple majority

### INTRODUCTION

This report was prepared for Council to consider the endorsement of the appraisal process of the CEO including consideration of remuneration.

### BACKGROUND

Council appointed John Phillips from JCP Consulting to undertake the performance review on behalf of Council.

In addition to preparing the Performance Review Mr Phillip produced a remuneration report to assist Council in consideration of the annual remuneration review.

### CONSULTATION

Each elected member was personally interviewed by Mr Phillips.

### STATUTORY ENVIRONMENT

Section 6.9 of the CEO's contract includes the provision for the annual review of the CEO's Remuneration. A copy of the CEO's contract has been circulated to all elected members.

### POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

### FINANCIAL IMPLICATIONS

Any increase would be accommodated from within the annual budget for Salaries and Wages.

**STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

**ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

**SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

**OFFICER'S COMMENT**

The attached report provides details of the recommendations of the Salaries and Allowances Tribunal and provides details of payments by comparable Local Governments.

**OFFICER'S RECOMMENDATION/COUNCIL RESOLUTION NO 275/09/14**

**MOVED** Cr Rayner

**SECONDED** Cr Madacsi

That Council :

1. Notes the determination of the Salaries and Allowances Tribunal dated 24 June 2014;
2. Authorises an increase to the Chief Executive Officer's annual remuneration package to \$222,501pa, base salary of \$162,181, effective from 23 July 2014.
3. Schedules the next review of remuneration be considered by 22 July 2015, in accordance with the contract of employment between Council and Mr Scott.

**MOTION CARRIED 5/3**

### 6.3 Review of Key Result Areas

Date of Report:	15 September 2014
Proponent:	Shire of Toodyay
File Ref:	HR317
Author:	Stan Scott – Chief Executive Officer
Responsible Officer:	Stan Scott – Chief Executive Officer
Officer's Disclosure of Interest:	Nil
Attachments:	<b>CONFIDENTIAL:</b> CEO Annual Appraisal 2014 Reviewer Report - Attachment 3: Suggestions for KPI's 2014/15.
Voting Requirements:	Simple majority

#### INTRODUCTION

This report was prepared for Council to consider the endorsement of the appraisal process of the CEO including consideration of remuneration.

#### BACKGROUND

Council appointed John Phillips from JCP Consulting to undertake the performance review on behalf of Council.

In addition to preparing the Performance Review Mr Phillip produced a list of suggested key performance indicators, based in part on feedback from elected members.

#### CONSULTATION

Each elected member was personally interviewed by Mr Phillips.

#### STATUTORY ENVIRONMENT

Section 5.4 of the CEO's contract includes the provision for the Key Result Areas for the forthcoming year to be agreed between Council and the CEO following the Annual Performance Review.

A copy of the CEO's contract has been circulated to all elected members.

#### POLICY IMPLICATIONS

This proposal does not contain any notable policy implications.

#### FINANCIAL IMPLICATIONS

Any increase would be accommodated from within the annual budget for Salaries and Wages.

### **STRATEGIC IMPLICATIONS**

This proposal does not contain any notable strategic implications.

### **ENVIRONMENTAL IMPLICATIONS**

This proposal does not contain any notable environmental implications.

### **SOCIAL IMPLICATIONS**

This proposal does not contain any notable social implications.

### **OFFICER'S COMMENT**

The attached report provides suggested key result areas, and the means by which these results may be measured.

The proposed KRAs (or KPIs) are acceptable to the CEO. Council may wish to defer consideration of this item if further discussion is required or different indicators are proposed.

### **OFFICER'S RECOMMENDATION**

That **Council** endorse the consultant's recommendations of revised key performance indicators as follows:

1. Improved organisational effectiveness;
2. Information provided to Council is accurate, timely and good quality (logical and succinct);
3. Development of a productive and positive relationship between Council and Administration;
4. Leadership demonstrated by the CEO in achievement of outcomes and projects in the Strategic Community and Corporate Business Plans;
5. Asset Management Plan; and
6. Improved organisational effectiveness.

**COUNCIL RESOLUTION NO 276/09/14**

**MOVED** Cr Firns

That Council request that the consultant be requested to prepare a revised set of key result areas based on the 2013/14 KRA's, with consideration of:

1. incorporating elected members' suggestions as KRA's our as supporting indicators of performance; and
2. the 2013 KRA's 3, 4 and 5 that a significant number of Councillors were unable to rate

**MOTION CARRIED 8/0**

*The Officer's Recommendation was not carried due to Council requiring more time to consider the Consultant's recommendations together with additional suggestions made by Council during the meeting in regard to this matter.*

**COUNCIL RESOLUTION NO 277/09/14**

**MOVED** Cr Lloyd

That Council move from behind closed doors.

**MOTION CARRIED 8/0**

*The Council Chambers were re-opened at 5.30 pm. There being no members of the public in attendance, the Shire President did not read out the resolutions of Council made behind closed doors.*

**7. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 5.40 pm.

