



SHIRE OF WOODANILLING



SPECIAL MEETING OF COUNCIL Minutes 15 November 2022

Disclaimer

The recommendations contained in the Agenda are subject to confirmation by Council. The Shire of Woodanilling warns that anyone who has an application lodged with Council must obtain and should only rely on written confirmation of the outcomes of the application following the Council meeting, and any conditions attaching to the decision made by the Council in respect of the application. No responsibility whatsoever is implied or accepted by the Shire of Woodanilling for any act, omission or statement or intimation occurring during a Council Meeting.

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SPECIAL MEETING OF COUNCIL MINUTES

Minutes of the Special Council Meeting of the Shire of Woodanilling held Tuesday 15 November 2022 in the Council Chambers, 3316 Robinson Road, Woodanilling.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President Councillor Jefferies declared the meeting opened at 6.01pm and welcomed the Councillors and Staff.

1.1. DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Division 6 Subdivision 1 of the Local Government Act 1995 requires Council Members and Employees to declare any direct or indirect financial interest or general interest in any matter listed in this Agenda.

The Act also requires the nature of the interest to be disclosed in writing before the meeting or immediately before the matter be discussed.

NB: A Council member who makes a disclosure must not preside or participate in, or be present during, any discussion or decision making procedure relating to the declared matter unless the procedures set out in Sections 5.68 or 5.69 of the Act have been complied with.

DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Disclosures of Interest Affecting Impartiality are required to be declared and recorded in the minutes of a meeting. Councillors who declare such an interest are still permitted to remain in the meeting and to participate in the discussion and voting on the particular matter. This does not lessen the obligation of declaring financial interests etc. covered under the Local Government Act.

To help with complying with the requirements of declaring Interests Affecting Impartiality the following statement is recommended to be announced by the person declaring such an interest and to be produced in the minutes.

"I (give circumstances of the interest being declared, eg: have a long standing personal friendship with the proponent). As a consequence there may be a perception that my impartiality on this matter may be affected. I declare that I will consider this matter on its merits and vote accordingly".

Nil declared.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Present:

Cr S Jefferies	Shire President
Cr HR Thomson	Deputy Shire President
Cr P Morrell	
Cr D Douglas	
Cr T Brown	
Cr B Smith	

Officers:

Kellie Bartley	Chief Executive Officer
Sue Dowson	Deputy CEO

Apologies:

Nil

Observers:

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil to report.

4. PUBLIC QUESTION TIME

Nil to report.

5. PETITIONS / DEPUTATIONS / PRESENTATIONS

Nil to Report.

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil to Report.

7. ANNOUNCEMENTS BY SHIRE PRESIDENT AND/OR DEPUTY SHIRE PRESIDENT WITHOUT DISCUSSION

Nil

Under the Local Government Act 1995, Part 5, and Section 5.23, states in part:

2. *If a meeting is being held by a Council or by a committee referred to in subsection (2)(b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting deals with any of the following:*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *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;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal:*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*

Where the trade secret or information is held by, or is about, a person other than the local government.
 - (f) *a matter if disclosed, could be reasonably expected to:*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of any lawful measure for protecting public safety;*
 - (g) *information which is subject of a direction given under section 23(1)(a) of the Parliamentary Commission Act 1981; and*
 - (h) *such other matters as may be prescribed.*

COUNCIL RESOLUTION SCM12/11/2022

Moved Cr Douglas

Seconded Cr Thomson

That the Shire President, Councillor Jefferies, requested in accordance with the Local Government Act 1995, and relevant regulations to suspend the meeting to allow for discussion on the matter that is of a confidential nature associated with Section 5.23 (2) (a) & (b) of the Local Government Act 1995.

CARRIED 6/0

The meeting was suspended at 6.03pm.

8. CONFIDENTIAL REPORTS

8.1 - CONFIDENTIAL ITEM – ORGANISATIONAL STRUCTURE REVIEW

File Reference	ADM0374
Date of Report	November 2022
Responsible Officer	Kellie Bartley, Chief Executive Officer
Author of Report	Kellie Bartley, Chief Executive Officer
Disclosure of any Interest	No Officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the <i>Local Government Act 1995</i> .
Voting Requirement	Simple Majority
Attachments	CONFIDENTIAL ATTACHMENT 8.1.1 – Business Case for Organisation Structure Review (Under a separate cover)

REASON FOR CONFIDENTIALITY

The Chief Executive Officer's Report is confidential in accordance with s5.23 (2) of the *Local Government Act 1995* because it deals with matters affecting s5.23 (2):

- 2 (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *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;*

BRIEF SUMMARY

The purpose of this report is for Council to endorse the review of the Organisational Structure which includes the appointment of the positions of Executive Manager Infrastructure and additional Plant Operator/General Hand, notes the existing position of Grader Operator and the position of Works Coordinator be made redundant.

The business case for this item is presented in **CONFIDENTIAL ATTACHMENT 8.1.1**.

BACKGROUND/COMMENT

At the Chief Executive Officer's (CEO) 6 month probationary review it was noted the status of the organisation and lack of sound development, understanding and knowledge of the current staff members. Notwithstanding, the CEO has developed some of these areas over the last 10 months with staff and they have achieved outcomes and service delivery in certain areas.

The main focus and assessment of the Shire's current expected deliverables within the 2022/2023 Annual Budget and the forward grant funded programs is within the infrastructure and project management areas. With the funding that is required to be spent under the Roads to Recovery and Local Roads and Community Infrastructure Programs has given the opportunity for Council to be able to delivery on items in this space. These have been hindered based on the skills in the organisation and the time management to achieve the outcomes.

The CEO has reviewed the skills audit of the organisation which is also detailed in the business case, highlighting a number of areas that are currently non-compliant and a risk to the organisation. They have also been marked with a "star" to identify what is legally required under relevant legislations.

The CEO has tried to complete as much infrastructure with regards to grants, reporting, roads conditions, teaching the Works Coordinator (WC) in the governance and risk aspect in traffic management and SWMS and items for presenting to Council however lacks the knowledge of road construction, road conditions reports, the specifications of road pavements and other aspects associated in this field. The WC has at times refused to implement the risk and WHS changes to the organisation in keeping the road users, staff and community safe.

The Council offered external support through the budget process however the consultant has not been consistent in providing information back or responding to requests for assistance. Another quote was sought to support the shire however the hourly rate is set at \$150.00 per hour for their time. They are not based within the region and therefore additional costs are required to be considered as extra costs.

The current Works Coordinator has done a reasonable job in some aspects of the position however has limited experience in management, time constraints, and consideration of weather conditions, pavement and road technical jargon along with implementing changes aligned with WHS.

The Business Case provides a sound understanding of what is required for the Shire to move forward and by Council providing support to the CEO in this space with the appointment of the Executive Manager Infrastructure also gives the opportunity for the CEO to work in the other areas that are overdue. These are based on the Integrated Planning and Reporting (IPR) requirements by law along with the supporting strategies of the Long Term Financial Planning, Asset Management Plan and the Workforce Planning.

In considering the review it gives the opportunity and challenges the organisation will face over the coming years and the resources, skills and experience required to meet these issues as outlined in the business case.

The potential risks to the organisation is complete burn out by the existing staff which has already shown signs within the organisation.

The Business Case highlights the following:

- current environment of the organisation
- the current and proposed organisation structures
- the functional management areas of a local government – what we are to meet versus what we are currently doing
- Skills Matrix of a local government functions identifying the areas that are not being performed
- Future options including the financial costs to the organisation
- The Strategic alignment to the current Strategic Community Plan and relevant strategies
- The recommendations for Council to consider
- The impact to the organisation
- The new positions and/or current vacancy within the Infrastructure area
- Timeline for Implementation
- Risks to the organisation
- Personal and financial impacts to the relevant officer
- The positions descriptions that are related to this business case.

The review of the organisation does result in 1 redundancy, 2 new positions supported and 1 current vacancy to be filled that has been vacant for more than two years. Due to the requirements that the Shire needs to meet with the long term management of roads and infrastructure for the Shire, it is reasonable, practical, fit for purpose and appropriate to support the CEO in the ability to leverage her time in other areas of the organisation in operational and strategic matters.

No other areas at this time are to be reviewed however the position of the Special Projects Officer will be ceasing in December to enable the original finance/administration role to be advertised and to further assist the Administration Staff. With this, if the CEO is able to work through the current Health, Planning and Building that this officer has currently been undertaking, will be supported with these changes.

The full detailed report is within the business case that identifies the following areas that are required when completing an organisational review:

- Executive Summary
- Current Organisational Environment
- Current Organisational Structure
- Future Plans for this area
- Future Options
- Strategic Alignment

- Recommendations
- Projected Impact on Existing Structure
- Justification for New/Amended Positions
- Timeline for Implementation
- Relevant Risks
- Personal Impacts
- Financial Impacts
- Positions Descriptions

The business case outlines the reasons behind the Officer's Recommendations and supported evidence to the changes. Further discussions have been held with WALGA Employee Relations to make sure the process has been followed under the provisions of Industrial Relations law and the requirements that are to be strictly followed in such a process.

STATUTORY/LEGAL IMPLICATIONS

Relevant legislation is detailed in the business report in relation to employment awards, orders, policies and requirements by law.

Section 2.7 of the *Local Government Act 1995*, provides for the role of the Council to govern the local government affairs and responsible for the performance of the local government functions. This is clearly stated below:

2.7. Role of council

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

POLICY IMPLICATIONS

There is Council Policy 61 – that allows for an officer to receive a percentage of their personal leave not taken. In this case, the 50% has been applied in the calculations as detailed in the business case.

FINANCIAL IMPLICATIONS

There will be a financial cost to the organisation for the support of two new positions – Executive Manager Infrastructure and Plant Operator/General Hand. The costs will come from the redundant position of Works Coordinator along with utilising salaries costs saved in the Works Account of \$26,200 and use of the consultant fees for engineering services. Further costs will be saved from the Health Plan which can be completed in the 2023/2024 year.

A break of costs is detailed is outlined in the Business Case as contained in **CONFIDENTIAL ATTACHMENT 8.1.1.**

The financial implications are to be discussed further at the Special Council Meeting by the Chief Executive Officer.

STRATEGIC IMPLICATIONS

ALL THEMES, OBJECTIVES AND STRATEGIES are linked and associated with this item that are identified in the Shire's Strategic Community Plan.

CONSULTATION/COMMUNICATION

Consultation has occurred at two Council Briefing Sessions with full Council along with further discussions held with the Transport, Plant and Works Committee with regards to the roads.

Further discussions have been had with the CEO, Shire President and Deputy Shire President through this process on matters of this item.

The Chief Executive Officer has been in discussions with WALGA – HR Employee Relations, and has been guided by this process with regards to the communication strategy process in such matters.

The CEO is to now undertaken a consultation process as per the guidelines set by legislation and will required to communication and consult the organisation and any effected staff members. WALGA has provide a check list to make sure the CEO will be following this advice and process.

RISK MANAGEMENT

The risk has been assessed and identified as “Severe” should the recommendation not be supported. The cost to the organisation in the aspect of outcomes driven by meeting the current infrastructure outcomes and deliverables. The projects and long term planning with road maintenance, construction and to support the grants for funding, is of a nature that requires technical skillset and is currently unsustainable and will not be met due to the large volume of work that is required across the whole organisation.

Consequence	Insignificant	Minor	Moderate	Major	Extreme
Likelihood					
Almost Certain	Medium	High	High	Severe	Severe
Likely	Low	Medium	High	High	Severe
Possible	Low	Medium	Medium	High	High
Unlikely	Low	Low	Medium	Medium	High
Rare	Low	Low	Low	Low	Medium

Risk Rating	Action
LOW	Monitor for continuous improvement.
MEDIUM	Comply with risk reduction measures to keep risk as low as reasonably practical.
HIGH	Review risk reduction and take additional measures to ensure risk is as low as reasonably achievable.
SEVERE	Unacceptable. Risk reduction measures must be implemented before proceeding.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council;

1. Endorses the organisational structure review which has been undertaken by the Chief Executive Officer and the summary of details of the organisational changes and rationale as detailed in the Business Case as contained in **CONFIDENTIAL ATTACHMENT 8.1.1**; and
2. Adopts the new organisational structure as contained in **CONFIDENTIAL ATTACHMENT 8.1.1** resulting from the review.

COUNCIL RESOLUTION - ITEM 8.1 SCM 13/11/2022

Moved Cr Thomson

Seconded Cr Morrell

That Council;

1. Endorses the organisational structure review which has been undertaken by the Chief Executive Officer and the summary of details of the organisational changes and rationale as detailed in the business case as contained in **CONFIDENTIAL ATTACHMENT 8.1.1**; and
2. Adopts the new organisational structure as contained in **CONFIDENTIAL ATTACHMENT 8.1.1** resulting from the review.

CARRIED 6/0

COUNCIL RESOLUTION SCM 14/11/2022

Moved Cr Brown

Seconded Cr Douglas

The Shire President, Councillor Jefferies, requested in accordance with the Local Government Act 1995 and relevant regulations to resume the meeting in the formal capacity.

CARRIED 6/0

The meeting resumed at 7.07pm.

The Shire President did not read out the Council Resolution as there was no one in attendance from the public to the meeting.

9. MOTIONS WITHOUT NOTICE BY PERMISSION OF THE COUNCIL

9.1. COUNCILLORS AND /OR OFFICERS

Nil to report.

10. CLOSURE OF MEETING

Meeting Closed at 7.07pm

I certify that these minutes were confirmed at the Special Council Meeting held on the

.....Presiding Member – Councillor Jefferies

..... Date