

SHIRE OF TAMMIN

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Donnan Street, Tammin, on Wednesday, 5 October 2005, commencing at 1:00pm

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2:09pm - The Presiding Person, Cr Leslie declared the meeting open.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Cr. B. Leslie	President (Presiding Person)
Cr. L Caffell	Deputy President
Cr. R Stokes	Member
Cr. M Greenwood	Member
Cr M Wheeldon	Member
Mr F. Peczka	Chief Executive Officer
Miss G. Stewart	Personal Assistant (Minutes) (until 7:05pm)

Apologies

Cr S Jefferies	Member
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Leave of Absence

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil

PUBLIC QUESTIONS TAKEN ON NOTICE

APPLICATIONS FOR LEAVE OF ABSENCE - Nil

DECLARATION OF INTEREST

Frank Peczka, Chief Executive Officer declared a closely associated interest in item 11.1.2

PRESENTATIONS - Nil

MEETING GUEST

CONFIRMATION OF MINUTES PREVIOUS MEETING

MINUTES OF ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 7 SEPTEMBER 2005

MIN 171/05 MOTION - Moved Cr. Wheeldon ^{2^d} Cr. Caffell

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 7 September 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 5/0

BUSINESS ARISING FROM MINUTES – Nil

MINUTES OF SPECIAL COUNCIL MEETING HELD ON THURSDAY, 15 SEPTEMBER 2005

MIN 172/05 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

That the minutes of the Special Council Meeting of the Shire of Tammin held on 15 September 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 5/0

BUSINESS ARISING FROM MINUTES

That the closing date for Chief Executive Officer and Works Supervisor positions now be Monday, 17 October 2005 at 4:00pm.

ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

11. AGENDA ITEMS - CORPORATE SERVICES

Agenda Reference:	11.1.1
Subject:	Performance Appraisal Requirement for the current Chief Executive Officer
Location:	Shire of Tammin
Applicant:	Kellerberrin Tammin Resource Sharing Committee Recommendation
File Ref:	ADM-26/PERS-CEO
Disclosure of Interest:	Frank Peczka, Chief Executive Officer-employed person
Date:	29 th September 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Shire of Tammin September Ordinary Council Meeting Minute reads:

MIN 151/05 MOTION - Moved Cr. Greenwood 2nd Cr. Wheeldon

That Council obtains advice from Workplace Solutions of the Western Australian Local Government Association as to Councils responsibility to complete a Performance review of the Chief Executive Officer in consideration of not renewing the Contract of Employment and Councils withdrawal from the Kellerberrin Tammin Resource Sharing Agreement as at 15th December 2005.

That the Chief Executive Officer be authorized to obtain this advice on behalf of Council.

CARRIED 6/0

Kellerberrin Tammin Resource Sharing Committee Recommendation from Meeting held on Friday 26th August 2005

MIN RS24/05 MOTION - Moved Cr. Doncon 2nd Cr. Jefferies

That the Resource Share Committee recommends that the Shire of Tammin researches the statutory requirement to complete a Performance Appraisal of the Chief Executive Officer

CARRIED 12/0

REASON:

Acknowledging Shire of Tammin's notice to employ their own CEO.

SHIRE OF KELLERBERRIN 28 JULY 2005 SPECIAL COUNCIL MEETING MINUTES READ:

COUNCIL RECOMMENDATION

MIN 214/05 MOTION - Moved Cr. Morrell 2nd Cr. Doncon

That the Chief Executive Officer Performance Review for October 2005 include a round table discussion of the appraisal questions with the Chief Executive Officer to assist Councillors with the rating of the Chief Executive Officer's Performance Review.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 215/05 MOTION - Moved Cr. Doncon 2nd Cr. Lamplugh

That questions for the Chief Executive Officer Performance Review be the same format as the Shire of Mt Marshall Chief Executive Officer Performance Review.

CARRIED 6/0

COUNCIL RECOMMENDATION

MIN 216/05 MOTION - Moved Cr. Pontifex 2nd Cr. Morrell

That the Chief Executive Officer Performance Review has a rating of 5 numbers as per the December 2004 Shire of Kellerberrin Chief Executive Officer Performance Review.

CARRIED 6/0

SHIRE OF KELLERBERRIN JULY 2005 ORDINARY MEETING MINUTE READS:

COUNCIL RECOMMENDATION

MIN 197/05 MOTION - Moved Cr. Leake 2nd Cr. Pontifex

That Council hold a Special Council Meeting on Thursday, 28 July 2005 commencing at 7:00pm to discuss KPI's and KRA's of the CEO Contract and Performance Appraisal.

CARRIED 7/0

KELLERBERRIN TAMMIN RESOURCE SHARING COMMITTEE MEETING RECOMMENDATION OF 5 JULY 2005 reads:

MIN RS17/05 MOTION - Moved Cr. Leake 2nd Cr. Morrell

"That the Resource Sharing Committee recommends to each Council the following;

- 1. That each Council be responsible for the undertaking of the Performance Appraisal of their appointed CEO by October 2005 – (RSC Agenda one month in advance) and present a report at the completion of the Appraisal to the next scheduled Resource Sharing Committee for consolidation.*
- 2. That the November 2005 Resource Sharing Committee is to consolidate each Councils appraisal results and present final outcomes and recommendations to each Councils December 2005 Ordinary Meetings for adoption.*

CARRIED 8/0

Shire of Kellerberrin Ordinary Council Meeting Minutes of 21st June 2005 reads;

MIN 174/05 MOTION – Moved Cr Leake 2nd Cr Morrell

“That the following of the Council be presented to the next scheduled Resource Share Committee Meeting for July 5, 2005, as follows;

- 1. That each Council be responsible for the undertaking of the Performance Appraisal of their appointed CEO by October 2005 – (RSC Agenda one month in advance) and present a report at the completion of the Appraisal to the next scheduled Resource Sharing Committee for consolidation.*
- 2. That the November 2005 Resource Sharing Committee is to consolidate each Councils appraisal results and present final outcomes and recommendations to each Councils December 2005 Ordinary Meetings for adoption.*

CARRIED 7/0

SHIRE OF KELLERBERRIN AUGUST ORDINARY MEETING MINUTE READS:

COUNCIL RECOMMENDATION

MIN 226/05 MOTION - Moved Cr. Lamplugh 2nd Cr. Morrell

- 1. That the letter dated 15 August 2005 from the Shire President of Tammin be tabled and acknowledged.*
- 2. That the Shire of Kellerberrin Council will offer the current Chief Executive Officer a Contract of Employment renewal.*
- 3. That the Kellerberrin Shire Council is committed to the continuance of a Kellerberrin Tammin Resource Share Agreement and look forward to the outcomes of the Cost Analysis Report with a view to progressing a Resource Share Agreement.*

CARRIED 7/0

REASON

Council confirming its intent of renewing Chief Executive Officer's Contract of Employment and commitment to continue Resource Sharing.

COUNCIL RECOMMENDATION

MIN 227/05 MOTION - Moved Cr. Lamplugh 2nd Cr. Morrell

That points 1 & 2 of min 225/05 be put forward to the next Resource Share Meeting on Friday, 26 August 2005 as an Agenda Item.

CARRIED 7/0

COMMENT

Contact and Research has been made with the Department of Local Government and Regional Development by the Chief Executive Officer with advice given is that a Performance Appraisal of the CEO is required in accordance with the Local Government Act.

Further advice given by the Department indicates that the Performance Appraisal standard can be as brief as recording the fact in the minutes of the Council without an actual appraisal being completed or a modified version can be recorded with a simple record of the appraisal or the industry standard appraisal process can be completed and recorded as such.

The Chief Executive Officer has not made contact with Workplace Solutions (WALGA) to ascertain the required information as the enquiry required a statutory process and outcome to be achieved.

The Council can determine their standard, process and outcome of completing a Performance Appraisal of the Chief Executive Officer, based on advice received from the Department.

Acknowledging the decision of the Shire of Tammin to withdraw from the Kellerberrin Tammin resource Sharing Agreement and the Resource Sharing Committee endorsing a schedule for the review process of the CEO's Performance Appraisal requirement, the most recent Resource Sharing Committee recommendation was to seek if there is a requirement for the Shire of Tammin to undertake this process.

The Performance Appraisal Review process of the Chief Executive Officer has been a continual and admitted frustration by all Councillors in undertaking this task previously. The standard of document has been agreed as being insufficient and the desire to draft a Document that is accountable and linked to the allocation of resources and projects is most desirable.

There needs to advice sought as to whether Council seeks to continue with such a review in consideration of previous review attempts and unsatisfactory documentation to truly reflect the outcomes and process.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS

Kellerberrin Tammin Resource Sharing Agreement Document – dated November 2004

Clause 7 – Employment of Chief Executive Officer

7(d) the Shire of Kellerberrin and the Shire of Tammin to undertake the performance appraisal of the Chief Executive Officer as required by the Local Government Act 1995.

STATUTORY IMPLICATIONS

Local Government Amendment Act 2004 – Annual Review of Certain Employee's Performances

- LGA section 5.38: the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.
- LGA section 5.39(1) the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.
- LGA section 5.39(3) a contract under this section is of no effect unless;
 - (a) the expiry date is specified in the contract;
 - (b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and
 - (c) any other matter that has been prescribed as a matter to be included in the contract has been included.

Contract of Employment – Chief Executive Officer – Shire of Tammin

Clause 4 – Performance Development and Review

Subclause 4.2 Performance Reviews

The employee's performance pursuant to this Contract shall be reviewed by the Council annually during the term and more frequently if the Council or the Employee perceives that there is a need to do so.

The Council shall give the Employee reasonable notice in writing that a performance review is to be conducted to enable the Employee sufficient time to prepare.

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

Kellerberrin Tammin Resource Sharing Committee Members

STAFF RECOMMENDATION

That the Shire of Tammin records completing a Performance Appraisal of the Chief Executive Officer in accordance with the requirements of the Local Government Act and with the following outcomes agreed upon;

.....
.....
.....

COUNCIL RECOMMENDATION

MIN 173/05 MOTION - Moved Cr. Greenwood 2nd Cr. Stokes

- 1. That the Shire of Tammin seeks to adopt the same Performance Appraisal format as the Shire of Kellerberrin for the Chief Executive Officer.*
- 2. That the Shire of Tammin recommends to the Kellerberrin Tammin Resource Sharing Committee that the Performance Appraisal be combined under the Kellerberrin Tammin Resource Sharing Committee obligations.*

CARRIED 5/0

REASON

Council now seeks to complete the Chief Executive Officer Performance Appraisal process formally.

Agenda Reference:	11.1.2
Subject:	Renewal/Renegotiation of Chief Executive Officer Contract of Employment
Location:	Kellerberrin Tammin Resource Sharing August Committee Meeting
Applicant:	Administration - Shire of Tammin
File Ref:	ADM-26/PERS-CEO
Disclosure of Interest:	Frank Peczka, Chief Executive Officer – employed person
Date:	29 September 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Shire of Tammin September Ordinary Council Meeting Minute reads:

MIN 150/05 MOTION - Moved Cr. Jefferies 2nd Cr. Caffell

That Council gives formal written notice to the current Chief Executive Officer that the current Contract of Employment with the Shire of Tammin will not be renewed and will terminate on 12th January 2006.

That Council provides written notice of this decision to the Shire of Kellerberrin.

In consideration of the Resource Sharing Agreement terminating on the 15 December 2005 that the Chief Executive Officer continue to Resource Share the services of the current Chief Executive Officer to the expiry of the contract on 12th January 2006.

That current Resource Sharing structure for sharing of the Chief Executive Officer be retained as per the Resource Sharing Agreement and the Contract of Employment with the Shire of Tammin up to 12th January 2006.

CARRIED 6/0

REASON

Council are terminating Resource Sharing on 15 December 2005 but would like to continue with the Chief Executive Officers employment contract until expiry on 12th January 2006.

Kellerberrin Tammin Resource Sharing Committee Meeting held on Friday 26th August 2005 reads;

MIN RS22/05 MOTION - Moved Cr. Caffell 2nd Cr. Morrell

That the Resource Share Committee accepts the Shire of Tammin's intent not to renew the current Chief Executive Officers Contract and that each Local Government employ their own Chief Executive Officer.

CARRIED 12/0

REASON:

Shire of Tammin has given notice not to renew current CEO employment contract.

Kellerberrin Tammin Resource Sharing Committee Meeting held, 26th August 2005 Minute reads;

COMMITTEE RECOMMENDATION

NOTE:

The Resource Share Committee did not require to discuss this item as the Shire of Tammin withdrew from the Current Resource Share Agreement with the intent of employing their own Chief Executive Officer.

Kellerberrin Tammin Resource Sharing Committee Meeting held on Friday 26th August 2005

MIN RS24/05 MOTION - Moved Cr. Doncon 2nd Cr. Jefferies

- 1 *That the Resource Share Committee recommends that the Shire of Tammin researches the statutory requirement to complete a Performance Appraisal of the Chief Executive Officer*

CARRIED 12/0

REASON:

Acknowledging Shire of Tammin's notice to employ their own CEO.

Shire of Kellerberrin Ordinary Council Meeting held on Tuesday 19th August 2005

MIN 226/05 MOTION - Moved Cr. Lamplugh 2nd Cr. Morrell

1. *That the letter dated 15 August 2005 from the Shire President of Tammin be tabled and acknowledged.*
2. *That the Shire of Kellerberrin Council will offer the current Chief Executive Officer a Contract of Employment renewal.*
3. *That the Kellerberrin Shire Council is committed to the continuance of a Kellerberrin Tammin Resource Share Agreement and look forward to the outcomes of the Cost Analysis Report with a view to progressing a Resource Share Agreement.*

CARRIED 7/0

REASON:

Council confirming its intent of renewing Chief Executive Officer's Contract of Employment and commitment to continue Resource Sharing.

Shire of Tammin August 2005 Ordinary Council Meeting Minutes reads:

COUNCIL RECOMMENDATION

MIN 120/05 MOTION - Moved Cr. Jefferies 2nd Cr. Wheeldon

1. *That the Shire President of the Shire of Tammin write a letter to the President of the Shire of Kellerberrin to advise the Shire of Tammin's intentions and decisions regarding Resource Sharing and CEO Contract Renewal.*
2. *Letter to be delivered before the next Ordinary Council Meeting of the Shire of Kellerberrin on Tuesday, 16 August 2005.*

CARRIED 5/0

Shire of Kellerberrin July 2005 Ordinary Council Meeting Minute reads:

COUNCIL RECOMMENDATION

MIN 196/05 MOTION - Moved Cr. Leake 2nd Cr. Morrell

That the Shire of Kellerberrin, advise the Shire of Tammin the following response to their discussion points:

1. *That the Shire of Kellerberrin expresses disappointment to the Shire of Tammin's response regarding motion RS16/05 in that the points raised in motion RS16/05 were to deal with renewal of the CEO Employment Contract and not to do with Roadworks and Cost Analysis Report as stated in the Shire of Tammin letter dated 14 July 2005 and Shire of Tammin motion MIN117/05.*
2. *That the Shire of Kellerberrin requests the Shire of Tammin provide written response as directed by the Resource Share Committee Meeting in motion RS16/05 and in accordance with agreement reached at that meeting.*

CARRIED 6/1

Shire of Tammin July 2005 Ordinary Council Meeting Minute reads:

LATE ITEM 3 - Resource Sharing

MIN 117/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Stokes

That the Shire of Tammin submit the following discussion points to the Shire of Kellerberrin

Discussion Points

*Merits of individual shires completing their own roadworks programs before Resource Sharing outside staff and equipment.
Await completion of financial Cost Benefit Analysis Report to analyse cost savings of Resource Sharing.*

CARRIED 4/0

Kellerberrin Tammin Resource Sharing 5th July 2005 Committee Meeting Minute reads:

MIN RS16/05 MOTION - Moved Cr. Jefferies 2nd Cr. Morrell

That in order to progress the renewal of the CEO Employment Contract this Committee recommends that the Shire of Tammin outline to the Shire of Kellerberrin changes they require to current resource sharing agreement.

That the information, be presented to the next Ordinary Meeting, of the Shire of Kellerberrin, on Tuesday 19th July 2005.

CARRIED 8/0

COMMENT

Current

As of Wednesday 28th September 2005, I have not been advised and/or made aware that the instruction given by Council to the President has been completed to date. Therefore I cannot offer any further comment until the authorized process has been completed. Unfortunately there has been no timeline placed on this instruction for it to be completed and does create some uncertainties in forward planning for the Shire of Kellerberrin in respect to their written advice and notice of Councils decisions on its Staff Structure in consideration of going through an acceptable withdrawal process for both local governments.

Previous

I would like to record my disappointment at the process of being notified of the decision of the Council not to record in minute procedure and not to inform me direct of my Employment Contract not being supported for renewal and/or not being renewed with the Shire of Tammin, by the Council. I am disappointed that after the "hard yards" of managing the continual improvements to Councils Administration and Management procedures and systems and improving the Financial Performance of the Council, that I was advised of Councils decision via a tabled letter.

Best wishes to the Council and the Community in their future endeavours.

FINANCIAL IMPLICATIONS

Shire of Tammin 2005/2006 Budget – resource sharing expenses and revenue

- Salaries and Wages Budget for 2005/2006

Shire of Kellerberrin 2005/2006 Budget – resource sharing expenses and revenue

- Salaries and Wages Budget for 2005/2006

Corporate Governance and Statutory requirements to revise Councils structure of Human resources requirements to serve the Community and to deliver the programs set by the Council in their annual budgeting process.

Council will need to provide guidance on the negotiation for the Chief Executive Officer to continue serving the Shire of Tammin with the Shire of Kellerberrin beyond the agreed date for ceasing the resource sharing agreement for all staff involved and the pro-rata of outstanding payment to the current Chief Executive Officer under the Contract of Employment and the calculation of leave entitlements accrued and other agreed employment conditions to the expiry of the Contract of Employment at 12th January 2006.

POLICY IMPLICATIONS

Resource Share Agreement between the Shire of Kellerberrin and the Shire of Tammin, as amended November 2004;

Clause 7. Employment of Chief Executive Officer

- *Sub Clause 7 (c); The Salary package for the current Chief Executive Officer of the Shire of Kellerberrin will remain in accordance within the terms and conditions as set by the Shire of Kellerberrin.*

STATUTORY IMPLICATIONS

Contract of Employment Document executed by the Shire of Kellerberrin and the Shire of Tammin and the Chief Executive Officer and amended on 20th July 2004 reads;

1. Clause 2 – Contract Term

2.1 Term

Subject to the terms and conditions of this Contract the Council shall employ the Employee as the Chief Executive Officer, for the term of three (3) years, commencing on the 13th January 2003 and expiring on the 12th January 2006.

2.2 Extension of Term

There is no compulsion on either the Council or the Employee to agree to an extension of the Term, however:

2.2.1 the Council shall invite the Employee in writing not later than six months prior to the expiry of the Term to discuss the possibility of the parties entering into a new Contract for a further term with the intent of finalizing those discussions not later than three months prior to the expiry of the Term; and

2.2.2 in the event that the Council and the Employee agree to an extension of the Term, this Contract shall continue to apply unless varied in writing by the parties.

Shire of Tammin Ordinary Council Meeting Minute reads;

MIN 83/05 MOTION – Moved Cr Stokes 2nd Cr Greenwood

That the Shire of Tammin recommends to the Joint Resource Sharing Committee to consider amending Clause 7. Employment of Chief Executive Officer of the Resource Sharing Agreement, with the following;

7a. The Committee shall conduct the appointment process for the Chief Executive Officer of the Shire of Kellerberrin and the Shire of Tammin to provide the services referred to in sub-clause (b) of this clause within the districts of the Shires in accordance with this agreement. The Committee shall recommend the preferred applicant to each Local Government for appointment.

7b. The review process for the Chief Executive Officers Contract for the Shire of Kellerberrin and the Shire of Tammin will be conducted by the Resource Share Committee with recommended outcomes to be presented to each local government.

CARRIED 6/0

REASON:

Council seeks to establish clear guidelines for the recommended process to be considered and in consideration of the statutory processes that are in place for the appointed Chief Executive Officer.

AMENDMENTS TO RESOURCE SHARING AGREEMENT DOCUMENT (CEO Contract of Employment Document Review/Negotiation) – Shire of Tammin

Shire of Tammin Special Council Meeting on Resource Sharing Committee Matters dated 1st June 2005 reads;

Chief Executive Officer Renewal/Review of Employment Contract

Note: *Council had no recommendations to be presented at this time.*

CONTRACT OF EMPLOYMENT DOCUMENT CEO NEGOTIATION/RENEWAL – Shire of Kellerberrin

Shire of Kellerberrin Special Council Meeting Minutes dated 6th June 2005, reads;

MIN /05 MOTION - Moved Cr Doncon 2nd Cr Morrell

That advice be sought for a set of KPI's to strengthen the Chief Executive Officer employment contract with the view of offering a new contract to our current Chief Executive Officer.

CARRIED 7/0

CONTRACT OF EMPLOYMENT DOCUMENT CEO NEGOTIATION – KPI's for the CEO – Shire of Kellerberrin

Shire of Kellerberrin Ordinary Council Meeting dated 21st June 2005 reads;

MIN 137/05 MOTION – Moved Cr Morrell 2nd Cr Lamplugh

That the Council recommends the following motion to the next Resource Sharing Committee Meeting scheduled for 5th July 2005, as follows;

That each Council prepare a draft set of KPI's for the CEO for inclusion in the negotiation process for Contract of Employment Renewal Document of the CEO.

CARRIED 7/0

CONTRACT OF EMPLOYMENT DOCUMENT - Shire of Kellerberrin and the Shire of Tammin and the employed Chief Executive Officer, document amended July 2004.

Shire of Tammin Employment Contract Document; Clause 5 – Remuneration Package

5.1 Remuneration – As determined by the contract with the Shire of Kellerberrin. The remuneration for the position of Chief Executive Officer is negotiated with the Shire of Kellerberrin. Ancillary benefits provided by the Shire of Tammin are as follows;

5.1.1 CDMA Mobile Phone 100% costs

5.1.2 Motor Vehicle (Statesman or equivalent) All costs associated with the provision of the vehicle are included in the contract prepared by the Shire of Kellerberrin.

Shire of Kellerberrin Employment Contract Document; Clause 5 - Remuneration Package

5.1 Remuneration – states the entitled remuneration employment package in detail

5.2 Salary (Cash Component)

5.2.1 The remuneration package referred to in sub clause 5.1 shall be reviewed annually by Council.

5.2.2 The Employee's salary shall be payable fortnightly, in arrears to a bank account nominated by the Employee

LOCAL GOVERNMENT AMENDMENT ACT 2004: section 5.39 – Contracts for CEO's and senior employees

LGAs5.39 (1) The employment of a person who is a CEO or senior employee is to be governed by a written contract in accordance with this section.

LGAs5.39 (2) A contract under this section;

(a) in the case of an acting or temporary position, cannot be for the term exceeding one year;

(b) in every other case, cannot be for a term exceeding 5 years.

LGAs5.39 (4) contract under this section is to be renewable and subject to subsection (5), may be varied.

LGAs5.39 (5) A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.

COMMITTEE RECOMMENDATION

NOTE:

The Resource Share Committee did not require to discuss this item as the Shire of Tammin withdrew from the Current Resource Share Agreement with the intent of employing their own Chief Executive Officer.

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION

Councillors and Council of the Shire of Tammin
Cr Rod Giles President Shire of Kellerberrin by direct mail
Councillors of the Shire of Kellerberrin
Kellerberrin Tammin Resource Sharing Committee

STAFF RECOMMENDATION

That Minute Number 150/05 of Councils September 7, 2005 be completed immediately to ensure that all matters required to be considered are completed in advance for statutory processes and sound planning to be achieved.

COUNCIL RECOMMENDATION

MIN 174/05 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

1. *That the following be an Agenda Item at the next Kellerberrin Tammin Resource Share meeting:*

In consideration of the Resource Sharing Agreement terminating on the 15 December 2005 that the Chief Executive Officer continue to Resource Share the services of the current Chief Executive Officer to the expiry of the contract on 12th January 2006.

That current Resource Sharing structure for sharing of the Chief Executive Officer be retained as per the Resource Sharing Agreement and the Contract of Employment with the Shire of Tammin up to 12th January 2006."

2. *That the President write required letters to the Shire of Kellerberrin and the Chief Executive Officer as required by minute 150/05.*

CARRIED 5/0

Agenda Reference:	11.1.3
Subject:	Vacant Land Properties
Location:	Dreyer, Draper & McLaren Street, Tammin
Applicant:	Mr Krim Khayech
File Ref:	Ass 1068, 1067, 1054, 511, 507, 1051
Disclosure of Interest:	N/A
Date:	28 th September 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Council on Wednesday 7th September 2005 received a letter from Mr Krim Khayech expressing an interest to purchase Councils vacant land. This being the following Lots;

- Lot 58, 59 & 35 Dreyer Street,
- Lot 150 & 152 McLaren Street and
- Lot 119 Draper Street, Tammin.

Mr Khayech has offered Council \$1,000.00 per block for a total of \$6,000.00 to purchase these properties from Council.

COMMENT

Council currently owns freehold title of all lots mentioned above. Currently Council isn't utilising these properties nor does it have any plans for these properties in the near future.

Council currently doesn't receive any Rates or Rubbish charges for this property though if sold this would generate rates on the properties.

FINANCIAL IMPLICATIONS

2005/2006 Shire of Tammin Budget

Revenue from sale of Council Assets – vacant residential land

- \$Nil - Income for Sale of Properties
- Profit/Loss on Sale of Asset.

Expenditure processing the sale of vacant residential properties

- expenses with engaging a Valuer for Market Appraisal estimated cost \$500.00
- advertising expenses for disposal of properties estimated cost \$500.00

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government Act 1995 – Part 3 Division 3

Section 3.58 (3) – A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –

- (a) It gives local public notice of the proposed disposition –
 - i. Describing the property concerned
 - ii. Giving details of the proposed disposition; and
 - iii. Inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

And

- (b) It considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3) (a) (ii) include –
 - a. The names of all other parties concerned;
 - b. The consideration to be received by the local government for the disposition; and
 - c. The market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition
- (5) This section does not apply to –
 - a. A disposition of land under section 29 or 29B of the *Public Works Act 1902*;

- b. A disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
- c. Anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
- d. Any other disposition that is excluded by regulations from the application of this section.

[Section 3.58 amended by No. 49 of 2004 s. 27.]

Shire of Tammin Town Planning Scheme

- Zoning for the identified lots in Tammin townsite is currently “residential” classification.

STRATEGIC PLAN IMPLICATIONS

Shire of Tammin 2003-2006 Strategic Plan

- Theme 1 – Our Community
- 2. Housing
 - b) Develop singles accommodation suitable for young people
 - c) Identify and develop land for housing
 - e) Investigate free land for housing to attract new residents (with selection criteria)

FUTURE PLAN IMPLICATIONS - Nil

STAFF RECOMMENDATION

1. That the Proposal submitted by Mr Krim Khayech for the purchase of Lots
 - a. Lot 58, 59 & 35 Dreyer Street,
 - b. Lot 150 & 152 McLaren Street and
 - c. Lot 119 Draper Street, Tammin for \$1,000 each be accepted.
2. That Council obtain a market valuation on the above mentioned properties in recommendations 1 and that the market valuations be listed in the disposal of property advertisement.
3. That the proposed sale of vacant residential land properties be advertised in accordance with section 3.58 of the Local Government Act 1995 Part 3 Division 3.

COUNCIL RECOMMENDATION

MIN 175/05 MOTION - Moved Cr. Greenwood 2nd Cr. Caffell

1. *That the Proposal submitted by Mr Krim Khayech for the purchase of Lots*
 - a. *Lot 58 & 59 Dreyer Street,*
 - b. *Lot 150 & 152 McLaren Street and*
 - c. *Lot 119 Draper Street, Tammin for \$1,000 each be accepted inclusive of GST subject to sale conditions listed in item 4.*
2. *That Council obtain a market appraisal on the above mentioned properties in recommendations 1 and that the market appraisal be listed in the disposal of property advertisement.*
3. *That the proposed sale of vacant residential land properties be advertised in accordance with section 3.58 of the Local Government Act 1995 Part 3 Division 3.*
4. *That the conditions of the sale be as follows:*
 - a) *The purchaser shall obtain building licence issue within twelve (12) months from settlement date.*
 - b) *The purchaser shall have a residence constructed to plate height within 24 months from settlement date on one of the blocks.*
 - c) *That the purchaser be encouraged to develop the remaining lots.*

CARRIED 5/0

REASON

Council did not wish to sell Lot 35 Dreyer Street and wished to put conditions on the sale of land.

Agenda Reference:	11.1.4
Subject:	Signature Stamp for Signing of Minutes
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	Policy Manual
Disclosure of Interest:	NIL
Date:	3 October 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Due to the large number of pages required to be signed in the minute book by the President it was suggested that a signature stamp be purchased and appropriate formalization of its use to be completed.

The Chief Executive Officer has liaised with the President in regards to the purchasing of a signature stamp for this purpose.

COMMENT

The use of a signature stamp will ensure that minutes can be verified by the President in a timely manner and therefore not consume time in terms of signing each page of a set of minutes. It is also recommended to Council that the use of a signature stamp be used for "bulk signatures" such as the minute book in the main on the proviso that the first page and last page of a set of minutes be original signature and all pages in between be the signature stamp.

FINANCIAL IMPLICATIONS

2005/2006 Budget Document – expenditure on Other-Sundry – general ledger account 41.1.346 - Stamp Cost: \$34.00

POLICY IMPLICATIONS - Nil

Propose to adopt a new policy on the use of signature stamp by the President on Council and Committee (when elected as Chairperson) minutes.

STATUTORY IMPLICATIONS

Local Government Amendment Act 2004

- section 2.7 The Role of the Council
- section 2.7(2) The Council without limiting subsection (1), the council is to
(b) determine the local government's policies
- section 5.22 Minutes of Council and Committee Meetings
- section 5.22 (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation
- section 9.38 Evidence of Documents coming from a local government

Evidence that a document has been given or written by or on behalf of a local government may be given by tendering what purports to be the document and purports to be signed by the mayor or president, the CEO, or any other person authorized to sign it, without proof of signature or proof that the person signing was a person who could sign the document

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION - Nil

STAFF RECOMMENDATION

That Council authorizes the use of the Presidents signature stamp on minutes placed in the minute book with the following conditions:

1. Handwritten signature must appear on both the first and last page of each set of minutes to verify the sighting and acceptance of the President.
2. Handwritten date must appear on both the first and last page of each set of minutes and a date stamp may be used to date the remaining pages.
3. That the Signature Stamp be kept in safe custody for proper and authorized use for signing of Councils' minutes of the official record of Councils Minutes.
4. That a Register be kept for the use of the "signature stamp" by the President, when applying to minutes of the Council.

COUNCIL RECOMMENDATION

MIN 176/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Stokes

That Council authorizes the use of the Presidents signature stamp on minutes placed in the minute book with the following conditions:

- 1. Handwritten signature must appear on both the first and last page of each set of minutes to verify the sighting and acceptance of the President.*
- 2. Handwritten date must appear on both the first and last page of each set of minutes and a date stamp may be used to date the remaining pages.*
- 3. That the Signature Stamp be kept in safe custody for proper and authorized use for signing of Councils' minutes of the official record of Councils Minutes.*
- 4. That a Register be kept for the use of the "signature stamp" by the President, when applying to minutes of the Council.*

CARRIED 5/0

Agenda Reference:	11.1.5
Subject:	August Cheque List
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th September 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Accounts for Payment from 1st August 2005 to 31st August 2005

Municipal Fund

12402	-	12411	\$ 5,863.15
12412			TEST RUN
12413	-	12413	\$ 60.00
15339	-	15381	\$117,202.49
15382			
15383	-	15400	\$ 26,697.46
			<u>\$149,823.10</u>

Trust Fund

Nil

COMMENT

During the month of August 2005 the Shire of Tammin made the following significant purchases:-

Municipal Insurance Broking Service Insurance Renewals for Period 3	\$ 22,464.72
Municipal Liability Scheme Insurance Renewal for Period 3	\$ 8,131.33
Municipal Property Scheme Insurance Renewal for Period 3	\$ 10,809.56
Municipal Workcare Scheme Workers Compensation - Insurance	\$ 6,607.50
Shire Of Kellerberrin Resource Sharing	\$ 11,342.17
Western Australian Local Government Association Association Membership	\$ 8,659.20
Motorcharge Limited Fuel - July 2005	\$ 11,557.36
Deputy Commissioner of Taxation BAS for July 2005	\$ 13,683.00
Shire of Kellerberrin Resource Sharing, Plant Maintenance Costs	\$ 18,488.84

FINANCIAL IMPLICATIONS

Shire of Tammin 2004/2005 Operating Budget

POLICY IMPLICATIONS – Nil

STATUTORY IMPLICATIONS

The requirement for reporting Council Cheque List is no longer a statutory requirement under the Local Government (Financial Regulations) 1996. This requirement was withdrawn in the review of the Act and other Regulations in 2004.

Although this is no longer a requirement it would be prudent for Council to have the ability to have a summary of payments for the reporting period. It is suggested that the cheque list be made as an attachment to the Managers Report or included in the Information Bulletin or Copies made available at Council Meeting or Keep the current reporting format

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE PLAN IMPLICATIONS - Nil

COMMUNITY CONSULTATION

STAFF RECOMMENDATION

1 That the accounts submitted from 1st August 2005 to 31st August 2005 be accepted.

VOTING REQUIREMENT – ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 177/05 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

1 *That the accounts submitted from 1st August 2005 to 31st August 2005 be accepted.*

CARRIED 5/0
BY ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 178/05 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

That Council seeks to continue with the current reporting format for cheque payment listing.

CARRIED 5/0

BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.6
Subject:	August Financial Management Report
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	9 th September 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Enclosed is the monthly report for the month of August 2005.

Direct Debit list for the month of August 2005:-

Municipal Fund

01.08.2005	National On-Line Fee for August 2005	51.13
08.08.2005	Messages On Hold Rental 05/08/05 - 04/11/05	546.00
10.08.2005	Net Pay for F/E 10/08/2005	10,771.67
16.08.2005	Reference Fees	40.00
19.08.2005	Pay for F/E 19.08.05	2,692.13
24.08.2005	Net Pay for F/E 24/08/05	10,104.10
25.08.2005	Lease Repayment for 928 H Cat Grader	5,641.53
31.08.2005	Municipal Fund Bank Fees for August 2005	89.60
31.08.2005	Trust Fund Bank Fees for August 2005	47.60
31.08.2005	Reserve Fund Bank Fees for August 2005	20.00
31.08.2005	Municipal Fund - Interest Charged for August 2005	160.50

Trust Fund

31.08.2005	Police Licensing Debits for August 2005	17,033.85
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COMMENT

The following capital purchases were made during the month of August 2005.

A.P. Concreting Pty Ltd Driveway @ 20 Ridley Street Labour, Materials	\$ 2,046.00
Donovan Ford Ford Fairlane G220 – Silver – Trade-In, Fairlane G220	\$0.00

FINANCIAL IMPLICATIONS

➤ Financial Management of 2005/2006 budget

POLICY IMPLICATIONS - Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Amendment Regulations (No. 2) 2005

Regulation 34 – Financial reports to be prepared – s. 6.4

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail –
 - a. Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. Budget estimates to the end of the month to which the statement relates;

- c. Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - d. Material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. The net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing –
- a. An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. An explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. Such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown –
- a. According to nature and type classification;
 - b. By program; or
 - c. By business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
- a. Presented to the council –
 - i. At the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - ii. If the statement is not prepared in time to present it to the meeting referred to in sub paragraph (i), to the next ordinary meeting of the council after that meeting;
- and
- b. Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation –
- “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
 - “**restricted assets**” has the same meaning as in AAS 27.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

COMMUNITY CONSULTATION

STAFF RECOMMENDATION

- 1 That Council approve the Monthly Financial Statements for the period ending 31st August 2005.
- 2 That the Direct Debit List be accepted for the month of August 2005.

COUNCIL RECOMMENDATION

MIN 179/05 MOTION - Moved Cr. Stokes 2nd Cr. Caffell

- 1 *That Council approve the Monthly Financial Statements for the period ending 31st August 2005.*
- 2 *That the Direct Debit List be accepted for the month of August 2005.*

CARRIED 5/0

DEVELOPMENT SERVICES AGENDA ITEMS - NIL

WORKS & SERVICES AGENDA ITEMS - NIL

4:05pm – Council adjourned for a break.

4:22pm – All those present at the commencement of the meeting remained present.

TAMMIN EVENTS COMMITTEE MINUTES

COUNCIL RECOMMENDATION

MIN 180/05 MOTION - Moved Cr. Caffell 2nd Cr. Greenwood

1 *That the Tammin Events Committee minutes be received.*

CARRIED 5/0

BUSINESS ARISING FROM THE MINUTES

MIN 181/05 MOTION - Moved Cr. Caffell 2nd Cr. Wheeldon

1. *That Council supports the ideas and suggestions from the events committee as follows:*

- a) *Council support point 3 being to combine the Wine festival with the Art Prize function.*
- b) *Council acknowledge point 4 being to organize a band to play at the Hydrology Model next year.*
- c) *March would be the preferred date for point 4.*
- d) *Suggest that the volunteer grant be combined with the Christmas Tree function.*
- e) *Rehearsal cost to be \$5.00 an hour*
- f) *Regulation of rehearsals be restricted to the hours of 9:00am to 8:00pm subject to availability of the venue.*

2. *Council thanks the Tammin Events Committee for submitting their first minutes of meeting.*

CARRIED 5/0

COUNCIL RECOMMENDATION

MIN 182/05 MOTION - Moved Cr. Stokes 2nd Cr. Greenwood

That Council accept the Chief Executive Officers Report and the following Sub reports:

*Manager Corporate Services Report
Manager Development Services Report
Manager Works and Services Report
Community Development Officer Report*

CARRIED 5/0

LATE ITEMS

COUNCIL RECOMMENDATION

MIN 183/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Caffell

That Council discuss late items.

CARRIED 5/0

7:05pm - Gemma Stewart left Council Chambers.

LATE ITEM 1 - STAFF STRUCTURE/FINANCIAL SERVICES

COUNCIL RECOMMENDATION

MIN 184/05 MOTION - Moved Cr. Caffell 2nd Cr. Stokes

That Council rescinds motion/minute number 152/05 adopted at the September 2005 Ordinary Meeting.

CARRIED 5/0

By Absolute Majority

NEW MOTION

MIN 185/05 MOTION – Moved Cr. Caffell 2nd Cr. Greenwood

That Council adopts the following new motion;

“That the revised full time Administration and Management Staff Structure and associated costs for the Shire of Tammin, be created and endorsed as follows, in accordance with the Local Government Act 2004;

- *Chief Executive Officer*
 - *Financial Services including Payroll and Creditors, be outsourced*
 - *Administration Officer – full time*
 - *Community Development Officer – 3 days per week*
 - *Works Supervisor x 1*
 - *Truck/Loader Operator x 1*
 - *Grader/Truck Operator x 2*
 - *General Hand/Plant Operator x 1*
 - *Parks & Gardens x 1*
- Total Works & Services Staff = 6*

CARRIED 5/0

REASON:

To review and refine the required staffing levels of the Shire

1. That the Shire of Tammin resolve to adopt the following broad duties for the adopted positions:

Financial Services – to be outsourced including payroll and creditors

Administration Officer:

- Debtors
- Reception
- Library
- Police licensing
- Records Management
- Rates – new

Chief Executive Officer:

- Electoral Roll
- Agendas & Minutes

Community Development Officer:

- Website – new

DELETION OF ADVERTISED TRUCK OPERATOR WORKS STAFF POSITION

MIN 186/05 MOTION – Moved Cr. Wheeldon 2nd Cr Greenwood

That the advertised vacant position of Truck Operator, be deleted as an endorsed staff position of the Council.

CARRIED 5/0

REASON

As a result of a further review of staffing levels, the position is deemed surplus to achieve required efficiency levels.

OUTSOURCING OF FINANCIAL SERVICES and STAFF POSITION REQUIREMENT

MIN 187/05 MOTION – Moved Cr Caffell 2nd Cr. Wheeldon

That due to Councils decision to outsource Financial Services and the resulting designated Finance Officer position is no longer required, a Redundancy Offer be made to the Staff Member concerned.

CARRIED 5/0

AGENDA ITEMS FOR NEXT KELLERBERRIN TAMMIN RESOURCE SHARING COMMITTEE MEETING

MIN 188/05 MOTION – Moved Cr. Stokes 2nd Cr Caffell

That the following Agenda items be listed for the next scheduled Kellerberrin Tammin Resource Sharing Committee Meeting;

1. *Provision of Financial Services including Payroll and Creditors*
2. *Provision of Parks & Gardens Services for Oval and Wicket (average 1 to 2 days per week estimate)*
3. *Provision of Building Services (average of 2 days per week estimate)*
4. *Provision of Plant/Machinery Service and Repairs.*

CARRIED 5/0

LATE ITEM 2 - CHIEF EXECUTIVE OFFICER APPOINTMENT PROCESS

MIN 189/05 MOTION – Moved Cr. Caffell 2nd Cr. Stokes

That Council convene a Special Meeting to be held on Monday 17th October 2005 commencing at 5.00pm to consider the following Business Matters relating to the advertised positions of Chief Executive Officer and Works Supervisor;

1. *To open Chief Executive Officer Applications received*
2. *To shortlist Applications received for Interview*
3. *To set Interview Date and Times*
4. *To Review and Finalise CEO Interview Questions.*

LATE ITEM 3 - ALLOCATION OF COUNCIL AND HOMESWEST LGCHP ACCOMMODATION UNITS**RESOLVED**

That the following approved allocations be made to applicants for accommodation request as managed by the Council;

1. 4 Yorkrakine Road (Council Dwelling currently vacant) – *offered first to Business Owner Charlie Puglia*
2. 6 Yorkrakine Road (Council Dwelling currently occupied by Arthur and Gwen Patten) – *offered first to Business Owner Charlie Puglia and if not required in lieu of 1, then the dwelling be offered to Meat Inspector Joe Francisco*
3. 8 Nottage Way (LGCHP currently occupied by Charlie Puglia) – allocated to Business Owner Charlie Puglia staff members x 2
4. 9 Nottage Way (LGCHP and currently occupied by Meat Inspector Joe Francisco) – allocated to local Farming Business Staff Member Darryl Warner

LATE ITEM 4 - CONCERN WITH PATTERSON'S CURSE ON CBH and WESTNET RAIL LAND and SPRAYING OF WEEDS at ENTRY POINTS to TAMMIN TOWNSITE – Main Roads WA**RESOLVED**

That letters be written and forwarded to CBH, Main Roads WA and Westnet Rail regarding support and action on concerns of Patterson's Curse Weeds and General Weeds within the Townsite Boundaries as follows;

1. CBH and Westnet Rail – Patterson's Curse Pest Plant – eastern sector of town – if possible cost of chemical supplied and Council apply on approved Works Purchase Order basis
2. Main Roads WA – general weed growth – east and western entry points – if possible MRWA supply chemical cost and Council apply on approved Works Purchase Order basis.

LATE ITEM 5 - TRANSWA AVON LINK PASSENGER SERVICES and TIMETABLE

That a letter be written and forwarded to TransWA Perth Office, seeking a meeting in Perth, to discuss the continual concerns raised by Passengers, on unacceptable Timetabling set by TransWA, that is inconveniencing passengers utilizing the passenger service from the Country to Metropolitan and back to the Country.

CLOSURE OF MEETING

9:47pm – There being no further business the Presiding Person, Cr Barry Leslie closed the meeting.

NEXT MEETING DATES

- Ordinary Council Meeting, Wednesday, 2 November 2005