



## SPECIAL MINUTES

**DATE:** Tuesday, 5 January 2021

**TIME:** 5.30pm

**VENUE:** Council Chambers, Lowood  
Road, Mount Barker WA 6324

**Paul Sheedy**  
ACTING CHIEF EXECUTIVE OFFICER

### SPECIAL BUSINESS

Purchase of Chief Executive Officer Residence  
Purchase of Chief Executive Officer Vehicle

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

5.30pm The Presiding Member declared the meeting open.

### Members Present:

Cr C Pavlovich	Shire President (Presiding Member)
Cr J Oldfield	Deputy Shire President
Cr B Bell	Councillor
Cr K Clements	Councillor
Cr S Etherington	Councillor
Cr L Handasyde	Councillor
Cr J Moir	Councillor
Cr M O'Dea	Councillor
Cr K Woltering	Councillor

### In Attendance:

Mr Paul Sheedy	Acting Chief Executive Officer
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### Emergency Evacuation Procedures/Disclaimer:

Working to Occupational Safety and Health Best Practices, Mr Paul Sheedy – Acting Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers.

## **2 PUBLIC QUESTION TIME (RELATING TO SPECIAL BUSINESS ONLY)**

Section 5.24 Local Government Act 1995

Nil

### **2.1 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

## **3 PETITIONS / DEPUTATIONS / PRESENTATIONS (RELATING TO SPECIAL BUSINESS ONLY)**

Nil

## **4 DISCLOSURE OF INTEREST**

Part 5 Division 6 Local Government Act 1995

Nil

**MOTION TO SUSPEND STANDING ORDERS**

Moved L Handasyde, seconded Cr M O'Dea:

That those sections of Standing Orders that would prevent a Councillor from speaking more than once to an item be suspended.

CARRIED (9/0)

NO. 001/21

**5 SPECIAL BUSINESS****5.1 EXECUTIVE SERVICES REPORTS****5.1.1 CHIEF EXECUTIVE OFFICER HOUSING OPTIONS**

<b>File Ref:</b>	<b>N53873</b>
<b>Attachment</b>	<u>Acting CEO Confidential Report</u>
<b>Responsible Officer:</b>	<b>Paul Sheedy</b> <b>Acting Chief Executive Officer</b>
<b>Author:</b>	<b>Paul Sheedy</b> <b>Acting Chief Executive Officer</b>
<b>Proposed Meeting Date:</b>	<b>5 January 2021</b>

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**PURPOSE**

The purpose of this report is to receive the Acting CEO confidential report on the inspection of potential CEO houses in Mount Barker and to endorse a recommendation in regards to acquiring a suitable executive residence.

**BACKGROUND**

December 2020

Following the appointment of the new Chief Executive Officer at the 1 December 2020 Council meeting, it was determined that, given the age (35 years) of the current CEO house, the Council should investigate the purchase of a modern executive house to replace the existing one.

A group of four Councillors (Bell, Handasyde, Moir and O'Dea) were allocated the task of inspecting suitable houses and to provide a recommendation to the Council.

An inspection of three houses, with the Acting Chief Executive Officer, was undertaken on the 16 December 2020 with details provided in the attached report. The Executive Manager Strategic Development also undertook an inspection of two (2) properties and his reports are attached.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, section 6.20 (1) & (2)

**6.20. Power to borrow**

- (1) Subject to this Act, a local government may —
- (a) borrow or re-borrow money; or
  - (b) obtain credit; or
  - (c) arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,
- to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.
- (2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) (***power to borrow***) and details of that proposal have not been included in the annual budget for that financial year —
- (a) unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and
  - (b) the resolution to exercise that power is to be by absolute majority

Local Government Act 1995, section 6.8 (1)

#### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

Real Estate and Business Agents Act 1978

#### **Chief Executive Officer Employment Contract**

##### **6.4 Housing**

- 1) The Local Government must provide, for Your accommodation, the property at 103 Martin Street, Mount Barker or an alternative property to be determined by the Local Government, subject to You contributing to the Council's fringe benefits tax liability for gas and power to a maximum of \$2,000.00 per year. You will pay the contribution by way of payroll deductions.
- 2) The Local Government must undertake periodic maintenance and upgrades to the property to ensure that it remains in a suitable living condition, including regular mowing of lawns.
- 3) You must -
  - a) maintain the property at an appropriate level, including regular garden maintenance (subject to clause 6.4(2)) and upkeep of the tidiness and cleanliness of the property; and
  - b) obtain the approval of the Council before making any alterations to the property, including any painting or garden modifications.

**EXTERNAL CONSULTATION**

Consultation has been undertaken with the WA Treasury Corporation in regards to the current rates of interest and expected approval timeframes.

**FINANCIAL IMPLICATIONS**

Depending on the amount of funds borrowed the estimated annual repayments (principal and interest) will be between \$47,500.00 and \$67,200.00 over a ten (10) year period for \$400,000.00 to \$600,000.00.

The acquisition of a residence will require the allocation of additional funds in the annual budget to cover expected maintenance costs.

**BUDGET IMPLICATIONS**

There is not expected to be any additional implications on the 2020/21 budget as the loan repayments would not commence until July/August 2021. There would be an advertising cost for the proposed loan which can be covered within the existing Administration advertising budget.

**POLICY IMPLICATIONS**

Policy implications do not apply for this report and it is the opinion of the author that policy development is not required.

**LEGAL IMPLICATIONS**

An Offer and Acceptance document will be required should the Council decide to proceed with the purchase of a property.

**ASSET MANAGEMENT IMPLICATIONS**

The purchase of a residential property will result in an additional asset for the Shire which will require the allocation of annual maintenance funds.

This will potentially be offset if and when the Shire disposes of property currently held on Martin Street, Mount Barker.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.1:

*'Provide effective leadership for the community'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

**STRATEGIC RISK IMPLICATIONS**

The Strategic Risk for this matter is considered to be low as the Shire will be acquiring an asset that could be sold if no longer required in the future.

**REGIONAL IMPLICATIONS**

There are no regional implications relevant to this report.

**OFFICER COMMENT**

Following the inspection of three (3) residential properties in Mount Barker by the four Councillors and the Acting Chief Executive Officer, the attached confidential report, with recommendations, is provided in regards to details of each property as to their suitability as a Chief Executive Officer Executive residence, including the positives and negatives of each property.

Just prior to the Special Council meeting the Acting Chief Executive Officer will contact the respective Real Estate agents to ascertain if the properties are still on the market and will obtain relevant paper work to allow an offer application to be completed and lodged immediately after the Council meeting.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION:**

That the Council authorises the Acting Chief Executive Officer to:

1. Lodge an 'Offer and Acceptance' form and negotiate the potential purchase of ... in Mount Barker, as recommended in the Acting Chief Executive Officer Confidential Report attached.
2. Apply to WA Treasury Corporation for a loan of up to \$... repayable over a period of ten (10) years.
3. Give local public notice of the proposal to borrow \$... to purchase Chief Executive Officer residence.

**ALTERNATIVE RECOMMENDATION/COUNCIL DECISION**

**Moved Cr L Handasyde, seconded Cr J Oldfield:**

**That the Acting Chief Executive Officer be requested to prepare a report for a workshop to be held on 27 January 2021 for potential renovations to be undertaken to 103 Martin Street Mount Barker.**

**CARRIED (9/0)**

**NO. 002/21**

**MOTION TO RESUME STANDING ORDERS**

**Moved Cr L Handasyde, seconded Cr J Moir:**

**That Standing Orders be resumed.**

**CARRIED (9/0)**

**NO. 003/21**

**5.1.2 CHIEF EXECUTIVE OFFICER MOTOR VEHICLE**

**File Ref:** N53874  
**Responsible Officer:** Paul Sheedy  
Acting Chief Executive Officer  
**Author:** Paul Sheedy  
Acting Chief Executive Officer  
**Proposed Meeting Date:** 5 January 2021

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**PURPOSE**

The purpose of this report is to approve the allocation of unbudgeted expenditure of up to \$65,000.00 (plus GST) to allow the Acting Chief Executive Officer to progress the purchase a new motor vehicle for the new Chief Executive Officer.

**BACKGROUND**

The Council at its meeting held on 1 December 2020 resolved (minute 335/20):

*'That the Council:*

- 1. Appoints Cameron Woods to the position of Chief Executive Officer with the Shire of Plantagenet for a period of five (5) years.*
- 2. Believes that Cameron Woods is suitably qualified for the position of Chief Executive Officer.*
- 3. Is satisfied with the provisions of the proposed employment contract to be entered into with Cameron Woods for a total remuneration package of \$250,000.00 per annum and the Shire President be delegated authority to finalise the terms of the contract.*
- 4. Approves the payment of relocation costs, to be reimbursed at cost, or to the maximum of \$10,000.00 whichever is the lesser.*
- 5. Grants authority to the Shire President to affix the Common Seal of the Council to the Chief Executive Officer Contract of Employment.'*

The employment contract approved in part 3 above included a provision on the provision of a motor vehicle.

**STATUTORY ENVIRONMENT**

Local Government Act 1995, section 6.8 (1)

**6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
- (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*



## Chief Executive Officer Employment Contract

### 5.3 Motor vehicle

- 1) The Local Government must provide to You the motor vehicle described in item 10 of Schedule 1, or an equivalent motor vehicle.
- 2) The motor vehicle –
  - a) is for unlimited business use by You;
  - b) is for unlimited private use by You within Western Australia (except during any period of unpaid leave) and, with the prior written approval of the Council (or if the Council so resolves, with the prior written approval of the Shire President outside Western Australia; and
  - c) may be driven by Your partner or another nominated person or persons approved by Council.
- 3) The use of the motor vehicle is subject to the terms and conditions of –
  - a) any relevant Policies; and
  - b) the Local Government's insurance policy, in respect of the motor vehicle, that is in place from time to time, with which You agree to comply.
- 4) ***The Local Government is responsible for all running costs of the motor vehicle including all registration, insurance, fuel, maintenance (including servicing) and repair costs.***

### Schedule 1 – Contract Details

10. Motor Vehicle           Luxury Sedan, Station Wagon, SUV or 4WD

### EXTERNAL CONSULTATION

Consultation has been undertaken between the Shire President, new Chief Executive Officer and current Acting Chief Executive Officer in regards to the make and type of vehicle requested and its availability.

### FINANCIAL IMPLICATIONS

There are no financial implications for this report.

### BUDGET IMPLICATIONS

The budget will be amended to provide for the cost to purchase the new Chief Executive Officer vehicle but there will be a corresponding amount transferred from the Plant Replacement Reserve fund to cover the cost of purchase, less the trade - in value received for the disposal of the existing VW Passat PL 2.

### POLICY IMPLICATIONS

Council policy F/FM/17 'Purchasing and Tendering' will apply to this agenda item.

### LEGAL IMPLICATIONS

Once a purchase order is issued to the preferred supplier, the Council has a legal obligation to accept and pay for the vehicle.

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**ASSET MANAGEMENT IMPLICATIONS**

The purchase of a new vehicle and disposal of the existing vehicle will maintain the status quo on asset numbers.

**STRATEGIC IMPLICATIONS**

The Shire of Plantagenet Strategic Community Plan 2017-2026 provides at Outcome 4.1 (Effective governance and leadership) the following Strategy:

Strategy 4.1.1:

*'Provide effective leadership for the community'*

Accordingly, the recommended outcome for this report aligns with the Strategic Community Plan.

**STRATEGIC RISK IMPLICATIONS**

The Strategic Risk for this matter is considered to be low as the Shire will be acquiring an asset that could be sold if no longer required in the future.

**REGIONAL IMPLICATIONS**

There are no regional implications relevant to this agenda item.

**OFFICER COMMENT**

The new Chief Executive Officer has been in discussion with the Shire President and a figure of up to \$65,000.00 (ex GST) has been agreed to in relation to the provision of an executive motor vehicle.

The Chief Executive Officer has requested that a Jeep Grand Cherokee be provided as part of his package, with factory fitted towbar, and has identified a 2020 Slate Blue model that is currently available at John Hughes Jeep, Perth at a discounted price of \$60,000 (ex GST). The 2021 models will not be available until late March 2021.

Under Council policy F/FM/17 'Purchasing and Tendering' staff will be required to seek at least three written quotations as the proposed value is greater than \$50,000.00.

The budget account changes will be dealt with in a future budget review, when the purchase and trade-in values are known

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

Moved Cr M O'Dea, seconded Cr K Woltering:

That the Council approve unbudgeted expenditure of up to \$65,000.00 (ex GST) for the purchase of a new Chief Executive Officer motor vehicle (Jeep Grand Cherokee) with funds coming from the Plant Replacement Reserve Fund.

CARRIED (9/0)

NO. 004/21

Absolute Majority

**6 CLOSURE OF MEETING**

6:50pm The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON



DATE:

27 / 1 / 21