

Strathbogie Shire Council

# Extraordinary Council Meeting Agenda

May 23, 2023

# Agenda

## Extraordinary Council Meeting

Tuesday, May 23, 2023, at 2pm

Meeting to be held at the Euroa Community Conference Centre and  
livestreamed on Council's website:

<https://www.strathbogje.vic.gov.au/council/our-council/council-meetings-and-minutes/>

### Council:

Cr Laura Binks (Mt Wombat Ward) – Mayor  
Cr Paul Murray (Hughes Creek Ward) – Deputy Mayor  
Cr David Andrews (Lake Nagambie Ward)  
Cr Reg Dickinson (Lake Nagambie Ward)  
Cr Sally Hayes-Burke (Seven Creeks Ward)  
Cr Kristy Hourigan (Seven Creeks Ward)  
Cr Chris Raeburn (Honeysuckle Creek Ward)

### Officers:

Julie Salomon – Chief Executive Officer  
Amanda Tingay – Director Community and Planning  
Dawn Bray – Director People and Governance  
Vlad Adamek – Director Sustainable Infrastructure  
Kristin Favaloro – Executive Manager Communications and Engagement

### Municipal Monitor:

Peter Stephenson

---

## Meeting Procedure

### 1. Welcome

### 2. Acknowledgement of Country

*We acknowledge the traditional custodians of the lands on which we strive, the peoples of the rivers and the hills of the Strathbogie Shire region who walked these lands for generations.*

*We pay our respects to the elders of the past, and the speakers of the first words, who lived in harmony with this country.*

*We acknowledge the elders of the present, who seek to regain their culture, and to teach the elders of the future their law, their history and their language.*

*We pay our respects to them and extend that respect to all Aboriginal and Torres Strait Islander peoples today.*

*We honour their spirit – and the memory, culture, art and science of the world's oldest living culture through 60,000 years.*

### 3. Privacy Notice

*This public meeting is being streamed live via our website ([Council Meetings and Minutes | Strathbogie Shire](#)) and made available for public access on our website along with the official Minutes of this meeting. All care is taken to maintain your privacy; however, as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes.*

### 4. Governance Principles

*Council considers that the recommendations contained in this Agenda gives effect to the overarching governance principles stated in Section 9(2) of the Local Government Act 2020. These principles are as follows:*

- 1. Council decisions are to be made and actions taken in accordance with the relevant law;*
- 2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- 3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- 4. the municipal community is to be engaged in strategic planning and strategic decision making;*
- 5. innovation and continuous improvement is to be pursued;*
- 6. collaboration with other Councils and Governments and statutory bodies is to be sought;*
- 7. the ongoing financial viability of the Council is to be ensured;*
- 8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*
- 9. the transparency of Council decisions, actions and information is to be ensured.*

### 5. Apologies / Leave of Absence

### 6. Disclosure of Conflicts of Interest

**7. Reports**

- 7.1 Strategic and Statutory
- 7.2 Community
- 7.3 Infrastructure
- 7.4 Corporate
- 7.5 Governance and Customer Service
- 7.6 Executive

Julie Salomon  
**CHIEF EXECUTIVE OFFICER**

May 19, 2023

## Reports Index

<b>7.</b>	<b>REPORTS</b>	
<b>7.3</b>	<b>Infrastructure</b>	
7.3.1	Tender for Contract No. 22/23-40: Flood Damaged Repairs to Strathbogie Shire Assets	5
<b>7.6</b>	<b>Executive</b>	
7.6.1	Chief Executive Officer Performance Review - 15 March 2022 to 14 March 2023	9

## 7. REPORTS

### 7.3 INFRASTRUCTURE

#### 7.3.1 **Tender for Contract No. 22/23-40: Flood Damaged Repairs to Strathbogie Shire Assets**

Author: Manager Project Delivery Bruce Rowley

Responsible Director: Acting Director Sustainable Infrastructure

##### **EXECUTIVE SUMMARY**

After the October 2022 flood event, which had a major impact on several Strathbogie Shire Civic Assets, McLarens who are the Shire Insurers, were instructed to commence evaluation of damaged sustained to the Shire Civic Assets.

McLarens engaged Tango Projects to undertake an assessment for rectification works required at the identified impacted locations.

This assessment included, but was not limited to, the development of the scope of rectification works required at the respective locations, liaise with Shire Officers to ensure all aspects of rectification works were captured, preparation of tender documentation, Tender works, undertake comprehensive tender evaluation and appoint successful tenderer.

##### **RECOMMENDATION**

###### ***That Council:***

1. ***Accept the tender recommendation by Strathbogie Shire Council's Insurer, McLarens, for the appointment of Douglas Builders to undertake the rectification works identified through an extensive assessment process for the sum of \$1,164,504.00 Incl of GST;***
2. ***Note that no additional funding for rectification works or any further funding will be required from Council to complete these works as identified and covered under the Insurance Policy; and***
3. ***Note that rectification works will commence June 2023 with an anticipated completion by September 2023.***

##### **PURPOSE AND BACKGROUND**

Strathbogie Shire worked with our insurers, McLarens post the October 2022 flood event to undertake an extensive assessment of flood effect Strathbogie Shire Civic facilities, at the conclusion of the assessment a brief supporting a scope of works was presented to Council Officers for review and comment. After further consultation with the Insurers additional works were included in the final scope.

### 7.3.1 Tender for Contract No. 22/23-40: Flood Damaged Repairs to Strathbogie Shire Assets (cont.)

This report seeks Council approval to support McLarens recommendation to award Contract Number 22/23-40 - Flood Damaged Facilities to a value of \$1,058,640.00.

#### **ISSUES, OPTIONS AND DISCUSSION**

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Flood rectification works as identified by Council's insurers will include (but not limited to) removal of flood damaged infrastructure, chattel's damaged by the flood event, mould management and removal, electrical works, and plumbing works. These works will occur at the following community facilities:

- Euroa Bowls Club,
- Euroa Croquet Club,
- Euroa Mini Railway,
- Euroa RSL,
- Euroa Senior Citizens Club,
- Nagambie Boat She,
- Nagambie Regatta Centre Fencing, and
- Nagambie Rangers Hut.

#### **COMMUNITY ENGAGEMENT**

One of the overarching governance principles in section 9 of the Local Government Act 2020 is that the municipal community is to be engaged in strategic planning and strategic decision making.

Broad community engagement is not considered required for this process. The committees of management of the impacted community facilities will be contacted to clarify the scope of works proposed and timing.

#### **POLICY CONSIDERATIONS**

##### Council Plans and Policies

The author of this report considers that the report is consistent with Council Policies, key strategic documents and the Council Plan.

This report is consistent with the Strathbogie Shire *Council Procurement Policy*.

The *Council Plan* is related with the following:

- Strategic Focus Area 3 – Live. Access. Connect
- Strategic Focus Area 5 – Strong. Healthy. Safe

##### *Asset Management Policy*

- Asset renewal – is the upgrading or replacement of an existing Asset, or a component, that restores the service capability of the Asset to its original functional condition and performance.

##### *Asset Management Strategy*

- Ensure the Shire's infrastructure enhances efficiency for people and freight movement, service delivery and community amenities.

### 7.3.1 Tender for Contract No. 22/23-40: Flood Damaged Repairs to Strathbogie Shire Assets (cont.)

#### **LEGAL CONSIDERATIONS**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The recommendation has no legal or statutory implications which require the consideration of Council.

#### **Conflict of Interest Declaration**

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

#### **Transparency**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

It is considered that all steps have been taken in line with Council's Procurement Policy which ensures transparency in the process.

Decisions made by Council will be: -

- undertaken in accordance with the Act and the Governance Rules.
- will be conducted in an open and transparent forum with information available via Council reports,

Council meetings will be open to the community or can be viewed on the livestream (and available as a recording) unless closed for reasons permitted by s.66(2) of the Act.

#### **FINANCIAL VIABILITY CONSIDERATIONS**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

There are no financial implications for the Strathbogie Shire Council as all associate costs for works are covered under Council's Insurance Policy.

#### **INNOVATION AND CONTINUOUS IMPROVMENT**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is the pursuit of innovation and continuous improvement.

The outcome of the project would ensure access, safety and promote social interaction across communities within the Shire.



7.3.1 Tender for Contract No. 22/23-40: Flood Damaged Repairs to Strathbogie Shire Assets (cont.)

***HUMAN RIGHTS CONSIDERATIONS***

The recommendation does not limit any human rights under the Victorian Charter of Human Rights and Responsibilities Act 2006.

***CONCLUSION***

This report seeks endorsement to appoint Douglas Builders as proposed by Council's insurers to undertake all associated rectifications works.

## 7.6 **EXECUTIVE**

### 7.6.1 **Chief Executive Officer Performance Review - 15 March 2022 to 14 March 2023**

Author: Mayor Binks

Responsibility: Chief Executive Officer Employment and Remuneration Committee

#### ***EXECUTIVE SUMMARY***

Council appointed a Chief Executive Officer Employment and Remuneration Committee (CEO ERC) comprising the Mayor (Cr Binks), Cr Murray, Cr Hourigan and Wendy Jones, Independent Member, to review, discuss and recommend to Council matters required by section 44 of the *Local Government Act 2020* in relation to the CEO.

The Act and Council's policy, the Chief Executive Officer Employment and Remuneration Policy, set the parameters for assessing performance, contractual obligations, and remuneration.

The 12 months under review have presented numerous challenges and the CEO has maintained a strong organisation and achieved significant results despite the obstacles.

#### ***RECOMMENDATION***

##### ***That Council:***

1. ***Note the recommendations of the Chief Executive Officer Employment and Remuneration Committee following the completion of the annual performance review process;***
2. ***Approve the Key Performance Indicators recommended by the Chief Executive Officer Employment and Remuneration Committee for the period 14 March 2023 to 13 March 2024, and***
3. ***After undertaking a benchmarking exercise with like Councils across the state, increase the Chief Executive Officer's remuneration package by 3.5%, backdated from 12 January 2023.***

#### ***PURPOSE AND BACKGROUND***

The Chief Executive Officer (CEO) was appointed on 13 January 2020 for three years, expiring on 12 January 2023.

At the Ordinary Council Meeting of July 19 2022 Council approved an extension to the Chief Executive Officer's employment contract for a period of two years to expire on 12 January 2025.

### 7.6.1 Chief Executive Officer Performance Review - 15 March 2022 to 14 March 2023 (cont.)

Clause 5.6 of the current CEO employment contract requires, within two months of the performance review, a review of the Remuneration Package taking into consideration the Officer's performance, increase in Consumer Price Index over the last 12 months, market rates for comparable positions and new or enhanced skills of the Officer if beneficial to the Council.

#### **Committee Considerations**

Council's CEO Employment and Remuneration Policy (link to Policy) states:

*The Council and the CEO Employment and Remuneration Committee will carry out functions related to the appointment, remuneration and performance appraisal of the CEO in accordance with the following principles:*

- *fair and transparent decision-making principles that are applied consistently*
- *decision making criteria that are relevant, objective and available to the person subject to decisions made under this policy*
- *decisions and actions that achieve the highest standards of good governance*
- *use of clear and comprehensive documentation to ensure decisions are capable of independent review*
- *basing employment decisions on the proper assessment of an individual's work-related qualities, abilities and potential against the genuine requirements of the role*
- *decisions to appoint a CEO are based on merit*
- *decisions are made through an equal opportunity lens.*

Specifically, the Policy requires the Committee to:

- *Conduct the performance review of the CEO and make recommendations to the Council on matters including whether:*
  - *the CEO meets the performance criteria*
  - *the CEO has undertaken the required personal and professional development*
  - *to vary the performance criteria, professional and personal development plan, remuneration, or other terms and conditions of the contract.*

Discussions with the CEO have been conducted throughout the process as required by the Policy. A total of three performance meetings were held over a seven-week period.

#### **Performance assessment**

It was agreed that overall the CEO has performed remarkably well against the performance criteria and has led the organisation through significant challenges in the 12-month period being reviewed including continued Covid 19 restrictions, significant inflation rises of materials and services, an incredibly tight labour market and the October 2022 flood event (**refer Appendix 1** in Confidential Appendices). The CEO continues to be supported by a committed executive team who understand the challenges and readily identify areas for improvement.

7.6.1 Chief Executive Officer Performance Review - 15 March 2022 to 14 March 2023 (cont.)

The summary feedback on the Key Performance Indicators (KPIs) for the period 15 March 2022 – 14 March 2023 is listed as **Appendix 2** in the Confidential Appendices, given the information relates to confidential information under section 66(2)(a) and section 3 (Definitions) of the *Local Government Act 2020*, specifically because the confidential information relates to the following definition under the Act:

- (f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

The CEO ERC have developed a clear KPI measurement tool for the upcoming 12-month period 14 March 2023 – 13 March 2024 which will provide an effective way to track performance for both the CEO and the Council. The CEO Key Performance Indicators – 14 March 2023 – 13 March 2024 are detailed in **Attachment 1**.

**Professional development**

It is acknowledged that whilst the CEO participated in multiple sector and industry events, has a personally funded mentor, and seeks out learning opportunities, she did choose to reallocate her Professional Development (PD) training allowance to flood recovery.

PDP opportunities have been identified by the CEO in consultation with the CEO ERC and full Council was sought in developing the CEO Professional Development Plan 14 March 2023 – 13 March 2024 which forms **Appendix 3** in the Confidential Appendices, given the information relates to confidential information under section 66(2)(a) and section 3 (Definitions) of the *Local Government Act 2020*, specifically because the confidential information relates to the following definition under the Act:

- (f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

For the coming 12 months the CEO ERC have developed a Professional Development Plan (PDP), in conjunction with the CEO, and believe that this will ensure her PDP goals are achieved.

These goals are outlined in the CEO Professional Development Plan – 14 March 2023 – 13 March 2024 which is listed as **Appendix 3** in the Confidential Appendices.

PDP possibilities include the CEO's participation in regular meetings of the Local Government Chief Officers Group and suitable leadership programs. Encouragement for personal development should continue from the Mayor of the day.

Some of the PD goals outlined in the PDP (**Appendix 3** in the Confidential Appendices) are intended to support the CEO in areas for performance improvement as identified by the CEO, Committee and Councillors and reflected in the KPIs.

### 7.6.1 Chief Executive Officer Performance Review - 15 March 2022 to 14 March 2023 (cont.)

Council notes that personal development (or lack of it) is a key risk for any CEO. Even though the job demands extended hours, it should also provide flexibility to allocate rest and reflection periods. Each Mayor during the assessment period has counselled the CEO to give herself time to refresh and this practice should continue with future Mayors.

#### **Contractual and other matters**

Adjustment to the remuneration is based on benchmarking with similar Council. Recent benchmarking found that the CEO's current package is around the middle of the range.

Whilst Clause 5.6 of the current contract references that the remuneration package review should have regard to the increase of the Consumer Price Index (CPI) over the preceding 12 months, unexpected and continued rises in the reserve bank rate have meant that over the twelve months to the March 2023 quarter, the CPI rose 7.0%.

In her first performance review meeting the CEO acknowledged this was high and that she would not be seeking a wage rise to match the current CPI.

It is recommended that Council offers an increase to the CEO Remuneration Package of 3.5% which is consistent with last year and in acknowledgement that there has been consistent achievement throughout a challenging 12 months. A summary of the review of the CEO's remuneration package, is listed as **Appendix 4** in the Confidential Appendices, given the information relates to confidential information under section 66(2)(a) and section 3 (Definitions) of the *Local Government Act 2020*, specifically because the confidential information relates to the following definition under the Act:

- (f) *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.*

#### **POLICY CONSIDERATIONS**

##### **Council Plans and Policies**

The annual CEO review has been undertaken in accordance with the CEO Chief Executive Officer Employment and Remuneration Policy.

##### **LEGAL CONSIDERATIONS**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that Council decisions are to be made and actions taken in accordance with the relevant law.

The CEO review has been undertaken in accordance with the provisions of the *Local Government Act 2020*.

##### **Conflict of Interest Declaration**

All officers, and/or contractors, involved in the preparation of this report have signed a written declaration that they do not have a conflict of interest in the subject matter of this report.

7.6.1 Chief Executive Officer Performance Review - 15 March 2022 to 14 March 2023 (cont.)

**Transparency**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the transparency of Council decisions, actions and information is to be ensured.

Aspects of the information supporting this report have been included as confidential attachments, given they relate to personal information as defined by the *Local Government Act 2020* and the *Information Privacy and Data Protection Act 2014*.

Having said that, the maximum possible amount of information is provided in this public report.

**FINANCIAL VIABILITY CONSIDERATIONS**

One of the overarching governance principles in section 9 of the *Local Government Act 2020* is that the ongoing financial viability of the Council is to be ensured.

Recommendations made in relation to the CEO's remuneration in this report can be accommodated from within existing budget allocations.

**HUMAN RIGHTS CONSIDERATIONS**

There are no impacts in relation to the *Charter of Human Rights and Responsibilities Act 2006* arising from this report.

**CONCLUSION**

The annual CEO review has been undertaken by the CEO Employment and Remuneration Committee in accordance with the CEO Employment and Remuneration Policy.

Adjustment to the CEO's remuneration package as set out in her employment contract is based on benchmarking with similar Councils which found that the current package is around the middle of the range. An increase to the CEO's remuneration package of 3.5% backdated from 12 January 2023 is recommended.

Professional development opportunities should be discussed with the Mayor and approved appropriately. Additionally, the CEO should continue to be encouraged by the Mayor of the day to pursue personal development.

**ATTACHMENTS**

**Attachment 1:** Proposed Chief Executive Officer Key Performance Indicators for the Period 14 March 2023 – 13 March 2024.

**APPENDICES**

**Appendix 1:** 2022/23 CEO Performance Review-March 2023

**Appendix 2:** CEO Key Performance Indicator Review Summary 15 March 2022 – 14 March 2023 - CONFIDENTIAL

**Appendix 3:** CEO Professional Development Plan 14 March 2023 – 13 March 2024 - CONFIDENTIAL

**Appendix 4:** CEO Remuneration Package Review - CONFIDENTIAL

***THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT ..... P.M.***