

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
20 NOVEMBER 2019

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Purchase Policy Review (draft) November 2019; Fuel Card Policy (draft) November 2019

I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.36pm and read aloud the Shire Vision & Mission statements.

Vision

Shire of Moora - a vibrant, affordable Regional Centre with a growing, caring community.

Mission

To provide the leadership, services and infrastructure that will meet the needs of the community and surrounds.

I.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

ATTENDANCE

KM Seymour	-	President / Presiding Member
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
PJ Bellamy	-	Councillor
JM Thomas	-	Councillor
SJ Gilbert	-	Councillor
MR Holliday	-	Councillor
AJ Leeson	-	Chief Executive Officer
DK Trevaskis	-	Deputy Chief Executive Officer
JL Greay	-	Manager Engineering Services
NM Beard	-	Manager Community Development & Visitor Servicing
MM Murray	-	Executive Support Officer (minute taker)

APPROVED LEAVE OF ABSENCE

TL Lefroy	-	Deputy President
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PUBLIC

Cynthia McMorran AM JP	-	Shire Freeman
Nancy Rees		
Peter Nixon		

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME**Cynthia McMorran - Syringes – Coolingah Park**

Mrs McMorran asked who looks after Coolingah Park in Moora, referencing indiscriminate disposal of syringes at the park and around town.

CEO Alan Leeson advised Council is aware of the issue, and Council's staff have been working with this issue for some time.

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Seymour, President

22/10 Education Review meeting, Moora

28/10 ICMI AGM, Dalwallinu

11/11 Meeting with CBH re the Watheroo bin upgrade, Watheroo

Cr Thomas

22/10 Education Review meeting, Moora

Cr Hamilton

24/10 Wildflower Country meeting, Three Springs

30/10 Moora CRC General Meeting & AGM, Moora

11/11 Laid wreath on behalf of Council at the Remembrance Day Ceremony, Moora

Cr Clydesdale-Gebert

29/10 Chamber of Commerce meeting

Cr Bellamy

18/10 Rural Water Council meeting, Northam

22/10 Education Review meeting, Moora

29/10 Chamber of Commerce meeting

30/10 Moora CRC General Meeting & AGM, Moora

11/11 Laid wreath on behalf of Council at the Remembrance Day Ceremony, Moora

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 16 OCTOBER 2019****COUNCIL RESOLUTION**

151/19 Moved Cr Bellamy, seconded Cr Thomas that the Minutes of the Ordinary Meeting of Council held on 16 October 2019 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

8.2 SPECIAL COUNCIL MEETING - 5 NOVEMBER 2019**COUNCIL RESOLUTION**

152/19 Moved Cr Holliday, seconded Cr Hamilton that the Minutes of the Special Meeting of Council held on 5 November 2019 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

8.3 SECOND SPECIAL COUNCIL MEETING - 5 NOVEMBER 2019**COUNCIL RESOLUTION**

153/19 Moved Cr Holliday, seconded Cr Bellamy that the Minutes of the Second Special Meeting of Council held on 5 November 2019 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31**

REPORT DATE: 15 November 2019

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

SCHEDULE PREPARED BY: Alida Fitzpatrick, Finance Debtors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

154/19 Moved Cr Holliday, seconded Cr Bellamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 62426 to 62428	\$4,646.00
	EFT 22168 to 221356	\$592,628.80
	Credit Card 03/09/19 to 02/10/19	\$2,147.75
	DD 12861.1 to 12925.14	\$69,699.71
	Net Pays – PPE 01/10/2019	\$97,754.41
	Net Pays – PPE 14/10/2019	\$99,144.31
	Net Pays – PPE 28/10/2019	\$102,752.60
Trust Fund	Cheques 5508 to 5512	\$519.30
Total		<u>\$969,292.88</u>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2019

REPORT DATE: 15 November 2019

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 October 2019

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2019.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2019/20 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

155/19 Moved Cr Bellamy, seconded Cr Holliday that Council notes and receives the Statement of Financial Activity for the period ended 31 October 2019.

CARRIED 7/0

9.1.3 APPOINTMENT TO COMMITTEES / WORKING GROUPS

FILE REFERENCE: PL/DELI

REPORT DATE: 14 November 2019

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

Council last reviewed their delegations on 19 June 2019. Now is the opportune time given the recent election to review the 'Delegations to Committee's/Working Groups' section of the Register of Delegations.

A copy of the current delegations with their representatives has been distributed to Councillors for their review. The list below is to be reviewed by Councillors and updated accordingly.

Management & Audit Committee

Membership: 9 Councillors

General Purpose Committee

Membership: 9 Councillors

Avon-Midland Country Zone WALGA

Membership: Shire President & Deputy President

Local Government Grain Freight Group

Membership: Cr Seymour as Avon-Midland Zone delegate

Meets: Quarterly at WALGA

Development Assessment Panel

Membership: Cr Clydesdale-Gebert and Cr Thomas

Alternate members: Cr Lefroy and Cr Gilbert

Meets: On demand / when required by Department of Planning

Portfolio Groups**Local Emergency Management Committee (LEMC)**

Membership: Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Meets: Quarterly

Council Membership to other Committees

Moora Residential College Linc Advisory Committee - Cr

Meets: (On demand / when required)

Community Resource Centre Mgmt. Committee - Cr with proxy Cr

Meets: Monthly (2nd Wednesday)

Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC) -

Cr with proxy

Meets: 3 monthly in Northam and Bi Monthly in Gillingarra

Wildflower Country Inc. Committee – Cr with proxy Cr

Meets: Bi Monthly in Three Springs

Wheatbelt North Regional Road Group - Shire President with proxy Cr

Meets: Half Yearly in Northam

Moora Sub Regional Road Group - Shire President with proxy Cr

Meets: On demand / when required in Moora

Innovation Central Midlands WA Inc. - Cr , Cr

Meets: Monthly

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

156/19 Moved Cr Hamilton, seconded Cr Bellamy that the ‘Delegations to Committee’s/ Working Groups’ section of the Register of Delegations as reviewed be updated to reflect the delegations as listed;

Management & Audit Committee

Membership: 9 Councillors

General Purpose Committee

Membership: 9 Councillors

Avon-Midland Country Zone WALGA

Membership: Shire President & Deputy President

Local Government Grain Freight Group

Membership: Cr Seymour as Avon-Midland Zone delegate

Development Assessment Panel

Membership: Cr Clydesdale-Gebert and Cr Thomas

Alternate members: Cr Lefroy and Cr Gilbert

Portfolio Groups***Local Emergency Management Committee (LEMC)***

Membership: Shire President (Chair), Chief Executive Officer, Manager Engineering Services, Community Emergency Services Manager plus representatives appointed by the LEMC Committee

Council Membership to other Committees

Moora Residential College Linc Advisory Committee - Cr Hamilton

Community Resource Centre Mgmt. Committee - Cr Hamilton with proxy Cr Bellamy

Rural Water Council – Cr Bellamy with proxy Cr Thomas

Wildflower Country Inc. Committee – Cr Hamilton with proxy Cr Bellamy

Wheatbelt North Regional Road Group - Shire President with proxy Cr Gilbert

Moora Sub Regional Road Group - Shire President with proxy Cr Gilbert

Innovation Central Midlands WA Inc. - Cr Seymour and Cr Lefroy

Bushfire Advisory Committee - Cr Bellamy

CARRIED BY ABSOLUTE MAJORITY 7/0

9.1.4 EDUCATION TRAINING STRATEGY / EDUCATION LIAISON GROUP**COUNCIL RESOLUTION**

157/19 Moved Cr Seymour, seconded Cr Gilbert that Council appoint Cr Hamilton and Cr Bellamy as Council representatives to the Education Training Strategy / Education Liaison Group with Peter Nixon to be the community representative.

CARRIED BY ABSOLUTE MAJORITY 7/0

10. REPORTS OF COMMITTEES

GENERAL PURPOSE COMMITTEE MEETING – 5 NOVEMBER 2019

10.1 RESIDENCE FOR SALE - 14 BEASLEY STREET, MOORA

FILE REFERENCE: PA/1047

REPORT DATE: 16 October 2019

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To list for sale the dentist surgery and residence at 14 Beasley Street, Moora with a local real estate agent.

BACKGROUND:

The Shire is the owner and title holder Lot 15 (14) Beasley Street, Moora of title Volume 1497 Folio 84 the subject of Plan D050993 (“**the property**”). The property is zoned Residential R12.5.

COMMENT:

The dentist surgery is currently unoccupied and is no longer used by a dentist. A dentist will be appointed to operate out of the new facility situated within the Moora Hydrotherapy Pool Building once construction is completed.

Under section 3.58(2) of the LGA the shire can dispose of property by public auction or through a public tender which may limit the Shire’s ability to sell the property for best value. Alternatively, under section 3.58(3) the Shire can dispose of the property by giving public notice of the disposition including details of the sale and invite submissions from the public for a minimum two-week period.

It is proposed the Shire list the property with a real estate agent for sale at the market value as determined by a land valuer. Conditions of the sale will include that once an offer is made, it will be presented to Council to determine if it is an acceptable offer and whether the Shire will proceed under section 3.58(3) to advertise details of the disposition inviting public submissions for at least two weeks.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

Section 3.58(3) Local Government Act 1995

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; and
 - (ii) giving details of the proposed disposition; and

- (iii) inviting submission 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 submission made to it before the date specified in the notice and, if its decision is made by the council or committee, the decision and the reason for it are recorded in the minutes of the meeting at which the decision was made.

3.58(4)

The details of a proposed disposition that are required by subsection (3)(a)(ii) include –

- (a) the names of all other parties concerned; and
- (b) the consideration to be received by the local government for the disposition; and
- (c) the market value of the disposition –
 - (i) as ascertained by a valuation carried out of not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis the valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

STRATEGIC IMPLICATIONS:

Outcome 4.1 of the Shire Community Plan refers to ‘A Strong and diversified economic base’. The sale and provision of residential land is a strategic strategy of the Shire as detailed in strategy 4.1.5.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
Increased supply of affordable residential property in the Shire.

FINANCIAL IMPLICATIONS:

The Shire has budgeted for the sale proceeds of the property in the 2019/20 adopted budget. Once sold, the property will be subject to annual rates charges.

VOTING REQUIREMENTS

Simple Majority Required

<h3>COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)</h3>

158/19 Moved Cr Holliday, seconded Cr Clydesdale-Gebert that Council

1. *List the following property for sale by a local real estate agent at market value as determined by a land valuer...*
 - *Lot 15 (14) Beasley Street, Moora of title Volume 1497 Folio 84 the subject of Plan D050993.*

2. *Upon receiving an offer to purchase the property Council will resolve ...*
- (a) *to accept or reject the offer to purchase the property, and*
- (b) *where the offer is accepted, as per section 3.58(3) of the LGA, give local public notice of the proposed disposition inviting public submissions for no less than two-weeks.*

CARRIED 7/0

10.2 SUNDRY DEBTORS WRITE-OFF

FILE REFERENCE: F/SUD I

REPORT DATE: 28 October 2019

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To request Council write-off the following overdue sundry debtors' and rates interest charges.

- Country Women's Association – Moora Branch - \$102.00
- Caltex Cataby - \$1,991.15
- Darryl Narrier - \$178.20
- Evelyn Rose Dawson - \$138.80
- Jessica Landers - \$25
- Jacqui Czechowski - \$92.25
- Kylie Donaldson - \$132.10

- Rates interest charges property assessment A6535 - \$380.70

BACKGROUND:

Country Women's Association – Moora Branch - \$102.00

The Moora CWA, as per previous years, were charged an annual hire fee for the use of the Ballet Room for meetings. After mailing out the invoice, the group notified the Shire they don't require the use of the room any longer and have handed back the key.

Caltex Cataby - \$1,991.15

The Shire carried out 5 Grease Trap pump outs for the Cataby Caltex between February 2017 and June 2017. Fees for these services were \$1,991.15 and remain unpaid. The business is now under new ownership. In October 2018, AMPAC Debt Recovery were engaged to help recover the overdue money from the previous owner. On 18 February 2019, AMPAC advised that they had exhausted all attempts to recover the debt. After discussing details with the new owner, we consider it doubtful payment will ever be made towards this outstanding debt. Further efforts to recover the debt will require legal fees that will most likely be unrecovered.

Darryl Narrier - \$178.20

On 23/10/2015 Darryl Narrier was charged \$178.20 for fuel from use of the Community Bus. After numerous efforts by the Shire to recover this debt it remains unpaid after more than 1450 days. Due to the low balance it was not considered worth pursuing the debt further through legal action.

Evelyn Rose Dawson - \$138.80

On 29/05/2015 Evelyn Rose Dawson was charged \$138.80 for fuel from use of the Community Bus. After numerous efforts by the Shire to recover this debt it remains unpaid after more than 1600 days. Due to the low balance it was not considered worth pursuing the debt further through legal action.

Jessica Landers - \$25

On 6/12/2016 Jessica Landers was charged \$25 for a lost/unreturned library DVD. After numerous efforts by the Shire to recover this debt it remains unpaid after more than 1050 days. Due to the low balance, it was not considered worth pursuing the debt further through legal action.

Jacqui Czechowski - \$92.25

On 05/05/2015 Jacqui Czechowski was charged \$92.25 for lost/unreturned library books. After numerous efforts by the Shire to recover this debt it remains unpaid after more than 1640 days. Due to the low balance it was not considered worth pursuing the debt further through legal action.

Kylie Donaldson - \$132.10

On 22/03/2016 Kylie Donaldson was charged \$132.10 for lost/unreturned library books. After numerous efforts by the Shire to recover this debt it remains unpaid after more than 1300 days. Due to the low balance it was not considered worth pursuing the debt further through legal action.

Rates interest charges property assessment A6535 - \$380.70

Due to a land subdivision an interim rates levy was raised for the property effective 1/11/2018. As part of the same subdivision a credit was generated on another property holding and this was not applied against the balance owing on A6535 until June 2019. During this period \$380.70 of interest charges were incorrectly raised against the property. As the owner had paid rates in full when due, no interest charges should have been raised.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

- 6.12. Power to defer, grant discounts, waive or write off debts (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

STRATEGIC IMPLICATIONS:

Outcome 5.5 – Ensure effective and efficient corporate and administrative services.

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are no known significant environmental implications associated with this proposal.

- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire of Moora sundry debtor balance and outstanding rates will be decreased therefore reducing the Shire's net cash position by \$2,938.20.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

159/19 Moved Cr Thomas, seconded Cr Hamilton that Council write off the following sundry debtor and rates interest charges:

- ***Country Women's Association – Moora Branch - \$102.00***
- ***Caltex Cataby - \$1,991.15***
- ***Darryl Narrier - \$178.20***
- ***Evelyn Rose Dawson - \$138.80***
- ***Jessica Landers - \$25***
- ***Jacqui Czechowski - \$92.25***
- ***Kylie Donaldson - \$132.10***
- ***A6535 - Rates interest charges - \$380.70***

CARRIED 7/0

10.3 FINANCIAL POLICY REVIEW

FILE REFERENCE: PL/POPI-2
REPORT DATE: 30 October 2019
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: Finance Policy Review (draft) November 2019
 Investment Policy Review (draft) November 2019
 Purchase Policy Review (draft) November 2019
 Fuel Card Policy (draft) November 2019

PURPOSE OF REPORT:

This report is to review Council's Finance, Investment and Purchasing Policies which provide guidelines for the management of the Shire's finance, investment and purchasing procedures.

A Fuel Card Use Policy has been developed as per 'best practice' recommendations and is attached for Councils review.

COMMENT:

Section 9 Finance Policy of the Shire Policy Manual was last reviewed in April 2016. As per the copy attached recommended changes include...

- increasing capitalisation threshold to \$5,000 as per amendments to Regulation 17A
- Adding applicable depreciation rates for Parks and Oval Infrastructure, Street Furniture and Lighting and Sewerage Infrastructure assets.
- Removing option to pay rates by three instalments with the option to pay rates by two instalments. The option to pay by three instalments is not offered by the Shire.
- Updating service charge for each instalment as per Councils adopted Fees and Charges 2019/20 to \$7.40.

The Shire Investment Policy is required to be reviewed every 12 months. It was last reviewed 16 May 2018. No changes have been recommended.

The Purchasing and Tender Policy was last reviewed July 2017. This policy has been replaced in full using the WALGA Purchasing Policy Template developed by WALGA on 21 August 2019 as a guide. The following components of the WALGA Template were not included or were amended...

- 1.4.1 Policy Purchasing Value Definition (WALGA) *“Where there is no existing contract arrangement, the Purchasing Value will be the estimated total expenditure for a category of goods, services or works over a minimum three year period. This period may be extended to a maximum of <number> years only where the supply category has a high risk of change i.e. to technology, specification, availability or the Shire/Town/City’s requirements (Regulation 12)”*. Was replaced with ...
12.4.1 Policy Purchasing Value Definition *“Where there is no existing contract arrangement, the Purchasing Value will be the expected total expenditure for separately identifiable goods, services or works at the time of authorising the purchase order. The Purchasing Value is not an aggregate of previous purchases made for other separately identifiable categories of goods, services or works supplied by the same supplier/contractor”*.
- The WALGA template had many references to a Prequalified Supplier Panel (PSA) and were not included in the Shire draft.
- The WALGA template Purchasing Threshold Table was not used, instead the existing policy table was amended to include the wording “Seek quotes” in place of “Obtain quotes”.
- WALGA template paragraph 1.4.8 Sole Source of Supply was not included ...

In June 2019, AMD Chartered Accountants completed a Financial Management Systems Review for the Shire. Finding 6.2.2 stated “There is no documented “Terms of Use Agreement” in place with Shire employees allocated fuel cards”. As recommended a Shire Fuel Card Use policy has been drafted and is attached for your review and consideration.

POLICY REQUIREMENTS:

Investment policy is to be reviewed annually.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.14;

Trustees Act 1962, Part III Investments;

Local Government (Financial Management Regulations) 1996 – Regulations 19, 19C, 28 and 49.
Regulations 11A and 24AC of the Local Government (Functions and General) Regulations 1996

STRATEGIC IMPLICATIONS:

Outcome 5.5 – Ensure effective and efficient corporate and administrative services.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant Economic implications associated with this proposal
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The policy changes recommended should not cause any financial implications to Council.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATIONS)**

160/19 Moved Cr Bellamy, seconded Cr Hamilton that Council acknowledge review of Section 9 - Finance of the Shire Policy Manual and resolve to amend policies 9.1 - 9.9 as per the attached Finance Policy Review (draft) November 2019.

That Council acknowledge review of Section 11 – Investment Policy of the Shire Policy Manual and resolve to make no changes as per the attached Investment Policy Review (draft) November 2019.

That Council acknowledge review of Section 12 – Purchasing and Tender Policy of the Shire Policy Manual and resolve to amend the policy as per the attached Purchase Policy Review (draft) November 2019.

That Council acknowledge review of the Fuel Card Use policy as per the attached Fuel Card Policy (draft) November 2019 and resolve for it to be included in the Shire Policy Manual.

CARRIED 7/0

10.4 DEVELOPMENT ASSESSMENT PANELS – LOCAL GOVERNMENT MEMBER NOMINATIONS

FILE REFERENCE: GA/PLIDAPI

REPORT DATE: 31 October 2019

APPLICANT/PROPONENT: N/A

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To inform Council that Local Government Development Assessment Panel (DAP) member nominations are due to be reconsidered and are requested to nominate four elected members to sit on the respective DAP as required.

BACKGROUND:

Advice has been received from the Director General of the Department of Planning that Development Assessment Panel (DAP) member appointments expire on 26 January 2020. Once all nominations have been received they will be considered by the Minister for Planning, and nominees will then be appointed for the term ending 26 January 2022.

The introduction of Development Assessment Panels (DAP) by way of the Approvals and Related Reforms (No.4) (Planning) Act 2010 occurred on 2 May 2011. DAP's are responsible for the determination of all development applications greater than \$2 million in value. Moora is grouped into the Wheatbelt JDAP, Joint Development Assessment Panel. The frequency of DAP meetings varies as to the volume of trigger applications received.

Membership includes two local government representatives with two alternative representatives to attend in lieu as required. Members are appointed for a two-year term, are eligible to be reappointed, and are subject to the normal local government criteria for disqualification from office.

Since the introduction of the DAP system on 1 July 2011, the system has developed and grown therefore, a number of increases to DAP member sitting fees have been made;

- Local Government DAP members are required to undergo training organised by the DAP Secretariat, with provision of an allowance of \$400 paid upon completion.
- Fee for re-training for DAP members \$200
- \$425 fee per meeting to determine development applications (Form 1)
- \$425 for attendance at proceedings in the State Administrative Tribunal; and
- \$100 fee per meeting to determine applications to amend or cancel determination (Form 2).

DAP meetings are conducted during normal weekday business hours. Travel expenses associated with DAP functions will be reimbursed.

The Department of Planning also advised that if, within the 2 year term, a local DAP member is not re-elected, they cannot hold the position of local DAP member. Local government elections may result in a change to local DAP membership if current councillors, who are DAP members, are not re-elected. In this instance, the deputy local DAP members will take the place of the former local DAP members. If both local and alternate (deputy) local members

are not re-elected, the local government will need to renominate and the Minister to reappoint.

COMMENT:

With the local government elections being undertaken, all Councils have been requested to reconfirm their DAP members by 8 November 2019. The Department has been advised that confirmation of all member details will be forwarded following the 20 November Council meeting.

The Shire's member representatives were Cr Clydesdale-Gebert and retired councillor Humphry with Cr Seymour as the alternate representative.

It is recommended that Council nominate four Councillors as the Shire's representatives to the relevant Development Assessment Panel.

POLICY REQUIREMENTS:

There are no policy implications relative to this issue.

LEGISLATIVE REQUIREMENTS:

Planning and Development Act 2005 and Regulation 24 of the Planning and Development (Development Assessment Panel) Regulations 2011

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Fees for members as detailed above.

VOTING REQUIREMENTS

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

161/19 Moved Cr Bellamy, seconded Cr Holliday that Council nominate Councillors Clydesdale-Gebert and Thomas as the Shire of Moora Local Government Member Representatives to the Development Assessment Panel, with Councillors Lefroy and Gilbert as the Alternate Member Representatives.

CARRIED 7/0

10.5 LGIS 2019 SURPLUS DISTRIBUTION

FILE REFERENCE: I/MUW1

REPORT DATE: 31 October 2019

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES:

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to consider how it wishes to receive apply its share of the LGIS 2019 surplus distribution available to member local governments.

BACKGROUND:

In 1995 WALGA commenced the Mutual Liability Scheme and the WorkCare workers compensation Scheme - LGIS. LGIS is entirely owned and controlled by its members (WA Local Governments) and is focused on ensuring the long-term protection of WA local government through an industry based self-insurance Scheme. The Scheme incorporates protection for property, civil liability exposures, volunteer fire fighters and workers compensation and is an alternative to what is made available by the traditional insurance market.

As a member of the Scheme the Shire receives a surplus distribution each year. The value of this distribution is based on the performance of the Scheme in the previous financial year. The LGIS 2018/19 results have been finalised and the Shire has been notified of its share - \$18,613.

The Shire can choose to receive the surplus as an immediate refund via EFT; opt for LGIS to retain the funds to offset insurance costs the following year; or for LGIS to hold the amounts in trust for risk mitigation activities. A letter was sent to Alan on 24 October 2019 requesting that the Shire make this decision by determination of Council to ensure that all Elected Members were involved in the process.

COMMENT:

It is recommended that Council decide to receive the surplus as an immediate refund via EFT. An immediate refund provides Council the opportunity to utilise the surplus funds sooner and with no restrictions on how it is used.

POLICY REQUIREMENTS:

There are no known policy implications for this item.

LEGISLATIVE REQUIREMENTS:

There are no known legislative implications for this item.

STRATEGIC IMPLICATIONS:

There are no known strategic implications for this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire will receive an additional unbudgeted \$18,613 this financial year.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION (COMMITTEE RECOMMENDATION)
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162/19 Moved Cr Hamilton, seconded Cr Clydesdale-Gebert that Council advise LGIS that it has resolved to receive its surplus share as an immediate refund via electronic transfer.

CARRIED 7/0

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The CEO introduced an item of urgent business titled 'Local Government Extraordinary Election: 2020' for Council consideration.

COUNCIL RESOLUTION

163/19 Moved Cr Bellamy, seconded Cr Holliday consider the item of urgent business as introduced by the Chief Executive Officer titled 'Local Government Extraordinary Election: 2020'.

CARRIED 7/0

12.1 LOCAL GOVERNMENT EXTRAORDINARY ELECTION: 2020

FILE REFERENCE: EM/ELC6
REPORT DATE: 19 November 2019
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHOR: Alan Leeson, Chief Executive Officer
ATTACHMENTS: Nil

PURPOSE OF REPORT:

For Council to resolve to appoint the Western Australian Electoral Commission to carry out the 2020 Extraordinary Election as a Postal Election on Friday 28 February 2020. Friday 28 February 2020 has been selected as the preferred date as it works in with a number of other W.A Local Governments whom are also conducting extraordinary elections. In terms of an Ordinary Election there is no discretion, election day must be a Saturday, however there is discretion in relation to setting the date of an extraordinary election. Working in with other local governments does allow for efficiencies and economies of scale in relation to statutory advertising requirements and costs relating to printing and the like.

BACKGROUND:

Subsequent to the Ordinary Election on the 19 October 2019 whereby the following 4 candidates were elected, Steve Gilbert, Lyn Hamilton, Marcus Holliday and Michael Monaghan; Councillor elect Michael Monaghan advised that due to personal and unforeseen circumstances he was unable to make the declaration to fulfil the Office of Councillor.

As such, a vacancy has been created which now requires Council to conduct an extraordinary election in 2020.

The WA Electoral Commission have run Councils past 6 ordinary elections in 2009, 2011, 2013, 2015, 2017 and 2019 as postal vote elections.

COMMENT:

Since the WA Electoral Commission have conducted Councils elections as postal, voter turnout has increased by an average of 18.27% per election up from the base line of 27.84% voter turnout in 2007. This is significant and indicates are much stronger rate of participation by electors.

Year	Voter turnout	Total ballots/ valid votes cast
2007	27.84% (in person election)	448
2009	46.90%	731
2011	43.04%	672
2013	Vacancies filled unopposed	
2015	46.74%	716
2017	Vacancies filled unopposed	
2019	47.76%	775

The benefits in utilising the Electoral Commission included:

- Markedly increased number of electors participating and voting in the election as a result of conducting the election by postal vote;

- Stronger perception of the election process being independent of the Council and shire staff as a result of the WA Electoral Commission conducting the election and the appointment of an independent Returning Officer.

The quote obtained from the Electoral Commission as an estimate for the 2020 extraordinary election is \$12,727.30 excluding GST. This is based on the following assumptions by the Electoral Commission:

- Approximately 1,626 electors
- 1 vacancy
- Count to be conducted at the offices of the Shire of Moora

The quote does not include:

- Non-statutory advertising;
- Any legal expenses other than those determined to be borne by the WA Electoral Commission in a Court of Disputed Returns and;
- One Local Government staff member to work in the polling place on Election Day.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 – Sections 4.7,4.8,4.9, 4.20(4), 4.61(2)

4.7. Ordinary elections day usually third Saturday in October

- (1) The effect of section 4.6 is that —
 - (a) polls for ordinary elections to elect an elector mayor or president will be held on the third Saturday in October every 4 years; and
 - (b) polls for ordinary elections to elect councillors will be held on the third Saturday in October every 2 years.
- (2) If in respect of a particular year in which ordinary elections are required to be held the Electoral Commissioner is of the opinion that it would not be in the public interest to hold polls for those ordinary elections on the third Saturday in October, the Electoral Commissioner may, by notice in the *Gazette*, fix a later Saturday in October, or the first, second or third Saturday in November, to be the day for holding any polls needed for those ordinary elections.
- (3) The election day can be deferred under subsection (2) —
 - (a) for all local governments; or
 - (b) for a local government or local governments specified in the notice; or
 - (c) for a class or classes of local governments specified in the notice.
- (4) In the notice under subsection (2), or by a later notice in the *Gazette*, the Electoral Commissioner may adjust any time, period or date fixed under this Act to take account of the election day being deferred under subsection (2).

[Section 4.7 amended: No. 66 of 2006 s. 6.]

Division 4 — Extraordinary elections

4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an **extraordinary election**.

[Section 4.8 amended: No. 2 of 2012 s. 10.]

4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

4.20. CEO to be returning officer unless other arrangements made

- (1) Subject to this section the CEO is the returning officer of a local government for each election.
- (2) A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint* a person other than the CEO to be the returning officer of the local government for —
 - (a) an election; or
 - (b) all elections held while the appointment of the person subsists.

** Absolute majority required.*

- (3) An appointment under subsection (2) —
 - (a) is to specify the term of the person's appointment; and
 - (b) has no effect if it is made after the 80th day before an election day.
- (4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.

** Absolute majority required.*

4.6I. Choice of methods of conducting election

- (1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.

- (2) The local government may decide* to conduct the election as a postal election.

** Absolute majority required.*

- (3) A decision under subsection (2) has no effect if it is made after the 80th day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80th day before election day cannot be rescinded after that 80th day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

[Section 4.6I amended: No. 64 of 1998 s. 25; No. 49 of 2004 s. 16(4) and 32(5).]

STRATEGIC IMPLICATIONS:

Outcome 5.2: Community leadership is encouraged and supported.

Strategy 5.2.1: Develop an environment of support for existing and emerging community leaders.

Strategy 5.2.2: Ensure there is transparency in all the activities of the elected members of council.

Strategy 5.2.3: Promote and sustain an environment of inclusiveness, equity and tolerance across the organisation and within community.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The quoted estimate from the Electoral Commission is \$12,727.30 (Ex GST) to Council if a postal election is conducted by the Western Australian Electoral Commission for the extra ordinary election to be held on Friday 28 February 2020. This will require an amendment for inclusion of additional funds to meet this expense.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

164/19 Moved Cr Gilbert, seconded Cr Hamilton that Council

- 1. Declare, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the extraordinary election on 28 February 2020;*
- 2. Decide, in accordance with section 4.61 (2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election; and*
- 3. Authorise an amendment to the 2019/2020 budget to include expenditure of \$12,727.30 (ex GST) to meet the cost of the W.A. Electoral Commission conducting the extraordinary election on 28 February 2020.*

CARRIED BY ABSOLUTE MAJORITY 7/0

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President thanked the members of the public for their attendance and declared the meeting closed at 6.15pm.

CONFIRMED

PRESIDING MEMBER