

OF THE ORDINARY MEETING OF COUNCIL

MINUTES

HELD ON THURSDAY, 19 NOVEMBER 2020

Council Chambers
Honour Avenue
Wyalkatchem

Commencement: 4:01pm

Closure: 5:42pm

Preface

When the Chief Executive Officer approved these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member

Unconfirmed Minutes

These minutes were approved for distribution on 23 November 2020.

Peter Klein

Chief Executive Officer

Disclaimer

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem 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 decisions, which will be provided within ten days of this meeting

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1. DECLARATION OF OPENING

The Chairperson, Shire President Cr Davies opened the meeting at 4:02pm.

2. PUBLIC QUESTION TIME

2.1. Response to Public Questions Previously Taken on Notice

Nil

2.2. Declaration of Public Question Time opened

Public Question Time opened at 4:02pm.

There were no questions.

2.3. Declaration of Public Question Time closed

Public question Time closed at 4:02pm

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:

Cr. Quentin Davies President (Presiding Member)

Cr. Owen Garner Deputy

Cr. Emma Holdsworth Cr. Stephen Gamble Cr. Mischa Stratford Cr. Rachel Nightingale

Staff: Stephen Tindale Acting Chief Executive Officer

Ally Bryant Manager of Corporate Services
Stephanie Elvidge Governance Executive Officer

Apologies: Keith Mills Manager of Works

Visitors: Nil

3.2. Apologies

Nil

3.3. Approved Leave of Absence

Ni

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

It was advised that Sonny Mills, son Maxine Mills, step son of Keith Mills passed away on Thursday 19th November.

5. PETITIONS, DEPUTATIONS, PRESENTATIONS

5.1. Petitions

Nil

5.2. Deputations

Nil

5.3. Presentations

Nil

6. DECLARATIONS OF INTEREST

6.1. Financial and Proximity Interest

Cr Stratford declared a Financial Interest in item 10.2.2. Proposed Licence Agreement – Airport Terminal Building. Cr Stratford is employed by the prospective Licensee Emily Gray and is paid at a rate of \$25/hr to work in the reception area one day per week. As a consequence, there may be a perception that her impartiality on the matter may be affected.

6.2. Impartiality Interests

Cr Garner declared an Impartiality Interest in item 10.2.2. Proposed Licence Agreement – Airport Terminal Building. Cr Garner is the prospective Licensee Emily Gray's future Father in Law, and has assisted in setting up the Physiotherapy Clinic. Cr Garner declared that he has no financial involvement in the business.

7. CONFIRMATION AND RECEIPT OF MINUTES

7.1. Confirmation of Minutes

7.1.1. Ordinary Meeting of Council – 15 October 2020

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 15 October 2020 (Attachment 7.1.1)

OFFICER RECOMMENDATION:

That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 15 October 2020 (Attachment 7.1.1) be confirmed as a true and correct record.

COUNCIL RESOLUTION:

(173/2020) Moved: Cr Stratford Seconded: Cr Gamble
That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of
Thursday 15 October 2020 (Attachment 7.1.1) be confirmed as a true and correct record.

CARRIED 6/0

7.1.2. Confidential Special Meeting of Council – 19 October 2020

Minutes of the Shire of Wyalkatchem Special Meeting held on Monday 19 October 2020 (Attachment 7.1.2 under separate cover).

OFFICER RECOMMENDATION:

That the minutes of the Shire of Wyalkatchem Special Meeting of Council of Monday 19 October 2020 (Attachment 7.1.2 under separate cover) be confirmed as a true and correct record.

COUNCIL RESOLUTION:

(174/2020) Moved: Cr Holdsworth Seconded: Cr Gamble

That the minutes of the Shire of Wyalkatchem Special Meeting of Council of Monday 19 October 2020 (Attachment 7.1.2 under separate cover) be confirmed as a true and correct record.

CARRIED 6/0

7.2. Receipt of Minutes

7.2.1. NEWROC Council Minutes – 27 October 2020

Minutes of the NEWROC Executive Meeting held on Tuesday 27 October 2020 (Attachment 7.2.1)

OFFICER RECOMMENDATION:

That the minutes of the NEWROC Executive Meeting of Tuesday 27 October 2020 (Attachment 7.2.1) be received by Council.

COUNCIL RESOLUTION:

(175/2020/2020) Moved: Cr Stratford Seconded: Cr Holdsworth
That the minutes of the NEWROC Executive Meeting of Tuesday 27 October 2020
(Attachment 7.2.1) be received by Council.

CARRIED 6/0

7.2.2. NEWTRAVEL Annual General Meeting Minutes – 29 October 2020

Minutes of the NEWTRAVEL Annual General Meeting held on Thursday 29 October 2020 (Attachment 7.2.2)

OFFICER RECOMMENDATION:

That the minutes of the NEWTRAVEL Annual General Meeting held on Thursday 29 October 2020 (Attachment 7.2.2) be received by Council.

COUNCIL RESOLUTION:

(176/2020) Moved: Cr Stratford Seconded: Cr Garner

That the minutes of the NEWTRAVEL Annual General Meeting held on Thursday 29 October 2020 (Attachment 7.2.2) be received by Council.

7.2.3.NEWTRAVEL General Meeting Minutes – 29 October 2020

Minutes of the NEWTRAVEL General Meeting held on Thursday 29 October 2020 (Attachment 7.2.3)

OFFICER RECOMMENDATION:

That the minutes of the NEWTRAVEL General Meeting held on Thursday 29 October 2020 (Attachment 7.2.3) be received by Council.

COUNCIL RESOLUTION:

(177/2020) Moved: Cr Stratford Seconded: Cr Holdsworth
That the minutes of the NEWTRAVEL General Meeting held on Thursday 29 October 2020
(Attachment 7.2.3) be received by Council.

CARRIED 6/0

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Cr Davies made reference to Mr Stephen Tindale, Acting CEO, attending his last Council meeting with the Shire of Wyalkatchem. Cr Davies commented on the appreciation noted from all — staff, councillors and community. Mr Tindale has made Wyalkatchem feel very supported and the positive changes are seen all around.

Mr Tindale commented on a united Council, the amount of progress that has been made, Ms Bryant's contribution to getting things back on track and the support of Ms Elvidge and Mrs Maitland.

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

- 9.1. Item 14.1 CEO CONTRACT OF EMPLOYMENT
- 9.2. Item 14.2 RENT RELIEF AND CONTINUATION OF WYALKATCHEM ALLOWANCE

10. REPORTS

10.1. CORPORATE AND COMMUNITY SERVICES

10.1.1. ACCOUNTS FOR PAYMENT – OCTOBER 2020

Applicant: Shire of Wyalkatchem Location: Shire of Wyalkatchem

Date: 3 November 2020

Reporting Officer: Tegan Maitland, Finance Officer

Disclosure of Interest: No interest to disclose

File Number: 12.10.02

Attachment Reference: Attachment 10.1.1 – Accounts for payment – October 2020

SUMMARY

To provide Council with a list of accounts paid by the Chief Executive Officer in accordance with its delegated authority and for Council to endorse the payments made for the prior month.

BACKGROUND

In accordance with the *Local Government (Financial Management) Regulations 1996, s13(1)*, If a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.

A list prepared under sub regulation (1) is to be -

- a. Presented to the council at the next ordinary meeting of the council after the list is prepared; and
- b. Recorded in the minutes of that meeting.

Council has delegated to the CEO (delegation number 1.2.17) the power to make payments from the municipal fund or trust fund.

COMMENT

A payment listing for the month of October 2020 is presented for Council for their endorsement and includes payments made via cheque, Electronic Funds Transfer (EFT) and Direct Debit.

After payment of the following cheque, EFT and Direct Debit payments, the balance of creditors will be \$9,519.83.

Previous Accounts for Payment report to enable council to check that no sequential payment numbers have been missed from the previous accounts for payment reports and the report presented as attached, the following information is provided on the last cheque or EFT number used

Bank Account	Payment Type	Last Number	First Number in	
			report	
Municipal	Cheque	16887	No Payments	
Municipal & Trust	EFT	EFT753	EFT754	
Trust	Cheque	Cheque	No Payments	
Reserves	EFT	EFT	No Payments	

Please note that the above does not include payments made via Direct Debit (DD) as they are not in sequential number order.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations, \$13.1

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Expenditure in accordance with the 2020/2021 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1	 Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire's long term financial sustainability
		10.3	 High quality corporate governance, accountability and compliance
		10.4	 Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council endorse the following payments for the month of October 2020:

- 1. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$336,620.89;
- 2. Direct Debit (DD) payments in the Municipal Fund totalling \$ 25,899.36;
- 3. Payroll Journal (JNL) payments in the Municipal Fund totalling \$ 54,312.82;
- 4. Total payments for the month of October 2020 being \$416,833.07.

COUNCIL RESOLUTION

(178/2020) Moved: Cr Garner Seconded: Cr Gamble

That Council endorse the following payments for the month of October 2020:

- 1. Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$336,620.89;
- 2. Direct Debit (DD) payments in the Municipal Fund totalling \$ 25,899.36;
- 3. Payroll Journal (JNL) payments in the Municipal Fund totalling \$ 54,312.82;
- 4. Total payments for the month of October 2020 being \$416,833.07.

10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – SEPTEMBER 2020

Applicant: Shire of Wyalkatchem Location: Shire of Wyalkatchem

Date: 7 October 2020 Reporting Officer: Tegan Maitland

Disclosure of Interest: No interest to disclose

File Number: File Ref: 12.10.02

Attachment Reference: Attachment 10.1.2 – Credit Cards – September 2020

SUMMARY

This report provides Council with a list of all financial dealings relating to the use of credit card payments for the period 29 August to 28 September 2020.

BACKGROUND

This information is provided to Council on a monthly basis in accordance with the provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996. A Local Government is to develop procedures for the authorisation of, and payment of, accounts to ensure that there is effective security for, which money or other benefits may be obtained.

Council is presented with the monthly accounts for payment at each Council meeting, providing information of payments made for the reporting period (note attachment 10.1.2.1 and 10.1.2.2). This report includes the monthly payment of the credit card debit to the National Australia Bank.

COMMENT

Accountability in local government can be multifaceted, as council seek to achieve diverse social, political and financial goals for the community benefit. The accountability principles of local government are based on strong financial probity, financial propriety, adherence to conflict of interest principals and expectations that the local government is fully accountable for community resources.

This report provides Council with detailed information of purchases paid using the Shire of Wyalkatchem Corporate Credit Cards.

A monthly review of credit card use is independently assessed by the Manager Corporate Services, to confirm that all expenditure has been occurred, is for the Shire of Wyalkatchem and has been made in accordance with Council policy, procedures and the Local Government Act 1995 and associated regulations. The review by the Manager Corporate Services also ensures that misuse of any corporate credit card can be readily detected.

This review has been conducted and no issues are evident and all areas of compliance have been met.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management s.6.4 Local Government (Financial Management) Regulations 1996, R34

POLICY IMPLICATIONS

Policy Number 2.1 – Purchasing Policy.

Policy Number 2.3 – Credit Card Policy.

FINANCIAL IMPLICATIONS

Financial implications and performance to budget are reported to Council on a monthly basis. In this regard, expenditure must be in accordance with the 2019/2020 Annual Budget.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1 10.2 10.3 10.4	 Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire's long term financial sustainability High quality corporate governance, accountability and compliance Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council, in accordance with attachment 10.1.2, endorse credit card payments made for the period 29 August 2020 to 28 September 2020 totalling \$580.20.

COUNCIL RESOLUTION

(179/2020) Moved: Cr Gamble

Seconded: Cr Nightingale

That Council, in accordance with attachment 10.1.2, endorse credit card payments made for the period 29 August 2020 to 28 September 2020 totalling \$580.20.

10.1.3. MONTHLY FINANCIAL REPORT – OCTOBER 2020

Applicant: Shire of Wyalkatchem Location: Shire of Wyalkatchem

Date: 19 November 2020

Reporting Officer: Ally Bryant, Manager of Corporate Services

Disclosure of Interest: No interest to disclose

File Number: 12.10.02

Attachment Reference: Attachment 10.1.2.1 Monthly Financial Report – October 2020

SUMMARY

For Council to review and accept the monthly financial report for the period ending 31 October 2020.

BACKGROUND

The Local Government (Financial Management) Regulations 34 states that a local government must prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) and states the information required to be included in the financial activity reporting.

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

COMMENT

In the attachment Financial activity reports have been prepared in accordance with the *Local Government (Financial Management) Regulations (34)*.

The report includes

Statement of Financial Activity by Program (p.3)

Statement of Financial Activity by Nature an Type (p.4)

The statements provide details of the Shires operations on an actual year to date basis.

These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes are supporting documents to the Statements of Financial Activity for Councillor's information.

The notes provided are:

Note 1 – Explanation of the composition of net current assets: This note details the current funding position of the Shire.

Note 2 - Explanation of Material Variances Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

Note 3 – Cash and Financial Assets: This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

- Note 4 Cash Backed Reserves: This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year to date basis.
- Note 5 Capital Acquisitions: This note details the capital expenditure program for the year.
- Note 6 Disposal of Assets: This note gives details of the capital asset disposals during the year.
- Note 5 Payables: This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.
- Note 7 Non-Operating Grants and Contributions Received: This note provides information on non-operating grants received.
- Note 8 Operating Grants and Contributions Received: This note provides information on operating grants received.
- Note 9 Rate Revenue: This note provides details of rates levied during the year.
- Note 10 Receivables: This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.
- Note 11 Payables: This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.
- Note 12 –Borrowings: This note shows the Shire's current debt position and lists all borrowings.
- Note 13 Lease Liabilities: This note provides information relating to monies owed for equipment leases.
- Note 14 Budget Amendments: This note is used to show Council any amendments that are made to the Budget during the course of the financial year.

STATUTORY ENVIRONMENT

Local Government Act 1995, Part 6 – Financial Management S6.4 Local Government (Financial Management) Regulations, R34

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Nil – Monthly Statement of Financial Activity reporting on council's current financial position

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal: Transparent, accountable and effective governance.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1 10.2 10.3 10.4	 Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire's long term financial sustainability High quality corporate governance, accountability and compliance Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Statement of Financial Activity for the month ending 31st October 2020, as included in attachment 10.1.2.1, as presented and notes any material variances.

COUNCIL RESOLUTION

(180/2020) Moved: Cr Stratford Seconded: Cr Gamble

That Council accepts the Statement of Financial Activity for the month ending 31st October 2020, as included in attachment 10.1.2.1, as presented and notes any material variances.

10.1.4. REVIEW OF FEES AND CHARGES

Applicant: Shire of Wyalkatchem

Location: Shire of Wyalkatchem
Date: 19 November 2020

Reporting Officer: Ally Bryant, Manager of Corporate Services

Disclosure of Interest: No interest to disclose

File Number: 12.05.07

Attachment Reference: Nil

SUMMARY

In accordance with the *Local Government Act 1995, section 6.16*, a local government may impose a fee or charge for any goods or services that it provides.

BACKGROUND

The Fees & Charges for 2020/2021 were adopted with the annual budget in August 2020.

Fees and Charges for Plant Hire rates - Private Works and Special Event Camping have been reviewed by staff for Council's consideration.

COMMENT

The fees and charges for Plant hire and camping at Recreation Centre have been reviewed. The Manager of Works reassessed the plant hire and has provided a day rate along with a revised hourly rate.

The powered site at the Recreation Centre fee was originally imposed for special events that required more camping accommodation in town. The Recreation Centre has currently been used due to lack of caravan camping availability in town. The current fee is high considering the amenities available.

	OLD Charges		NEW Charges	
Plant Hire Rates - Private Works	<u>Per Hour</u>	Per day	<u>Per Hour</u>	Per day
Labour	\$70.00		\$70.00	
Mini Excavator	N/A	N/A	\$95.00	\$620.00
CAT 120M WM017	\$185.00	N/A	\$150.00	\$975.00
Loader WM009	\$195.00	N/A	\$165.00	\$1,075.00
Isuzu Truck WM015 with trailer	\$185.00	N/A	\$170.00	\$1,100.00
Isuzu Dual Cab Truck WM003	\$120.00	N/A	\$120.00	\$780.00
New Holland Tractor WM005	\$140.00	N/A	\$130.00	\$845.00
Amman Roller WM160	\$180.00	N/A	\$115.00	\$745.00
Skid Steer WM830	\$120.00	N/A	\$125.00	\$815.00
Concrete Saw - Dry Hire	\$120.00	N/A	N/A	\$485.00
Compactor - Dry Hire	\$75.00	N/A	\$75.00	\$485.00
Lawn corer - Dry Hire	\$60.00	N/A	\$60.00	\$390.00
Tree Planter - Dry Hire	\$110.00	N/A	N/A	\$350.00
Recreation & Culture	_	-		
Powered Site	N/A	\$36.00	N/A	\$20.00

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.16.

- 6.16. Imposition of fees and charges
 - (3) Fees and charges are to be imposed when adopting the annual budget but may be -
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Income derived from fees and charges in the 2020/2021 financial year.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal: Transparent, accountable and effective governance.

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1 10.2 10.3 10.4	 Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire's long term financial sustainability High quality corporate governance, accountability and compliance Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION

That Council adopt the revised charges as per the attached table.

COUNCIL RESOLUTION

(181/2020) Moved: Cr Nightingale Seconded: Cr Gamble That Council adopt the revised charges as per the attached table.

LOST 0/6

^{*} Absolute majority required.

COUNCIL RESOLUTION

(182/2020) Moved: Cr Holdsworth Seconded: Cr Stratford

That Council revisit this item at the next Ordinary Meeting of Council, 17 December 2020.

10.1.5. REPORT TO COUNCIL ON CURRENT LOANS

Applicant: Shire of Wyalkatchem

Location: Shire of Wyalkatchem
Date: 19 November 2020

Reporting Officer: Ally Bryant, Manager of Corporate Services

Disclosure of Interest: No interest to disclose

File Number: 12.05.07

Attachment Reference: Nil

SUMMARY

As requested by Council, further advice is provided on the consolidation of current loans to the Shire.

BACKGROUND

With the current economic impact from COVID 19 and the drop in interest rates being offered on new loans, Council requested that a review be conducted of the Shire's current loans to determine if it would be feasible to refinance and save with current interest rates.

We currently have two active loans. One being with the National Australia Bank and the other with the Western Australian Treasury Corporation.

	Total Principal	Total Interest	Interest Rate
WATC	\$80,149	\$11,499	4.43%
Loan 73			
NAB	\$93,320	\$13,301	6.893%
Loan 68			

COMMENT

National Australia Bank have advised the economic cost calculation to break the current fixed loan contract is \$16,597. NAB can currently offer a 4.20% interest rate which would see an interest saving of \$4,950. The interest saving does not outweigh the cost of breaking Loan 68.

Unfortunately the Western Australian Treasury Corporation have advised that the premium payable on the buy-back of the current fixed rate loans will fully offset any rate benefit gained from the new loan. Because of the cost, this refinancing would only be an option to consider if Council were looking to reduce the monthly payment amounts going forward for budgetary purposes,- which serves no useful purpose.

WATC interest rate for a 20 year loan is currently 2.39%

STATUTORY ENVIRONMENT

Local Government Act 1995, section 6.20.

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.

Local Government (Financial Management) Regulations 1996, section 6.10

Part 2 – General financial management

- 20. When local public notice not required for exercise of power to borrow (Act s. 6.20(2)(a))
- (2) A local government is not required to give local public notice of a proposal to exercise a power to borrow where
 - (a) the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution); and
 - (b) the re-financing or continuation is not a major variation.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Interest expenditure for the 20/21 Financial Year.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Goal: Transparent, accountable and effective governance

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1 10.2 10.3 10.4	 Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire's long term financial sustainability High quality corporate governance, accountability and compliance Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council receive the report.

COUNCIL RESOLUTION (183/2020) Moved: Cr Stratford That Council receive the report.

Seconded: Cr Holdsworth

10.2. GOVERNANCE AND COMPLIANCE

10.2.1. CHIEF EXECUTIVE OFFICER REPORT – OCTOBER 2020

Applicant: Shire of Wyalkatchem
Location: Shire of Wyalkatchem
Date: 12 November 2020

Reporting Officer: Stephen Tindale, Acting Chief Executive Officer

Disclosure of Interest: No interest to disclose

File Number: 13.09.01

Attachment Reference: Nil

SUMMARY

This report is prepared by the Acting CEO to provide Council and the community of Wyalkatchem with information about CEO activities and the operations of the Shire.

COMMENT

Since the last meeting of Council the Acting CEO has attended the following meetings and events.

- Outside Staff Council Depot
- Anna Thomas Business needs in WA
- Emma Clements WALGA Employee Relations Service
- NEWROC Council Meeting Wyalkatchem
- Paul de Pierres Catholic Presbytery
- Peter Klein CEO Contract signing and house inspection
- Theresa Carroll Catholic Presbytery (Perth)
- Emily Gray Airport terminal licence
- Craig Cooper CRC agreement reporting
- Remembrance Day Ceremony
- Update on transition to RPM online

In the months of November and December 2020 the following meetings and events have been diarised.

- Dr Emanuel
- November Council Meeting
- Outside Staff Council Depot
- NEWROC Corporate Business Planning Workshop
- NEWROC Executive Meeting
- Ron Sawyer Caravan Park valuation
- Great Eastern Country Zone Meeting Merredin
- IPR Masterclass Zoom meeting
- WA Country Health Service and Local Govt catch-up Zoom meeting
- Local Emergency Management Committee 2 Dec 2020
- NEWROC Council Meeting Koorda
- Update on transition to RPM online
- December Council Meeting

STATUTORY ENVIRONMENT

There are no direct statutory implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.

informed Council cisions for the
financial nd plans for the n financial
porate governance, nd compliance
egrated Strategic I plans
tegic partnerships tate & Federal
e Shire of well positioned to eds
t t

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accepts the Acting CEO's report for the month of October 2020.

COUNCIL RESOLUTION

(184/2020) Moved: Cr Gamble Seconded: Cr Garner
That Council accepts the Acting CEO's report for the month of October 2020,

Cr Garner declared an Impartiality Interest in item 10.2.2. Proposed Licence Agreement – Airport Terminal Building. Cr Garner is the prospective Licensee Emily Gray's future Father in Law, and has assisted in setting up the Physiotherapy Clinic. Cr Garner declared that he has no financial involvement in the business.

Cr Stratford declared a Financial Interest in item 10.2.2. Proposed Licence Agreement — Airport Terminal Building. Cr Stratford is employed by the prospective Licensee Emily Gray and is paid at a rate of \$25/hr to work in the reception area one day per week. As a consequence, there may be a perception that her impartiality on the matter may be affected. Cr Stratford left the room at 5:05pm

COUNCIL RESOLUTION

(185/2020) Moved: Cr Gamble Seconded: Cr Holdsworth
Council agreed that the extent of the matter was a minor interest and that Cr Stratford can

participate in the discussion and debate but not to vote on the matter.

CARRIED 5/0

Cr Stratford re-joined the meeting at 5:09pm.

10.2.2. PROPOSED LICENCE AGREEMENT – AIRPORT TERMINAL BUILDING

Applicant: Emily Gray

Location: Terminal Building on portion of Lot 500 on Reserve 22949,

Wyalkatchem Aerodrome

Date: 10 November 2020

Reporting Officer: Stephen Tindale, Acting CEO Disclosure of Interest: No interest to disclose

File Number: 5.19.14

Attachment Reference: Attachment 10.2.2 - Draft Licence Agreement

SUMMARY

Council to consider the grant of a licence agreement for the use of a room at the Wyalkatchem Airport Terminal by Emily Gray Physiotherapy for a term of one year for use as a physiotherapy clinic.

BACKGROUND

In July this year Council agreed to waive the fees and charges for the hire of the aerodrome terminal building to Emily Gray Physiotherapy for a period of four months.

The waiver was granted in order to encourage the start-up of a new business in Wyalkatchem and to allow Emily Gray time to assess the ongoing viability of the business before making any longer term commitment to the service.

The current one-day-a-week free-hire arrangement for the airport terminal is due to expire on 7 December 2020.

Emily Gray believes the business is viable and would like to obtain some certainty around the continued use of the airport terminal. To that end, it is recommended that the Shire enter into a one year licence agreement with Emily Gray Physiotherapy for the use of the Lounge room as a physiotherapy clinic based on the existing daily hire rate for the airport terminal.

COMMENT

At the outset and as a general observation, the business is very well presented and provides a significant health and welfare benefit for the Wyalkatchem community.

Council has previously agreed to a licence agreement for use of dedicated space at the Wyalkatchem Airport Terminal. Specifically, a license agreement was granted to a hairdresser, Sue Tulip, for a period of four months over 2016/17 for a portion of the Display room located within the airport terminal.

Using that licence agreement as a reference document, a new licence agreement has been developed for Emily Gray Physiotherapy (see Attachment 10.1.2).

The proposed license agreement incorporates a hire fee (previously set by Council) of \$55 per day inclusive of GST which is to be payable quarterly in arrears. Based on a one-day-a-week hire, this amounts to \$715 per quarter or \$2,860 per annum and is subject to review during Council's Annual Budget setting process.

Emily Gray has indicated that she may extend her service to two days a week. She has requested that the rent for the second day be reduced by 50% in return for keeping the whole of the terminal building clean except when used by others. This arrangement has been incorporated into the draft licence agreement. Acting on her advice, these days will also be charged in arrears.

From time to time, others may want to hire the airport terminal for specific functions. To the extent that the current entrance room to the airport terminal is used as a client reception room by the physiotherapy practice, it has been agreed that reception room furniture may be need to shifted to the Lounge (which is the specific room that is to be licenced as a physiotherapy clinic) or the Training room if it is more convenient and available.

This will then allow unconstrained use of the entrance room for other functions.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 3.58 – Disposing of Property. Local Government (Functions and General) Regulations 1996 – regulation 30 Disposition of property excluded from Act s.3.58

Section 3.58 of the *Local Government Act 1995* provides that the Shire may dispose of property (this includes licencing) by one of three methods, each with varying compliance requirements:

- Public Tender,
- Public Auction; or
- Private Treaty.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* provides that a disposal of property may be exempt from compliance with the s.3.58 requirements if the market

value is less than \$5,000 and the Shire does not consider that the ownership (possession) of the land would be of significant benefit to anyone other than the transferee.

In this instance the possession of the Lounge room area is not considered to be of significant benefit to anyone other than the transferee. The Wyalkatchem Airport Terminal building is under-utilised and the remainder of the building will still be available for hire public without the overall useability of those spaces being significantly compromised.

The value of the proposed lease is \$2,860 and therefore the Shire is <u>not</u> required to comply with the Section 3.58 requirements. This may need to be reviewed if any further extension of the licence agreement is to be considered by Council and the total consideration exceeds \$5,000.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

Unbudgeted income of \$2,860 over the 12 month period of the licence.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Objective: Healthy, Strong and connected communities

Goal	Outcome	Action No.	Actions
1	A safe and healthy community	1.3	Support & advocate for appropriate & accessible health services
5	Growth in business opportunity	5.1	 Engage with & support local business community
		5.2	 Support new industry, business, investment & diversity while encouraging growth of local businesses
		5.3	 Encourage community to support local business
10	Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1. That Council determine that it does not consider that the ownership (possession) of the land (Lounge room) would be of significant benefit to anyone other than the transferee (Emily Gray Physiotherapy).
- 2. Authorises the signing of the licence agreement by the Shire President and the CEO and its execution by affixing the Common Seal of the Shire of Wyalkatchem to the agreement.

COUNCIL RESOLUTION

(186/2020) Moved: Cr Nightingale Seconded: Cr Holdsworth

That Council:

- 1. That Council determine that it does not consider that the ownership (possession) of the land (Lounge room) would be of significant benefit to anyone other than the transferee (Emily Gray Physiotherapy).
- 2. Authorises the signing of the licence agreement by the Shire President and the CEO and its execution by affixing the Common Seal of the Shire of Wyalkatchem to the agreement.

CARRIED 5/0

10.3. WORKS AND SERVICES

10.3.1. MANAGER OF WORKS REPORT

Applicant: Not Applicable

Location: Shire of Wyalkatchem
Date: 13 November 2020

Reporting Officer: Keith Mills – Manager of Works

Disclosure of Interest: No interest to disclose

File Number: 13.09.01

Attachment Reference: Nil

SUMMARY

Council to consider and accept the Manager of Works report for the month of October 2020.

BACKGROUND

To inform Council of the activities of the works and services team during the month of October 2020.

COMMENT

Road Crew

Roads to Recovery works on Elsegood Rd (3.3km) and on Davies Rd (6.67km) with back slope and drainage clearing/cleaning have been completed. The associated re-sheeting program commenced on Elsegood Rd on 5 November 2020 with an approximate completion date of 4 December 2020. Three trucks have been dry hired from Axle Hire and Rentals in Perth, to assist with the re-sheeting program on Elsegood Road, these consist of 1 x semi water tanker, 1 x prime mover for road train side tippers and 1 x prime mover for semi side tipper. These vehicles are likely to remain on hire until the Christmas break up.

The road crew will continue working until Wednesday 23 December 2020 and resume on Wednesday 27 January 2021.

The works crew's Christmas wind up will be held at the depot on Friday evening 18 December 2020.

RFQ 01-20/21 Bitumen Surfacing:

Request for Quotation for the Shire's bitumen sealing projects under the RRG funding for 20/21 season has been advertised and closed with 5 companies quoting on 34,000m² of various sealing works along the Cunderdin-Wyalkatchem Road and Tammin-Wyalkatchem Road.

An evaluation process was completed using the criteria of experience, resources, methodology and pricing and the following scores were determined.

Boral Resources	=	\$120,048.50 + gst	Evaluation score – 8.35
Fulton Hogan	=	\$142,153.00 + gst	Evaluation score – 7.85
Kee Surfacing	=	\$146,432.00 + gst	Evaluation score – 7.70
Downer	=	\$150,012.50 + gst	Evaluation score – 7.55
Bitutek Pty Ltd	=	\$167,904.00 + gst	Evaluation score – 7.25

As a result, Boral Resources have been evaluated as the preferred supplier for year 20/21.

Parks / Town Services Crew

- Town street verge maintenance, brush cutting.
- Shire Admin garden, roses and tree trimming maintenance.
- Admin Park mowing.
- Town Hall garden and tree trimming maintenance.
- Railway Barracks grounds maintenance.

Buildings

There has been some vandalism at the Railway Station with all the white ant baits around the station having been pulled out of the ground. The Shire paid over \$2,500 to renew existing baits just 5 weeks ago.

Some of the pickets on the white picket fence were removed and broken. The vandalised areas have been reported to the Police with a report number recorded.

Waste Management

- Weekly push up of deposited waste at Wyalkatchem's landfill.
- Children and adults are still opening bags of rubbish to gather cans and bottles, leaving bags uncovered for contents to blow around.

Vehicle/Plant

- 2020 Prado (CEO) Picked up 23 October 2020
- 2019 Kluger (Dr) Picked up 30 October 2020

Plant – Servicing and Repairs

- CEO Prado 1,000km service Monday 9 November 2020 by Avon Valley Toyota Northam.
- MOW SR5 work vehicle 80,000km service Wednesday 11 November 2020 by Petchell Mechanical.
- Isuzu 6x4 tipper truck is in Perth at Park Body Builders getting the repairs assessed on the tipper body.

Aerodrome

Weekly aerodrome and lighting inspection carried out.

 Maintenance grading on all sides of the airstrip runway for the full length and approximately 20m wide was completed on Friday 6 November 2020.

Private works

Asbestos removal from Piesse St.

General

Partial rehabilitation of the gravel pit on the corner of Cunderdin-Wyalkatchem Rd and Davies South Rd has been completed. The rehabilitation makes room for the receival of material from future road works and makes the corner safer to the public in the event of an off road accident.

OSH

Toolbox meeting held 6 November 2020 with a presentation on Safe Work Method Statements (SWMS) and Site Safety Management Plans. Procedural requirements for staff to adhere to under the Shire's and LGIS's OHS policies were also discussed in relation to each specific road project.

Staff

Casual employee (Maxine Mills) commenced work on Wednesday 28 October 2020 to assist in general gardening duties of the town.

STATUTORY ENVIRONMENT

There are no statutory environment implications in relation to this item.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The list before Council is generally in accordance with the desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Goal 2

Goal	Outcome	Action No.	Actions
2	An active, engaged and social community	2.3	Provide community venues, & open spaces that facilitate opportunities for the community to connect

Goal 6

Goal	Outcome	Action No.	Actions
6	Essential services and infrastructure are available to support the community and local economy	6.4	Develop, review & implement town centre and townscape revitalisation plans

Goal 7

Goal	Outcome	Action No.	Actions
7	We have vibrant, active public open spaces and buildings with high levels of utilisation and functionality	7.1	Improve asset management practices in a manner that optimises life and function
		7.2	Developing, maintaining & enhancing town streetscape and public spaces

	7.3	Providing accessible community			
	7.4	Conserve environmer	Shire's	nat	tural

Goal 8

Goal	Outcome	Action No.	Actions
8	Our built environment responds to the accessibility	8.1	Improving safety on road, cycle and footpath networks
	and connectivity needs of all		

Goal 9

Goal	Outcome	Action No.	Actions
9	Sustainable management of resources	9.1	Providing effective & efficient Waste Management Services
		9.2	Encouraging recycling & support recycling initiatives and programs
		9.3	Increase availability of water catchment and treatment options, waste re-use and recycling.
		9.4	Preservation of significant heritage properties & precincts

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council accept the Manager of Work's report for the month of October 2020.

COUNCIL RESOLUTION

(187/2020) Moved: Cr Gamble Seconded: Cr Stratford

That Council accept the Manager of Work's report for the month of October 2020.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

14. MATTERS BEHIND CLOSED DOORS

OFFICER'S RECOMMENDATION

That Council suspends Standing Orders and moves behind closed doors in accordance with Section 5.23 (2)(a) & (b) and 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to:

- a matter affecting an employee or employees;
- the personal affairs of a person and
- matters of a contract which may be entered into, by the local government.

COUNCIL RESOLUTION:

(188/2020) Moved: Cr Stratford Seconded: Cr Garner

That Council suspends Standing Orders and moves behind closed doors in accordance with Section 5.23 (2)(a) & (b) and 5.23 (2)(c) of the Local Government Act 1995, to deal with matters that relate to:

- a matter affecting an employee or employees;
- the personal affairs of a person and
- matters of a contract which may be entered into, by the local government.

6/0

14.1. CEO CONTRACT OF EMPLOYMENT

Applicant: Shire of Wyalkatchem Location: Shire of Wyalkatchem

Date: 5 November 2020

Reporting Officer: Stephen Tindale – Acting CEO

Disclosure of Interest: No interest to disclose

File Number: 22.23.07

Attachment Reference: Attachment 14.1.1 CEO Contracts of Employment – Model

Attachment 14.1.2 CEO Contracts of Employment – Confidential

Attachment 14.1.3 CEO Standards and Guidelines

SUMMARY

At its August 2020 meeting, Council approved a process for the recruitment, selection and appointment of a CEO. The last step in the process was to allow the Shire President to negotiate an employment contract for the preferred applicant based a model employment contract provided by WALGA (see Attachment 14.1.1).

A Council resolution ratifying the final negotiated contract is requested.

STATUTORY ENVIRONMENT

Sections 5.39 of the Local Government Act 1995 provides the following in part:

5.39 Contracts for CEO and senior employees

- (1) Subject to subsection (1a), 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.
- (1a) Despite subsection (1)
 - (a) an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and
 - (b) a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.
- (2) A contract under this section
 - (a) in the case of an acting or temporary position, cannot be for a term exceeding one year;
 - (b) in every other case, cannot be for a term exceeding 5 years.
- (3) A contract under this section is of no effect unless
 - (a) the expiry date is specified in the contract; and
 - (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.
- (4) A contract under this section is to be renewable and subject to subsection (5), may be varied.
- (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.
- (6) Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.
- (7) A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7A.

POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

FINANCIAL IMPLICATIONS

There are no financial implications in relation to this item.

COMMUNITY & STRATEGIC OBJECTIVES

The matter before Council generally accords with the following Shire desired aspiration as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Aspiration: Accountable, effective and engaged leaders

Goal No.	Strategies		Actions
Goal 10	Transparent, accountable and effective governance	10.1 10.2 10.3	 Ensuring a well-informed Council makes good decisions for the community Ensuring sound financial management and plans for the Shire's long term financial sustainability High quality corporate governance, accountability and compliance
		10.4	 Maintaining Integrated Strategic and Operational plans

VOTING REQUIREMENT

Simple Majority

OFFICER'S RECOMMENDATION

That Council ratify the final negotiated Employment Contract between the Shire of Wyalkatchem and Peter James Klein and authorise the signing of the contract by the Shire President and Acting CEO and its execution by the affixing of the Common Seal of the Shire of Wyalkatchem to the contract.

COUNCIL RESOLUTION:

(189/2020) Moved: Cr Gamble Seconded: Cr Stratford

That Council ratify the final negotiated Employment Contract between the Shire of Wyalkatchem and Peter James Klein and authorise the signing of the contract by the Shire President and Acting CEO and its execution by the affixing of the Common Seal of the Shire of Wyalkatchem to the contract.

14.2. RENT RELIEF AND CONTINUATION OF WYALKATCHEM ALLOWANCE

Applicant: Shire of Wyalkatchem Location: Shire of Wyalkatchem

Date: 11 November 2020

Reporting Officer: Stephen Tindale – Acting CEO

Disclosure of Interest: No interest to disclose

File Number: 13.05.01

Attachment Reference: NIL

RESASON FPOR CONFIDENTIALITY

This item deals with matters that relate to:

- a matter affecting an employee or employees;
- the personal affairs of a person and
- matters of a contract which may be entered into, by the local government.

COMMUNITY & STRATEGIC OBJECTIVES

Although unique, the matter before Council generally accords with the following Shire desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies	Action No) .	Actions
1	A safe and healthy Community	1.3	Support & advocate for appr & accessible health services	
10	Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community	

Vision Statement -

Shire of Wyalkatchem:

To be a socially interactive and inclusive community that embraces our rural character and sense of community.

VOTING REQUIREMENT

Absolute Majority (unbudgeted expense)

OFFICER'S RECOMMENDATION

That Council grant rent relief and the continuance of the Wyalkatchem Allowance for Robert and Julie Hodges for the Shire housing at 45 Wilson St, Wyalkatchem for the period 31st August 2020 to 31st January 2021.

COUNCIL RESOLUTION

(190/2020) Moved: Cr Gamble Seconded: Cr Garner

That Council grant rent relief and the continuance of the Wyalkatchem Allowance for Robert and Julie Hodges for the Shire housing at 45 Wilson St, Wyalkatchem for the period 31st August 2020 to 31st January 2021.

OFFICER'S RECOMMENDATION

That Council resumes Standing Orders and move out from closed doors.

COUNCIL RESOLUTION

(191/2020) Moved: Cr Nightingale Seconded: Cr Stratford
That Council resumes Standing Orders and move out from closed doors.

15. INFORMATION BULLETIN

15.1. Information Bulletin

The information bulletin has been provided as an attachment (Attachment 15.1)

15.2. Business Arising from the Information Bulletin

Council is pleased with the progress in completing items from the Status report.

16. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 5:42pm.