



**PUBLIC MINUTES
OF THE
SPECIAL MEETING
OF COUNCIL
HELD ON
FRIDAY, 30 JULY 2021**

**Council Chambers
Honour Avenue
Wyalkatchem**

Commencement: 1:41pm

Closure: 3:54pm

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 03 August 2021.



Peter Klein

Chief Executive Officer

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission, 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.

TABLE OF CONTENTS

1.	DECLARATION OF OPENING.....	1
2.	PUBLIC QUESTION TIME	1
2.1.	Response to Public Questions Previously Taken on Notice.....	1
2.2.	Declaration of Public Question Time opened.....	1
2.3.	Declaration of Public Question Time closed.....	1
3.	ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE	1
3.1.	Attendance.....	1
3.2.	Apologies.....	1
3.3.	Approved Leave of Absence.....	1
3.4.	Applications for Leave of Absence.....	1
4.	OBITUARIES	1
5.	PETITIONS, DEPUTATIONS, PRESENTATIONS.....	1
5.1.	Petitions	1
5.2.	Deputations.....	1
5.3.	Presentations	2
6.	DECLARATIONS OF INTEREST	2
6.1.	Financial and Proximity Interest	2
6.2.	Impartiality Interests.....	2
7.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	2
	Item 8.2.1 – Chief Executive Officer’s Performance Review.....	2
8.	REPORTS	3
8.1.	CORPORATE AND COMMUNITY SERVICE.....	3
8.1.1.	ADOPTION OF ANNUAL BUDGET 2021/2022.....	3
8.2.	GOVERNANCE AND COMPLIANCE – BEHIND CLOSED DOORS.....	8
8.2.1.	CHIEF EXECUTIVE OFFICER’S PERFORMANCE REVIEW	8
9.	CLOSURE OF THE MEETING	10

1. DECLARATION OF OPENING

The Chairperson, Shire President Cr Davies opened the meeting at 1:41pm

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 1:42pm

There were no members of the public.

2.3. Declaration of Public Question Time closed

Public question Time closed at 1:42pm

3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE

3.1. Attendance

Members:	Cr. Quentin Davies	President (Presiding Member)
	Cr. Owen Garner	Deputy President
	Cr. Emma Holdsworth	
	Cr. Stephen Gamble	
	Cr. Mischa Stratford	

Staff:	Peter Klein	Chief Executive Officer
	Ally Bryant	Manager of Corporate Services
	Stephanie Elvidge	Governance Executive Officer

3.2. Apologies

Terence Delane	Manager of Works
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3.3. Approved Leave of Absence

Nil

3.4. Applications for Leave of Absence

Nil

4. OBITUARIES

Nil

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

Nil

6.2. Impartiality Interests

Nil

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 8.2.1 – Chief Executive Officer’s Performance Review

8. REPORTS

8.1. CORPORATE AND COMMUNITY SERVICE

8.1.1. ADOPTION OF ANNUAL BUDGET 2021/2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	26 July 2021
Reporting Officer:	Ally Bryant, Manager of Corporate Services
Disclosure of Interest:	No interest to disclose
File Number:	12.05.07
Attachment Reference:	8.1.1.1 2021/2022 Annual Budget 8.1.1.2 2021/2022 Fees and Charges 8.1.1.3 2021/2022 Capital Works Program

SUMMARY

The *Local Government Act 1995*, section 6.2 requires a local government to prepare and adopt a budget before 31 August. Council is recommended to adopt the attached draft FY22 Annual Budget.

BACKGROUND

The draft 2021/22 Budget has been compiled based on the principles contained in the Strategic Community Plan and in accordance with presentations made to Council at budget workshops.

COMMENT

The main features of the draft 2020/21 Annual Budget pack includes:

1. Draft financial reports;
2. A draft capital expenditure report; and
3. The schedule of Fees and Charges;

Key features of this budget are as follows;

A total sum of \$693,587 has been allocated to the road maintenance program for FY22. Proposed capital expenditure of \$3,341,840 includes:

- a. A capital roads program totalling \$845,083 the cost of which is partially offset by Federal and State road funding. The net impact of these works on Council funds is \$212,055
- b. A total of \$871,757 on other infrastructure including the improvements to the town streetscape \$199,674 and two water projects totalling \$555,083;
- c. Building projects totalling \$1,395,000 with the two main projects being the proposed Nurses accommodation and new Shire Depot.
- d. The purchase of the following plant is offset by plant reserves, vehicle disposals and Municipal Funds:

Fuel Trailer	\$ 33,000
TDM Dolly	\$ 30,000
Minor Plant	\$ 60,000
CEO Vehicle	\$ 65,000
MCS Vehicle	\$ 41,000
Works Manager Vehicle	\$ 55,000
Total	\$ 284,000

Transfers into Reserve Funds of \$728,168 (includes approximate interest of \$12,500) and out of Reserve Funds of \$313,000.

The estimated brought forward balance is \$1,793,011 however, it must be noted that this figure is unaudited and may change once the annual accounts are finalised. The major contributors to this carried forward amount is a payment of \$826,432 made in June 2021 relating to the Commonwealth Financial Assistance Grants, a carried forward amount of \$428,605 for capital projects and underspending on budgeted expenses of approximately \$537,974 for the 2020/2021 year.

STATUTORY ENVIRONMENT

Local Government Act 1995

“6.2. Local government to prepare annual budget

- (1) *During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

- (2) *In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —*
- (a) the expenditure by the local government; and*
 - (b) the revenue and income, independent of general rates, of the local government; and*
 - (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.*
- (3) *For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.*
- (4) *The annual budget is to incorporate —*
- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and*

- (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;and
- (c) the fees and charges proposed to be imposed by the local government; and
- (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
- (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
- (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
- (g) such other matters as are prescribed.

- (5) Regulations may provide for —
 - (a) the form of the annual budget; and
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.”

POLICY IMPLICATIONS

Policy 2.4. Budget preparation

FINANCIAL IMPLICATIONS

Budget of estimated income and expenditure for the 2021/22 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.

Objective: Goal 10 Transparent, accountable and effective governance

Outcome No.	Outcome	Action No.	Measure
1	Ensuring a well-informed Council makes good decisions for the community	1	Community Satisfaction

VOTING REQUIREMENT

Absolute Majority

OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION

(320/2021) *Moved: Cr Stratford* *Seconded: Cr Garner*

1. ***That, in accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996, Council adopts the Shire of Wyalkatchem 2021/2022 Budget, as presented in Attachment 8.1.1.1***

2. That, in accordance with Sections 6.32, 6.33, 6.34 and 6.35 of the Local Government Act 1995, Council for the purpose of yielding the deficiency disclosed by the 2021/22 Budget adopted at Part 1 above, imposes the following general rates and minimum payments on Gross Rental and Unimproved Values (as shown at Note 1 of the 2021/22 Budget).

Unimproved Value	Rate in \$	Minimum Rate
Residential (GRV)	0.108774	495.00
Rural (UV)	0.014740	550.00
Mining (UV)	0.014740	550.00

3. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996, Council nominates the following due dates for the payment in full by instalments:

One Installment Option:

Full payment with 5% discount	30/08/2021
Full payment	13/09/2021

Four Installment Option:

1st Instalment due date	13/09/2021
2nd Instalment due date	15/11/2021
3rd Instalment due date	17/01/2022
4th Instalment due date	17/03/2022

4. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996, Council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$5.00 for each instalment after the initial instalment is paid.
5. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 68 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
6. That, in accordance with Section 6.45 of the Local Government Act 1995 and Regulation 70 of the Local Government (Financial Management) Regulations 1996, Council adopts an interest rate of 7% for rates and other charges and costs of proceedings to recover such charges that remain unpaid after becoming due and payable.

7. That, in accordance with Section 67 of the Waste Avoidance and Resources Recovery Act 2007, Council adopts the following charges for the removal and deposit of domestic and commercial waste:

Residential and Commercial Premises a. 240ltr Waste Bin Weekly Collection; and	\$ 315.00
Additional Refuse Service a. 240ltr Waste Bin Weekly Collection.	\$ 315.00

8. That, in accordance with Section 5.99 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees and allowances for elected members:

Council Annual Meeting Fees; Councillors	\$ 4793.00 per annum
Council Annual Meetings Fees; President	\$ 4793.00 per annum
Allowance; Shire President	\$ 6090.00 per annum
Allowance; Deputy Shire President	\$ 1523.00 per annum

9. That, in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 and AASB 1031 Materiality, Council adopts the level to be used in the Statement of Financial Activity in 2021/22 for the reporting of material variance as 10% or \$10,000, whichever is the greater.
10. That, in accordance with Section 6.11 of the Local Government Act 1995, Council adopts to
- a) Shift \$18,508 from the Government Joint Venture Housing Reserve to the Building Reserve and to close the Government Joint Venture Housing Reserve account and:
 - b) Open a new reserve named Leave reserve and deposit \$20,000 into it for the purpose of facilitating staff accrued leave.
11. That, in accordance with Section 6.16 of the Local Government Act 1995, Council adopts the Fees and Charges 2021-2022 included as attachment 8.1.1.2.

CARRIED 5/0

Mrs Bryant and Ms Elvidge left the meeting at 2:33pm

8.2. GOVERNANCE AND COMPLIANCE – BEHIND CLOSED DOORS

8.2.1. CHIEF EXECUTIVE OFFICER'S PERFORMANCE REVIEW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	6 July 2021
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	8.2.1 Performance Tracking, Characteristics & Training Assessment

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(321/2021) Moved: Cr Stratford

Seconded: Cr Garner

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

- *the personal affairs of a person*
- *matters of a contract which may be entered into, by the local government*

CARRIED 5/0

SUMMARY

The CEO commenced on 23 October 2020 and his performance for the period to 30 June 2021 has been reviewed and documented.

BACKGROUND

Following a review of the performance of the CEO, councillors must, by resolution of an absolute majority, endorse the review.

The CEO's key duties & responsibilities are as follows -

Responsible for effective day to day operations of the Local Government.

1. In consultation with Council, initiate and implement strategic and service delivery plans for the Shire of Wyalkatchem.
2. To co-ordinate, in conjunction with the Executive Management Team, an overall system of fiscal management to reflect Council's aims and objectives.
3. Implement and manage the requirements of the Integrated Planning and Reporting framework.
4. Formulate and implement a Human Resources Management Plan, which ensures the appropriate supervision and management of Departments.
5. Institute a staff training program that will improve staff skills across the board, which will assist staff in focusing on service delivery to the Community.

6. Administer the legal, statutory and election processes of the Local Government's operations and be the chief adviser to Council on these matters to ensure that the Local Government is operating within statutory limits.
7. On behalf of the Local Government, make effective representation of the issues, views, policies and needs of the Local Government, as required.
8. Ensure the development and maintenance of sound communications and good relationships between the Shire, Government Departments and the community at large.
9. Ensure reports and recommendations submitted to Council are well written and based on sound judgment.
10. Ensure that the Council's statutory compliance obligations are met.
11. Maintain and enhance collaboration and co-operation with neighbouring local governments.

STATUTORY ENVIRONMENT

Statutory requirements - consistent with section 5.39A of the Local Government Act the Council has adopted model standards for CEO recruitment, performance management & termination. This recommendation satisfies compliance with the adopted standard.

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 is consistent with the council objective to deliver an engaged & accountable Council working with others to advance our community

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

Outcome No.	Action No.	Actions
Business systems promote councillor & staff engagement and deliver responsive, transparent & cost effective services	4.1.1.1	Fit for purpose workplaces & resources promote Council and staff productivity & well-being.
	4.1.1.2	Invest in training and professional development to promote engagement & efficiency.

VOTING REQUIREMENT

Absolute Majority

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(322/2021) Moved: Cr Stratford

Seconded: Cr Holdsworth

That Council endorse the CEO'S performance review as recorded in attachment 8.2.1.

CARRIED 5/0

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

(323/2021) Moved: Cr Holdsworth

Seconded: Cr Garner

That Council move out from behind closed doors.

CARRIED 5/0

9. CLOSURE OF THE MEETING

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 3:54pm.