



SHIRE OF JERRAMUNGUP

NOTICE OF COUNCIL MEETING

To the President and Councillors,

Please be advised that an Ordinary Meeting of the Council of the Shire of Jerramungup is to be held on

Wednesday, 18 November 2020
At the Council Chambers,
Jerramungup
Commencing at 8:30am

Council Meeting Procedures

1. All Council meetings are open to the public, except for matters raised by Council under “confidential items”.
2. Members of the public may ask a question at an ordinary Council meeting under “public question time”.
3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
4. All other arrangements are in accordance with the Council’s Code of Conduct, policies and decisions of the Shire.

Martin Cuthbert
CHIEF EXECUTIVE OFFICER
13 November 2020

AGENDA

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OUR GUIDING VALUES

Progressive, Prosperous and a Premium Place to Live and Visit

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Jerramungup (Shire) for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular, and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any Elected Member or officer of the Shire during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire.

The Shire warns that anyone who has any application lodged with the Shire must obtain and should only rely on written confirmation of the outcome of the application and any conditions attaching to the decision made by the Shire in respect of the application.

NOTES FOR MEMBERS OF THE PUBLIC

PUBLIC QUESTION TIME

The Shire of Jerramungup extends a warm welcome to you in attending any Shire meeting. The Shire is committed to involving the public in its decision making processes whenever possible. The ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective. The Shire sets aside a period of 'Public Question Time' to enable a member of the public to put questions. Questions should only relate to the business of the Shire and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Presiding Member may either answer the question or direct it to an officer to answer, or it will be taken on notice.

Any comments made by a member of the public become a matter of public record as they are minuted by Council. Members of the public are advised that they are deemed to be held personally responsible and legally liable for any comments made by them that might be construed as defamatory or otherwise considered offensive by any other party.

MEETING FORMALITIES

Local government Council meetings are governed by legislation and regulations. During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation. Members of the public shall ensure that their mobile telephone or audible pager is not switched on or used during any Shire meeting. Members of the public are hereby advised that the use of any electronic, visual or audio recording device or instrument to record proceedings of the meeting is not permitted without the permission of the Presiding Member.

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NOTES FOR ELECTED MEMBERS

NATURE OF COUNCIL'S ROLE IN DECISION MAKING

- Advocacy:** When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- Executive/Strategic:** The substantial direction setting and oversight role of the Council such as adopting plans and reports, accepting tenders, directing operations, grants, and setting and amending budgets.
- Legislative:** Includes adopting local laws, town planning schemes and policies.
- Administrative:** When Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.
- Review:** When Council reviews a decision made by Officers.
- Information:** Includes items provided to Council for information purposed only that do not require a decision of Council (that is for 'noting').

ALTERNATIVE MOTIONS

Councillors wishing to make alternative motions to officer recommendations are requested to provide notice of such motions in written form to the Executive Assistant prior to the Council meeting.

DECLARATIONS OF INTERESTS

Elected Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences. Section 5.60A of the *Local Government Act 1995* states;

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B states;

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person's land; or

(b) a proposed change to the zoning or use of land that adjoins the person's land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.”

Regulation 34C (Impartiality) states;

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

2020 MEETING DATES

At its Ordinary Meeting of Council on 20 November 2019, Council adopted the following meeting dates for 2020:

January	-	-	Council in Recess
Wednesday	19 February 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	18 March 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	15 April 2020	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	20 May 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	17 June 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	15 July 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	19 August 2020	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	16 September 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	21 October 2020	2.00pm	Council Chambers, Jerramungup
Wednesday	18 November 2020	8.30am	Council Chambers, Jerramungup
Wednesday	16 December 2020	8.30am	Emergency Services Shed, Bremer Bay

Council's Audit Committee meet when required. Details of these meetings are advised as appropriate.

APPLICATION FOR LEAVE OF ABSENCE

In accordance with section 2.25 of the *Local Government Act 1995*, an application for leave requires a Council resolution granting leave requested. Council may grant approval for Leave of Absence for an Elected Member for ordinary Council meetings for up to but not more than six consecutive meetings. The approval of the Minister is required for leave of absence greater than six ordinary Council meetings. This approval must be by Council resolution and differs from the situation where an Elected Member records their apologies for the meeting. A failure to observe the requirements of the Act that relates to absence from meetings can lead to an Elected Member being disqualified should they be absent without leave for three consecutive meetings.

Shire of Jerramungup

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ORDINARY COUNCIL MEETING AGENDA

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened atpm by the Shire President.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

STAFF:

VISITORS:

GALLERY:

2.2 APOLOGIES

2.3 APPROVED LEAVE OF ABSENCE

2.4 ABSENT

2.5 DISCLOSURE OF INTERESTS

Section 5.65 and 5.70 of the *Local Government Act 1995* requires an Elected Member or officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Elected Member or officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

An Elected Member who makes a disclosure under section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow an Elected Member to speak, the extent of the interest must also be stated.

2.5.1 DECLARATIONS OF FINANCIAL INTERESTS

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

3.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.0 ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS

In accordance with regulation 14A of the *Local Government (Administration) Regulations 1996* Council must approve (by Absolute Majority) the attendance of a person, not physically present at a meeting of Council, by audio contact. The person must be in a 'suitable place' as approved (by Absolute Majority) by Council. A 'suitable place' means a place that is located in a townsite or other residential area and 150km or further from the place at which the meeting is to be held.

5.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6.0 PUBLIC TIME

6.1 PUBLIC QUESTION TIME

6.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

7.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 22 October 2020.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup on 22 October 2020 be CONFIRMED

8.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

9.0 REPORTS**9.1 TECHNICAL SERVICES****9.1.1 WORKS REPORT FOR OCTOBER 2020**

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Murray Flett, Manager of Works
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	3 November 2020
Attachments:	Road Construction Schedule October 2020
Authority/Discretion:	Information

SUMMARY:

For Council to note the works completed for the prior month.

BACKGROUND:**Road Construction**

During the month of October the Construction crew finished gravel sheeting Jacup North Road. These works finished just prior to the Brook Road intersection so next year's program will incorporate some of the notorious mort clay sections north of this intersection.

The crew then undertook maintenance works on Middamidjup, Mallee, Lake North and Reserve Roads where there were numerous large blowouts in the pavement. These were boxed out and backfilled with gravel prior to commencement of harvest.

Attached is the year to date 2020/2021 Construction Program.

Town Services

The Town Services team continue to have a varied works program which included assisting the CRC with the Blue Tree Project which encourages individuals and communities to engage in conversation surrounding mental health and suicide prevention. With the aid of the Jerramungup CRC, Fire Brigades and local businesses/farmers who donated machinery and labour, 4 trees were painted within the Shire to show support for this very worthwhile cause which has touched all of us in some way. A huge thanks to all involved.

Road Maintenance

October saw the retirement of our longest serving employee Anthony Wisewould or Booma as he was more commonly known. Booma joined the Shire in 2001 and his machine operation prowess and escapades are legendary throughout the Shire. The crew will miss his early morning rhetoric with the odd profanity thrown in. Booma's antics while sometimes bemusing, never ceased to amuse and he will be greatly missed.

In addition to the normal maintenance grading activities, the crew have been working with the Construction crew sharing resources patching sections of pavement failures, drainage upgrades and rock placement in scoured sections of drains.

Conditions for effective maintenance grading have not been conducive with little moisture in the pavement layer resulting in an early start to summer grades.

If you see any issues on the road network please don't hesitate to contact the Shire with the location.

CONSULTATION:

Internal.

COMMENT:

This report is for information only to advise Council on the previous months works activities.

STATUTORY ENVIRONMENT:

There are no statutory implications for this report.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 3.4 – Service and Infrastructure Provision: To lobby, advocate for and deliver a first class transport and telecommunications network.

Objectives:

3.4.1 – Continued improvements on the local road network.

FINANCIAL IMPLICATIONS:

The works completed are included in the 2020/2021 Shire of Jerramungup budget.

WORKFORCE IMPLICATIONS:

This report provides an overview of the outside workforce operations for the previous month.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the works report for October 2020.

9.2 CORPORATE SERVICES**9.2.1 ACCOUNTS FOR PAYMENT – OCTOBER 2020**

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Accounts Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 November 2020
Attachments:	a) List of Accounts Paid to 31 October 2020 b) Credit Card Statement 27 September 2020 – 27 October 2020
Authority/Discretion:	Information

SUMMARY:

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of October 2020.

BACKGROUND:

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the Shire's municipal and trust funds. In accordance with regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Office is to be provided to Council.

CONSULTATION:

Internal consultation within the Finance Department.

COMMENT:

All municipal fund expenditure included in the list of payments is incurred in accordance with the 2020-21 Annual Budget as adopted by Council at its meeting held 19 August 2020 (Minute No. OCM200805 refers) and subsequently revised or has been authorised in advance by the President or by resolution of Council as applicable.

The table below summarises the payments drawn on the funds during the month of October 2020. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28175	
EFT Payments	17660 – 17740	\$477,685.14
EFT Payments	17742 – 17789	\$287,682.21
Direct Deposits		\$25,206.15
Municipal Account Total		\$790,573.50
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$790,573.50

CERTIFICATE

This schedule of accounts as presented, which was submitted to each member of the Council, has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have

been duly certified as to the receipt of goods and the rendition of services and as to prices computation, and costings and the amounts shown have been paid.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996

12. Payments from municipal fund or trust fund, restrictions on making

12(1) A payment may only be made from the municipal fund or a trust fund—

- (a) if the local government has delegated to the Chief Executive Officer the exercise of its power to make payments from those funds—by the CEO: or*
- (b) otherwise, if the payment is authorised in advance by a resolution of the council.*

The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.

13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.

(1) If the 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) the payee's name; and*
- (b) the amount of the payment; and*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing—

- (a) for each account which requires council authorisation in that month—*
 - (i) the payee's name; and*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction; and*
- (b) the date of the meeting of the council to which the list is to be presented.*

(3) A list prepared under subregulation (1) or (2) 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.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;

Aspiration 2.5 – Civic Leadership to provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

All expenditure from the municipal fund was included in the annual budget as adopted or revised by Council.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

Finance Policy FP5 – Corporate Credit Card

Finance Policy FP6 – Procurement of Goods and Services

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, NOTES the Chief Executive Officer's list of accounts paid under delegated authority being;

- a) The List of Accounts Paid to 31 October 2020 as detailed in Attachment 9.2.1(a).**
- b) The Credit Card Statement 27 September 2020 – 27 October 2020 as detailed in attachment 9.2.1(b).**

9.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 2020

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 November 2020
Attachments:	Monthly Financial Report for the period ending 31 October 2020
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 October 2020 as required by the *Local Government Act 1995* ('the Act').

Pursuant to section 6.4 of the *Local Government Act 1995* and regulation 34(4) of the *Local Government (Financial Management) Regulations 1996* ('the Regulations'), a local government is to prepare, on a monthly basis, a statement of financial activity that reports on the Shire's financial performance in relation to its adopted/amended budget.

This report has been compiled to fulfil the statutory reporting requirements of the Act and associated Regulations, whilst also providing the Council with an overview of the Shire's financial performance on a year to date basis for the period ending 31 October 2020.

BACKGROUND:

At its meeting held 19 August 2020 (Minute No. OCM200805 refers), Council adopted the annual budget for the 2020-21 financial year. The figures in this report are compared to the adopted budget.

It should be noted that these reports do not represent a projection to the end of year position or that there are funds surplus to requirements. It represents the year to date position to 31 October 2020 and results from a number of factors identified in the report. There are a number of factors that influence any variances, but it is predominately due to the timing of revenue and expenditure compared to the budget estimates. The notes to the statement of financial activity identify and provide commentary on the individual key material revenue and expenditure variances to date.

The following detail is included in the financial report:

- The annual budget estimates.
- The operating revenue, operating income, and all other income and expenses.
- Any significant variations between year to date income and expenditure and the relevant budget provisions to the end of the relevant reporting period.
- Identify any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provide likely financial projections to 30 June for those highlighted significant variations and their effect on the end of year result.
- Include an operating statement.
- Any other required supporting notes.

Additionally, and pursuant to regulation 34(5) of the Regulations, a local government is required to adopt a material variance reporting threshold in each financial year. At its meeting on 19 August 2020, the Council adopted (Minute No. OCM200805 Officer Recommendation 4 refers) the following material variance reporting threshold for the 2020-21 financial year:

Officer Recommendation 4: Adoption of Material Variance for Monthly Reports – Financial Management regulation 34

That Council ADOPT a material variance level of 10% with a minimum \$10,000.00 variance for the 2020/2021 financial year for monthly reporting purposes.

CONSULTATION:

Internal consultation within the Finance Department and Council's financial records.

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the Strategic Community Plan, prepared under section 5.56 of the *Local Government Act 1995*.

COMMENT:

The financial report contains annual budget estimates, actual amounts of expenditure, revenue and income to the end of the month. It shows the material differences between the budget and actual amounts where they are not associated to timing differences for the purpose of keeping Council abreast of the current financial position.

All expenditure included in the financial statements is incurred in accordance with Council's adopted budget or subsequent approval in advance.

STATUTORY ENVIRONMENT:

Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:

34. Financial activity statement required each month (Act s. 6.4)

(1) *A local government is to 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), for that month in the following detail—*

(a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*

(b) *budget estimates to the end of the month to which the statement relates;*

and

(c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

(d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*

(e) *the net current assets at the end of the month to which the statement relates.*

(2) *Each statement of financial activity is to be accompanied by documents containing—*

(a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*

(b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*

(c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity may be shown—*

(a) *according to nature and type classification; or*

(b) *by program; or*

(c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be—*

- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

Expenditure for the period ending 31 October 2020 has been incurred in accordance with the 2020-21 budget parameters, which have been structured on financial viability and sustainability principles.

Details of any budget variation in excess of \$10,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

WORKFORCE IMPLICATIONS:

There are no workforce implications for Council.

POLICY IMPLICATIONS:

AP4 – Regional Price Preference

FP1 – Capitalisation and Depreciation of Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Procurement of Goods and Services Policy

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 October 2020 in accordance with section 6.4 of the *Local Government Act 1995*.

9.3 DEVELOPMENT SERVICES

Nil

9.4 EXECUTIVE SERVICES

9.4.1 INFORMATION BULLETIN OCTOBER 2020

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	10 November 2020
Attachments:	October 2020 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for October 2020 including actions that have been undertaken in relation to decisions of Council and actions performed under delegated authority.

BACKGROUND:

There is no specific requirement to report on actions performed under delegated authority to Council. However, to increase transparency this report has been prepared for Council and includes actions performed under delegated authority for the month of October 2020.

CONSULTATION:

Internal, all officers that have been deemed responsible for enacting each Council decision has provided an update on its status.

COMMENT:

The Status of Council Decisions report is an important administrative tool used by the Shire to monitor the implementation of Council decisions. Any Council decision that has not yet been fully implemented will remain on the list until it has been completed.

Once the minutes of each Council meeting have been completed, the Executive Assistant uploads each decision of Council into the spreadsheet and allocates it to the relevant Shire office for actioning and comment. The spreadsheet is accessible by all relevant Shire officers.

The Shire enters into various agreements by affixing its Common Seal. The *Local Government Act 1995* states that the Shire is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Shire President and the Chief Executive Officer are reported to Council for information on a regular basis.

STATUTORY ENVIRONMENT:

Local Government (Administration) Regulations 1996

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- a) how the person exercised the power or discharged the duty; and*
- b) when the person exercised the power or discharged the duty; and*
- c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of October 2020.

9.4.2 COUNCIL MEETING DATES 2021

Location/Address:	N/A
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 November 2020
Attachments:	Nil
Authority/Discretion:	Administrative

SUMMARY:

For Council to set the dates for the Ordinary Meetings of Council to be held in 2021. The *Local Government (Administration) Regulations 1996* requires a local government to give local public notice of the dates, times and place at which the Ordinary Meetings of Council are to be held for the next 12 months.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 November 2019, Council determined its meeting dates up to and including the 16 December 2020, and will now need to consider meeting dates for the next 12 months in accordance with the *Local Government (Administration) Regulations 1996*. It is recommended that Council change its Ordinary Meetings of Council from the third Wednesday of each month to the fourth Wednesday of each month (excluding January when Council is in recess).

Eight meetings were scheduled to be held in Jerramungup and three in Bremer Bay (April, August and December).

It is recommended that Council change the Ordinary Meetings of Council to the fourth Wednesday of each month and to advertise this information to the public by way of public notices as per statutory regulations, and to upload it on the Shire's website.

The Easter holiday period for 2021 commences Friday 2 April. Therefore, the Ordinary Council Meetings for both March and April can remain on the fourth Wednesday of the month.

CONSULTATION:

The dates have been discussed with the management team and it was agreed that these dates are the most suitable taking public holidays and other meetings into consideration.

Once dates are approved by Council they will be advertised throughout the Shire in accordance with legislation.

COMMENT:

Below are the annual events that need to be taken into consideration when adopting Council Meeting dates. It does not appear that any of them will interfere with Council's meeting dates (i.e. fourth Wednesday of each month).

Easter is Friday 2 April 2021 – Monday 5 April 2021;

Anzac Day is Sunday 25 April 2021 (ANZAC Public Holiday Monday 26 April);

National General Assembly of Local Government in Canberra – Sunday 20 June 2021 – Wednesday 23 June 2021;

WA Local Government Convention and Trade Exhibition in Perth – Sunday 19 September 2021 – Tuesday 21 September 2021.

The following is a list of public holidays for Western Australia in 2021:

WESTERN AUSTRALIA PUBLIC HOLIDAYS 2020

Holiday	Date	Day	Holiday Type	Area
New Year's Day	1 January	Friday	Public	WA Wide
Australia Day	26 January	Tuesday	Public	WA Wide
Labour Day	1 March	Monday	Public	WA Wide
Good Friday	2 April	Friday	Public	WA Wide
Easter Monday	5 April	Monday	Public	WA Wide
ANZAC Day	26 April	Monday	Public	WA Wide
Western Australia Day	7 June	Monday	Public	WA Wide
Queen's Birthday *	27 September	Monday	Public	WA Most Areas
Christmas Day	27 December	Monday	Public	WA Wide
Boxing Day	28 December	Tuesday	Public	WA Wide

* Alternate dates for the Queen's Birthday Public Holiday are proclaimed in the following areas:

Town of Port Hedland, City of Karratha, Shire of East Pilbara (Marble Bar, Nullagine and Newman).

STATUTORY ENVIRONMENT:

Division 2 — Council meetings, committees and their meetings and electors' meetings

Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.*
- (2) Ordinary meetings are to be held not more than 3 months apart.*
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) if called for by either —

- (i) the mayor or president; or*
- (ii) at least 1/3 of the councillors,*

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council.

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

Local Government (Administration) Regulations 1996—Regulation 12

12. Meetings, public notice of (Act S 5.25(1)(g))

- (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which —*
- (a) *the ordinary council meetings; and*
- (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That with respect to the 2021 Ordinary Meeting of Council Schedule, Council:

1. **APPROVE** the following Ordinary Meeting of Council dates, times and venues for the year ahead:

2. DAY	DATE	TIME	VENUE
Wednesday	24 February, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 March, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 April, 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	26 May, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	23 June, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	28 July, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	25 August, 2021	2.00pm	Emergency Services Shed, Bremer Bay
Wednesday	22 September, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	27 October, 2021	2.00pm	Council Chambers, Jerramungup
Wednesday	24 November, 2021	8.30am	Council Chambers, Jerramungup
Wednesday	22 December, 2021	8.30am	Emergency Services Shed, Bremer Bay

3. **REQUEST** that the Chief Executive Officer or his authorised officer advertise the approved dates by Public Notice and on the Shire of Jerramungup website and social media sites.

9.4.3 DRAFT LOCAL GOVERNMENT (ADMINISTRATION) AMENDMENT REGULATIONS (No.2) 2020

Location/Address:	Shire of Jerramungup
Name of Applicant:	Shire of Jerramungup
File Reference:	
Author:	Martin Cuthbert, Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Author declares an interest as he is employed as a local government CEO
Date of Report:	10 November 2020
Attachments:	a) Draft LG (Admin) Amendment Regulations 2020 b) LG (Admin) Amendment Regulations 2020 explanatory notes
Authority/Discretion:	Advocacy

SUMMARY:

Council is requested to provide feedback for the proposed *Draft Local Government (Administration) Amendment Regulations 2020* – Model standards for CEO recruitment, performance and termination.

BACKGROUND:

The *Local Government Legislation Amendment Act 2019* introduced numerous amendments to the *Local Government Act 1995*, including the yet to commence insertion of new sections introducing model standards for CEO recruitment, performance and termination.

In March 2019, the Department of Local Government, Sport and Cultural Industries (DLGSC) invited WALGA and other parties to participate in the CEO Recruitment, Performance Review and Termination Working Group to develop Model Standards. The Department discontinued the Working Group in May 2019 and released a Consultation paper without endorsement by the Working Group in October 2019.

At the WALGA State Council meeting held in December 2019, based on sector feedback, State Council resolved to request that the Working Group be reconvened to develop and endorse Model Standards for further sector consultation and identified several concerns with the proposals in the Consultation paper.

Throughout 2020, WALGA sought advice from the Department on the progress of draft regulations and a sector consultation process. The Department has now released the draft *Local Government (Administration) Amendment Regulations (No.2) 2020*, to prescribe the Model Standards, together with Explanatory Notes.

The consultation period was initially set at Friday 13 November 2020. This did not give many Councils the opportunity to provide feedback. WALGA have now been successful with an extension to the feedback period to Sunday 6 December 2020.

CONSULTATION:

WALGA

Local Government Professionals WA

COMMENT:

WALGA notes that the Working Group was not reconvened, and the Draft Regulations include several elements that were highlighted as matters of concern by the sector.

WALGA provides the following information as their initial concerns:

1. Requirement to re-advertise CEO positions after 10 years of continuous service

WALGA Comment

Section 5.39(2)(b) of the *Local Government Act 1995* already limits CEO contracts to a maximum of five (5) years and Councils have general competence powers to consider whether to renew the incumbent's

contract or advertise the position. Suggesting that a Council **MUST** re-advertise the position of a CEO after ten (10) years is likely to prove unworkable or counterproductive in any case as:

Councils conducting a selection process known to involve an incumbent CEO will risk allegations of non-compliance with section 5.40 of the *Local Government Act 1995* 'Principles affecting Local Government employees' due to actual or perceived bias, nepotism and lack of merit and equity in relation to other applicants.

Officer Comment

Agree with WALGA comments as if the incumbent applies for the position, there could be perceived bias in the selection process due to the panel knowing the candidate.

There will be situations where a Council has a very good working relationship with the CEO, the CEO has been performing well and Council wants to offer the CEO a third term. In such situations, if the current CEO is offered a third term following advertising, unsuccessful applicants are likely to be cynical about the process and it could generate claims of patronage, particularly if unsuccessful applicants are more qualified and credentialed (although they would have less directly relevant experience).

Further, the most frequently asked questions by people considering applying for a position are – is someone currently acting in the position? And – how long have they been acting? Both of these questions demonstrate potential applicant concerns about 'wasting their time' in applying.

If a Council is completely satisfied with the performance of a current CEO and would like to reappoint the person, other applicants are likely to feel that their time has been wasted and that the legislative requirement has provided false optimism.

Under these circumstances, Councils will risk allegations of non-compliance with section 5.40 of the Act which requires appointments to be based on merit and equity and which makes nepotism or patronage illegal.

WALGA Comment

May result in CEOs actively seeking alternative employment as the ten (10) year horizon approaches, meaning that a CEO that has provided satisfactory or perhaps exemplary service will be unnecessarily lost to the local government.

Officer Comment

If a CEO is having the annual performance review and is performing well, and then the position has to be re-advertised, this will cause angst to the incumbent and may see an already well performing CEO lost to the organisation as they would rather not be put through the selection process for their own job.

The proposal significantly diminishes the general competence powers of Councils in relation to critical decisions around ongoing relationships with an existing CEO.

A letter from the Department states that the recommendation is "intended to ensure local government are testing the market". This makes no sense as a Council has the power to 'test the market' whenever a contract ends.

More tellingly, the letter also notes "it could also facilitate a mechanism for Councils not to renew contracts and ... avoid them having to make hard decisions. This won't necessarily apply in all circumstances; however, it could assist some Councils".

This appears to be the underlying rationale for the legislative proposal and it is a completely inappropriate response to an issue. If Councils are unwilling to fulfil their roles and make hard decisions, they should be given training and assisted to build capacity in decision making; not have the hard decision removed.

It should also be noted that quite a number of Councils have been willing to make hard decisions in relation to the continuing employment of CEOs over recent years, so it is hard to understand where the rationale is coming from.

The proposed legislation also highlights the problem of a 'one size fits all' approach, with all local governments affected significantly by provisions which "could assist some Councils".

CEOs set organisation culture and values. Uncertainty about who will be the future CEO as a CEO approaches 10 years with a local government will inevitably cause unrest and unease amongst the staff and distract from high quality work performance.

CEO's will, almost certainly, become risk averse as they approach 10 years with a local government and know they have to contend with a full public selection process. This risk averse approach is broadly acknowledged as providing the best opportunity to become the successful candidate. However, the implications are that the whole local government will become more risk averse and less able to provide good governance to the people of the district.

Why should local governments be forced to re-advertise after ten (10) years? Does State Government make this a requirement for their Senior Employees?

WALGA Comment

Where a CEO is re-employed as a consequence of re-advertising after the ten (10) year period, this process has incurred unnecessary costs and time waste for the LG, distracting from achieving its strategic objectives and may further entrench perceptions that contracts are for life, thus negating the very purpose of this proposal.

Division 3 of the Draft Regulations seeks to improve the capacity of local governments to effectively manage CEO employment. This is a far more appropriate and adapted mechanism to address a perceived issued of 'contracts for life', by ensuring that the performance of CEO's whether long serving or newly appointed, is appropriately assessed and managed.

Officer Comment

The cost to advertise a CEO position can easily exceed \$30,000 in addition to the time to undertake interviews and select a successful candidate. This is an unnecessary cost placed on local governments whose Councils are completely satisfied with their CEO's performance and want the person to continue.

The recruitment process not only involves dollar costs but a significant time commitment. Where a Council is completely satisfied with the performance of the CEO, the time commitment to undertake an 'unnecessary' selection process will distract a local government from its core function of serving the community.

It will also have a disproportionately negative effect on regional local governments', as CEOs working in regional local governments will generally move in from outside of the district with their families. These families integrate into the community. Reapplying for a job under such circumstances will not only create stress for the CEO but also for families and, in turn, the broader community into which the family is integrated.

2. Independent Panel Member

WALGA Comment

Clause 8 of the Draft Regulations requires the selection panel to include at least one person who is neither a council member nor an employee of the local government. There is no guidance on the skills, experience or knowledge of the independent person, or their role on the panel. This has the potential to pose significant risk to the local government, as there are inadequate controls on the conduct of such a person (i.e. they will not be captured by a Code of Conduct as Panel is not a committee of Council). WALGA supports the ongoing use of an independent qualified and licensed recruitment consultant to provide guidance (as opposed to active participation) in both the recruitment process and to assist with obligations to finalise the employment of a CEO.

Officer Comment

There is no rationale with this amendment. Council are elected by the community to provide good governance to the district. The requirement to have an independent member appointed to the panel serves no benefit.

It should be up to the individual Council to determine if they wish to engage the services of an independent, qualified and licensed recruitment consultant to assist them with the recruitment process for a new CEO.

3. Transparency and procedural fairness – Schedule 2**WALGA Comment**

The consultation draft emphasised that it is essential that the recruitment process is transparent and appropriately documented. The selection panel is ‘established’ under Cl.8 of Schedule 2 of the Draft Regulations, with no reference to the formation of a Committee of Council under Section 5.8 of the Act. Cl.9(4) of Schedule 2 includes a reference to the selection panel acting in accordance with the principles of S5.40 of the Act. Similarly Cl.14 requires the local government to ensure confidentiality of information provided, rather than imposing this responsibility equally on the selection panel, or individual members.

If the selection panel were established as a committee in accordance with s.5.8 of the Act, the requirements relating to the calling and convening of meetings, keeping of minutes and agendas, confidentiality, declaration of conflicts of interest and application of the Code of Conduct would apply.

The Draft Regulations will delete current r.18C, requiring a local government to approve a process for the selection and appointment of a CEO. Schedule 2 does not include a similar requirement for the selection panel to follow a process decided upon by the Council. This removes Council from important input in, or oversight of, the process by which the selection panel assesses the candidates and makes recommendations.

Officer Comment

The selection panel should be established as a committee so that records are kept and code of conduct applies. The deletion of r.18c removes Councils input into the selection process and is not supported as this is one of Council’s main roles; to employ a CEO.

4. Council decision making authority**WALGA Comment**

Schedule 2, Cl.9(2)(a) requires the selection panel to recommend one or more applicants it considers suitable, with Cl.9(2)(b) requiring that it advise Council if it considers no applicants are suitable. In the second event, Cl.10 requires the local government to carry out a new recruitment process. Bypassing Council in this decision-making process appears to directly conflict with Sec 5.36(2) of the Act, where it is the Council that determines if a person is or is not suitably qualified to be employed as CEO.

Officer Comment

Disagree with the above amendments. One of Councils main, and most important, roles is the employing of a CEO. This responsibility has to remain with Council determining who is to be employed as their CEO.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government (Administration) Regulations 1996

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 – 2026; Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives: 2.5.5 – Attract and retain a highly competent local workforce.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for this report.

WORKFORCE IMPLICATIONS:

The Chief Executive Officer is the position tasked with the responsibility of overall workforce management and leadership for the Shire of Jerramungup.

POLICY IMPLICATIONS:

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

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council

- 1. Does not support:**
 - a) The requirement to re-advertise CEO positions after ten (10) years of continuous service;**
 - b) The introduction of an independent panel member for the CEO recruitment process;**
 - c) The establishment of a selection panel unless it is formed as a Committee of Council; and**
 - d) The Bypassing of Council in the decision making process for the determination of the suitability of a candidate for the CEO position.**
- 2. Directs the Chief Executive Officer to provide the above feedback to WALGA by Sunday 6 December 2020.**

9.4.4 BREMER BAY TENNIS CLUB – RESURFACING TENNIS COURTS PROJECT

Location/Address:	Reserve 511
Name of Applicant:	Bremer Bay Tennis Club
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 November 2020
Attachments:	a) Correspondence from Bremer Bay Tennis Club b) CONFIDENTIAL Project Budget c) CONFIDENTIAL Court Resurfacing Quote
Authority/Discretion:	Administrative

SUMMARY:

The purpose of this report is to place before Council a request from the Bremer Bay Tennis Club for financial support to apply for grant funding under the Community Sport and Recreation Facilities Fund (CSRFF) 2021/22 February small grants round.

BACKGROUND:

Council requested that applicants for funding in CSRFF Small Grants Rounds inform Shire staff in advance of annual budget deliberations. The request for funds from the Bremer Bay Tennis Club will be factored into the 2021/22 annual budget process.

The Shire facilitates the CSRFF funding stream, by setting aside 2.5% of the previous year's rates towards individual community and sporting organisations, for projects that fit within the policy guidelines.

The Bremer Bay Tennis Club is the only operating tennis club within the Shire of Jerramungup. The current surface was resurfaced in 2003 with an expected life of 10 years. The Club have requested financial assistance from the Shire to submit a grant application under the Community Sporting and Recreation Facilities Fund (CSRFF) in the 2021/22 February small grants round. The value of total projects is from \$7,500 to \$300,000 under this funding round.

CONSULTATION:

Executive Staff

Bremer Bay Tennis Club members

COMMENT:

The Bremer Bay Tennis Club is the only operating tennis club within the Shire of Jerramungup, the tennis club have a good active membership base with the season running from October to April. The proposal is to resurface all five courts, the Club has advised that the fifth court will be multi-sport marked to enable basketball to be played on the court.

Since 2005, the Bremer Bay Tennis Club have put aside \$35,000 for the project and have ceded a further \$35,000 to the Bremer Bay Sports Club. The Club have requested a 1/3 contribution towards the resurfacing of the tennis courts from the Shire.

The total project cost is \$231,000. A breakdown of funding is provided below;

Bremer Bay Sports Club	\$35,000
Bremer Bay Tennis Club	\$35,000
Labour and Materials donation	\$11,000
Shire of Jerramungup request – (1/3)	\$75,000
CSRFF – (1/3)	<u>\$75,000</u>
Project Total:	\$231,000 (including 5% contingency)

Under the CSRFF special conditions all organisations undertaking the installation of a synthetic surface and/or a re-surfacing project must create an Asset Replacement Fund for the replacement of the playing surface by 15 June in the year which the grant is offered. It is expected that Club financials will be reviewed next year to ensure the Fund has been established and the Club is putting aside funds for the future replacement.

Under the 2021/22 February small grants round CSRFF applications are to be lodged at local governments by the end of February 2021 for Council to assess and rank the application for formal lodgement with the Department of Local Government, Sport and Cultural Industries at the March 2021 Ordinary Meeting of Council.

This report is to seek Council's commitment to support the Bremer Bay Tennis Club to lodge a grant application to resurface the tennis courts and authorise a cash contribution of up to one third of the total budgeted project cost in the 2021/22 budget.

At this stage, no other sporting clubs have approached the Shire to assist with funding for large capital projects in 2021/22 financial year.

STATUTORY ENVIRONMENT:

Section 6.8 of the *Local Government Act 1995* applies;

6.8. Expenditure from municipal fund not included in annual budget

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

** Absolute majority required.*

- (1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

- (2) *Where expenditure has been incurred by a local government —*
- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

[Section 6.8 amended by No. 1 of 1998 s. 19.]

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026; Aspiration 2.1 – Community Sport and Recreation: To recognise that sport and recreation is a significant part of the community network and support its growth and development.

Objectives:

2.1.1 – Continue support for community lead sporting infrastructure improvements and strong sporting clubs.

FINANCIAL/BUDGET IMPLICATIONS:

The contribution requested from the Shire towards the project is \$75,000 ex GST. The Officer has recommended that Council authorise a cash contribution of up to one third only of the total budgeted projected cost. If the request is supported the funding will be drawn from the Community Recreation Reserve in the 2021/2022 financial year.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

Finance Policy 4 – Sport and Recreation Grants

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council;

- 1. Place the following priority on the proposed project to be submitted for CSRFF funding under the February 2021 small grants round:**
 - 1) Bremer Bay Tennis Club**

- 2. That Council authorise a cash contribution of up to one third of the total budgeted project cost in the 2021/22 budget on the condition that the project is successful in achieving funding from the Department of Local Government, Sport and Cultural Industries.**

9.4.5 PROPOSED BUDGET AMENDMENT 2020/2021 – RESEAL WORKS

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Charmaine Solomon, Deputy Chief Executive Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	9 November 2020
Attachments:	Nil
Authority/Discretion:	Legislative

SUMMARY:

This report seeks approval from Council for the proposed budget amendments as detailed in this report. Adoption of the Officers recommendation will result in a deficit of \$8,741.60 to the Shire's 2020/2021 amended budgeted closing position.

BACKGROUND:

The Shire received an Australian Government Grant under the Local Roads and Community Infrastructure (LRCI) Program grant of \$437,340 total excluding GST to undertake works in the 2020-21 financial year. The objective of the LRCI Program is to stimulate additional infrastructure construction activity in local communities across Australia to assist communities to manage the economic impacts of COVID-19.

The intended outcomes of the LRCI Program are to:

- Provide stimulus to protect and create local short-term employment opportunities through funded projects following the impacts of COVID-19; and
- Deliver benefits to communities, such as improved road safety, accessibility and visual amenity.

The LRCI Program is administered by the Department of Infrastructure, Transport, Regional Development and Communications.

The following projects were submitted and approved as part of the annual budget process.

Project ID	Project Name	Infrastructure Type	Work Category	Eligible Grant Activity	LRCI Program funding
1	Footpath, Bennett & Roderick St, Bremer Bay	Community Infrastructure	Bicycle & Walking Paths	Yes	\$24,564
2	Reseal Little Boat Harbour Road	Road	Resealing	Yes	\$38,505
3	Reseal Point Henry Road	Road	Resealing	Yes	\$225,610
4	Reseal Frantom Way	Road	Resealing	Yes	\$15,000
5	Variable Message Board	Road	Traffic improvement	Yes	\$25,000
6	Reseal Wellstead Road	Road	Resealing	Yes	\$108,661
Total LRCI Program Funding					\$437,340

CONSULTATION:

Internal consultation within the Executive Staff, Finance Department and Council's financial records.

COMMENT:

Due to Colas ending their tender with the Shire for reseal works contact was made with 4 suppliers from the WALGA Preferred Supplier Panel. Due to work shortages and the current economic environment, the updated prices have come back considerably cheaper than originally tendered. The majority of reseal works to be completed this year are funded by external parties, therefore the Shire will be able to undertake more works than planned.

The Manager of Works has re-costed the sealing projects as the new square metre rate for reseal works is \$2.38 per square metre.

The purpose of this report is to reduce the budget allocated to Point Henry Road, Wellstead Road and Little Boat Harbour Road and endorse the following reseal projects to be added to the 2020/2021 Road Construction Program funded under the LRCI Program;

Project ID	Project Name	Infrastructure Type	Work Category	Eligible Grant Activity	LRCI Program funding
2	Reseal Little Boat Harbour Road	Road	Resealing	Yes	\$28,296
3	Reseal Point Henry Road	Road	Resealing	Yes	\$169,487
4	Reseal Frantom Way	Road	Resealing	Yes – Note total project cost is \$28,760. Grant funds LRCI & Roads to Recovery	\$15,000
6	Reseal Wellstead Road	Road	Resealing	Yes	\$70,817
7	Short Beach Road	Road	Resealing	Yes	\$34,720
8	Black Rocks Road	Road	Resealing	Yes	\$23,808
9	Wellstead South Road	Road	Resealing	Yes	\$17,856
10	Point Gordon Road	Road	Resealing	Yes	\$960
11	Gully Road	Road	Resealing	Yes	\$960
12	Horsehill Road	Road	Resealing	Yes	\$768
13	Osprey Court	Road	Resealing	Yes	\$5,376
14	Chuditch Close	Road	Resealing	Yes	\$7,200
15	Quoll Court	Road	Resealing	Yes	\$7,200
16	Trevally Place	Road	Resealing	Yes	\$9,600

STATUTORY ENVIRONMENT:

Section 6.8 of the Local Government Act refers to expenditure from the municipal fund that is not included in the annual budget. In the context of this report, where no budget allocation exists, expenditure is not to be incurred until such time as it is authorised in advance, by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

This item relates to the following component from the Shire of Jerramungup Community Plan 2016 - 2026;
Aspiration 2.5 – Civic Leadership: To provide strong civic leadership and governance systems that are open and transparent and ethical.

Objectives:

2.5.2 – Maintain a highly accountable and transparent governance network and decision making process.

FINANCIAL/BUDGET IMPLICATIONS:

If approved by Council the deficit to the 2020/2021 municipal budget will be reviewed through the 2020/2021 budget review process.

WORKFORCE IMPLICATIONS:

There are no workforce implications for this report.

POLICY IMPLICATIONS:

AP4 – Regional Price Preference

FP1 – Capitalisation and Depreciation of Non-Current Assets

FP2 – Rates and Accounts Collection

FP3 – Investments

FP6 – Purchasing

Significant Accounting Policies as detailed within the Monthly Financial Report

VOTING REQUIREMENT:

Absolute Majority

OFFICER RECOMMENDATION:

That Council **ENDORSE** the requested budget amendments;

1. **APPROVE** a budget amendment to reduce the materials and contractors budget allocated to the following roads by;
 - Point Henry Road – \$56,123
 - Wellstead Road – \$37,844
 - Little Boat Harbour Road – \$10,209
 - Brook Road – \$4,272

2. **APPROVE** a budget amendment for the following roads to be added to the 2020/2021 Road Construction Program;
 - Short Beach Road – total materials and contractor budget \$34,720
 - Black Rocks Road – total materials and contractor budget \$23,808
 - Wellstead South Road – total materials and contractor budget \$17,856
 - Point Gordon Road – total materials and contractor budget \$960
 - Gully Road – total materials and contractor budget \$960
 - Horsehill Road – total materials and contractor budget \$768
 - Osprey Court – total materials and contractor budget \$5,376
 - Chuditch Close – total materials and contractor budget \$7,200
 - Quoll Court – total materials and contractor budget \$7,200
 - Trevally Place – total materials and contractor budget \$9,600

**10.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
(CONFIDENTIAL MATTERS)**

11.0 COUNCILLOR REPORTS

12.0 NEW BUSINESS OF AN URGENT NATURE

13.0 CLOSURE

13.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 18 November 2020, commencing at 8.30am, in the Council Chambers, Jerramungup.

13.2 CLOSURE OF MEETING

The Presiding Member closed the meeting atpm

These minutes were confirmed at a meeting held

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Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: