



SHIRE OF JERRAMUNGUP

ORDINARY COUNCIL MEETING

**Held at the Council Chambers
Jerramungup
Wednesday, 20 November 2019**

MINUTES

This page has been left intentionally blank

Shire of Jerramungup

Table of Contents

Ordinary Meeting of Council

Wednesday 20 November 2019

1.0	DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS	4
2.0	RECORD OF ATTENDANCE	4
2.1	ATTENDANCE	4
2.2	APOLOGIES.....	4
2.3	APPROVED LEAVE OF ABSENCE.....	4
2.4	ABSENT	4
2.5	DISCLOSURE OF INTERESTS.....	4
2.5.1	<i>DECLARATIONS OF FINANCIAL INTERESTS.....</i>	<i>5</i>
2.5.2	<i>DECLARATIONS OF PROXIMITY INTERESTS.....</i>	<i>5</i>
2.5.3	<i>DECLARATIONS OF IMPARTIALITY INTERESTS</i>	<i>5</i>
3.0	SWEARING IN NEWLY ELECTED MEMBERS.....	5
3.1.1	SWEARING IN/DECLARATION BY ELECTED MEMBERS	5
3.1.2	ELECTION AND SWEARING IN OF SHIRE PRESIDENT	11
	Cr Lester assumed the chair.	13
3.1.3	ELECTION AND SWEARING IN OF DEPUTY SHIRE PRESIDENT	14
4.0	APPLICATIONS FOR LEAVE OF ABSENCE.....	17
5.0	ATTENDANCE VIA TELEPHONE/INSTANTANEOUS COMMUNICATIONS.....	17
6.0	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	17
7.0	PUBLIC TIME.....	17
7.1	PUBLIC QUESTION TIME.....	17
7.2	PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS	17
8.0	CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	17
9.0	RECOMMENDATIONS AND REPORTS OF COMMITTEES	18
10.0	REPORTS	19
10.1	TECHNICAL SERVICES	19
10.1.1	WORKS REPORT FOR OCTOBER 2019	19
10.2	CORPORATE SERVICES	21
10.2.1	ACCOUNTS FOR PAYMENT – OCTOBER 2019	21
10.2.2	MONTHLY FINANCIAL REPORT – OCTOBER 2019	24
10.3	DEVELOPMENT SERVICES	27
10.4	EXECUTIVE SERVICES	28
10.4.1	INFORMATION BULLETIN OCTOBER 2019	28
10.4.2	COUNCIL MEETING DATES 2020.....	30
10.4.3	REPRESENTATION ON COMMITTEES AND WORKING PARTIES/GROUPS.....	34
10.4.4	TENDER – PROVISION OF CLEANING SERVICES 2019	45
10.4.5	POLICY REVIEW – FP6 PROCUREMENT OF GOODS AND SERVICES POLICY.....	49
11.0	COUNCILLOR REPORTS.....	52
12.0	NEW BUSINESS OF AN URGENT NATURE	52
13.0	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	52
14.0	CLOSURE	52
14.1	DATE OF NEXT MEETING	52
14.2	CLOSURE OF MEETING	52

ORDINARY COUNCIL MEETING MINUTES

1.0 DECLARATION OF OPENING, ANNOUNCEMENT OF VISITORS

The meeting was opened at 8.30 am by the Chief Executive Officer.

2.0 RECORD OF ATTENDANCE

2.1 ATTENDANCE

ELECTED MEMBERS:

Cr Robert Lester	Shire President (Chair)
Cr Joanne Iffla	Deputy Shire President
Cr Rex Parsons	Councillor
Cr Julie Leenhouders	Councillor
Cr Bill Bailey	Councillor
Cr Andrew Price	Councillor
Cr Drew Dawson	Councillor

STAFF:

Martin Cuthbert	Chief Executive Officer
Charmaine Solomon	Deputy Chief Executive Officer
Murray Flett	Manager of Works
Noel Myers	Manager of Development

VISITORS:

Nil

GALLERY:

Nil

2.2 APOLOGIES

Nil

2.3 APPROVED LEAVE OF ABSENCE

Nil

2.4 ABSENT

Nil

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

Nil

2.5.2 DECLARATIONS OF PROXIMITY INTERESTS

Nil

2.5.3 DECLARATIONS OF IMPARTIALITY INTERESTS

Cr Iffla declared an impartiality interest in item 10.4.4 – Tender Provision of Cleaning Services 2019. The nature of the interest is that one of the tenderers is a family friend.

3.0 SWEARING IN NEWLY ELECTED MEMBERS**3.1.1 SWEARING IN/DECLARATION BY ELECTED MEMBERS**

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:	Nil
Date of Report:	12 November 2019
Attachments:	Declaration by Elected Member
Authority/Discretion:	Executive

SUMMARY:

All recently elected Councillors are required to undertake a declaration to office in accordance with the requirements of section 2.29 of the *Local Government Act 1995*, section 13 of the *Local Government (Constitution) Regulations 1998* and the *Oaths, Affidavits and Statutory Declarations Act 2005*.

In accordance with previous precedents the swearing in is to be witnessed by a person authorised under the *Oaths, Affidavits and Statutory Declarations Act 2005*, the Chief Executive Officer will be the witness to the completion of the documents.

Newly elected members will be listed in alphabetical order.

CONSULTATION:

Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:***Local Government Act 1995***

Part 2 Constitution of local government

Division 6 Terms of office on the council and vacation of office

2.29. Declaration

- (1) *A person elected as an elector mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.*
- (2) *A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.*
- (3) *A declaration required by this section is to be taken or made before a prescribed person.*
- (4) *A person who acts in an office contrary to this section commits an offence.*

Penalty: \$5 000 or imprisonment for one year.

Local Government (Constitution) Regulations 1998**13. Oaths, affirmations and declarations (s. 2.29, 2.42)**

(1) For the purposes of sections 2.29 and 2.42 —

[(a), (b) deleted]

(c) the form of declaration for a mayor, president, deputy mayor, deputy president or councillor is that in Form 7;

(d) the form of declaration for a commissioner is that in Form 8.

(2) A declaration required by section 2.29 to be made by a person elected as a mayor or president is to be made before —

(a) the immediate predecessor of the person in the office of mayor or president; or

(b) an authorised person.

(3) A declaration required by section 2.29 to be made by a person elected as a councillor, deputy mayor or deputy president is to be made before an authorised person.

(4) A declaration required by section 2.42 to be made by a person appointed as a commissioner is to be made before an authorised person.

(5) In this regulation —

authorised person means a person before whom a statutory declaration can be made under the Oaths, Affidavits and Statutory Declarations Act 2005.

That following elected Councillors read aloud and signed the Declaration required under the Local Government Act 1995, and were formally sworn in, witnessed by the Chief Executive Officer, Mr Martin Cuthbert:

- 1. Cr Drew Dawson;**
- 2. Cr Robert Lester;**
- 3. Cr Rex Parsons; and**
- 4. Cr Andrew Price.**

Form 7

DECLARATION BY ELECTED MEMBER

I, DREW DAWSON

.....

of ¹,
having been elected to the office of Councillor of the Shire of Jerramungup declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on: Wednesday 20 November 2019

By: 

Before me: 

Mr Martin Cuthbert, Chief Executive Officer

¹ Insert your residential address.

Form 7

DECLARATION BY ELECTED MEMBER

I, ROBERT EDWARD LESTER
.....

of ¹ 105.....
having been elected to the office of Councillor of the Shire of Jerramungup declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on: Wednesday 20 November 2019

By: .....

Before me: .....
Mr Martin Cuthbert, Chief Executive Officer

¹ Insert your residential address.

Form 7

DECLARATION BY ELECTED MEMBER

I, Rex David Parsons
.....
.....

of ¹,
having been elected to the office of Councillor of the Shire of Jerramungup declare that I take
the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of
the office for the people in the district according to the best of my judgment and ability, and
will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on: Wednesday 20 November
2019

By: Rex Parsons
.....

Before me: [Signature]
.....
Mr Martin Cuthbert, Chief Executive Officer

¹ Insert your residential address.

Form 7

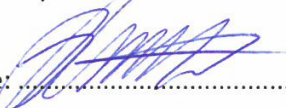
DECLARATION BY ELECTED MEMBER

I, ANDREW JEFFREY PRICE
.....
.....

of ¹,
having been elected to the office of Councillor of the Shire of Jerramungup declare that I take
the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of
the office for the people in the district according to the best of my judgment and ability, and
will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on: Wednesday 20 November
2019

By: 

Before me: 

Mr Martin Cuthbert, Chief Executive Officer

¹ Insert your residential address.

3.1.2 ELECTION AND SWEARING IN OF SHIRE PRESIDENT

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:	Nil
Date of Report:	12 November 2019
Attachments:	Nil
Authority/Discretion:	Executive

SUMMARY:

To elect the President of the Council for the following two (2) year term of office.

The procedure for electing a Shire President is set out in schedule 2.3, division 1, of the *Local Government Act 1995*. The election is to be conducted as the first matter at the first meeting of the Council following an ordinary election.

The Chief Executive Officer will act as the Returning Officer for this election if required.

Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

The Chief Executive Officer will call for nominations for Shire President.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the Councillors are to vote again.

The Chief Executive Officer is to declare and give notice of the result in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998*.

Swearing in of Shire President

The same procedure as for Item 'Swearing in/Declaration of Elected Members' applies. Chief Executive Officer, Mr Martin Cuthbert to officiate.

The Shire President will now take up the position of presiding member for the meeting.

CONSULTATION:

Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:***Local Government Act 1995***

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Division 1 — Mayors and presidents***1. Terms used***

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of councillor mayor or president.

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

The Chief Executive Officer called for nominations for the position of Shire President.

The following candidates were nominated:

- 1. Cr Lester nominated by Cr Bailey, Seconded by Cr Iffla. Cr Lester accepted.
- 2. Cr Parsons nominated by Cr Lester. Cr Parsons declined.

The Chief Executive Officer declared Cr Lester elected as Shire President for a period of two years.

Cr Lester having read aloud and signed the Declaration required under the *Local Government Act 1995*, was formally sworn in as Shire President before Chief Executive Officer, Mr Martin Cuthbert.

Cr Lester assumed the chair.

Form 7

DECLARATION BY ELECTED MEMBER


I, ROBERT EDWARD LESTER

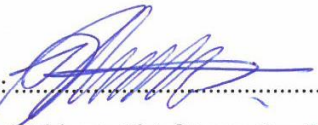
.....

of ¹,

having been elected to the office of Shire President of the Shire of Jerramungup declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on: Wednesday 20 November 2019

By: 

Before me: 

Mr Martin Cuthbert, Chief Executive Officer

¹ Insert your residential address.

3.1.3 ELECTION AND SWEARING IN OF DEPUTY SHIRE PRESIDENT

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:	Nil
Date of Report:	12 November 2019
Attachments:	Nil
Authority/Discretion:	Executive

SUMMARY:

To elect the Deputy President of the Council for the following two (2) year term of office.

The Shire President is to determine the procedure for electing the Deputy Shire President. However, schedule 2.3, division 2 of the *Local Government Act 1995* sets out a procedure, which is essentially the same as that for electing the Shire President. The election is to be conducted as the next matter following the election of the Shire President, at the first meeting of the Council after an ordinary election.

The Chief Executive Officer will act as the Returning Officer for this election. Nominations for the office are to be received in writing to the Chief Executive Officer before the meeting, or during the meeting before the close of nominations. Nominations close at the meeting at a time announced by the Chief Executive Officer.

The Shire President will call for nominations for Deputy Shire President.

Councillors are to vote on the matter by secret ballot as if they were electors voting at an election. The votes cast are to be counted, and the successful candidate determined in accordance with Schedule 4.1.

If two or more candidates receive the same number of votes, so that no candidate has the greatest number of votes, the count is to be discontinued and the meeting is to be adjourned for not more than seven days. Should this occur, it is intended to initially adjourn the meeting for ten minutes, and then resume the meeting. Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. When the meeting resumes the councillors are to vote again.

The Shire President is to declare and give notice of the result in accordance with regulation 11F of the *Local Government (Constitution) Regulations 1998*.

Swearing in of Deputy Shire President

The same procedure as for Item 'Election and Swearing in of Shire President' applies. Chief Executive Officer, Mr Martin Cuthbert will officiate.

CONSULTATION:

Department of Local Government, Sport and Cultural Industries.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Schedule 2.3 — When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council

Division 2 — Deputy mayors and deputy presidents

6. Terms used

In this Division —

extraordinary vacancy means a vacancy that occurs under section 2.34(1);

office means the office of deputy mayor or deputy president.

7. When council elects deputy mayor or deputy president

- (1) *If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with –*
 - (a) *at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (2) *If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled –*
 - (a) *as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and*
 - (b) *subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.*
- (3) *If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.*

8. How deputy mayor or deputy president is elected

- (1) *The council is to elect a councillor (other than the mayor or president) to fill the office.*
- (2) *The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.*
- (3) *Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.*
- (3a) *Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.*
- (4) *If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.*
- (5) *The council members are to vote on the matter by secret ballot as if they were electors voting at an election.*
- (6) *Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.*
- (7) *As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.*

9. Votes may be cast a second time

- (1) *If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.*
- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*

(4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.

The Shire President called for nominations in writing for the position of Deputy Shire President.

The following candidates were nominated:

- 1. Cr Iffla nominated in writing by Cr Leenhouwers, Seconded by Cr Price.

The Shire President declared Cr Iffla elected as Deputy Shire President for a period of two years.

Cr Iffla having read aloud and signed the Declaration required under the *Local Government Act 1995*, was formally sworn in as Deputy Shire President before Chief Executive Officer, Mr Martin Cuthbert.

Form 7

DECLARATION BY ELECTED MEMBER

I, Joanne Louise Iffla

.....

of 1,

having been elected to the office of Deputy Shire President of the Shire of Jerramungup declare that I take the office upon myself and will duly, faithfully, honestly, and with integrity, fulfil the duties of the office for the people in the district according to the best of my judgment and ability, and will observe the *Local Government (Rules of Conduct) Regulations 2007*.

Declared at: Council Chambers, 8 Vasey Street, Jerramungup on: Wednesday 20 November 2019

By: [Signature]

Before me: [Signature]

Mr Martin Cuthbert, Chief Executive Officer

1 Insert your residential address.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5.0 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.

6.0 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

7.0 PUBLIC TIME**7.1 PUBLIC QUESTION TIME**

Nil

7.2 PETITIONS, DEPUTATIONS, PRESENTATIONS AND SUBMISSIONS

Nil

8.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Ordinary Council Meeting held 16 October 2019.

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 16 October 2019 be CONFIRMED.

Bush Fire Advisory Committee Meeting held 8 October 2019.

That the Minutes of the Bush Fire Advisory Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 8 October 2019 be CONFIRMED.

Bremer Bay Community Development Committee Meeting held 9 October 2019.

That the Minutes of the Bremer Bay Community Development Committee Meeting held at the Town Hall, Bremer Bay, on 9 October 2019 be CONFIRMED.

MOTION: OCM191101

MOVED: Cr Leenhouders

SECONDED: Cr Bailey

That the Minutes of the Ordinary Council Meeting of the Shire of Jerramungup held in the Council Chambers, Jerramungup, on 16 October 2019 be CONFIRMED.

That the Minutes of the Bush Fire Advisory Committee Meeting held at the Council Chambers, 8 Vasey Street, Jerramungup, on 8 October 2019 be CONFIRMED.

That the Minutes of the Bremer Bay Community Development Committee Meeting held at the Town Hall, Bremer Bay, on 9 October 2019 be CONFIRMED.

CARRIED: 7/0

9.0 RECOMMENDATIONS AND REPORTS OF COMMITTEES

Nil

10.0 REPORTS

10.1 TECHNICAL SERVICES

10.1.1 WORKS REPORT FOR OCTOBER 2019

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:	4 November 2019
Attachments:	Road Construction Schedule October 2019
Authority/Discretion:	Information

SUMMARY:

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

BACKGROUND:

Road Construction

This month the Construction crew completed forming and gravel re-sheeting Brook Road which now completes this Eastern section to the intersection of Jacup North Road. Next year, works will commence at the intersection of Rabbit Proof Fence Road heading west towards South Coast Highway.

The crew have now started forming Jacup North Road in readiness to start gravel sheeting the next 3km section towards Middamidjup Road. These works will significantly reduce the maintenance required on this section over the coming harvest period.

Attached is the year to date 2019/2020 construction program.

Town Services

The crew have undertaken additional fire mitigation works around Jerramungup Townsite which has provided a substantial fire break and reduced fuel loads next to adjacent buildings prior to the onset of summer.

The crew also completed drainage upgrade works along Barbara Street in Bremer Bay which included additional off road drainage works which has stopped stormwater running through adjacent lots into Biddy Crescent. These works have also reduced stormwater velocity prior to entering the drainage system. Credit must go to the crew who did a great job in such a confined area.

Road Maintenance

Gravel patching has been undertaken on various roads to rectify blowouts in the road pavement. With the onset of harvest, all road users are urged to drive accordingly given the ever changing road conditions.

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 2019/2020 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 2019.

MOTION: OCM191102**MOVED: Cr Iffla****SECONDED: Cr Parsons****That Council RECEIVE the works report for October 2019.****CARRIED: 7/0**

10.2 CORPORATE SERVICES**10.2.1 ACCOUNTS FOR PAYMENT – OCTOBER 2019**

Location/Address:	N/A
Name of Applicant:	N/A
Author:	Sarah Van Elden, Finance Officer
Responsible Officer:	Charmaine Solomon, Deputy Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 November 2019
Attachments:	<ul style="list-style-type: none"> a. List of Accounts Paid to 31 October 2019 b. Credit Card Statement 27 September 2019 – 27 October 2019
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 2019.

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 2019-20 Annual Budget as adopted by Council at its meeting held 17 July 2019 (Minute No. OCM190706 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 2019. Lists detailing the payments made are appended as an attachment.

FUND	VOUCHERS	AMOUNTS
Municipal Account		
Last Cheque Used	28172	
EFT Payments	16517 - 16634	\$808,760.23
Direct Deposits		\$35,269.04
Municipal Account Total		\$844,029.27
Trust Account		
Trust Account Total		\$0.00
Grand Total		\$844,029.27

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 – Purchasing

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 2019 as detailed in Attachment 10.2.1(a).**
- b) **The Credit Card Statement 27 September 2019 – 27 October 2019 as detailed in attachment 10.2.1(b).**

MOTION: OCM191103**MOVED: Cr Price****SECONDED: Cr Bailey**

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 2019 as detailed in Attachment 10.2.1(a).**
- b) **The Credit Card Statement 27 September 2019 – 27 October 2019 as detailed in attachment 10.2.1(b).**

CARRIED: 7/0

10.2.2 MONTHLY FINANCIAL REPORT – OCTOBER 2019

Location/Address:	N/A
Name of Applicant:	N/A
File Reference:	
Author:	Tamara Pike, Senior Finance Officer
Responsible Officer:	Martin Cuthbert, Chief Executive Officer
Disclosure of any Interest:	Nil
Date of Report:	13 November 2019
Attachments:	Monthly Financial Report for the period ending 31 October 2019
Authority/Discretion:	Information

SUMMARY:

For Council to note the statement of financial activity for the period ended 31 October 2019 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 2019.

BACKGROUND:

At its meeting held 17 July 2019 (Minute No. OCM190706 refers), Council adopted the annual budget for the 2019-20 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 30 June 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 17 July 2019, the Council adopted (Minute No. OCM190706 part 1.6 refers) the following material variance reporting threshold for the 2019-20 financial year:

1.6 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 2019/2020 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 2019 has been incurred in accordance with the 2019-20 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 – Purchasing

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 2019 in accordance with section 6.4 of the *Local Government Act 1995*.

MOTION: OCM191104

MOVED: Cr Iffla

SECONDED: Cr Dawson

That Council RECEIVES the Monthly Financial Report incorporating the Statement of Financial Activity for the period ending 31 October 2019 in accordance with section 6.4 of the *Local Government Act 1995*.

CARRIED: 7/0

10.3 DEVELOPMENT SERVICES

Nil

10.4 EXECUTIVE SERVICES

10.4.1 INFORMATION BULLETIN OCTOBER 2019

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:	12 November 2019
Attachments:	October 2019 Information Bulletin
Authority/Discretion:	Information

SUMMARY:

To advise Council on the information items for October 2019 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 2019.

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 2019.

MOTION: OCM191105

MOVED: Cr Bailey

SECONDED: Cr Parsons

That Council RECEIVE the Information Bulletin including the actions performed under delegated authority for the month of October 2019.

CARRIED: 7/0

10.4.2 COUNCIL MEETING DATES 2020

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:	1 November 2019
Attachments:	Nil
Authority/Discretion:	Administrative

SUMMARY:

For Council to set the dates for the Ordinary Meetings of Council to be held in 2020. 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 21 November 2018, Council determined its meeting dates up to and including the 18 December 2019, 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 continue holding its Ordinary Meetings of Council on the third 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 continue holding Ordinary Meetings of Council on the third 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 2020 commences Friday 10 April. Therefore, the Ordinary Council Meetings for both March and April can remain on the standard third 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 Councils traditional meeting dates (i.e. last Thursday of each month).

Easter is Friday 10 April 2020 – Monday 13 April 2020;

Anzac Day is Saturday 25 April 2020 (ANZAC Public Holiday Monday 27 April);

National General Assembly of Local Government in Canberra – Sunday 14 June 2020 – Wednesday 17 June 2020;

WA Local Government Convention and Trade Exhibition in Perth – Wednesday 5 August – Friday 7 August 2020.

The following is a list of public holidays for Western Australia in 2020:

WESTERN AUSTRALIA PUBLIC HOLIDAYS 2020

Holiday	Date	Day	Holiday Type	Area
New Year's Day	1 January	Wednesday	Public	WA Wide
Australia Day	27 January	Monday	Public	WA Wide
Labour Day	2 March	Monday	Public	WA Wide
Good Friday	10 April	Friday	Public	WA Wide
Easter Monday	13 April	Monday	Public	WA Wide
ANZAC Day	25 April	Thursday	Public	WA Wide
Western Australia Day	1 June	Monday	Public	WA Wide
Queen's Birthday *	28 September	Monday	Public	WA Most Areas
Christmas Day	25 December	Friday	Public	WA Wide
Boxing Day	28 December	Monday	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 3.2 – Economic Diversity: To support initiatives which develop strong, diverse and resilient local businesses.

Objectives:

3.2.1 – Continue the development of the Bremer Bay Town Centre including the town square and designs for the civic centre.

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 with respect to the 2020 Ordinary Meeting of Council Schedule, Council:

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

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

- 2. 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.**

MOTION: OCM191106**MOVED: Cr Leenhouders****SECONDED: Cr Dawson****That with respect to the 2020 Ordinary Meeting of Council Schedule, Council:**

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

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

2. **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.

CARRIED: 7/0

10.4.3 REPRESENTATION ON COMMITTEES AND WORKING PARTIES/GROUPS

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:	Nil
Date of Report:	12 November 2019
Attachments:	Nil
Authority/Discretion:	Administrative

SUMMARY:

Following the outcome of the Ordinary Local Government Election on 19 October 2019, membership to various Council appointed committees were declared vacant. Council is required to consider its representation on various Council Committees and Working Groups. Appointments to external committees have also been reviewed.

BACKGROUND:

As per section 5.11 of the *Local Government Act 1995*, Council representatives on its Committees and Working Groups established under the Act are discontinued following a local government election and as such, nominations for Council representation are required.

Council may also wish to consider the current appointments to other statutory Committees and its representatives on outside bodies.

There are 3 current committees established in this manner and their status is outlined in the Comment section of this report:

- CEO Review Committee
- Audit Committee
- Bremer Bay Community Development Committee

It would also be prudent at this time to review membership of external committees requiring Elected Member representation, as well as membership to the working groups/parties Council has previously formed to assist on various issues.

The last full review of committee representation was at the Special Meeting of Council held 1 November, 2017.

CONSULTATION:

Nil

COMMENT:

Establishment of committees requires an absolute majority decision of Council. When Council establishes a committee it is required to detail what authority (if any) is delegated to that committee. A formal committee established in this manner is required to observe a Council's Standing Orders (if applicable) and the *Local Government Act 1995* in its meetings. For example, all meetings are required to be advertised, produce a formal agenda and minutes, and include a public question time.

An acceptable alternative to the establishment of committees per the *Local Government Act 1995* is the formation of working parties, working groups, or teams. Such bodies are not delegated specific authority

from Council and therefore act as an advisory body only. Recommendations from such bodies are presented to Council through officer reports.

The following information details the various committees that Council has established or is represented upon. Council is requested to review its representation on such bodies, whether to disband some internal working parties and to nominate elected members to those bodies to which Council wishes to continue providing representation.

PART 1 – COUNCIL COMMITTEES

Council Committees (formed per s5.8 of the *Local Government Act 1995*)

- **CEO Performance Review Committee**

This Committee undertakes the performance review of the CEO and negotiates changes to the CEO's contract of employment for subsequent Council approval.

It is being recommended to change the membership of the CEO Performance Review Committee to include all Elected Members.

- **Audit Committee**

This Committee is established to comply with legislation and oversee financial issues.

Changes to the *Local Government (Audit) Regulations 1996* required Audit Committees to expand their focus to provide effective corporate governance through the review of systems and procedures relating to risk management, internal control and legislative compliance.

- **Bremer Bay Community Development Committee**

To provide opportunity for various community groups in Bremer Bay to make recommendations to Council on matters which aim to improve the community of Bremer Bay.

Council appointments to the above Committees prior to 19 October 2019 were:

Committee	Membership	Term	Purpose	Nominated Councillors	Powers/Delegations
CEO Review Committee	Shire President, Deputy Shire President, 2 other Councillors	2 years with terms of office being aligned with Local Government Councillor Elections	To undertake periodic review meetings with the incumbent CEO and prepare reports and recommendations for Council on the CEO's performance and contract terms	Cr Lester, Cr Iffla, Delegate 1: Cr Leenhouwers, Delegate 2: Cr Parsons	Nil, the committee makes recommendations to Council. The Shire President may, at his/her option, engage a consultant to assist in any relevant processes to the extent provided for in the annual budget
Audit Committee	All members of Council	2 years with terms of office being aligned with Local Government Councillor Elections	To receive audit reports and meet annually with Council's auditors	All Councillors	Nil, the committee makes recommendations to Council on the appointment of auditors and matters raised during audits

Bremer Bay Community Development Committee	Two Councillors and one Proxy Two member representatives from each community organisation	2 years with terms of office being aligned with Local Government Councillor Elections All non Councillor members of the committee membership is ongoing once Council has accepted their nomination until the organisation they represent advises otherwise or until Council disbands this committee, whichever is the sooner	To advise Council on issues of development within Bremer Bay	Delegate 1: Cr Lester, Delegate 2: Cr Iffla, Proxy: any other Councillor	Nil, the committee will make recommendations to Council
--	--	---	--	---	---

Listed below are the external committees/organisations to which Council currently provides representation. Council appointments to the Committees prior to 19 October 2019 are also included:

Organisation/Committee	Delegate Positions	Nominated Councillors
Regional Road Group	Two Councillors and one Proxy	Delegate 1: Cr Parsons Delegate 2: Cr Lester Proxy: any other Councillor
Great Southern Zone of WALGA	Two Councillors and one Proxy	Delegate 1: Cr Price Delegate 2: Cr Lester Proxy: any other Councillor
Bush Fire Advisory Committee	One Councillor and one Proxy	Delegate: Cr Bailey Proxy: Cr Parsons or any other Councillor
Fitzgerald Biosphere Group	One Councillor and one Proxy	Delegate: Cr Parsons Proxy: Cr Bailey or any other Councillor
Regional Recreation Advisory Committee	One Councillor and one Proxy	Delegate: Cr Leenhouders Proxy: Cr Price or any other Councillor

South Coast Management Group	Two Councillors and one Proxy	Delegate: Cr Price Proxy: any other Councillor
Jerramungup VES Unit Management Committee	One Councillor and one Proxy	Delegate: Cr Bailey Proxy: Cr Parsons or any other Councillor
Bremer Bay VES Unit Management Committee	One Councillor and one Proxy	Delegate: Cr Leenhouders Proxy: Cr Iffla or any other Councillor
Development Assessment Panel	Two Councillor and one Proxy	Delegate 1: Cr Lester Delegate 2: Cr Iffla Proxy: Cr Price Proxy: Cr Leenhouders
Fitzgerald River National Park Advisory Group	One Councillor and one Proxy	Delegate: CEO Proxy: any other Councillor
Local Emergency Management Committee	One Councillor and one Proxy	Delegate: Cr Lester Proxy: Cr Iffla or any other Councillor

The South Coast Management Group, currently represented by Cr Price, ceased to exist in June 2019.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Subdivision 2 – Committees and their meetings

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Committees, types of

(1) In this section –

other person means a person who is not a council member or an employee.

(2) A committee is to comprise –

- (a) council members only; or*
- (b) council members and employees; or*
- (c) council members, employees and other persons; or*
- (d) council members and other persons; or*
- (e) employees and other persons; or*

(f) other persons only.

5.10. Committee members, appointment of

(1) A committee is to have as its members —

(a) persons appointed by the local government to be members of the committee (other than those referred to in paragraph (b)); and*

(b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

(2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

(3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the council.

(4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.

(5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —

(a) to be a member of the committee; or

(b) that a representative of the CEO be a member of the committee,

the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

(1) The local government may appoint a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.*

** Absolute majority required.*

(2) A person who is appointed as a deputy of a member of a committee is to be —

(a) if the member of the committee is a council member — a council member; or

(b) if the member of the committee is an employee — an employee; or

(c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or

(d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.

(3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.

(4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

5.11. Committee membership, tenure of

- (1) *Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until –*
- (a) *the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or*
 - (b) *the person resigns from membership of the committee; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*

whichever happens first.

- (2) *Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until –*
- (a) *the term of the person's appointment as a committee member expires; or*
 - (b) *the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or*
 - (c) *the committee is disbanded; or*
 - (d) *the next ordinary elections day,*

whichever happens first.

Division 1A – Audit committee**7.1A. Audit committee**

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*

** Absolute majority required.*

- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) *An employee is not to be a member of an audit committee.*

Section 38 of the Emergency Management Act 2005**38. Local emergency management committees**

- (1) *A local government is to establish one or more local emergency management committees for the local government's district.*
- (2) *If more than one local emergency management committee is established, the local government is to specify the area in respect of which the committee is to exercise its functions.*
- (3) *A local emergency management committee consists of –*
- (a) *a chairman and other members appointed by the relevant local government in accordance with subsection (4); and*
 - (b) *if the local emergency coordinator is not appointed as chairman of the committee, the local emergency coordinator for the local government district.*
- (4) *Subject to this section, the constitution and procedures of a local emergency management committee, and the terms and conditions of appointment of members, are to be determined by the SEMC.*

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:

2.5.1 – Maintain a high standard of community consultation and engagement.

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

2.5.4 – Foster strong partnerships with community groups to deliver a broad range of high quality and valued services.

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:

Absolute Majority

OFFICER RECOMMENDATION:

1. That all Elected Member representation prior to 19 October, 2019 on Council Committees, External Committees/Organisations, Internal Working Parties/Groups be dissolved.

COUNCIL COMMITTEES***CEO Performance Review Committee (no delegated power)***

2. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the CEO Performance Review Committee.

Audit Committee (no delegated power)

3. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the Audit Committee

Bremer Bay Community Development Committee (no delegated power)

4. That BY AN ABSOLUTE MAJORITY, Council APPROVES two Elected Members to the Bremer Bay Community Development Committee.
5. That BY AN ABSOLUTE MAJORITY, Council APPOINTS the following Elected Members to the Bremer Bay Community Development Committee.

Cr _____

Cr _____

EXTERNAL REPRESENTATION – COMMITTEES/ORGANISATIONS

6. That Council, BY AN ABSOLUTE MAJORITY, APPROVES the nomination of the following Elected Members to the external Committees/Organisations as detailed below:

Regional Road Group

Delegate 1: Cr _____

Delegate 2: Cr _____

Proxy: Cr _____

or any other Councillor

Great Southern Zone of WALGA

Delegate 1: Cr _____

Delegate 2: Cr _____

Proxy: Cr _____

or any other Councillor

Bush Fire Advisory Committee

Delegate: Cr _____

Proxy: Cr _____

or any other Councillor

Fitzgerald Biosphere Group

Delegate: Cr _____

Proxy: Cr _____

or any other Councillor

Regional Recreation Advisory Committee

Delegate: Cr _____

Proxy: Cr _____

or any other Councillor

Jerramungup VES Unit Management Committee

Delegate: Cr _____

Proxy: Cr _____

or any other Councillor

Bremer Bay VES Unit Management Committee

Delegate: Cr _____

Proxy: Cr _____

or any other Councillor

Development Assessment Panel

Delegate 1: Cr _____

Delegate 2: Cr _____

Proxy: Cr _____

Proxy: Cr _____

Fitzgerald River National Park Advisory Group

Delegate: Chief Executive Officer

Proxy: Cr _____

or any other Councillor

Local Emergency Management Committee

Delegate: Cr _____

Proxy: Cr _____

or any other Councillor

MOTION: OCM191107**MOVED: Cr Leenhouders****SECONDED: Cr Dawson**

1. That all Elected Member representation prior to 19 October, 2019 on Council Committees, External Committees/Organisations, Internal Working Parties/Groups be dissolved.

COUNCIL COMMITTEES***CEO Performance Review Committee (no delegated power)***

2. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the CEO Performance Review Committee.

Audit Committee (no delegated power)

3. That BY AN ABSOLUTE MAJORITY, Council APPOINTS all Elected Members to the Audit Committee

Bremer Bay Community Development Committee (no delegated power)

4. That BY AN ABSOLUTE MAJORITY, Council APPROVES two Elected Members to the Bremer Bay Community Development Committee.
5. That BY AN ABSOLUTE MAJORITY, Council APPOINTS the following Elected Members to the Bremer Bay Community Development Committee.

Cr Lester

Cr Iffla

EXTERNAL REPRESENTATION – COMMITTEES/ORGANISATIONS

6. That Council, BY AN ABSOLUTE MAJORITY, APPROVES the nomination of the following Elected Members to the external Committees/Organisations as detailed below:

Regional Road Group

Delegate 1: Cr Parsons

Delegate 2: Cr Lester

Proxy: Any other Councillor

Great Southern Zone of WALGA

Delegate 1: Cr Lester

Delegate 2: Cr Price

Proxy: Any other Councillor

Bush Fire Advisory Committee

Delegate: Cr Bailey

Proxy: Cr Parsons

Or any other Councillor

Fitzgerald Biosphere Group

Delegate: Cr Parsons

Proxy: Cr Bailey

Or any other Councillor

Regional Recreation Advisory Committee

Delegate: Cr Dawson
Proxy: Cr Leenhouders
Or any other Councillor

Jerramungup VES Unit Management Committee

Delegate: Cr Bailey
Proxy: Cr Parsons
Or any other Councillor

Bremer Bay VES Unit Management Committee

Delegate: Cr Leenhouders
Proxy: Cr Dawson
Or any other Councillor

Development Assessment Panel

Delegate 1: Cr Lester
Delegate 2: Cr Iffla
Proxy: Cr Price
Proxy: Cr Leenhouders

Fitzgerald River National Park Advisory Group

Delegate: Chief Executive Officer
Proxy: Executive Staff

Local Emergency Management Committee

Delegate: Cr Lester
Proxy: Cr Iffla
Or any other Councillor

South Coast Alliance Inc.

Delegate 1: Cr Lester
Delegate 2: Cr Iffla
Delegate 3: Cr Leenhouders

CARRIED: 7/0

MOTION: OCM191108

MOVED: Cr Price SECONDED: Cr Bailey
That Council close the meeting to the public.

CARRIED: 7/0

MOTION: OCM191109**MOVED: Cr Leenhouders****SECONDED: Cr Dawson**

That Cr Iffla remain in the room and be allowed to vote as the nature of the interest declared was an impartiality interest.

CARRIED: 6/0**10.4.4 TENDER – PROVISION OF CLEANING SERVICES 2019**

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:	Cr Iffla
Date of Report:	12 November 2019
Attachments:	1. Confidential Attachment – Evaluation Report
Authority/Discretion:	Legislative

SUMMARY:

This item addresses the outcome of a request for tender issued for the provision of cleaning services to the Bremer Bay area and recommends the awarding of a two year contract to Bremer Produce for the fixed price as detailed in the confidential attachment.

BACKGROUND:

The Shire of Jerramungup has called tenders for the Provision of Cleaning Services for the Bremer Bay Area. The service has been under contract previously by a local business – Bremer Produce.

The scope of works includes cleaning of the following facilities:

- barbecues;
- bins;
- fishing cleaning stations;
- fish offal bins;
- public toilets;
- gazebos; and
- skate park.

The provision of cleaning services is one of the largest value contracts which Council has issued for ongoing services. Accordingly the tender process has been managed with assistance from WALGA to mitigate financial and reputational risks associated with the procurement. The tender was advertised in the West Australian on 20 September 2019 and also promoted locally through notice boards and social media.

Each tenderer was required to provide a representative to the mandatory site meeting to discuss the tender requirements and expectations of each party.

Two (2) Tenders were received by the Deadline of the Request for Tender. The Tender submissions were reviewed by an Evaluation Panel consisting of Shire of Jerramungup and WALGA staff. Each tender was evaluated, the key qualitative criteria were as follows:

Qualitative Criteria		Weighting
a)	<p>Relevant Experience</p> <p>Describe your experience in completing/supplying similar Requirements. Respondents must, as a minimum, address the following information in an attachment and label it “Relevant Experience”:</p> <ul style="list-style-type: none"> i. Provide details of similar work completed and Respondent’s involvement including details of outcomes. ii. Provide details of issues that arose during the project and how these were managed. <p>Demonstrate competency and proven track record of achieving outcomes.</p>	40%
b)	<p>Key Personnel Skills and Experience</p> <ul style="list-style-type: none"> i. Detail the Tenderer’s proposed personnel (both managerial and operational) to be utilised in conducting the Requirements of this Request inclusive of any relevant current registrations or licenses held, police clearances, their intended role and any relevant experience and qualifications held. RFT 06/19 Project Team has been attached to this criterion in the WALGA Provider Portal. ii. Include details on: Their role in the performance of the Contract. CVs with particular emphasis on experience of personnel in projects of a similar requirement. iii. Provide details as to how you will ensure that your personnel are kept current with any training requirements and industry best practice. 	30%
c)	<p>Respondent’s Resources</p> <p>Respondents should demonstrate their ability to supply and sustain the necessary:</p> <ul style="list-style-type: none"> i. Plant, equipment and materials (refer to requirements list). <p>Any contingency measures or backup of resources including personnel (where applicable).</p>	30%

CONSULTATION:

Tenderers

WALGA

COMMENT:

As detailed in the tender evaluation report the assessment panel has recommended the incumbent contractor be provided with a new 2 year contract with a 1 year extension at the Chief Executive Officer’s sole discretion.

The table below provides the results of the assessment undertaken by the panel:

Tenderer	Qualitative Score	Ranking
Bremer Produce	44%	1
Jass Contractors	37%	2

Alternatively, Council can elect to reject all tenders and direct the CEO to negotiate a lower service level with the preferred tenderer or deliver the service utilising employees and Council equipment rather than by a contractual arrangement. The implications from a financial perspective are discussed below and an implementation timeframe would need to allow adequate time for employee recruitment and workplace restructure.

STATUTORY ENVIRONMENT:

Tendering for this supply contract was undertaken in accordance with the *Local Government (Functions and General) Regulations 1996*. Part 4 – Tenders for Provision of Goods or Services.

STRATEGIC IMPLICATIONS:

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

Aspiration 2.2 – Improved Liveability: To develop initiatives and programs, supported by high quality infrastructure that improves lifestyle outcomes and makes the Shire of Jerramungup an attractive place to live.

FINANCIAL IMPLICATIONS:

The preferred tenderer has submitted costing which is \$1,461 less than the existing contract.

In comparison an assessment of the cost to coordinate the service internally has been carried out. It is estimated that the same level of service would cost \$325,952 over 2 years.

This costing however does not factor in risks of staff vacancy, staff redeployment to cover leave or overtime costs required for response after hours or on public holidays. Council would also be required to purchase a new light vehicle to facilitate the role.

A solution for the disposal of fish offal would also need to be explored and resourced.

WORKFORCE IMPLICATIONS:

The provision of these services would need to be resourced by Council staff if a contract arrangement is not supported.

POLICY IMPLICATIONS:

Tendering for this supply contract is in accordance with Council's Policy AP3 – Regional Price Preference Policy and Finance Policy 6 – Purchasing Policy.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council;

- 1. Accepts the Tender submitted by John Alaouze t/a Bremer Produce (ABN 30 762 434 870) as the most advantageous Tender to form a Contract for the Provision of Cleaning Services for the Bremer Bay area. The estimated start date for the contract is 1 December 2019 and it will be in place until 30 November 2021, with a 1 year extension at the Chief Executive Officer's sole discretion. The total contract value is a fixed price as detailed in the confidential attachment.**
- 2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**
- 3. Should a Contract not be formed within thirty (30) business days with John Alaouze t/a Bremer Produce authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Bremer Produce.**

MOTION: OCM191110**MOVED: Cr Leenhouders****SECONDED: Cr Parsons**

That Council;

1. Accepts the Tender submitted by John Alaouze t/a Bremer Produce (ABN 30 762 434 870) as the most advantageous Tender to form a Contract for the Provision of Cleaning Services for the Bremer Bay area. The estimated start date for the contract is 1 December 2019 and it will be in place until 30 November 2021, with a 1 year extension at the Chief Executive Officer's sole discretion. The total contract value is a fixed price as detailed in the confidential attachment.
2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.
3. Should a Contract not be formed within thirty (30) business days with John Alaouze t/a Bremer Produce authorise the Chief Executive Officer to review alternative options, within the same price range as that provided by Bremer Produce.

MOTION LOST: 6/1**MOTION: OCM191111****MOVED: Cr Bailey****SECONDED: Cr Price**

That Council;

1. Accepts the Tender submitted by J.L O'Donnell & S.W O'Donnell t/a Jass Contractors (ABN 16 428 552 148) as the most advantageous Tender to form a Contract for the Provision of Cleaning Services for the Bremer Bay area. The estimated start date for the contract is 1 December 2019 and it will be in place until 30 November 2021, with a 1 year extension at the Chief Executive Officer's sole discretion. The total contract value is a fixed price as detailed in the confidential attachment.
2. Delegates the formation and execution of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.

CARRIED: 6/1

Reason: Council considered the qualitative scoring between both tenders submitted and resolved that Jass Contractors provided a better value for money option.

MOTION: OCM191112**MOVED: Cr Dawson****SECONDED: Cr Iffla**

That Council;

Re-open the meeting to the public.

CARRIED: 7/0

10.4.5 POLICY REVIEW – FP6 PROCUREMENT OF GOODS AND SERVICES POLICY

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:	Nil
Date of Report:	12 November 2019
Attachments:	<ul style="list-style-type: none"> a) Current – FP6 – Purchasing Policy b) Draft – FP6 – Procurement of Goods and Services Policy c) Government Gazette – Amendments to Regulations
Authority/Discretion:	Legislative

SUMMARY:

The purpose of this report is for Council to review and adopt the updated FP6 – Procurement of Goods and Services Policy.

BACKGROUND:

Although not a requirement of the *Local Government Act 1995*, it is considered good practice for Council to review its Policy Manual on a regular basis.

In addition to any scheduled review, any changes to existing policies or the need for new policies identified during the course of the year can be presented through the appropriate meetings for Council consideration.

Policies are determined by Council and may be amended or waived according to circumstances. This power is conveyed to Council in section 2.7(2)(b) of the *Local Government Act 1995*. Policies cannot be made in relation to those powers and duties given directly to the CEO by the Act.

The objectives of the Council's Policy Manual are:

- to provide Council with a formal written record of all policy decisions;
- to provide the staff with clear direction to enable them to respond to issues and act in accordance with Council's general direction;
- to enable Councillors to adequately handle enquiries from electors without undue reference to the staff or the Shire;
- to enable Council to maintain a continual review of Council policy decisions and to ensure they are in keeping with community expectations, current trends and circumstances;
- to enable electors to obtain immediate advice on matters of Council Policy.
- Policies are to relate to issues of an on-going nature; policy decisions on single issues are not to be recorded in the manual.

Policies should not be confused with management practices or operational procedures, which are determined by the CEO, as a mechanism for good management, and implementation of Council policies.

Changes to Council Policy shall be made only on:

1. a) the outcome of the Annual Review; or
2. b) an agenda item clearly setting out details of the proposed amendment.

Users should be mindful of the fact that, in simple terms:

- Policy provides what can be done;
- Procedures provide for how to do it;
- Delegation provides for who can do it.

It is important to note that the Shire's adopted policies have been made to facilitate:

- Consistency and equity in decision making;
- Promptness in responding to customer needs; and
- Operational efficiency.

CONSULTATION:

Internal – Relevant Shire staff have been consulted.

COMMENT:

There have been a number of amendments to the *Local Government (Function and General) Regulations 1996*, including regulation 11 – When tenders have to be publicly invited and regulation 11A. – Purchasing policies for local governments.

The amendments to section 11 of the *Local Government (Functions and General) Regulations 1996* increases the tender threshold from \$100,000 to \$150,000, which also requires any local government purchasing policies to be amended to the \$150,000 threshold.

The amendment was gazetted 18 September 2015 and came into effect on 1 October 2015. It appears that the amendment to Council's policy was never presented to Council, and it is unclear why Council auditors had not picked up on this oversight since that time.

The draft policy presented is based on the latest pro-forma prepared by WALGA after a major review was undertaken after an independent review was conducted on local government procurement by the Office of the Auditor General.

STATUTORY ENVIRONMENT:

Local Government Act 1995 s.2.7(2)(b)

2.7. Role of council

1. *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
2. *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

Local Government (Functions and General) Regulations 1996

Part 4 — Provision of goods and services

Division 1 — Purchasing policies

11A. Purchasing policies for local governments

- (1) *A local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$150 000 or less or worth \$150 000 or less.*
- (2) *A purchasing policy is to make provision for and in respect of the policy to be followed by the local government for, and in respect of, entering into contracts referred to in subregulation (1).*
- (3) *A purchasing policy must make provision in respect of —*
 - (a) *the form of quotations acceptable; and*
 - (ba) *the minimum number of oral quotations and written quotations that must be obtained; and*
 - (c) *the recording and retention of written information, or documents, in respect of —*
 - (i) *all quotations received; and*
 - (ii) *all purchases made.*

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:

Policies provide direction for all Shire of Jerramungup employees.

POLICY IMPLICATIONS:

As detailed in the report.

VOTING REQUIREMENT:

Simple Majority

OFFICER RECOMMENDATION:

That Council, pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, reaffirm the continued application and operation of the following current Council Policy as amended in the report and attached to this report for a further two (2) years or such earlier date as Council may determine from time to time:

FP6 – Procurement of Goods and Services Policy.

MOTION: OCM191112

MOVED: Cr Bailey

SECONDED: Cr Price

That Council, pursuant to section 2.7(2)(b) of the *Local Government Act 1995*, reaffirm the continued application and operation of the following current Council Policy as amended in the report and attached to this report for a further two (2) years or such earlier date as Council may determine from time to time:

FP6 – Procurement of Goods and Services Policy.

CARRIED: 7/0

11.0 COUNCILLOR REPORTS

Cr Joanne Iffla

Attended a Special Meeting of the South Coast Alliance

Attended a GSDC meeting to assess REDS applications

Attended a site meeting with H+H Architects

Cr Drew Dawson

Attended a new Councillor forum in Perth

Attended a meeting with Rick Wilson

Attended a meeting with St John Ambulance

Cr Robert Lester

Attended a Special Meeting of the South Coast Alliance

Attended a site meeting with H+H Architects

Attended a meeting with Rick Wilson

Attended a meeting with St John Ambulance

Cr Julie Leenhouders

Attended a Special Meeting of the South Coast Alliance

12.0 NEW BUSINESS OF AN URGENT NATURE

Nil

13.0 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

(CONFIDENTIAL MATTERS)

Nil

14.0 CLOSURE

14.1 DATE OF NEXT MEETING

The next ordinary meeting of Council will be held Wednesday, 18 December 2019, commencing at 8.30am, in the Emergency Services Shed, Bremer Bay.

14.2 CLOSURE OF MEETING

The Presiding Member closed the meeting at 10.40pm.

These minutes were confirmed at a meeting held

.....

Signed:

Presiding Person at the meeting at which these minutes were confirmed

Date: