



Ordinary Meeting of Council

MINUTES

19 August 2021

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SHIRE OF BROOMEHILL TAMBELLUP

Minutes of the Ordinary Meeting of Council of the Shire of Broomehill-Tambellup held in the Tambellup Council Chambers on Thursday 19 August commencing at 4.34pm.

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President welcomed Councillors and staff and declared the meeting open at 4.34pm

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Cr Paganoni thanked the CEO, Keith Williams, for his five years of service to the Shire of Broomehill-Tambellup stating during that time he had displayed great integrity and prided himself on great communication skills across all sectors. On behalf of myself, Councillors and staff, thank you and we wish you all the best going forward.

CEO responded thanking the Council stating that he had enjoyed his time in the Shire and was passionate about work, and his position in the Shire of Broomehill-Tambellup was everything a CEO could ask for. A great Council and a fantastic community to live. He passed on his appreciation to Council and staff for all their assistance and advice.

3. ATTENDANCE

Cr MC Paganoni	President
Cr ME White	Deputy President
Cr KJ Holzknecht	
Cr DT Barritt	
Cr SH Penny	
KB Williams	Chief Executive Officer (CEO)
P Vlahov	Manager Works
KP O'Neill	Manager Finance and Administration
PA Hull	Strategic Support & Projects Officer
HA Richardson	Governance and Executive Assistant

3.1 APOLOGIES

Cr CJ Letter

3.2 APPROVED LEAVE OF ABSENCE

Cr MC Nazzari July – October 2021

1. DECLARATION OF INTEREST

K O' Neill, Manager Finance and Administration declared a Financial Interest in item 11.01.

2. PUBLIC QUESTION TIME

Nil

3. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

Nil

4. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

Nil

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.1 ORDINARY MEETING OF COUNCIL MINUTES 22 JULY 2021

210801

Moved Cr Penny, seconded Cr Holzknicht

That the Minutes of the Ordinary Council Meeting held on 22 July 2021 be confirmed as a true and accurate record, subject to amendment of 11.01 CONFIDENTIAL Rescission of Awarding of Tender, Lot 19 Taylor Street, Tambellup: Motion 210720 and the typographical error be changed to reflect the correct Tender No. under Point 1. BHT02/19 to be amended to BHT06/2019.

CARRIED 5/0

8.2 SPECIAL MEETING OF COUNCIL MINUTES 6 AUGUST 2021

210802

Moved Cr White, seconded Cr Barritt

That the Minutes of the Special Council Meeting held on 6 August 2021 be confirmed as a true and accurate record.

CARRIED 5/0

8.3 SPECIAL MEETING OF COUNCIL MINUTES 13 AUGUST 2021

210803

Moved Cr Barritt, seconded C Penny

That the Minutes of the Special Council Meeting held on 13 August 2021 be confirmed as a true and accurate record.

CARRIED 5/0

9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING

Nil

10. REPORTS OF OFFICERS

10.01	FINANCIAL STATEMENTS FOR JUNE 2021
Attachment:	Monthly Financial Statements for June 2021
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	12 August 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the monthly financial report for the period ending 30 June 2021.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require a statement of financial activity to be prepared each month and prescribe the contents of that report and accompanying documents. The report is to be presented at an ordinary meeting of the Council within 2 months after the end of the month to which the report relates.

Each financial year, Council is required to adopt a percentage or value to be used in the statement of financial activity for reporting material variances.

As part of the 2020/21 budget process, Council adopted 10% or \$10,000 as the material variance for reporting purposes for the year.

COMMENT

Note 2 in the financial statements provides commentary on the material variances shown in the statement of financial activity by reporting program, which is a requirement of the Local Government (Financial Management) Regulations 1996.

Receivables - which includes outstanding rates, emergency services levy, pensioner rebates and other 'sundry' debtors - is reported at Note 6.

Note 8 tracks capital grants and contributions, the unspent balance of which is reported as 'Restricted Cash' throughout the financial report.

Capital revenue and expenditure is detailed in Note 12, which includes plant replacement, road construction, building improvements, reserve transfers and loan transactions.

The June financial report presented is an interim report, and subject to end of financial year adjustments and allocations. Councillors should note that some of the numbers contained in the report are subject to change.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report

(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);

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

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

(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;

(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.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One - Our People

1.5 Our Shire demonstrates strong leadership, effective governance and efficient service delivery to our community

1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interests of our residents

FINANCIAL IMPLICATIONS

The report represents the financial position of the Council at the end of reporting period.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

210804

Moved Cr Holzkecht, seconded Cr White

That the Financial Statements for the period ending 30 June 2021 be received.

CARRIED 5/0

10.02	CREDITORS ACCOUNTS PAID JULY 2021
Attachment:	List of Payments for July 2021
File Ref:	Nil
Author:	KP O'Neill – Manager Finance and Administration
Date:	12 August 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the list of payments made from the Municipal and Trust Funds during July 2021.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* prescribe that a list of accounts paid under delegated authority by the CEO is to be prepared each month, providing sufficient information to identify the transactions.

The list is to be presented to the Council at the next ordinary meeting after the list is prepared and recorded in the minutes of that meeting.

COMMENT

Summary of payments made for the month:-

Municipal Fund	\$1,003,683.94
Trust Fund	\$0.00
Credit Cards	\$179.38
<u>Total</u>	<u>\$1,003,863.32</u>

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

13. Lists of accounts

(1) If the local government has delegated authority 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;
- (b) the amount of the payment;
- (c) the date of the payment; and
- (d) sufficient information to identify the transaction.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

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FINANCIAL IMPLICATIONS

Lists the payments made from Municipal and Trust Funds during the previous month.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

210805

Moved Cr White, seconded Cr Penny

That the list of accounts paid during July 2021, consisting of –

- ***Municipal Fund cheque, EFT and direct debit payments totalling \$1,003,683.94;***
- ***Trust Fund cheque payments totalling \$Nil; and***
- ***Credit Card payments totalling \$179.38***

be endorsed.

CARRIED 5/0

10.03	DELEGATIONS REGISTER REVIEW
Attachment:	• Draft Delegations Register
File Ref:	ADM0230
Author:	PA Hull – Strategic Support & Projects Officer
Date:	13 August 2021
Disclosure of Interest:	Nil

SUMMARY

The purpose of this report is for Council to review its Delegations Register.

BACKGROUND

Local Governments are required to keep a register of delegations and to review the delegations at least once every financial year, in accordance with the *Local Government Act 1995* s5.18 and s5.46. These delegations include those from Council to the Chief Executive Officer (CEO) and Committees, and the Chief Executive Officer to other staff.

Delegations are made to facilitate prompt business transactions and streamline the customer service functions of the Shire to ensure waiting times and delays are kept to a minimum. In addition, it alleviates the necessity for Council to deal with routine operational items at its monthly meetings thus freeing up time for matters of strategy and policy.

COMMENT

The Delegations Register has been reviewed by Senior Staff. Minor amendments to a small number of delegations relate to the inclusion of references to other internal documents (i.e. Local Laws, Council Policy, Management Practices etc.) where applicable. Amendments are shown in red in the attached draft version.

Delegation 1.10 – Hall Hire: The delegation provides for the waiving of hall hire bonds to specific organisations. It is considered the following should be added, given the broad relevance to residents of the Shire:

- Seniors Soup Luncheon – Hall - Subject to the luncheons being advertised across the Shire
- Host Organisation for ANZAC Day Services Broomehill and Tambellup

For Council consideration and adoption.

CONSULTATION

Chief Executive Officer
Senior Staff

STATUTORY ENVIRONMENT

Local Government Act 1995

s5.17. *Limits on delegation of powers and duties to certain committees*

(1) *A local government can delegate –*

- (c) *to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of –*
- (i) *the local government's property; or*
 - (ii) *an event in which the local government is involved.*

s5.42. *Delegation of some powers and duties to CEO*

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —
- (a) this Act other than those referred to in section 5.43; or
 - (b) the Planning and Development Act 2005 section 214(2), (3) or (5).
- * Absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

s5.43. *Limits on delegations to CEO*

This section prescribes the powers or duties that a local government cannot delegate to the CEO.

s5.44. *CEO may delegate powers and duties to other employees*

This section gives the CEO authority to delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of duties.

s5.46. *Register of, and records relevant to, delegations to CEO and employees*

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

POLICY IMPLICATIONS

The delegations register links with and guides implementation of some Council Policies and internal procedures. Reference between the delegations register and Council policy have been included in this review of the delegations register, where applicable.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

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- 1.5.1 Promote excellence in governance, compliance, regulation, reporting, customer service and delivery of outcomes that are in the best interest of our residents.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION

210806

Moved Cr Penny, seconded Cr Holzknacht

That Council, having undertaken a review of the delegations register in accordance with the requirements of the Local Government Act 1995 section 5.46(2), adopts the Delegations Register dated August 2021 as presented.

***CARRIED 5/0
By absolute majority***

10.04	REVIEW OF POLICY 1.4 – TEMPORARY EMPLOYMENT OR APPOINTMENT OF CEO
Attachment:	<ul style="list-style-type: none">• Draft Policy 1.4 – Temporary Employment or Appointment of CEO• Current Policy 1.4 – Appointment of Acting CEO
File Ref:	ADM0163
Author:	KP O’Neill – Manager Finance & Administration
Date:	12 August 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider and adopt a review of Policy 1.4 – Appointment of Acting Chief Executive Officer.

BACKGROUND

Recent legislative changes require Council to develop a policy for the Temporary Employment or Appointment of a Chief Executive Officer that covers the process to be followed by the local government in relation to the following:

- a) the employment of a person in the position of CEO for a term not exceeding 1 year;
- b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.

Councils current Policy requires review and updating to incorporate legislative changes and industry best practice.

COMMENT

Guidance was issued by the Department of Local Government, Sport and Cultural Industries following changes to the Local Government Act 1995 relating to CEO Standards surrounding recruitment, performance and termination. This guidance provides the following information relating to appointment of an acting CEO –

Policy for temporary employment or appointment of an acting CEO required

Where the role of CEO is not fulfilled for a significant period, this leads to increased risk to the operations and governance of the local government. Therefore, local governments are required to develop and implement a policy that outlines the arrangements to temporarily replace a CEO for any period less than twelve months, for example, when a CEO is on planned or unplanned leave. The policy should include the decision-maker(s) for appointing an acting CEO. It is a requirement under 5.39C of the Local Government Act that local governments prepare and adopt a policy for temporary employment or appointment of an acting CEO.

Example of what may be included in a local government's policy:

As an example, the policy may include employee position titles, specifying that the Council considers a person holding these positions to be suitably qualified and experienced for the position of CEO. In addition, the policy should also include a methodology for the CEO to appoint an Acting CEO from the listed positions for a period of absence of up to four weeks; however any decision regarding the appointment of an Acting CEO for any period exceeding four weeks must be made by the council.

The policy must be made available on the local government's official website.

Please note: The Model CEO Standards for recruitment and selection do not apply to the employment or appointment of an acting or temporary CEO for less than one year.

WALGA have developed a model Policy that complies with the requirements of the Act and Regulations and this has been used as the basis for the review of the existing Policy. The amended Policy provides clear direction if an acting or temporary CEO is to be appointed.

CONSULTATION

Chief Executive Officer
WALGA

STATUTORY ENVIRONMENT

Local Government Act 1995

5.39C. Policy for temporary employment or appointment of CEO

- (1) *A local government must prepare and adopt* a policy that sets out the process to be followed by the local government in relation to the following —*
- a) the employment of a person in the position of CEO for a term not exceeding 1 year;*
 - b) the appointment of an employee to act in the position of CEO for a term not exceeding 1 year.*

** Absolute majority required.*

- (2) *A local government may amend* the policy*
- (3) *When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.*
- (4) *The CEO must publish an up-to-date version of the policy on the local government's official website*

POLICY IMPLICATIONS

Policy review to ensure compliance with the Local Government Act 1995 and industry best practice.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028
KRA One – Our People

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION

210807

Moved Cr White, seconded Cr Barritt

That Council adopts the review of Policy 1.4 Temporary Employment or Appointment of CEO as presented, and requests the CEO to publish the Policy on the Shire of Broomehill-Tambellup website as soon as practicable.

***CARRIED 5/0
By absolute majority***

10.05	GREAT SOUTHERN TREASURES / AUSTRALIA'S SOUTH WEST
Attachment:	• Great Southern Treasures Proposal (Draft)
File Ref:	ADM0136
Author:	Keith Williams – Chief Executive Officer
Date:	13 August 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider a draft proposal for Australia's South West to deliver Great Southern Treasures in partnership with existing local government participants.

BACKGROUND

The Shire of Broomehill-Tambellup is a member of Great Southern Treasures, which is currently operating under a Memorandum of Understanding (MOU) between eight local Shires. The MOU commenced on 1 January 2021 and expires on 30 June 2023.

The recent departure of the Executive Officer from Great Southern Treasures due to the end of her contract has provided an opportunity to reassess how Great Southern Treasures is delivered in a sustainable manner to provide destination marketing and ensure an industry presence into the future.

Catrin Allsop, Chief Executive Officer of Australia's South West (ASW), has developed a draft proposal (attached) which includes a number of recommendations for ASW involvement with the delivery of Great Southern Treasures. The proposal provides the basis of a framework for a joint approach between ASW and partner local governments to achieving outcomes for the benefit of the region's tourism sector into the future. The board of ASW has provided in principle support for the proposal.

COMMENT

At this stage, no action is required, as the MOU for the administration and operations of Great Southern Treasures is in effect. The local government CEOs will meet to discuss the proposal, and outcomes from that meeting will be brought back to Council if required.

Council may wish to consider the draft proposal attached, and indicate it's in principle support for the recommendations if appropriate.

CONSULTATION

Great Southern Treasures local governments
Australia's South West

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Policy 6.1 – Tourism and Area Promotion

STRATEGIC IMPLICATIONS

Key Result Area 2: Our Economy

To maintain an environment in the towns and rural areas of the Shire that is conducive to tourism, business and population retention and growth.

2.1 Our community provides a unique tourism and visitor experience

2.1.4 Promote and support local and regional tourism initiatives

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION

210808

Moved Cr White, seconded Cr Barritt

That Council provides it's in principle support for the recommendations of the draft Great Southern Treasures Proposal developed by Australia's South West.

CARRIED 5/0

10.06	TAMBELLUP GOLF CLUB – RATE CONCESSION
Attachment:	Nil
File Ref:	A447
Author:	KP O’Neill – Manager Finance & Administration
Date:	10 August 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider a request for a rate concession for the 2021/22 financial year.

BACKGROUND

The Tambellup Golf Club has written requesting Council consider granting a concession on the rate charges for the 2021/22 financial year.

COMMENT

The Golf Club provides a facility that is available to all members of the community, and is used regularly throughout the year by both Club members and non-members. The club is the only sporting organisation within Broomehill-Tambellup that has Shire rates levied against it.

The Tambellup Golf Club has been granted a rate concession since the 2000/01 financial year. Should Council agree to the rate concession, the Club is still responsible for payment of rubbish/recycling charges and the Emergency Services Levy.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.47 Concession

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate of service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required*

POLICY IMPLICATIONS

Council does not have a policy in relation to granting concessions for rates or service charges.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

FINANCIAL IMPLICATIONS

Provision of \$4,000 has been included in the 2021/22 budget for ‘Rates Written Off’ in anticipation of such requests.

While rates have not been levied at the time of preparing the agenda, the estimated rates for the Tambellup Golf Club are approximately \$600 for the 2021/22 year.

VOTING REQUIREMENTS

Absolute Majority

COUNCIL DECISION

210809

Moved Cr Barritt, seconded Cr Penny

That Council grants a concession on the rate charges levied to the Tambellup Golf Club for the 2020/21 financial year, estimated to be \$600 for the year.

***CARRIED 5/0
By absolute majority***

11. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

PROCEDURAL MOTION

210810

Moved Cr White, seconded Cr Barritt

Motion to Proceed Behind Closed Doors:

That in accordance with Section 5.23 (2) of the Local Government Act 1995 the meeting is closed to members of the public with the following aspect(s) of the Act being applicable to this matter:

(a) a matter affecting an employee or employees

Staff members K Williams, K O' Neill, P Hull, P Vlahov and A Richardson left the meeting at 5.02pm.

CONFIDENTIAL

11.01	APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER
Attachment:	Nil
File Ref:	Personnel File
Author:	Cr Mark Paganoni – Shire President
Date:	12 August 2021
Disclosure of Interest:	K O'Neill, Manager Finance and Administration declared a Financial Interest in this item as the matter relates to her appointment as Acting Chief Executive Officer.

COUNCIL DECISION

210811

Moved Cr White, seconded Cr Holzknecht

That the Shire President's recommendation be amended as follows:

That Council –

- **Appoints Kay O'Neill, Manager of Finance and Administration to the position of Acting Chief Executive Officer of the Shire of Broomehill-Tambellup commencing on 23 August 2021 until external recruitment processes for a Temporary or Permanent CEO can be completed; and**
- **Confirms that the Council believes that Kay O'Neill, Manager of Finance and Administration is suitably qualified for the position; and**
- **Approves remuneration to be paid at a rate of 90% of the cash component of the incumbent CEO's total reward package.**

CARRIED 5/0

The amended motion was put.

210812

Moved Cr White, Seconded Cr Penny

That Council –

- ***Appoints Kay O'Neill, Manager of Finance and Administration to the position of Acting Chief Executive Officer of the Shire of Broomehill-Tambellup commencing on 23 August 2021 until external recruitment processes for a Temporary or Permanent CEO can be completed; and***
- ***Confirms that the Council believes that Kay O'Neill, Manager of Finance and Administration is suitably qualified for the position; and***
- ***Approves remuneration to be paid at a rate of 90% of the cash component of the incumbent CEO's total reward package.***

CARRIED 5/0

By absolute majority

PROCEDURAL MOTION

210812

Move Cr Penny, seconded Cr White

That Council re-opens the meeting to members of the public at 5.15pm.

CARRIED 5/0

Staff members K Williams, K O' Neill, P Hull, P Vlahov and A Richardson re-entered the meeting at 5.20pm.

The President informed staff of the Council decision.

12. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

13. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

14. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

15. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

16. CLOSURE

There being no further business, the President once again thanked the CEO and wished him well in Broome and thanked the Councillors and staff and declared the meeting closed at 5.30pm.