



Ordinary Meeting of Council

AGENDA

20 May 2021

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DISABILITY.



SHIRE OF BROOMEHILL-TAMBELLUP

NOTICE OF MEETING

An Ordinary Meeting of Council of the Shire of Broomehill-Tambellup will be held in the Tambellup Council Chambers on Thursday 20 May 2021 commencing at 4.30pm.



KB Williams
Chief Executive Officer

DISCLAIMER

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Broomehill-Tambellup during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Broomehill-Tambellup. The Shire of Broomehill-Tambellup warns that anyone who has any application lodged with the Shire of Broomehill-Tambellup must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Broomehill-Tambellup in respect of the application.

Shire of Broomehill–Tambellup

REGISTER OF INTERESTS

RECORD OF DISCLOSURES MADE

NAME OF PERSON MAKING DISCLOSURE

Full Name _____

Date of Disclosure _____

Date of Meeting _____

Council Meeting YES [] NO [] (Tick Box)

OR

Committee Meeting YES [] NO []

Name of Committee Meeting: _____

Item Number _____

Nature and Extent of Interest:

Date _____ Signature _____

(OFFICE USE ONLY)

Minute Book Page No: _____

Signature of Staff Recording Interest



NOTICE OF MOTION

SUBMITTED BY COUNCILLOR: _____

COUNCIL MEETING: _____

I give notice of my intention to move the following motion at the next Ordinary Meeting of the Council pursuant to Clause 3.7 of Standing Orders:

MOTION:

COUNCILLOR COMMENT

.....
Councillor

.....
Date



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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Cr MC Paganoni	President
Cr ME White	Deputy President
Cr MC Nazzari	
Cr KJ Holzknecht	
Cr CJ Letter	
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

3.1 APOLOGIES

3.2 APPROVED LEAVE OF ABSENCE

4. DECLARATION OF INTEREST

5. PUBLIC QUESTION TIME

6. PRESENTATIONS/DEPUTATIONS/PETITIONS/SUBMISSIONS

7. ITEMS BROUGHT FORWARD BY DECISION OF COUNCIL

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

8.01 ORDINARY MEETING OF COUNCIL MINUTES 15 APRIL 2021

Recommendation:

That the Ordinary Meeting of Council Minutes of 15 April 2021 be accepted.

8.02 ANNUAL ELECTORS MEETING MINUTES 15 APRIL 2021

Recommendation:

That the Annual Electors Meeting Minutes of 15 April 2021 be accepted.

9. RECEIPT OF COMMITTEE MEETING MINUTES HELD SINCE LAST MEETING

9.01 BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES 14 MAY 2021

Recommendation:

That the Bush Fire Advisory Committee Meeting Minutes of the 14 May 2021 be accepted.

9.02 ADOPTION OF THE RECOMMENDATIONS OF THE BUSH FIRE ADVISORY COMMITTEE MEETING MINUTES OF 14 MAY 2021

Recommendation:

That the Bushfire Advisory Committee advises Council that the following appointments to the position of Brigade Fire Control Officer for the 2021/2022 season are endorsed:

Broomehill Central Brigade – Andrew Webster

10. REPORTS OF OFFICERS

10.01	FINANCIAL STATEMENTS FOR APRIL 2021
Attachment:	Monthly Financial Statements for April 2021
File Ref:	Nil
Author:	KP O'Neill - Manager Finance and Administration
Date:	14 May 2021
Disclosure of Interest:	Nil

SUMMARY

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

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

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

The report represents the financial position of the Council at the end of the previous month.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Financial Statement for the period ending 30 April 2021 be adopted.

10.02	CREDITORS ACCOUNTS PAID APRIL 2021
Attachment:	List of Payments for April 2021
File Ref:	Nil
Author:	KP O’Neill – Manager Finance and Administration
Date:	14 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the list of payments made from the Municipal and Trust Funds during April 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	\$632,223.46
Trust Fund	\$0.00
Credit Cards	\$2,235.60
<u>Total</u>	<u>\$634,459.06</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

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

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

- ***Municipal Fund cheque, EFT and direct debit payments totalling \$632,223.46;***
- ***Trust Fund cheque payments totalling \$0.00; and***
- ***Credit Card payments totalling \$2,235.60***

be endorsed.

10.03	ASSOCIATION HONOURS 2021
Attachment:	<ul style="list-style-type: none">• Honours 2021 - Categories of Awards• Honours Program 2021 Policy
File Ref:	ADM0055
Author:	LK Cristinelli – Executive Assistant
Date:	29 April 2021
Disclosure of Interest:	Nil

SUMMARY

The Western Australian Local Government Association (WALGA) is calling for nominations for the 2021 Association Honours.

BACKGROUND

Nominations for the 2021 WALGA Honours Program are now open and members of local governments and state councillors are invited to submit nominations.

WALGA's Honours Program is a significant public recognition and celebration of the outstanding achievements and lasting contributions made by Elected Members and employees to their respective Councils, to the Local Government sector and to the wider community. Awards given as part of the Honours program will be presented to recipients at an awards ceremony to be held in September during the 2021 Local Government Convention at Crown.

The six categories of awards within the 2021 Honours program are as follows:

1. **Local Government Medal** – recognises outstanding achievement and significant contribution by Elected Members to the Association and/or to Local Government Sector. *Available for nomination by State Councillors and Local Government with a co-signature from a State Councillor.*
2. **Life Membership** – recognises the long and outstanding service of Elected Members and officers to the Association and/or to the Local Government sector. *Available for nomination by State Councillors and Local Governments.*
3. **Eminent Service Award** (previously Certificate of Appreciation) - recognises personal commitment, eminent service and contribution to the Local Government sector or the Association. *Available for nomination by State Councillors and Local Government.*
4. **Long and Loyal Service Award** – recognises Elected Members who have provided outstanding service as well as long and loyal service as an executive member of the Association for eight or more years, or as an Elected Member for twelve or more years. *Available for nomination by State Councillors and Local Governments.*
5. **Local Government Distinguished Officer Award** – recognises employees of Local Government or Agencies of the sector to reward their achievements. *Available for nomination by State Council Members and Member Local Governments.*
6. **Merit Award** (previously Distinguished Service Award) – recognises Elected Members who have provided distinguished service to the community through their Local Government. *Available for nomination by State Councillors and Local Governments.*

COMMENT

Does Council wish to make a nomination for Association Honours? Nominations for the 2021 WALGA Honours Program are now open and will close at **5.00pm on Friday, 18 June 2021**. As in previous years, no late nominations will be accepted.

For Council discussion and comment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

This issue is not dealt with in the Plan

FINANCIAL IMPLICATIONS

This issue has no financial implications for Council

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council nominates for a Associations Honour.

10.04	CORPORATE BUSINESS PLAN 2018-2022 QUARTERLY PROGRESS REPORT
Attachment:	Corporate Business Plan 2018-2022 Quarterly Progress Report – January-March 2021
File Ref:	ADM0543
Author:	PA Hull - Strategic Support & Projects Officer
Date:	6 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to receive the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period January-March 2021.

BACKGROUND

Local Government (Administration) Regulations 1996 requires that Council prepares a Corporate Business Plan which reflects the aspirations of the Strategic Community Plan and translates these into Council priorities and operations within available resources.





The Corporate Business Plan is a medium term document which covers the first four years of the Strategic Community Plan 2018-2028. A major review is completed at the end of the four year period in conjunction with the major review of the Strategic Community Plan. A yearly desktop review is also conducted to review the financial implications for the year ahead in context of the annual budget, Strategic Resource Plan and other informing documents.

Council adopted the Corporate Business Plan 2018-2022 at the April 2019 Ordinary Meeting. A desktop review of the document was completed and endorsed at the July 2020 Ordinary Council meeting.

COMMENT

The attached report provides Council and the community with a ‘snapshot’ of progress towards achieving the objectives of the Strategic Community Plan, for the quarter January-March 2021.

A ‘traffic light’ status and comments are assigned to each action, based on the following:

Action Status	Means
	Action is <u>on track</u> . Includes actions that are considered ‘day to day’ including advocacy, identified support, ongoing liaison, routine and scheduled reporting and activities, and progress on specific projects.
	Action is being <u>monitored</u> . Includes actions that are awaiting further information or consideration by staff or Council, initiatives that are planned, and actions where there has been little or no progress or activity.
	Action is <u>on hold</u> . Generally includes actions that are planned for a future financial year (refer to ‘Delivery Timelines’ column), or if it has been determined through review that an action is no longer relevant.
	Action is <u>complete</u> . Will generally relate to discrete time- or funding-specific projects and initiatives.

Senior staff have provided input into the January-March 2021 quarterly report.

The report will be made available for community information.

CONSULTATION

CEO

Senior staff

STATUTORY ENVIRONMENT

Local Government (Administration) Regulations 1996:

r. 19DA. Corporate business plans, requirements for (Act s. 5.56)

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA1 - 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

Provision for actions contained within the Corporate Business Plan is made in the current budget, or will be considered as part of future budget deliberations.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council receives the Corporate Business Plan 2018-2022 Quarterly Progress Report for the period January-March 2021.

10.05	POLICY MANUAL REVIEW : PART 3 – FINANCE
Attachment:	Draft Policy Manual : Part 3 – Finance
File Ref:	ADM0165
Author:	KP O’Neill – Manager Finance and Administration
Date:	6 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider a review of Part 3 – Finance, of the Shire of Broomehill-Tambellup Policy Manual.

BACKGROUND

Council’s Policy Manual was adopted in 2008 and includes six parts – 1 - Governance; 2 - Employees; 3 - Finance; 4 - Engineering; 5 - Building, Health and Planning and 6 - Other.

Council policies are reviewed every three years, or more frequently if changes to legislation or circumstances require.

Rather than undertake a review of the Policy Manual in its entirety, which is onerous for both Councillors and Staff, Parts 1 – 6 of the Policy Manual will be reviewed separately and presented to Council for endorsement over the coming months.

COMMENT

Senior Staff have reviewed, and amended where necessary, the policies contained within Part 3 – Finance.

All policies have been amended to include reference to relevant Legislation or internal documents/procedures where appropriate, to refer users to additional information that should be read in conjunction with the policy.

Aside from a small amendment in Policy 3.3 – Investments to reflect the current Delegations to officers, the only amendments proposed to all policies contained in this section relate to inclusion of reference to legislative or internal documents/procedures. The amendments are highlighted in red.

For Council consideration.

CONSULTATION

Senior Staff

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that Council is to ‘*determine the local government’s policies*’.

POLICY IMPLICATIONS

Review of the Shire of Broomehill-Tambellup Policy Manual – Part 3 Finance.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One - Our People

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FINANCIAL IMPLICATIONS

This issue has no financial implications for Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorses the review of the Shire of Broomehill-Tambellup Policy Manual, Part 3 – Finance, as presented.

10.06	POLICY MANUAL REVIEW : PART 4 - ENGINEERING
Attachment:	Draft Policy Manual : Part 4 – Engineering
File Ref:	ADM0165
Author:	PA Hull - Strategic Support & Projects Officer
Date:	10 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider a review of Part 4 – Engineering, of the Shire of Broomehill-Tambellup Policy Manual.

BACKGROUND

Council's Policy Manual was adopted in 2008 and includes six parts – 1 - Governance; 2 - Employees; 3 - Finance; 4 - Engineering; 5 - Building, Health and Planning and 6 - Other.

Council policies are reviewed every three years, or more frequently if changes to legislation or circumstances require.

Rather than undertake a review of the Policy Manual in its entirety, which is onerous for both Councillors and Staff, Parts 1 – 6 of the Policy Manual will be reviewed separately and presented to Council for endorsement over the coming months.

COMMENT

Senior Staff have reviewed, and amended where necessary, the policies contained within Part 4 – Engineering.

All policies have been amended to include reference to relevant Legislation or internal documents/procedures where appropriate, to refer users to additional information that should be read in conjunction with the policy.

Aside from a small amendment in Policy 4.6 – Replacement of Plant and Vehicles to reflect the current replacement schedule for the Multi Tyred Roller, Plant Trailer and Jet Patcher, the only amendments proposed to all policies contained in this section relate to inclusion of reference to legislative or internal documents/procedures. The amendments are highlighted in red.

For Council consideration.

CONSULTATION

Senior Staff

STATUTORY ENVIRONMENT

Section 2.7 (2) (b) of the *Local Government Act 1995* states that Council is to 'determine the local government's policies'.

POLICY IMPLICATIONS

Review of the Shire of Broomehill-Tambellup Policy Manual Part 4 - Engineering.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One - Our People

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FINANCIAL IMPLICATIONS

This issue has no financial implications for Council.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council endorses the review of the Shire of Broomehill-Tambellup Policy Manual, Part 4 - Engineering, as presented.

10.07	REVIEW OF POLICY 1.17 – CORPORATE CREDIT CARDS
Attachment:	Copy of amended Policy 1.17
File Ref:	ADM0165
Author:	KP O’Neill – Manager Finance & Administration
Date:	6 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider an amendment to Policy 1.17 – Corporate Credit Cards.

BACKGROUND

Council adopted a policy for issuance and use of Corporate Credit Cards in September 2014.

The Policy specifies the officers that cards may be issued to, along with use and responsibilities of card holders. Corporate Credit Cards are currently issued to the Chief Executive Officer with a limit of \$10,000 and Manager Finance & Administration with a limit of \$4,000.

Both officers have signed agreements acknowledging their responsibilities in being provided with and for the use of the Corporate Credit Card.

COMMENT

The Policy review proposes to include the Governance and Executive Assistant as a recipient of a Corporate Credit Card. Instances where this officer requires a credit card is when making travel arrangements for the CEO and Councillors, purchasing of catering requirements for meetings and the office kitchen and smaller items where businesses do not accept purchase orders.

It is also recommend that the credit limits on all cards issued be set at \$5,000. The reduced limit on the CEO’s card is offset by the Governance and Executive Assistant being issued with their own credit card for purchases usually made with the CEO’s card.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.10 General Financial Management

Local Government (Financial Management) Regulations 1996

r11. Payments, procedures for making etc.

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

(a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained;

POLICY IMPLICATIONS

Amendment to Policy 1.17 – Corporate Credit Cards

Policy 3.1 – Purchasing Policy outlines the requirements Officers must comply with when purchasing goods and services on behalf of the Shire, which is still applicable to purchases made by credit card.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA One – Our People

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FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Policy 1.17 – Corporate Credit Cards be amended as presented to include the Governance and Executive Assistant an authorised card holder, and set the limit of all corporate credit cards at \$5,000.

10.08	REVIEW OF DELEGATION 2.9 – SIGNING AND ISSUING OF PURCHASE ORDERS
Attachment:	Copy of amended Delegation 2.9
File Ref:	ADM0230
Author:	KP O’Neill – Manager Finance & Administration
Date:	6 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider a review of Delegation 2.9 for signing and issuing of Purchase Orders.

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; and the Chief Executive Officer to other staff. The Delegations Register was reviewed in its entirety in July 2020.

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

Staff recommend that Delegation 2.9 be amended to include the Governance and Executive Assistant as a sub-delegate with authorisation to sign and issue purchase orders for goods and services with a purchasing limit of \$5,000. Purchasing undertaken by this Officer is usually of a lesser value and is for routine advertising, catering, Councillor training and other requirements for Council.

Amending the Delegation will allow the officer to attend to these matters in a timely manner, without referral to the CEO or Manager of Finance and Administration for signing of the purchase order.

It is also recommended to increase the purchasing limit for the Works Assistant from \$3,000 to \$5,000. This will ensure purchase orders are signed and issued at the time of placing orders for routine workshop supplies, parts, signage and PPE.

CONSULTATION

Chief Executive Officer

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Policy 3.1 – Purchasing Policy outlines the requirements Officers must comply with when purchasing goods and services on behalf of the Shire.

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

OFFICER RECOMMENDATION

That Delegation 2.9 – Signing and Issuing of Purchase Orders be amended as presented to include the Governance and Executive Assistant as a sub-delegate with a purchasing limit of \$5,000; and that the purchasing limit for the Works Assistant be increased to \$5,000.

10.09**CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES****Attachment:**

- Draft Policy 1.5 – Code of Conduct for Council Members, Committee Members and Candidates
- Existing Policy 1.5 – Code of Conduct for Council Members
- Draft Policy 1.27 – Code of Conduct Behaviour Complaints Management
- WALGA Policy template – Code of Conduct Behaviour Complaints Management

File Ref:

ADM0165

Author:

PA Hull - Strategic Support & Projects Officer

Date:

10 May 2021

Disclosure of Interest:

Nil

SUMMARY

Council to consider and adopt reviewed Policy 1.5 Code of Conduct for Council Members, Committee Members and Candidates, and new Policy 1.27 Code of Conduct Behaviour Complaints Management.

BACKGROUND

The *Local Government (Model Code of Conduct) Regulations 2021* (the Model Code of Conduct) took effect on 3 February 2021. The Model Code of Conduct repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007* (the Rules of Conduct Regulations) and also replaces any previous Codes of Conduct formulated by local governments for elected members and committee members.

All local governments were required to adopt the Model Code of Conduct as their Code of Conduct by 3 May 2021. In the interim, the Model Code of Conduct is taken to be the local government's adopted Code of Conduct and its standards apply.

The intent of the Model Code of Conduct is that local governments will address behaviour through education rather than sanctions. The Model Code of Conduct replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees. In accordance with the *Local Government (Administration) Regulations 1996* Part 4(A), the Chief Executive Officer will develop a separate Code of Conduct for Employees.

COMMENTCode of Conduct

The Shire's Policy 1.5 Code of Conduct for Council Members, Committee Members and Candidates has been updated with new wording, and is presented for Council's consideration and adoption. Once adopted, the Code of Conduct will be uploaded to the Shire's website for public information.

Behaviour Complaints Management

The Model Code of Conduct requires that complaints alleging a breach of Division 3 of the Code of Conduct be dealt with by the local government.

The implementation of the Model Code of Conduct requires that a person (s) be appointed to receive complaints of breaches lodged in accordance with Division 3, as well as approve the form for complaints to be lodged. This matter will be considered elsewhere in this agenda, with the

endorsement of Draft Delegation 1.22 - Appointment of Authorised Persons and Approval of Complaint Of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates), providing delegation to the Chief Executive Officer with sub delegation to the Manager Finance and Administration in the event the CEO is not available, or where the complaint relates to the CEO.

Council is also required to consider and adopt a policy that outlines how a complaint of a breach made in accordance with Division 3 will be managed. Draft Policy 1.27 Code of Conduct Behaviour Complaints Management is attached for consideration. The policy wording has been developed by WALGA – a copy of the WALGA template policy including notes is attached for reference.

CONSULTATION

CEO

Senior Staff

STATUTORY ENVIRONMENT

Local Government (Model Code of Conduct) Regulations 2021

Local Government Act 1995:

5.104. Adoption of Model Code of conduct

1. Within 3 months after the day on which regulations prescribing the Model Code come into operation, a local government must prepare and adopt a code of conduct to be observed by council members, committee members and candidates that incorporates the Model Code.*

** Absolute majority required*

2. Within 3 months after the day on which regulations amending the Model Code come into operation, the local government must amend the adopted code of conduct to incorporate the amendments made to the Model Code.*

** Absolute majority required.*

3. A local government may include in the adopted code of conduct requirements in addition to the requirements referred to in section 5.103(2)(b), but any additional requirements —

(a) can only be expressed to apply to council members or committee members;

and

(b) are of no effect to the extent that they are inconsistent with the Model Code.

4. A local government cannot include in the adopted code of conduct provisions in addition to the principles referred to in section 5.103(2)(a) or the rules of conduct.

5. The Model Code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.

6. An alleged breach of a local government's adopted code of conduct by a candidate cannot be dealt with under this Division or the adopted code of conduct unless the candidate has been elected as a council member.

7. The CEO must publish an up-to-date version of a local government's adopted code of conduct on the local government's official website.

POLICY IMPLICATIONS

Council's existing Policy 1.5 Code of Conduct for Council Members has been amended to reflect the new Code of Conduct legislation and recommended wording, and is presented for consideration and adoption.

New Policy 1.27 Code of Conduct Behaviour Complaints Management is presented for consideration and adoption.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA1 – Our People

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Recommendation 1 requires absolute majority, Recommendation 2 requires simple majority.

OFFICER RECOMMENDATION

1. ***That Council adopts amended Policy 1.5 Code of Conduct for Council Members, Committee Members and Candidates as presented.***

2. ***That Council adopts new Policy 1.27 Code of Conduct Behaviour Complaints Management as presented.***

10.10	NEW DELEGATION – APPOINTMENT OF AUTHORISED PERSONS AND APPROVAL OF COMPLAINT OF BREACH FORM (CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES)
Attachment:	Draft Delegation 1.22 - Appointment of Authorised Persons and Approval of Complaint Of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates)
File Ref:	ADM0239
Author:	PA Hull - Strategic Support & Projects Officer
Date:	4 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider granting delegated powers to the Chief Executive Officer to:

1. Approve the form in which complaints relating to alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates must be submitted; and
2. Appoint authorised persons for the purpose of receiving complaints and withdrawals of complaint in relation to alleged breaches of the Model Code.

BACKGROUND

The *Local Government (Model Code of Conduct) Regulations 2021* (the Model Code of Conduct) took effect on 3 February 2021.

The Model Code of Conduct repeals and replaces the *Local Government (Rules of Conduct) Regulations 2007* (the Rules of Conduct Regulations) and also replaces any previous Codes of Conduct formulated by local governments for elected members and committee members.

All local governments, are required to adopt a new Code of Conduct for Elected Members, Committee Members and Candidates that incorporates the Model Code of Conduct by 3 May 2021 (this matter is to be presented elsewhere in this agenda). In the interim, the Model Code of Conduct will be taken to be the local governments adopted Code of Conduct until such time as a new Code is adopted.

The Model Code incorporates general principles and behaviours to be observed by all elected members, together with redrafted versions of the rules of conduct contained within the former Rules of Conduct Regulations.

In general, the conduct standards encompassed by the Model Code do not differ significantly from those contained within the former Rules of Conduct Regulations and the Shire of Broomehill-Tambellup Code of Conduct for Council Members. The most significant change introduced by the Model Code is in relation to how complaints alleging breaches of the Code are dealt with.

The Model Code requires that complaints alleging a breach of the Code of Conduct be dealt with as follows:

1. Alleged breaches of Division 3 – Behaviour must be dealt with by the local government.
2. Alleged breaches of the Division 4 - Rules of Conduct are deemed to be *minor breaches*, and must be forwarded to a Standards Panel to be dealt with.

The Model Code requires that every local government both approve the form in which complaints relating to breaches of Division 3 of the Code of Conduct must be submitted, and appoint an authorised person or persons to receive complaints and withdrawals of complaint.

These powers can be delegated to the CEO in accordance with s.5.42 and 5.43 of the *Local Government Act 1995*, and it is suggested that it would be appropriate for Council to do so, with sub-delegation to the Manager of Finance and Administration in the event of staff leave or the complaint relates to the CEO.

It is not suggested that the local government's duty to consider and deal with a complaint made under Division 3 be delegated. Rather, a complaint or withdrawal of complaint, once received by the Complaints Officer, would then be submitted to Council for consideration.

COMMENT

A draft Delegation (attached) has been prepared for Council's consideration.

It should be noted that the proposed delegation does not extend to considering and dealing with a complaint. The delegation empowers the CEO (or Manager of Finance and Administration) to:

1. Authorise a person to receive complaints and withdrawals of complaint. Once a complaint is received, the authorised person would determine whether it is a complaint under Division 3 or Division 4 of the Code of Conduct and then refer it to either Council or the Standards Panel, as appropriate, for consideration.
2. Approve the form to be used when submitting complaints of alleged breach.

CONSULTATION

WALGA

CEO

Senior Staff

STATUTORY ENVIRONMENT

Local Government Act 1995

Part 5 – Administration

Division 2 – Conduct

Local Government (Model Code of Conduct) Regulations 2021

Schedule 1 – Model code of conduct

Division 3 – Behaviour

cl.11 – Complaint about alleged breach

POLICY IMPLICATIONS

Delegation 1.22 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates) relates to Policy 1.5 Code of Conduct for Council Members as amended in this agenda.

Council will also be considering new Policy 1.28 Code of Conduct Behaviour Complaints Management as a separate item in this agenda.

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA1 – Our People

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

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council adopts Delegation 1.22 Appointment of Authorised Persons and Approval of Complaint of Breach Form (Code of Conduct for Council Members, Committee Members and Candidates) as presented.

10.11	NEW POLICY 1.28 – STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION
Attachment:	<ul style="list-style-type: none"> • Draft Policy 1.28 – Standards for CEO recruitment, performance and termination • Local Government (Administration) Regulations 1996 Schedule 2 - Model Standards for CEO recruitment, performance and termination • WALGA ‘Local Government Regulation Amendments Guidance Note’ pages 10-13
File Ref:	ADM0165
Author:	KP O’Neill – Manager Finance & Administration
Date:	12 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider adoption of a new Policy relating to Standards for CEO Recruitment, Performance and Termination.

BACKGROUND

In 2017 the State Government announced a review of the Local Government Act 1995. The purpose of the review was to ‘deliver a new, modern Act that empowers local governments to better deliver for the community’.

An outcome of the review, and after significant industry consultation, the Local Government (Administration) Amendment Regulations 2021 were developed and came into effect on 3 February 2021. The Model Standards are contained within the Regulations, and are made up of three elements based on distinct principles; being –

1. Standards for Recruitment of CEO’s: Based on the principle of merit, equity and transparency.
2. Standards for Review of Performance of CEO’s: Based on the principle of fairness, integrity and impartiality.
3. Standards for Termination of Employment of CEO’s: Based on the principle of procedural fairness and transparency (common law: procedure that should apply when a decision is made that may adversely impact on a person’s rights and interests).

The CEO Model Standards already apply through legislation, however local governments are required to formally adopt them within 3 months of them coming into effect, and publish them on the local government website.

COMMENT

WALGA has developed a ‘Local Government Regulation Amendments Guidance Note’ to assist local governments implement the recent amendments to the Act and Regulations. They have also developed a model Policy, which staff have used to form the basis of the Draft Policy.

The Standards provide clarity with regard to obligations and expectations for both Councils and CEO’s which should promote a mutually respectful arrangement between “employer and employee” as procedural fairness is not only required but, enforced.

The most significant change relates to the tenure of CEO’s. Division 2 outlines the requirement for Councils to undertake the recruitment process when CEO’s have been consecutively employed for a period of 10 or more years. This does not prevent the incumbent from being re-engaged provided

the CEO participates in the recruitment and selection process in an open and transparent manner like all other applicants.

The Act also requires local governments to adopt, by absolute majority, a policy for temporary employment or appointment CEO and publish the adopted policy on the local governments website.

Council policy 1.4 Appointment of Acting Chief Executive Officer was reviewed and amended in October 2020, and advice was sought from WALGA to ensure the policy review reflected the proposed Act and Regulation amendments. The policy complies with the requirements of the Local Government Act 1995.

CONSULTATION

WA Local Government Association
Chief Executive Officer
John Philips, JCP Consulting

STATUTORY ENVIRONMENT

Local Government Act 1995

s5.39A Model Standards for CEO recruitment, performance and termination

s5.39B Adoption of model standards

s5.39C Policy for temporary employment or appointment of a CEO

Local Government (Administration) Regulations 1996

Schedule 2 – Model Standards for CEO recruitment, performance and termination

POLICY IMPLICATIONS

Adoption of Policy 1.28 – Standards for CEO Recruitment, Performance and Termination.

Policy 1.4 - Appointment of Acting Chief Executive Officer was reviewed in October 2020 and complies with the requirements of the Act.

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

FINANCIAL IMPLICATIONS

Nil. Adoption and implementation of the Policy has no effect on the remuneration in the CEO's current contract. Provision is made annually for an external consultant to assist with the CEO's performance review.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Council adopts Policy 1.28 – Standards for CEO Recruitment, Performance and Termination as presented and publishes the policy on the Shire of Broomehill-Tambellup website.

10.12	WORKS REPORT FOR MAY 2021
Attachment:	Plant Maintenance Report – May 2021
File Ref:	Nil
Author:	P Vlahov – Manager of Works
Date:	13 May 2021
Disclosure of Interest:	Nil

SUMMARY

Council to consider the Manager of Works Report for May 2021.

BACKGROUND

The Manager of Works Report is provided for Council's information.

COMMENT

Road Construction Program

- The construction team have completed the widening of the curve located on Tieline Road at the intersection with Moulyerup Road, Broomehill.
- Journal Street Broomehill has been widened from the Post Office to Javelin Street. The formation and gravel works have been completed. Bitumen sealing and kerbing has been programmed and footpath construction will follow.
- Some minor reseal and patching work on Tambellup West Road has been completed.
- Work has commenced on Etna Road. This work will include some gravel sheeting, culvert upgrades and improvement to the intersection with Greenhills South Road.

Plant Replacement

- Staff have commenced compiling and costing items to be considered for the next financial year.

Maintenance Works

- Traffic Counters have been retrieved and will be uploaded and reset.
- Installation of guide posts on various roads.
- Sign repairs and installations. New town centre and directional signs have been installed at various locations in Tambellup.
- Grave digging.
- Various pothole patching.
- Ongoing general maintenance as required.
- A school bus stop has been constructed in Wandoo Road.
- Termite inspections have been completed on all Council bridges.

Occupational Safety and Health

- Nothing to report.

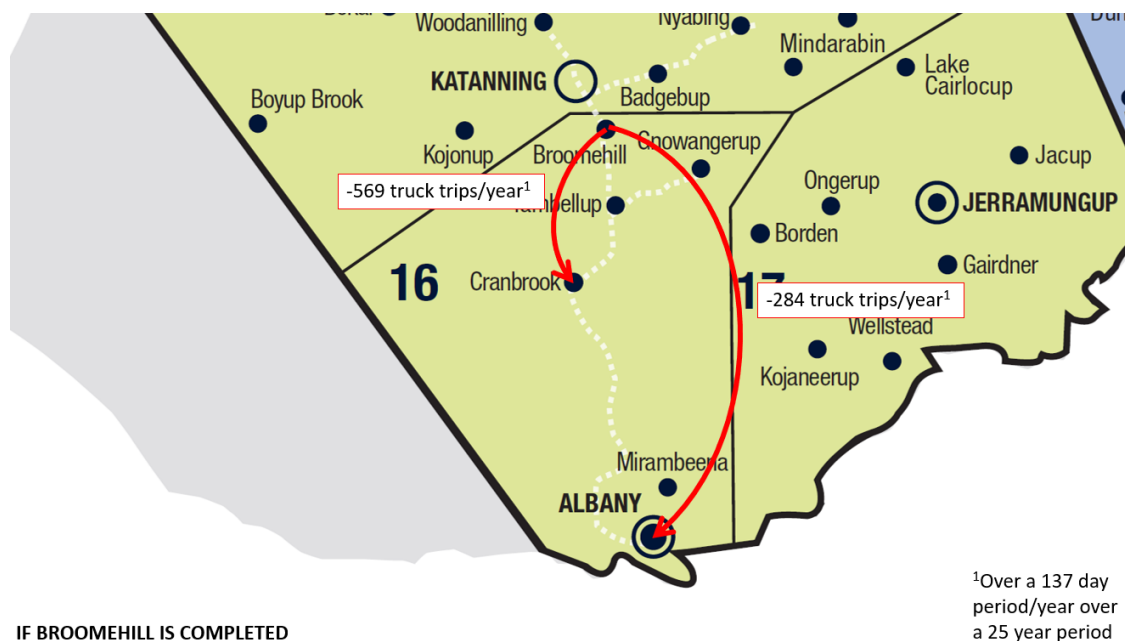
Parks and Gardens

- Plant street trees in Garrity Street.
- Install garden at town entry on the Gnowangerup Tambellup Road.
- General garden maintenance, oval mowing and weed control in the Broomehill townsite.
- Spraying and weed control.
- Mosquito fogging.
- The pumps located at both Jam Creek Dams were struck by lightning and have been repaired.

- The Jam Creek dams have received good runoff and are over 50% full.
- Broomehill dams are also 70% full.

RAV Requests Update

- All work required for outstanding reclassifications has been completed. Awaiting Main Roads WA response.
- CBH are planning to install a new Railway loading facility at their Broomehill facility and have contacted the shire for opinions regarding the perceived impact on truck traffic within the shire road network. The current information suggests that there will be a reduction in truck movements on the Great Southern Highway between Broomehill and Cranbrook and also a reduction in truck movements between Broomehill, Gnowangerup and Mirambeena. See map below provided by the CBH consultant. This map is a small part of the full report.



¹Over a 137 day period/year over a 25 year period

Depot Maintenance

Tambellup Depot

- Nothing to report.

Broomehill Depot

- Nothing to report.

Ranger Report

- Patrols of Broomehill and Tambellup town sites.
- Patrols of bush reserves (one camper found and was packing up to leave).
- Pick up of dog on highway, returned to owner.

Building Maintenance Report

- Ongoing Works request forms and general maintenance completed.
- Camera and flood light installed at CEO house.
- Security door repaired at U4 Lavieville lodge.
- Inspections of Holland Court units with architects carried out and report received and continued action taken.
- Termite inspections carried out.
- Holes in walls at old Bowling Club repaired to seal asbestos.
- Gutter cleaning to all shire buildings started.

- New doors installed on Broomehill pavilion
- Revising quotes for security screens on windows at Broomehill pavilion
- Picked up 33KVA generator for emergency management plan, size will suit in emergency to power Tambellup Pavilion or Broomehill Pavilion
- Lighting fault rectified at Broomehill Pavilion
- Lighting fault on carpark rectified at Tambellup pavilion
- Sunset sensor installed for carpark lights at Tambellup Pavilion
- New drink station installed at Tambellup Pavilion
- Hand rails being installed at Tambellup Pavilion bowling green ramp
- Quotes being received for hand rails to oval at Tambellup Pavilion
- Taps repaired at U3 Lavieville lodge
- Security screen repaired at U4 Lavieville lodge
- Tap replaced at Norrish Street toilets

For Council discussion and comment.

CONSULTATION

Nil

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan 2018-2028

KRA 1: Our People

Objectives 1.5.1; 1.5.2; 1.5.3

KRA 3: Our Places

Objectives 3.1.2; 3.3.3; 3.3.1; 3.4.1

FINANCIAL IMPLICATIONS

Costs for activities outlined within the Manager of Works monthly report are reflected in the annual budget.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That Council receives the report from the Manager of Works for the month of May 2021.

- 11. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

- 12. APPLICATIONS FOR LEAVE OF ABSENCE**

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

- 14. QUESTIONS FROM MEMBERS WITHOUT NOTICE**

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

- 16. CLOSURE**