



Minutes

Ordinary Council Meeting

22 January 2020

Shire of Victoria Plains
Council Chambers, Calingiri

Commencing – 2.08 pm

DISCLAIMER:

The recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Council's decision.

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Commonly-used abbreviations

AAS / AASB	Australian Accounting Standard / Australian Accounting Standards Board
BF Act	Bush Fire Act 1954
BFB	Bush fire brigade
CEO	Chief Executive Officer
CDO	Community Development Officer
DBCA	Dept of Biodiversity, Conservation and Attractions
DFES	Dept of Fire and Emergency Services
DPLH	Dept of Planning, Lands and Heritage
DWER	Dept of Water and Environmental Regulation
EHO	Environmental Health Officer
EFT	Electronic Funds Transfer
FAM	Finance and Administration Manager
JSCDL	Parliamentary Joint Standing Committee on Delegated Legislation
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LG Act	Local Government Act 1995
LGGC	WA Local Government Grant Commission
LPP	Local Planning Policy
LPS	Local Planning Scheme
MOU	Memorandum of Understanding
MRWA	Main Roads WA
NNTT	National Native Title Tribunal
OAG	Office of Auditor General
OCM	Ordinary Council Meeting
PTA	Public Transport Authority
RRG	Regional Roads Group
RTR	Roads to Recovery
SAT	State Administrative Tribunal
SEMC	State Emergency Management Committee
SGC	Superannuation Guarantee Contribution
SJAA	St John Ambulance Association
SWALSC	South West Aboriginal Land and Sea Council
WAEC	WA Electoral Commission
WALGA	WA Local Government Association
WSM	Works and Services Manager

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Minutes

Ordinary Meeting of the Victoria Plains Shire Council

Held in the Calingiri Shire Chambers,
on 22 January 2020 commencing at 2.08 pm

1. DECLARATION OF OPENING

1.1 Opening

The Shire President declared the meeting open at 2.08pm, welcoming Councillors, staff and members of the public to the Meeting.

1.2 Announcements by Shire President

The Presiding Member read aloud the formal Disclaimer Announcement.

The Shire President thanked those who assisted with the December 2019 Mogumber Fire Recovery, with particular mention made to Heads of our Fire Brigade who assisted during the crisis.

2. RECORD OF ATTENDANCE

Members present	Cr P Bantock – Shire President Cr D Lovelock – Deputy Shire President Cr J Kelly Cr J Corless-Crowther Cr J King Cr N Clarke Cr S Penn (arrived at 2.25pm)
Staff attending	CEO – Ms G Teede Executive Assistant – Mrs J Klobas Works & Services Manager – Mr R Edwards Finance & Administration Manager – Mrs I Edwardson
Apologies	Nil
Approved leave of absence	Nil

Visitors	Nil
Members of the public	Malcolm Palmer Helene O'Brien Gwenda McGill Gary O'Brien David Hall Nicole McInnes Jacqui Graham Merv Hemsley

3. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

	<i>Type</i>	<i>Item</i>	<i>Person / Details</i>
3.1	Financial		Nil
3.2	Proximity		Nil
3.3	Impartiality		Cr J Kelly declared an impartiality interest in Item 11.1 'Australia Day Awards' due to "association with potential award recipient". Cr P Bantock declared an impartiality interest in Item 11.1 'Australia Day Awards' due to "member of a club".

4. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

There were Nil public questions at the 18 December 2019 OCM.

4.1 Public Questions With Notice

Public Question Time was opened to the floor at 2.12 pm.

Mr Merv Hemsley

- Q1 Why does the CEO require a new large office? This is an unnecessary expense. Previous CEO's have all been happy with the Office supplied. Very little information on these costs.

- A1. The expenditure covers the improvement of the whole administration office facilities (to bring up to OSH standards) and that includes the CEO's Office. These costs are funded by the LGIS surplus share for 2018/19. These improvements assist with the overall well-being for all staff including the CEO.
- Q2. DD 115481 - Why are accommodation costs so high? Are staff and CEO staying at Crown or other very expensive hotels? What is policy on this?
- A2. The CEO stays at a reduced rate at the Mercure Hotel in Perth when on Council business. On an annual basis, the CEO attends a standard forum where all CEO's stay to attend the LGP forum for CEO's only (August 2019).
- Q3. EFT 8492 – Why does CEO require an expensive meeting table? This is another expense Council cannot afford.
- A3. This question has been addressed in question 1 wherein all office equipment is included in this figure. The CEO desk cost \$1,392.00. The CEO's previous desk has now been refurbished and relocated into the office of the Finance and Administration Manager.
- Q4. EFT 8482 – Why don't we have a Deputy CEO and Finance Officer to keep spending under control? What is Council policy on this?
- A4. The Consultant (B W Consultants) assisted with the 2018/19 Annual Financial Report (December 2019), including changes for the 2017/18 Annual Report on advice from Butler Sentineri and also that the Shire had not set aside funds for a Deputy CEO,

Gary O'Brien

- Q1. Does Council have a policy on legal costs? If so, what is the policy?
- A1. Whilst Council has no policy on legal costs, the Shire however does work within its annual budget for legal expenditure.
- Q2. Can Council please explain why we have had such a massive turnover of staff and what is the cost to the rate payers for legal costs and payouts to the staff members?
- A1. Staffing for regional Councils can be difficult to control due to the individual circumstances of employees. The Shire has recently had a number of staff turnover due to personal decisions and whilst it may appear as "high turnover of staff" this is only one side of the story being received. On a lesser note, one of the issues is limited staff housing to attract experienced staff.
- Q3. Queried costs for 'turnover of staff'.
- A4. The Shire President took this Question on Notice, taking into account the privacy of staff.

Malcolm Palmer

Q1. Why are there so many ATM costs?

EFT 8452 – How much was the cost to move the ATM? And is there any more cost?

A1. Council approved to relocate the ATM to its current location for workspace purposes for Shire staff which is for the betterment of the community. This reconfiguration has now allowed for meeting space to be available. The total expenditure is within the approved budget of \$12k. There are no further costs associated with the relocation.

Mr Palmer in particular noted the legal costs associated with relocation of the ATM.

The Shire President advised that with agreements often legal advice is required for Council to make the right decisions, particularly as was the case in this situation, there were third parties involved.

Q2. Do we have a Finance Officer and if so, why are we using Bob Waddell & Associates? – EFT 8443.

A2. Yes, the Shire does have a Finance Officer who does payroll and creditors only. The Finance & Administration Manager's core role is to review budgets, revenue timing and assist with producing reports. Bob Waddell & Associates was initially retained to review and advise improvements to the Shire's financials and review the Auditor's findings for the 2018/19 financial year as they were consultants involved during that period of time.

4.2 Public Questions Without Notice

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

Mrs Gwenda McGill

Q1. What is the current status of the Senior's Advisory Group of the Shire of Victoria Plains and when is the next meeting?

A1. Shire President noted there is currently not a Senior's Advisory Group or Committee for the Shire of Victoria Plains, however the Shire President took the Question on Notice.

Q2. Instead of selling off the Community car as you seem to be planning, what about getting support from the government to employ a district nurse to service the Shire. In particular for health checks of the older members of the community and post hospital treatment care for the general public.

A2. The Shire President thanked Mrs McGill for her question and took her feedback on board.

Mr David Hall

Q1. Queried height of ATM machine at the Shire Administration Office.

A1 The Works & Services Manager noted the height of the ATM is determined by the manufacturers and installers, who have set the height to allow people in wheelchairs to access the machine as well as able bodied people.

Cr Penn entered the meeting at 2.25pm.

Public question time closed at 2.25 pm

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Nil

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

2001-02 Officer Recommendation / Council ResolutionAmendment

Cr S Penn requested the words “which lapsed through want of a seconder” be included in the Resolution regarding confirmation of Minutes for item 8.5 of the OCM of 18 December 2019.

Amendment

Cr Kelly requested the inclusion of the words “which amendment lapsed for want of a seconder”

Moved Cr J Kelly**Seconded Cr S Penn**

That the Minutes of the following meetings, with amendment to read “the lapsed amendment of item 8.5 on page 21 of the OCM Minutes of 18 December 2019 to read:

*“That Council **ADOPT** Council Policy – Councillors Continuing Professional Development as contained within attachment 1, with the exception that each Councillor be required to complete at least 8 hours every financial year of professional development, and that the policy be amended to reflect this change, which amendment lapsed through want of a seconder”.*

CARRIED For 7/ Against 0

The Amendment becomes the motion.

2001-03 Council Resolution**Moved Cr D Lovelock****Seconded Cr J Corless-Crowther**

That the Minutes of the following meetings, which lapsed through want of a seconder, of item 8.5 on page 21 of the OCM Minutes of 18 December 2019 to read:

*“That Council **ADOPT** Council Policy – Councillors Continuing Professional Development as contained within attachment 1, with the exception that each Councillor be required to complete at least 8 hours every financial year of professional development, and that the policy be amended to reflect this change, which amendment lapsed through want of a seconder.”*

as circulated, be **CONFIRMED** as a true and correct record.

1. Ordinary Council Meeting held 18 December 2019; and
2. Special Council Meeting held 3 January 2020.

CARRIEDN For 7 / Against 0

8. REPORTS REQUIRING DECISION**8.1 Accounts for Endorsement**

File reference	F1.8.4		
Report date	15 January 2020		
Applicant/proponent	Nil		
Officer disclosure of interest	Nil		
Previous meeting references	Nil		
Prepared by	Glenn Deocampo – Finance Officer/Ina Edwardson – Finance Manager		
Authorised by	Glenda Teede – CEO		
Attachments			
Attachment 1	Page Page1	1	Public schedule – in the Attachments to Agenda Restricted schedule – to Councillors under separate cover

PURPOSE

This Item presents the attached List of Accounts Paid, paid under delegated authority, for December 2019.

BACKGROUND

As per Local Government Act and Financial Management Regulations.

COMMENT

Each month Council is to be advised of payments made during the preceding month, the amount, payee, date and reason for payment.

CONSULTATION

None

STATUTORY CONTEXT

Local Government Act 1995 –

- s.6.8(2)(b) – expenditure is to be reported to the next ordinary meeting of Council

Local Government (Finance) Regulations 1996 –

- r.13 Payments for municipal fund or trust fund
 - (1) the Chief Executive Officer is to provide a list of accounts paid from the Municipal fund or Trust fund, a list of all accounts paid each month showing for each account paid –
 - a) The payee's name
 - b) The amount of the payment
 - c) The date of the payment
 - d) Sufficient information to identify the transaction
 - (2) the listing to be presented to the Council at the next ordinary meeting of Council after preparation.

CORPORATE CONTEXT

Delegations Register –

- 3.2 – Municipal Fund and Trust Fund – Payments from Bank Accounts
 - o CEO authorised, subject to conditions
 - o compliance with legislation and procedures
 - o Minimum of 2 signatories with varying level of authorisation

FINANCIAL IMPLICATIONS

All payments are in accordance Council's adopted budget.

VOTING REQUIREMENTS

Absolute Majority Required: No

2001-04 Council Resolution

Moved Cr N Clarke**Seconded Cr S Penn**

That Council **ADJOURN** the meeting at 2.39pm to seek further information regarding a number of EFT queries.

CARRIED For 7/ Against 0

Council resumed at 3.21 pm.

The Shire President took Cr Penn's and Cr J Kelly's following questions:

- Q1 EFT 8489 - St. John's (New Norcia) expense –re explanation of entry. Updated and accurate entry to be reflected on financial statements.
- Q2. EFT 8489 – Review of Ex-Gratia rates – QToN re explanation of entry.
- Q3. EFT 8489 – Yenart Road legal expenses – QToN. Detailed statement required.
- Q4. EFT 8524 – BW Associates. 'Assistance provided to the Auditors' query. Clarification of word "assistance". The Finance and Administration Manager noted the word assistance relates to assistance provided to the Shire's Auditors.
- Q5. EFT 8528 – Finance & Administration Manager. Finance & Administration Manager training handover (mileage reimbursement) for training required from BW Associates.
- Q6. EFT 8538 – Relocation of Cables (ATM) – funding taken from IT support budget. Is this correct? Or should there be an update to entry? Shire President requested the query be put in writing to the CEO as the query relates to previous information supplied. Noted the costs will be issued under the ATM relocation budget.

- Q7. EFT 8459 – Outsourcing of newsletter production (December 2019). Update of wording required. QToN as to allocation.
- Q8. EFT 8525 – Calingiri Sports Club – queried the cost of beverages at the SoVP Employee Christmas party, which pricing was confirmed.
- Q9. DD11548.1 – Queried December Accommodation costs (2 nights of accommodation – explained).

Note: Cr J Corless-Crowther queried how the matter of confidential expenses was made available to the Public as per public question time query.

The Shire President noted the reason as to how the matter of confidential information became available would be investigated.

2001-05 Officer Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconded: Cr J Corless-Crowther

That the payments made for December 2019 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement be endorsed:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	8439 - 8538	281,016.37
Creditor Cheque Payments	12255 - 12256	521.04
Direct Debit Payments**	DD11533 – DD11577	44,613.17
Salaries & Wages EFT	PE 11/12/19- PE 25/12/19	84,787.54
Credit Card Statements	D11548.1	2,516.34
Fuel Card – Wright Express	D11548.2	609.72
Trust Payments	234 - 237	1,360.05
	TOTAL	\$415,424.23

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 2

Cr Penn and Cr Kelly wished to have their names recorded as voting against the motion.

8.2 Monthly Financial Statements – December 2019

File reference	
Report date	17 January 2020
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	RSM – Glenn Boyes/Ina Edwardson – Finance & Administration Manager
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page Monthly Financial Statements – 31 December 2019

PURPOSE

To receive the monthly financial statements for the period ending 31 December 2019.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires a Local Government to prepare financial reports.

The Local Government (Financial Management) Regulations 34 & 35 set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

The 31 December 2019 Monthly Financial Statements are presented for consideration.

Significant variances have been reported on within the Statements at Note 2. There are not too many significant variances to report with this report only containing six months of financial activity. Most variances reported on are timing variances.

CONSULTATION

RSM

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

- r.34 – financial activity statement required each months and details of what is to be included

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

Moved Cr _____

Seconded Cr _____

That Council **RECEIVE** the 31 December 2019 Monthly Financial Reports as presented.

2001-06 Council Resolution

MOVED: Cr D Lovelock

Seconded: Cr J King

That the item be adjourned to the February Ordinary Council Meeting.

CARRIED For 7 / Against 0

Reason for Variation

To allow Councillors sufficient time to review the material as this was a late item.

8.3 Community Car

File reference	
Report date	15 January 2020
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	1906-07, 1906-07 – 26 th June 2019
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – Chief Executive Officer
Attachments	
Attachment 1	Page 10 Policy 7.2 – Community Car

PURPOSE

For Council to consider the future of the community car.

BACKGROUND

Council at the June 2019 Ordinary Council meeting resolved the following

“Moved Cr J Corless-Crowther Seconded Cr J King

That – - Policy 2.4.6 Community Vehicle be deleted from the Policy Manual 2017, - draft Policy 7.2 Community Car as attached be adopted and included in the Policy Manual 2018, - fees be on the basis of destination –

Perth Northam Calingiri \$55.00 incl GST \$40.00 incl GST Bolgart \$50.00 incl GST \$35.00 incl GST

- Alternate or multiple destinations – to be pro-rata as assessed by CEO on the basis of 25 cents per km return

CARRIED For 7 / Against 0”

“Moved Cr P Bantock Seconded Cr J Corless-Crowther.

That the level of use of the Community Car be assessed over the next 6 months minimum, following advertising for Volunteer Drivers, and advised to Council for consideration concerning its future.

CARRIED For 7 / Against 0”

The following information was provided in the staff report presented to June Ordinary Council:

Since purchase, the vehicle has had very little use by the community. A search of both the booking register indicates that it has been used only 7 times by the community, although the accounting system gives details of only 5 payments for its use.

Of the 21,863 km travelled as at 11 April 2019, of which approx. 1,700 were for members of the community. The last record of use is in June-July 2017.

Although it has been very useful as a general office vehicle, it is not meeting its intended purpose. When cost of insurance, licencing, servicing and depreciation in value is considered, it becomes an expensive asset to retain for only occasional use.

Other areas While many local governments have a Community Bus, there seems to be only a very few that have a community car. For a number of reasons, a Community Bus is able to operate under quite different principles.

1. Goomalling - No dedicated community car - It is an administration pool vehicle, used as necessary to transport community members - No policies, booking procedures etc in place or available - Volunteers arranged by the Shire – induction, OSH etc required - No indication of use level, but from discussion appears to be fairly low - Flat fees for travel to Perth or Northam

2. Quairading – - owned and operated by the Hospital Auxiliary - used at least once a week - minimal policy, procedures etc received for review

3. Gingin – - new initiative in Gingin, existing service in Guilderton operated separately to Gingin car - main financial support is from Lions Club, other sponsors also contribute - no indication of use levels - policy, procedures etc not yet finalised, but some drafts sent for review

4. Waroona – - operated by Community Resource Centre - use is almost daily – main destination is Mandurah, secondary to Perth - set charges by destination - information sought, but not made available

Common requirements – - volunteer driver is not arranged by the Client, but by the owner/operator, the volunteer driver is required to provide National Police Clearance check complete an induction, forms, responsibilities, first aid course (in one instance) - available for medical transport only

Wongan Hills – does not have a community car but does have a 10 seat Community Transport Vehicle as well as a Community Bus - the 10-seat vehicle is charged at 40 c/km for PATS use and 90 c/km for non-PATS use.

PATS reimbursement – The Northam Hospital was contacted for an indication of subsidies available – - PATS is not available for all medical appointments - PATS is not available for less than 100 km trips one way, in very limited circumstance, PATS may be available if more than 70 km away - PATS reimbursement is calculated on a fuel cost only of 16 c/km o i.e.: no provision for insurance, licences, maintenance, servicing, depreciation etc

Perth Northam Calingiri \$45.76 no GST \$32.00 no GST Bolgart Approx. \$40.00 no GST Nil

Matters to consider include –

1. Insurances –

- a) Vehicle – the need to verify that the driver is licenced and capable
- b) Public liability – if the volunteer driver is arranged by the Shire, the Shire then accepts the risks and legal obligations for the behaviour of that driver, in the same way that these are accepted by an employee. The driver is acting on behalf of the Shire, and the Shire has a responsibility to perform due diligence in regard to – legal right to operate a vehicle, being an appropriate person to transport often vulnerable people of the Shire generally
- c) Volunteers

2. Occupational Health and Safety –

- a) medical conditions that may affect the driver during operation of the Community Car
- b) driver capability of responding in urgent or emergency medical events
- c) in most respects, the Shire has a duty of care towards and responsibility for the driver the same as for an employee • see - <https://www.safeworkaustralia.gov.au/topic/volunteers>

3. Client welfare – a) duty of care by the driver towards the passenger – - general behaviour - in urgent or emergency medical events b) conditions or circumstance may make it inappropriate for the client to use the Community Car c) in many respects, the Shire has similar responsibilities towards the Client as does an owner of an aged care facility towards their residents

4. Is a volunteer driver nominated and arranged by the Client, to be considered an acceptable driver – - without input from the Shire and who has not completed the due diligence processes required by the Shire of an Approved Volunteer Drive, and - subject only to confirmation of valid driver's licence

5. The level of subsidy from the ratepayers as a whole to be made available to individuals. The current rate of 25 c/km is more the fuel only cost assessed by PATS of 16 c/km. The full cost recovery rate for this type of vehicle is assessed as being –

1600-2600 cc Over 2600 cc Local Government Officers Award 68.66 c/km 95.54 c/km
Australian Taxation Office 68.00 c/km 68.00 c/km

Police Clearance One of the issues identified that has concerned people is the current policy statement that a Federal Police Clearance is required.

The correct term is “National Police Clearance”. It is a coordinated process that all States and the Commonwealth participate in as there is no longer a stand-alone WA Police Clearance. A Police clearance from an individual jurisdiction has long been recognised as inadequate, given the ability of people to move across the nation.

As such, it is one of the simplest and most basic methods of being able to verify a person's suitability and is very extensively used in recruitment of employees and for acceptance of volunteers.

It is strongly recommended that it be retained as part of the policy. Without this most fundamental of checks, it would be very difficult to show due diligence.

Draft Policy The draft Policy attached is based on information from those contacted from other areas.

The current policy states – Includes all Seniors who are residents of the Shire of Victoria Plains, who require transportation for (in order of priority);- - medical appointments, or - personal reasons, And - the resident is unable to drive their own vehicle due to medical reasons, or - does not have a drivers licence, or - does not have their own vehicle, or - does not have a friend or relative with a vehicle to drive them.

The draft Policy - does not stipulate the hirer must be a Senior, - gives priority to medical treatment, does not exclude other reasons, but does exclude social use - removes the final four references

Council is able to vary or amend the draft Policy as they see fit.

The draft Policy also makes it clear that use for Shire purposes is approved but is subject to any booking for community use having priority.

This Agenda item and the draft policy has been sent to Local Government Insurance Services for comment, but this may not be available in time for the Council meeting.

Summary On the face of it, the concept of a community car should be simple – got a vehicle, hire it out. The underlying issues though, are complex.

Some questions that can be applied through the risk assessment framework adopted by Council include –

- 1. Is the Volunteer Driver approved by the Shire a suitable person?*
- 2. Does the Volunteer Driver have an underlying medical condition that could be of concern? 3. Does the Client have a medical condition the Volunteer Driver may have to deal with?*
- 4. In the event of something unfortunate happening to the Volunteer Driver, what is the liability of the Shire?*
- 5. If the Client suffers an episode, what is the liability of the Shire?*
Shire of Victoria Plains?
- 6. What due diligence has been undertaken by the Shire to protect Client, Volunteer Driver, staff and the organisation?*

COMMENT

Following the resolutions made at the June Council meeting, staff have advertised for volunteer drivers, and an advert has appeared in the Community newsletter each month seeking volunteer drivers. The Shire has one registered volunteer driver.

A review of the log sheet for the full 2019 indicated that the first half of the year there were no recorded community use, with staff using the vehicle on several occasions (29 times / 2493km), with most of this use being one staff member travelling from New Norcia to Calingiri daily where they were being accommodated. Since the June Council meeting, until the end of 2019, the community vehicle has been used on 4 occasions by the community and there is no recorded use by staff.

The cost of the community car is more than \$6,000 per annum, which does not include costs such as petrol staff time and / or overheads. This equates to a cost of \$777.39 per each trip taken in the last 6 months.

Council needs to determine the community service needs versus the need to reduce operating expenditure.

CONSULTATION

Nil

STATUTORY CONTEXT

3.58. Disposing of property

- (1) In this section —
dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;
property includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
 - (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

CORPORATE CONTEXT

Community

FINANCIAL IMPLICATIONS

The provision of the community car is costing more than \$6,000 per annum.

The estimate sale price could be up to \$16,000.

VOTING REQUIREMENTS

Simple Majority

Officer Recommendation

That Council:

1. **CEASE** providing a community car; and
2. **AUTHORISE** the Chief Executive Officer to dispose (sell) of the community car and the funds received be placed in the plant replacement reserve.

2001-07	Council Resolution
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Moved: Cr S Penn

Seconded: Cr J Kelly

That there be a procedural motion that the item be held over until further information is provided relating to costs to retain the Community Vehicle.

CARRIED For 6 / Against 1

Reason for Variation

Question by Cr Penn – What is the annual cost of retaining the vehicle?

Shire President took the Question on Notice.

7. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

As provided by Cr S Penn. Item - 11.1 of this Agenda.

8. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION

Admitted by resolution of Council

Nil

9. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS

2001-08 Officer Recommendation / Council Resolution

Moved Cr N Clarke

Seconded Cr J Corless-Crowther

That the meeting be closed to the public to consider the following matters, the time being 3.50 pm –

1. Additional Australia Day Nominations
2. Chief Executive Officer Performance Review

CARRIED For 7 / Against 0

Remaining in the meeting –

- CEO
- Finance & Administration Manager
- Works & Services Manager
- Executive Assistant.

Cr Lovelock withdrew from the meeting at 3.50 pm.

2001-09 Council Resolution

Moved Cr S Penn

Seconded Cr J King

That Council adjourn for a 5 minute break in proceedings.

CARRIED For 6 / Against 0

The Meeting resumed at 3.57pm with all Councillors present.

11.1 Australia Day Awards

File reference	
Report date	15 January 2020
Applicant/proponent	N/A
Officer disclosure of interest	Nil
Previous meeting references	
Prepared by	Aaron Bowman – Governance Officer
Authorised by	Glenda Teede – Chief Executive Officer
Attachments	
Attachment 1	Page 9 CONFIDENTIAL - Submissions received

CONFIDENTIALITY PROVISIONS

This report is confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (b) The personal affairs of any person.

2001-10 Council Resolution**MOVED Cr D Lovelock****SECONDED Cr S Penn**

(Part 1) - That Council accept the late nomination for consideration.

CARRIED For 4 / Against 3

Cr Bantock, Lovelock, Penn, Kelly requested to have their names recorded as voting for the motion.

Reason for Variation

That each part of the Officer Recommendation be considered individually.

2001-11 Council Resolution**MOVED Cr J Corless-Crowther****SECONDED Cr J Kelly**

(Part 2) - That Council **ADOPT** the recommendations as outlined in the confidential report.

CARRIED For 7/ Against 0

2001-12 Council Resolution

MOVED Cr S Penn

SECONDED Cr J Corless-Crowther

(Part 3) - That Council **ADOPT** the recommendations as outlined in the confidential report.

CARRIED For 7 / Against 0

2001-13 Council Resolution

MOVED Cr P Bantock

SECONDED Cr J Corless - Crowther

(Part 4) - That Council **ADOPT** the recommendations as outlined in the confidential report.

CARRIED For 7 / Against 0

Standing Orders were suspended with the consent of Council at 4.31pm.

Officer Recommendation

(Part 5) - That Council **ADOPT** the recommendations as outlined in the confidential report.

2001-14 Council Resolution

Moved: Cr D Lovelock

Seconded: Cr J Corless-Crowther

(Part 5) – That Council **AMEND** the recommendations as outlined in the confidential report.

CARRIED For 4 / Against 3

Cr Penn, Clarke and Kelly requested to have their names recorded as voting against the motion.

Reason for Variation

To recognise the incident controllers and the decision makers.

Foreshadowed motion

Councillor Recommendation

Moved Cr Bantock

Seconded

(Part 5) - That the Council award a second community award.

Standing Orders resumed at 4.55 pm.

Motion lapsed for want of a seconder.

2001-15 Council Resolution

Moved Cr P Bantock

Seconded Cr J Corless-Crowther

(Part 6) That Council **ADOPT** the recommendation as outlined in the confidential report with the amendment of the word "should" to "could".

CARRIED For 5/ Against 2

Cr Kelly and Cr Lovelock requested to have their names recorded as voting against the motion.

The Works and Services Manager and Finance and Administration Manager withdrew from the meeting at 5pm and did not return.

11.2 CEOM – Annual Performance Review

File reference			
Report date	14 January 2020		
Applicant/proponent			
Officer disclosure of interest	Nil		
Previous meeting references	13 January 2020		
Prepared by	Gary Clark, Boab Community Consulting		
Authorised by	Glenda Teede		
Attachments			
Attachment 1	Page 25	Confidential	CEO Performance Report
Attachment 2	Page 31	Confidential	CEO Performance Objectives

CONFIDENTIALITY PROVISIONS

This report is confidential in accordance with Section 5.23(2)(a) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to the following:

- (b) The personal affairs of any person.

2001-16	Council Resolution
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Moved: Cr S Penn

Seconded: Cr J Kelly

That the CEO withdraw from the meeting.

LOST For 2 / Against 5

2001-17	Council Resolution
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Moved: Cr J Kelly

Seconded Cr S Penn

Procedural motion that this motion lay on the table until the next Council Meeting.

LOST For 2 / Against 5

Cr Penn and Kelly wished to have their names recorded as voting for the item.

2001-18 Committee Recommendation / Council Resolution
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Moved: Cr D Lovelock

Seconder: Cr J Corless-Crowther

That Council:

1. **CONFIRM**, the satisfactory performance of the CEO as detailed in the attached confidential report titled Chief Executive Officer Performance Report;
2. **ADOPT** the Performance Objectives in the attached document titled Chief Executive Officer Performance Objectives; and
3. **CONFIRM** that the CEO's annual review will be conducted by 31 July each year.

CARRIED For 5 / Against 2

Cr Penn and Kelly requested to have their names recorded as voting against the motion.

2001-19 Council Resolution

Moved: Cr N Clarke

Seconded: Cr J King

That Council move out of Confidential items, the time being 5.14 pm.

CARRIED For 7 / Against 0

No members of the public joined the meeting.

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 5.14pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 26th Feb 2020 2020.

Signed JABandock
(Presiding member at the meeting which confirmed the minutes)

Date 26th Feb 2020

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.