



Minutes

Ordinary Council Meeting

22 July 2020

Shire of Victoria Plains
Council Chambers, Calingiri
AND
via E-Meeting Protocol

Commencing – 2.02pm

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.

Recording of Meeting

Members of the public are advised that meetings of Council are audio recorded to assist with ensuring an accurate record of the meeting is provided for the formal minutes of the meeting. In terms of the Privacy Act 1998 this may involve the recording of personal information provided at the meeting. The provision of any information that is recorded is voluntary, however if any person does not wish to be recorded they should not address or request to address the meeting. By remaining in this meeting, you consent to the recording of the meeting.

You are not permitted to record this meeting with any recording device, unless you have the express authorisation of the Council of the Shire of Victoria Plains.

E – Disclaimer

It is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.

The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:

Speak clearly and slowly, as connections may be distorted or delayed;

Always state your name to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first;

In debate, only speak after the Presiding Member has acknowledged you. Then state your name, so that others know who is speaking;

Follow the Presiding Member's directions and rulings;

If you are unclear about what is happening in an eMeeting, immediately state your name to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member;

Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

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 and via E-meeting Protocol
on 22 July 2020 commencing at 2.02pm

1. DECLARATION OF OPENING

1.1 Opening

The President declared the meeting open at 2.02pm, welcoming Councillors and staff to the Meeting, ensuring that all attendees could hear participants within the Meeting both in Chambers and via Teleconference.

1.2 Announcements by Shire President

The Presiding Member stated the declaration of the State Emergency and State Health Emergency and the means of conducting meetings under the E-meeting platform, advising Elected Members that the meeting was being recorded for the purposes of Minute Taking and uploading of the recording to the Shire Website for public viewing.

2. RECORD OF ATTENDANCE

Members present

Shire President - Cr P Bantock
Deputy Shire President - Cr D Lovelock
Cr J King
Cr J Corless-Crowther - via teleconference
Cr J Kelly - via teleconference
Cr N Clarke – via teleconference
Cr S Penn – via teleconference

Staff attending

CEO – Ms Glenda Teede
Governance Officer – Mr Sean Fletcher
Ordinary Council Meeting Officer – Mrs Julie Klobas
Financial Consultant (RSM) - Mr Travis Bate
CESM – Mr N Parry (joined via teleconference at 3.19pm)

Apologies

Nil

Approved leave of absence	Cr N Clarke has approved leave of absence from 11 July 2020 until 14 August 2020 inclusive.
Visitors	Mrs Amanda Walker – (Chair, Wheatbelt Business Network) – Presentation available on line via the 22 July 2020 OCM Minutes.
Members of the public	N/A

3. DISCLOSURES OF INTEREST

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

	Type	Item	Person / Details
3.1	Financial		Nil
3.2	Proximity		Nil
3.3	Impartiality		Sean Fletcher – Item 11.2 (Update Regarding the CEO's Performance Review) as "I was a support person for the CEO during the January 2020 CEO Appraisal."

4. PUBLIC QUESTION TIME

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

There were Nil public questions asked at the 24 June 2020 OCM.

4.1 Public Questions With Notice

Nil

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).

Nil

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

Amanda Walker presented on the Small business friendly Local Government initiative. Available via OCM Live Recording (2.06pm.)

The Shire President thanked Mrs Walker for presenting to Council. Mrs Walker departed Chambers at 2.29pm and did not return.

5.2 Deputations

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

2007-01	Council Resolution
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Moved: Cr J King

Seconded: Cr D Lovelock

That Councillor J Corless-Crowther have **APPROVED** leave of absence between the dates of Friday 31 July 2020 until Friday 30 October 2020 inclusive.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

7. MINUTES OF MEETINGS

7.1 Confirmation of Council Meeting minutes

VOTING REQUIREMENTS

Absolute majority required: No

2007-02 Officer Recommendation / Council Resolution
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Moved: Cr N Clarke

Seconded: Cr J Corless-Crowther

That the Minutes of the following meeting:

1. Ordinary Council Meeting held 24 June 2020;

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

CARRIED BY UNANIMOUS DECISION OF COUNCIL

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

File reference			F1.8.4
Report date			13 July 2020
Applicant/proponent			Nil
Officer disclosure of interest			Nil
Previous meeting references			Nil
Prepared by			Glenn Deocampo – Finance Officer
Authorised by			Glenda Teede – CEO
Attachments			
Attachment 1	Page	2 n/a	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 June 2020.

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

Cr Penn - query – EFT 9024 – SWALSC – Mogumber Reserve. Query where is Reserve funds being transferred to?

CEO – Question Taken on Notice.

2007-03 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr J Corless-Crowther

That the payments made for June 2020 from the Municipal Bank Account/Trust Bank Account as per the attached listing and summarised below, and the Credit Card Reconciliation/Statement of March 2020 be **ENDORSED**:

Payment type	References from – to	\$ Amount
Creditor EFT Payments**	8992 – 9073	629,580.97
Creditor Cheque Payments		5,767.70
Direct Debit Payments**	DD11812 – DD11750	43,612.50
Salaries & Wages EFT	PE 01/04/20- PE 29/04/20	79,054.89
Credit Card Statements	D11734.1	2,086.59
Fuel Card – Wright Express	D11734.2	288.57
Trust Payments	249	0.00
	TOTAL	\$760,391.22

**includes salary and wages deductions, and SGC

CARRIED For 5 / Against 2

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

Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted for the motion.

8.2 Interim Monthly Financial Statements – June 2020

File reference	
Report date	30 June 2020
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	RSM – Travis Bate
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page 9 Interim Monthly Financial Statements – 30 June 2020

PURPOSE

To receive the monthly financial statements for the period ending 30 June 2020.

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 30 June 2020 Monthly Financial Statements are presented for consideration.

Explanations for the significant variances have been reported in Note 2. Most variances for the month were classified as permanent variances.

The 30 June 2020 balances are subject to finalisation of year end processing and audit. As such, balances may change.

CONSULTATION

RSM
CEO

STATUTORY CONTEXT

Local Government (Financial Management) Regulations 1996 –

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

CORPORATE CONTEXT

None

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

2007-04 Officer Recommendation / Council Resolution

Moved: Cr D Lovelock

Seconded: Cr J King

That Council **RECIEVE** the Interim 30 June 2020 Monthly Financial Reports as presented.

CARRIED For 5 / Against 2

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

Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted for the motion.

CONFIRMED

8.3 2020/2021 Annual Budget Adoption

File reference				
Report date				14 July 2020
Applicant/proponent				None
Officer disclosure of interest				None
Previous meeting references				None
Prepared by				Travis Bate, Financial Consultant
Authorised by				Glenda Teede, Chief Executive Officer
Attachments				
Attachment 1	Page	37	2020/2021 Draft Statutory Budget	
Attachment 2	Page	43	2020/2021 Draft Budget Attachments	

PURPOSE

To consider and adopt the Municipal Fund Budget for the 2020/2021 financial year together with supporting schedules, including imposition of rates and minimum payments, adoption of fees and charges, setting of elected members fees for the year and other consequential matters arising from the budget papers.

BACKGROUND

The 2020/2021 Annual Statutory Budget and supporting schedules have been prepared on principles contained in the Strategic Resource Plan, the Corporate Business Plan, the 2020/2021 Draft Annual Budget presentation and budget discussions at the Budget Workshops held on Monday 22 June 2020, Monday 29 June 2020 and Friday 10 July 2020.

COMMENT

The draft 2020/2021 budget continues to deliver on other strategies adopted by the council and maintains a high level of service across all programs while ensuring an increased focus on road and associated infrastructure as well as on renewing all assets at sustainable levels.

DETAILS

The budget has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and *Australian Accounting Standards*. The Main features of the budget include:

- The 2020/21 budget has been prepared with a 4.0% rate increase.
- Fees and Charges have been increased by approximately 4.0% with exception of the following:
 - Sewerage Scheme charges have been increased by 10% and are itemised in the 2020/21 Fees & Charges.
- Charges on facilities at Mogumber have not been increased, following on from adoption of the 2019/20 fees and charges resolution whereby it was resolved the next increase being in 2022/2023. Domestic and commercial rubbish removal charges have been increased by 4.0% and are itemised in the 2020/21 Fees &

Charges.

- The recurrent operating budget has generally been based on prior actual figures, although individual line items may vary from this approach if it has been deemed necessary. The recurrent budget delivers similar service delivery to the community as it has in past years.
- A capital works program totalling \$4,242,500 for investment in infrastructure, land and buildings, plant and equipment and furniture and equipment is planned. Expenditure on road infrastructure is the major component of this (\$3,853,900) in line with Council's strategy to increase the investment in road and associated assets.
- An estimated surplus of \$359,029 is anticipated to be brought forward from 30 June 2020. However, this is unaudited and may change. Any change will be addressed as part of a future budget review.
- The budget has been composed with a balanced (Nil) estimated closing position.
- Principal additional grant and contribution funding for the year is estimated from:
 - Wheatbelt Secondary Freight Network \$1,331,723
 - Main Roads CLGF Aglime Route - \$359,974
 - CBH Aglime Route - \$560,740
 - Local Roads and Community Infrastructure Program - \$381,412
 - Roads to Recovery - \$344,595
 - Main Roads WA Direct Grant - \$137,066
 - Regional Road Group - \$216,290

CONSULTATION

While no specific consultation has occurred on the draft 2020/2021 budget, community consultation and engagement has previously occurred during development of the Community Strategic Plan and the Corporate Business Plan. Extensive internal consultation has occurred with all staff and through briefings and workshops with elected members.

STATUTORY CONTEXT

LGA S6.2 requires that not later than 31 August in each financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, (Absolute Majority required) in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the next following 30 June.

Divisions 5 and 6 of Part 6 of the *Local Government Act 1995* refer to the setting of budgets and raising of rates and charges. The *Local Government (Financial Management) Regulations 1996* details the form and content of the budget. The draft 2020/2021 budget as presented is considered to meet statutory requirements.

CORPORATE CONTEXT

The budget is based on the principles contained in the Strategic Resource Plan and the Corporate Business Plan.

FINANCIAL IMPLICATIONS

Specific financial implications are as outlined in the detail section of this report and as itemised in the draft 2020/2021 budget attached for adoption.

TRIPLE BOTTOM LINE ASSESSMENT**Economic Implications**

The draft 2020/2021 budget has been developed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for council and the community.

Social Implications

The draft 2020/2021 budget delivers social outcomes identified in various planning and community supporting strategies that have previously been adopted by the council.

Environmental Implications

The draft 2020/2021 budget supports key environmental strategies and initiatives adopted by the council.

VOTING REQUIREMENTS

Absolute majority required: Yes for some of the parts of the recommendations.

Note

The Shire President noted an adjournment of the meeting for 1 minute at 2.20pm to allow the Financial Consultant to calculate budget figures for the alternative resolution put forward.

The Shire President noted Nick Parry (Shire CESM) joined the meeting via teleconference at 3.19pm

Officer Recommendation

Moved Cr D Lovelock

Seconded Cr N Clarke

PART A- MUNICIPAL FUND BUDGET FOR 2020/2021

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment 8.3a of this agenda and the minutes, for the Shire of Victoria Plains for the 2020/2021 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a deficit net result for that year of \$62,359.
- Statement of Comprehensive Income by Program showing a deficit net result for that year of \$62,359.
- Statement of Cash Flows showing closing projected closing position of \$817,020.
- Rate Setting Statement showing an amount required to be raised from rates of \$2,659,017.
- Notes to and Forming Part of the Budget

2007-05 Amendment Motion**PART A- MUNICIPAL FUND BUDGET FOR 2020/2021****Moved: Cr J Kelly****Seconded: Cr S Penn**

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment 8.3a of this agenda and the minutes, for the Shire of Victoria Plains for the 2020/2021 financial year which includes the following:

- Zero percent rate increase to now read:
- Statement of Comprehensive Income by Nature and Type showing a deficit net result for that year of \$166,426.00
- Statement of Comprehensive Income by Program showing a deficit net result for that year of \$166,426.00
- Statement of Cash Flows showing closing projected closing position of. \$712,954.00
- Rate Setting Statement showing an amount required to be raised from rates of \$2,590,950
- Notes to and Forming Part of the Budget
- Deficit Budget of \$104,067.002

LOST For 2 / Against 5

*Cr S Penn and Cr J Kelly requested to have their names recorded as voting for the motion.
Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted against the motion.*

Shire President returned to the substantive motion at 3.36pm.

2007-06 Officer Recommendation / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr N Clarke****PART A- MUNICIPAL FUND BUDGET FOR 2020/2021**

Pursuant to the provisions of Section 6.2 of the *Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996*, the council adopt the Municipal Fund Budget as contained in Attachment 8.3a of this agenda and the minutes, for the Shire of Victoria Plains for the 2020/2021 financial year which includes the following:

- Statement of Comprehensive Income by Nature and Type showing a deficit net result for that year of \$62,359.
- Statement of Comprehensive Income by Program showing a deficit net result for that year of \$62,359.
- Statement of Cash Flows showing closing projected closing position of \$817,020.
- Rate Setting Statement showing an amount required to be raised from rates of \$2,659,017.
- Notes to and Forming Part of the Budget

CARRIED BY AN ABSOLUTE MAJORITY For 5 / Against 2

*Cr S Penn and Cr J Kelly requested to have their names recorded as voting against the motion.
Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted for the motion.*

2007-07	Council Resolution
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Moved: Cr N Clarke

Seconded: Cr J King

That Council adjourn for a short break at 3.45pm.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The Shire President reopened the meeting at 4.09pm

CONFIRMED

PART B - GENERAL AND MINIMUM RATES, INSTALMENT PAYMENT ARRANGEMENTS

Cr J Kelly - When was the GRV and UV last done for the Shire?

The Shire President took the Question on Notice.

2007-08 Officer Recommendation / Council Resolution

Moved: Cr J Corless-Crowther

Seconded: Cr D Lovelock

1. For the purpose of yielding the deficiency disclosed by the Municipal Fund Budget adopted at Part A above, council pursuant to Sections 6.32, 6.33, 6.34 and 6.35 of the *Local Government Act 1995* impose the following general rates and minimum payments on Gross Rental and Unimproved Values.
 - 1.1. General Rates*
 - Residential (GRV) 11.0042 cents in the dollar
 - Rural (UV) 0.7333 cents in the dollar
 - 1.2. Minimum Payments
 - Residential (GRV) \$454.00
 - Rural (UV) \$595.00
2. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 64(2) of the *Local Government (Financial Management) Regulations 1996*, council nominates the following due dates for the payment in full by instalments:

Full payment and instalment due date	02 September 2020
2nd quarterly instalment due date	04 November 2020
3rd quarterly instalment due date	06 January 2021
4th quarterly instalment due date	10 March 2021
3. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 67 of the *Local Government (Financial Management) Regulations 1996*, council adopts an instalment administration charge where the owner has elected to pay rates (and service charges) through an instalment option of \$6.00 for each instalment after the initial instalment is paid.
4. Pursuant to Section 6.45 of the *Local Government Act 1995* and regulation 68 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 5.5% where the owner has elected to pay rates and service charges through an instalment option.
5. Pursuant to Section 6.51(1) and subject to Section 6.51(4) of the *Local Government Act 1995* and regulation 70 of the *Local Government (Financial Management) Regulations 1996*, council adopts an interest rate of 8% for rates (and service charges) and costs of proceedings to recover such charges that remains unpaid after becoming due and payable.

CARRIED BY ABSOLUTE MAJORITY For 5 / Against 2

Cr J Kelly and Cr S Penn requested to have their names recorded as voting against the motion.
Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted for the motion.

Explanation of rate in the dollar for GRV - 0.7333 is correct. During debate, the question was raised regarding the correct representation of this figure. The Shire's Financial Management System shows this as 0.007333 which is the same as 0.7333 cents in the dollar.

PART C- ELECTED MEMBERS' FEES AND ALLOWANCES FOR 2020/2021

Officer Recommendation

Moved: Cr D Lovelock

Seconded: Cr J King

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$7,500
Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Telecommunications Allowance	\$7,000
Travelling Reimbursements	\$5,479

3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$6,500
Deputy President	\$1,625

2007-09 Amendment Motion

Moved: Cr S Penn

Seconded: Cr J Kelly

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$5,250.00
Deputy President	\$5,250.00
Councillors	\$5,250.00

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Telecommunications Allowance	\$7,000
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Travelling Reimbursements	\$5,479
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3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$3,250.00
Deputy President	\$1,625.00

LOST For 2 / Against 5

Cr Kelly and Cr S Penn requested to have their names recorded as voting for the motion. Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted against the motion.

Shire President returned to the substantive motion.

2007-10 Council Resolution

Moved: Cr D Lovelock

Seconded: Cr J King

1. Pursuant to Section 5.99 of the *Local Government Act 1995* and regulation 34 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual fees for payment of elected members in lieu of individual meeting attendance fees:

President	\$7,500
Deputy President	\$7,500
Councillors	\$7,500

2. Pursuant to Section 5.99A of the *Local Government Act 1995* and regulations 34A and 34AA of the *Local Government (Administration) Regulations 1996*, council adopts the following annual allowances for elected members:

Telecommunications Allowance	\$7,000
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Travelling Reimbursements	\$5,479
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3. Pursuant to Section 5.98(5) of the *Local Government Act 1995* and regulation 33 of the *Local Government (Administration) Regulations 1996*, council adopts the following annual local government allowance to be paid in addition to the annual meeting allowance:

President	\$6,500
Deputy President	\$1,625

CARRIED BY ABSOLUTE MAJORITY For 5 / Against 2

Cr S Penn and Cr J Kelly requested to have their names recorded as voting against the motion. Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted for the motion.

PART D - MATERIAL VARIANCE REPORTING FOR 2020/2021**2007-11 Officer Recommendation / Council Resolution****Moved: Cr J King****Seconded: Cr D Lovelock**

In accordance with regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *AASB 1031 Materiality*, the level to be used in statements of financial activity in 2020/2021 for reporting material variances shall be 10% and a minimum of \$10,000.

CARRIED For 6 / Against 1

Cr J Kelly voted against the motion.

Cr P Bantock, D Lovelock, J Corless-Crowther, J King, N Clarke and S Penn voted for the motion.

CONFIRMED

8.4 Schedule Of Fees And Charges

File reference	
Report date	15 July 2020
Applicant/proponent	Shire of Victoria Plains
Officer disclosure of interest	Nil
Previous meeting references	Nil
Prepared by	Travis Bate – Consultant (RSM)
Authorised by	Glenda Teede
Attachments	
Attachment 1	Page 63 Schedule of Fees and Charges – Draft Budget 2020-21

PURPOSE

As part of the 2020/2021 Budget preparation process, Council is requested to adopt its Schedule of Fees and Charges for 2020/2021.

BACKGROUND

Each year, Council is required to adopt its Schedule of Fees and Charges. Council is only able to charge those items that appear in the Schedule. It is, therefore, crucial that increases to discretionary items determined by Council are considered as part of the Budget process. Likewise, items that are charged by Council under other relevant legislation need to be checked to ensure that the legislated figures have not changed.

COMMENT

Councillors are requested to adopt the proposed Fees and Charges for 2020/2021. A Summary of the changes proposed is provided below:

- Fees and Charges that are at Council discretion have been increased by 4% (rounded) with exception of the following:
 - Sewerage Scheme charges have been increased by 10% and are itemised in the 2020/21 Fees & Charges.
 - Charges on facilities at Mogumber have not been increased, following on from adoption of the 2019/20 fees and charges resolution whereby it was resolved the next increase being in 2022/2023.
- Fees and Charges that are governed by legislation have been updated for the 2020/2021 Financial Year

The minor increases proposed are based on an increase of 4.0% (rounded). This rate is suggested due to the lack of increases being imposed in prior years.

CONSULTATION

Travis Bate, RSM

STATUTORY CONTEXT

Local Government Act 1995

- 6.2 Local government to prepare annual budget
- 6.16 Local government may impose and recover a fee or charge

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Increased discretionary revenue.

VOTING REQUIREMENTS

Absolute Majority Required: Yes

2007-12 Officer Recommendation / Council Resolution
--

Moved Cr J Corless-Crowther

Seconded Cr N Clarke

The fees and charges as set out in the attached Schedule of Fees and Charges for 2020-21 be adopted.

CARRIED BY ABSOLUTE MAJORITY For 5 / Against 2

Cr J Kelly and Cr S Penn against the motion.

Cr P Bantock, D Lovelock, J Corless-Crowther, J King and N Clarke voted for the motion.

8.5 Voting Delegates – WALGA’s Annual General Meeting 25 September 2020

File reference				
Report date				3 July 2020
Applicant/proponent				WALGA
Officer disclosure of interest				Indirect Financial Interest – Mr Fletcher has a training contract with WALGA
Previous meeting references				
Prepared by				Sean Fletcher, Governance Officer
Authorised by				Authorised by CEO
Attachments				
Attachment 1	Page		Nil	

PURPOSE

For Council to appoint two voting delegates and two proxy delegates for the WALGA Annual General Meeting to be held on 25 September 2020.

BACKGROUND

WALGA holds its Annual General Meeting each year as part of the Local Government Convention (Local Government Week), generally in the first week of August.

However, due to the COVID-19 pandemic the Local Government Convention was cancelled and the 2020 Annual General Meeting delayed to late September to provide as much time as possible for the meeting to be held in-person.

COMMENT

The meeting will be held at *Crown Perth*. If an in-person event is not able to be held due to social distancing restrictions, the meeting will be conducted virtually.

The CEO has received Notice of the Annual General Meeting, together with general information on the meeting, guidelines for the preparation and submission of motions and the Voting Delegates Registration Form.

Key dates are as follows:

- **Friday, 17 July** – Deadline to submit motions proposing amendments to WALGA’s constitution;
- **Friday, 31 July** – Deadline to submit motions for the AGM Agenda;
- **Friday, 28 August** – Registration of voting delegates closes;
- **Friday, 25 September** – Annual General Meeting, Crown Towers Perth.

If there are matters that Council wishes to raise in the form of a notice of motion, this must be done by Friday, 31 July 2020.

Council may wish to nominate its delegates in future after each local government ordinary election, as part of the list of delegates it confirms regarding other organisations.

CONSULTATION

OCM Officer

STATUTORY CONTEXT

Nil

CORPORATE CONTEXT**Strategic Community Plan**

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Risk Management (Risk Governance Framework)

Consequence: Compliance	Likelihood: Possible	Risk	Risk Acceptance	Outcome
Insignificant (1) No noticeable regulatory or statutory impact If the Shire does not submit its voting members, it will not be able to vote on the matters being considered.	Event occurs at least once per year (4)	Low (4)	Operational Manager (in this case it would be the CEO) CEO to advise Council of AGM and recommend attendance	Matter remains low risk providing the CEO keeps Council apprised of the requirements regarding the WALGA AGM

Where possible, the Shire of Victoria Plains should be represented at the WALGA AGM each year. It is important that the Shire is part of the industry's key decision making process. However, the industry is generally well represented at the Convention and matters for inclusion in debate can be raised by others by way of example at the AGM. The Shire is also a member of the Zone and AROC.

FINANCIAL IMPLICATIONS

Travel and accommodation costs may be required for those who attend the WALGA AGM.

VOTING REQUIREMENTS

Absolute majority required: No

2007-13 Officer Recommendation / Council Resolution
--

Moved: Cr N Clarke

Seconded: Cr J Corless-Crowther

That Council **APPOINT** the following Voting Delegates for the 2020 WALGA Annual General Meeting:

1. Voting Delegates

- Cr P Bantock
- Cr D Lovelock

2. Proxy Delegates

- Cr S Penn
- Cr N Clarke

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

8.6 Quarterly Update of the Shire's Corporate Business Plan 2019-2020

File reference				
Report date				7 July 2020
Applicant/proponent				CEO
Officer disclosure of interest				Nil
Previous meeting references				OCM 12 August 2019 10.1, 10.2, 10.3; OCM 18 December 2019 8.4
Prepared by				Sean Fletcher, Governance Officer
Authorised by				Authorised by CEO
Attachments				
Attachment 1	Page	73	Quarterly Update (June Quarter) Shire's CBP 2019-2020	
Attachment 2	Page	76	SoVP Corporate Business Plan 2019-2023	

PURPOSE

For Council to accept the update of the Shire's Corporate Business Plan:

- Regarding the June 2019 – 2020 Quarter;
- Annual Review of the Corporate Business Plan.

BACKGROUND

The key elements, from a good governance perspective, regarding feedback to Council (and the Audit Committee on a number of key matters) how the Shire is functioning and meeting its key strategic, policy, risk and compliance obligations include (this is not an exhaustive list):

- The monthly financial statements;
- The Council Resolution Status Update - monthly;
- An update on matters from the Council Briefing Sessions - monthly;
- The Budget Review – mid year;
- The annual review of delegations;
- Regular review of the policies, executive policies and procedures;
- Status of the Shire's record keeping system;
- Regulation 17 Review - every three financial years;
- The Financial Management Review – every three financial years;
- Applying the Shire's Risk Governance Framework;
- The Local Law Review – every eight years;
- The Ward and Representation Review – every eight years;
- Following the compliance calendar; and
- The quarterly review of the Corporate Business Plan (which also includes updates as appropriate regarding the other IPR documents and when they need to be reviewed).

Under the Integrated Planning and Reporting (IPR) Guidelines 2016, the core of the Corporate Business Plan (CBP – See Attachment 2) is the Shire's plan for the delivery of services (see pp 8-11), linked to the strategic direction (page 7), over a four-year

period. This should clearly show the service levels to be provided and any changes from current service levels. It should also identify major projects (see pp 8 -11).

The corresponding four-year financial forecasts are also set out regarding the expected rating levels over the term of the Plan (see page 5). Workforce and asset management implications and resourcing requirements must also be incorporated (page 13). It does reference the Shire's Strategic Resource Plan listing the greater detail regarding resourcing and managing the Shire's assets. This help inform the budget each year.

The Shire's Corporate Business Plan does include a risk assessment (page 12), but it does not articulate who is responsible for what over the four out years of the Corporate Business Plan.

All local governments in Western Australia are required to submit monthly reports of financial activity in line with regulation 34 of the *Local Government (Financial Management) Regulations 1996*. Most local governments include non-financial progress reporting on a monthly basis (the Corporate Business Plan), which is consistent with good practice. As a minimum, the report on the progress of the Corporate Business Plan should be undertaken on a quarterly basis.

The Shire's Annual Report is a key formal reporting mechanism regarding changes to either the Strategic Community Plan or Corporate Business Plan. To this end, the Annual Report is required to outline progress towards the achievement of four-yearly Council priorities as established through the Corporate Business Plan (Intermediate Standard) plus progress towards the achievement of community outcomes established through the Strategic Community Plan (Advanced Standard).

The expectation is that the measures to be included in the Annual Report should ideally be identified in the Corporate Business Plan and Strategic Community Plan. A summary is adequate rather than the detail for every measure. Critical elements such as the delivery of key projects and successful implementation of service level changes are considered to be useful inclusions.

COMMENT

The Shire adopted the current versions of the Strategic Community Plan in 2017, the Strategic Resourcing Plan (Which includes the Long Term Financial Plan and the Asset Management Plan), and the revised the Corporate Business Plan (CBP), and the revised Workforce Plan were adopted on 12 August 2019.

Presented for the first time, on a quarterly basis, is the update regarding the Shire's CBP (See Attachment 1). It outlines the progress made by the Shire against its strategic directives. As already stated, the CBP is a key informing strategy used to shape the Shire's budget each year. It also must be reviewed and updated annually so that the Shire's resourcing meets the deliverables outlined in this plan i.e. the projects, services and facilities (actions), which in turn assists with meeting the objectives of the Strategic Community Plan.

Finally, the June 2019/2020 quarterly review also serves as the annual review of the CBP, and this in turn, will form part of the Shire's 2019/2020 annual report accordingly.

Analysis of the June 2020 Quarter (And 2019/2020 Annual Review)

June Quarter 2020

The June Quarter (and the March Quarter) has been impacted by the advent of the COVID-19 pandemic. This means many of the Shire's resources have been diverted to assist manage the key requirements expected of local governments during this time. A summary on the actions at this stage is shown in Table One:

Overview of Actions June Quarter						
Priority Area	Off-Track	Monitor	On-Track	Defer	Total	Comment
Community	4	2	2	4	12	These actions need resources and better time lines
Economic	0	0	1	8	9	As per Community
Environment	0	0	0	2	2	As per Community
Infrastructure	3	0	2	2	7	Actions are more within the Shire's capability as key funding has been received during this quarter
Civic Leadership	1	1	7	0	9	Shows key work has continued in this area
Total	8	3	12	16	39	31% of actions are on track. 41% of actions require consideration of an applicable start date, while 20% require much better resourcing

Table One – Status of Actions for June 2020 Quarter

What the status of the actions show for the June quarter is that, perhaps the CBP is not realistic in terms of the priority timeline provided that is for all actions effective as of 2019/2020. This is a key weakness of the current plan and so the CEO needs to develop more effective start and due dates for many of the key actions (both with a red and blue flag). The other issue is that many of these same actions require better resourcing. The Shire certainly has staff regarding its day to day operations (services and facilities), although these are stretched. What it does not have is a means at this point to drive many of the community, economic and environment priorities.

Annual Review 2019-2020

For the 2019-2020 Annual Review, it can be seen that the overall measurement of success is as follows:

CoVP CBP Measures of Success 2019 - 2020				
Priority Area	Descriptor	Measure	Status	Comment
Community	To enhance and improve a sense of community in the Shire	Development and implementation of a Shire recreation plan		Shire Recreation Plan not commenced. Needs to commence when resources for the Shire are more clear. Will need to be scheduled in subsequent out years.
Economic	To improve and add to local economic development and activity	Development and implementation of a Shire economic plan and associated activities		Plan not commenced. Requires commitment to provide key resourcing to develop and then implement the plan. Will need to be scheduled in subsequent out years.
Environment	To protect or improve the natural environment	Establishment of initiatives such as small scale grants to undertake projects aimed at improvement or protection of environment, and a review of recycling activities and implement changes that are useful and		Impacted by lack of resources in this area. Will need to be scheduled in subsequent out years.
Infrastructure	To maintain or add to the stock of infrastructure used by the community to go about daily life	Extent to which the Asset Management Plan is implemented		Key road funding secured re Mogumber-Yarrawindah Road
		Implementation of system to deal with minor works requests		Will be carried forward to 2020/2021
Civic Leadership	To better allocate scarce resources and effectively interact with the community	Implementation of initiatives to better connect Council with the community and associated matters		Shire President and CEO engaged the community widely regarding COVID-19 and the Mogumber Bush Fire. Shire has successfully continued participating in key stakeholder meetings and advocacy. Integrated Planning and Reporting revised and improved. Community Engagement strategy/policy to be developed (development of strategy with community impacted by COVID-19). Will be carried forward for 2020/2021

Legend				
Off-track		0 - 49% completed		Road block could be due to funding revoked or deferred, inadequate resources available, other priorities take over, natural event, or is not due to start at the moment
Monitor		50 - 69% completed		Project is progressing adequately, staff need to ensure it does not fall into "off track"
On-track		70 - 100% completed		The desired range when adequate resourcing is available for an action (key project, facility or service)
Deferred		date		Sometimes, project funding is not available until a later date, or has been withdrawn or the matter is outside the Shire's resourcing and so on

Table Two – Measures of Success 2019-2020

The measures of success pick a key outcome (measure) for each priority area (objective) to show overall progress made against the strategies/actions that underpin the outcome. What Table Two shows is that the actions that underpin the Community Outcome regarding the need for a Shire Recreation Plan are not adequately resourced, let alone for the plan itself. Given that the Shire will be dealing with pandemic matters (including, the recovery and post recovery phase) for quite some time, a more realistic position is that these matters are not commenced until at least 2021/2022. Unfortunately, this is the same for the Economic Outcome and the Environment Outcome.

The Infrastructure Outcome has had some progress given work undertaken on some of the Shire's assets including the Administration Building and also receiving key funding for a number of the Shire's road construction and improvement projects e.g. the Wheatbelt Secondary Freight Network project.

In terms of the final outcome regarding Civic Leadership, key actions have been undertaken and completed including those regarding ongoing participation in key stakeholder forums such as the Zone, AROC and the Regional Road Group. Others include updating the IPR documents and ensuring regulatory services are in place and that the controls for providing good governance are continuously implemented.

Better Practice Review

The Council last received an agenda item regarding the Better Practice Review back on 18 December 2019. The conclusion at this point is the majority of the actions have been completed. There are a few that remain and these are reported in the status update each month and are being closed out as follows:

Planning and Regulatory

Item 8 Local Planning Scheme – Is being updated through the Omnibus Amendment process

Workforce and HR Management

Item 22/23 Policies and Procedures – WALGA Templates received re HR policies. HR adviser is progressing HR policies and procedures

Community and Consultation

Item 21 Community Engagement. Specification developed for the development of a strategy/policy with the Community. On-hold due to COVID-19 impacts.

2020 – 2020 Budget

To date, the Shire in its budget workshops, has taken into account, the CBP and the COVID-19 Framework as follows:

- The Shire's key funding sources including rates, financial assistance grants, the Wheatbelt Secondary Freight Network funding and the Local Government Infrastructure Fund;
- The Shire's capacity to raise rates and the modelling of rating options;
- The major capital implications including key asset matters regarding the Shire's roads (includes key funding for the Mogumber-Yarrowindah Road Project), plant and light vehicles;
- Other asset matters including the Shire's sewerage schemes and its landfills (rubbish tips);
- Improving matters of governance and interaction with the community. This includes being compliant where possible, improving the Shire's record keeping system and ensuring that the appropriate regulatory resources are in place (health, building, town planning and ranger services); and
- The impact of the COVID-19 pandemic including taking into account financial hardship matters in the community, observing the requirements of the State of Emergency and .

Managing the Out Years

What the CEO needs to do going forward is identify those matters that commence in the outyears and who is responsible for them. This is not only provided through such a report as found in Attachment 1, but also in the KPIs set for the CEO and other officers. Typically, as is currently the case with the CEO, includes identifying a number of actions from the CBP each year and including these as targets to be achieved by the CEO. The CEO in turn conducts the same process with other staff members.

CONSULTATION

CEO and Agenda Settlement

Shire President – on the need for the provision of a quarterly update.

STATUTORY CONTEXT***Local Government (Administration) Regulations 1996***

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

(4) A local government is to review the current corporate business plan for its district every year.

Local Government Act 1995

5.53. Annual reports

- (2) The annual report is to contain (in part) —
- (a) a report from the mayor or president; and
 - (b) a report from the CEO; and
 - [(c), (d) deleted]*
 - (e) an overview of the plan for the future (Strategic Community Plan) of the district made in accordance with section 5.56, including major initiatives that are proposed to commence or to continue in the next financial year (Corporate Business Plan).

Integrated Planning and Reporting – Framework and Guidelines

It is anticipated that the Annual Report will also outline progress towards the achievement of four-yearly Council priorities as established through the Corporate Business Plan (Intermediate Standard).

CORPORATE CONTEXT**Strategic Community plan**

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

Corporate Business Plan

Strategy 5.4: Measures to improve organisational efficiency

5.4.1: Review, update and maintain strategic and operational plans

Risk Management (Risk Governance Framework)

Consequence: Compliance	Likelihood: Possible	Risk	Risk Acceptance	Outcome
Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Event occurs more than once per year (5)	Extreme (25)	CEO & Council	The risk will be reduced to low if the CBP is treated as it should be i.e. the key driver regarding the Shire's strategic focus and direction. This includes: <ul style="list-style-type: none"> • Realistic timeframes; • Better resourcing; • Better strategies; • More effective engagement with the community

Consequence: Reputation	Likelihood: Possible	Risk	Risk Acceptance	Outcome
Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Event occurs at least once per year (4)	Extreme (20)	CEO & Council	As per Compliance

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

The Financial Consultant withdrew from the meeting at 4.49 pm and did not return.

2007-14 Officer's Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded: Cr D Lovelock

That Council:

1. **ACCEPT** the report on the Corporate Business Plan and the June 2019 – 2020 quarterly review of the Shire's Corporate Business Plan as set out in Attachment 1.
2. **CONFIRM** under section 19DA(4) of the *Local Government Act 1995* that the Shire has completed its annual review of the Shire's Corporate Business Plan 1919 - 2023 as set out in Attachment 1.
3. **CONFIRM** that there are no major changes required to the Corporate Business Plan.
4. Is satisfied with the CEO to prepare prioritisation dates for each action in the subsequent out years (2020/2021 – 2022/23) and notes that this will include who has responsibility for each action. These are to be in place for the September Quarter Review 2020/2021.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

CONFIRMED

8.7 Adoption of Council Briefing Session Guidelines – Amendment to Policy 1.4

File reference				
Report date				9 July 2020
Applicant/proponent				CEO
Officer disclosure of interest				Nil
Previous meeting references				Nil
Prepared by				Sean Fletcher, Governance Officer
Authorised by				CEO
Attachments				
Attachment 1	Page	88	Draft - Council Briefing Session Guidelines	
Attachment 2	Page	91	Draft Revised Policy 1.4 – Elected Member Briefing Sessions	
Attachment 3	Page	93	Original Policy 1.4 – Elected Member Briefing Sessions	

PURPOSE

For Council to adopt guidelines for the conducting of council briefing sessions (including workshops) that are in accordance of the principles of the Local Government Act, the Administration Regulations, the Rules of Conduct Regulations, the Shire's Meeting Procedures Local Law and the requirements of the Local Government Operational Guideline Number 05.

BACKGROUND

As the Shire of Victoria Plains conducts a briefing session with the Council on a regular basis, Local Government Operational Guideline Number 05 advises that it is appropriate for a local government to ensure it has guidelines in place to manage such meetings and therefore protect the integrity, accountability and openness of the Shire, the Council, the CEO, officers and others involved in such proceedings.

Today's item was originally submitted as a new process for Council to consider without the author realising that Policy 1.4 Elected Members – Briefing Sessions was already in place. Accordingly, I apologise for this oversight, as I did at the Briefing Session held on Monday 13 July 2020.

Council adopted Policy 1.4 Elected Members – Briefing Sessions on 16 May 2018. No change was made to this policy at the policy review adopted on 26 June 2019.

The policy in its original form, perhaps, lacks a certain level of rigour. Accordingly, the Policy has been revised and includes the proposed guidelines. The draft guidelines set out more strongly good governance requirements, including matters relating to principles, process and behaviour and requirements concerning staff. It also takes into account some of those matters councillors have observed in previous briefing sessions e.g. commitment to the issue of documentation on time and so on.

Accordingly, a set of guidelines as provided for in Attachment 1 is submitted for Council's consideration and adoption.

COMMENT

In the pursuit of good governance, it is appropriate to have in place a set of guidelines or “rules” that govern the Council’s briefing sessions. The draft guideline presented for Council’s consideration is based on the requirements outlined in the Local Government Operational Guideline Number 05.

The Department stresses quite strongly that, although it may be informal, the formalities and respect re office/positions are to be observed.

Guideline 5 sets out the following:

Councils that hold forums should adopt meeting rules and processes to ensure that proper standards of probity and public accountability are adhered to. Particular emphasis must be placed on ensuring that there is no decision-making during these forums and that this is rigidly enforced:

- Dates and times for forums should be set well in advance where practical;
- The CEO will ensure timely written notice and the agenda for each forum is provided to all members;
- Forum papers should be distributed to members at least three days prior to the meeting;
- The mayor/president or other designated elected member is to be the presiding member at all forums;
- Elected members, employees, consultants and other participants shall disclose their financial and conflicts of interest in matters to be discussed; Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary council meetings. Persons disclosing a financial interest will not participate in that part of a forum relating to their interest and leave the meeting room;
- There is to be no opportunity for a person with an interest to request that they continue in the forum; and
- A record should be kept of all forums. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.

The Guideline goes on to advise the following:

Concept Matters

- Concept forums may be open to the public when an issue is being discussed that council believes would benefit from public awareness and debate;
- Discussion between members is to be limited to those issues which are in the preliminary development stages. **Items already listed on a council meeting agenda are not to be discussed;** and
- As discussion items are not completely predictable there is to be some flexibility as to disclosures of interest. A person may disclose an interest at the time discussion commences on an issue not specifically included on the agenda.

Typically, the type of issues concept forums may cover include:

- Current matters of a local or regional significance;
- Matters relating to the future development of the local government;

- Significant revenue-raising requirements or expenditure needs;
- The development of internal strategic, planning, management and financial documents; and
- Development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).

Council Meeting Agenda Items

The most important aspect is that the presiding person apply appropriate procedures regarding debate and discussion between elected members when agenda items are being covered:

- Agenda forums should be open to the public unless the forum is being briefed on a matter for which a formal council meeting may be closed;
- Items to be addressed will be limited to matters listed on the forthcoming agenda or completed and scheduled to be listed within the next two meetings (or period deemed appropriate);
- Briefings will only be given by staff or consultants for the purpose of ensuring that elected members and the public are more fully informed; and
- **All questions and discussions will be directed through the chair.** There will be no debate style discussion as this needs to take place in the ordinary meeting of council when the issue is set for decision.

Concluding thoughts

The Briefing Session Guidelines have been developed with Local Government Operational Guideline Number 05 in mind. Although the draft guidelines do not provide for briefings to be open to the public, it may be appropriate for such meetings to be open at some point in the future, or at least some parts of the briefing session.

CONSULTATION

- CEO and Agenda Settlement
- Shire President regarding whether there are appropriate rules in place for managing briefing sessions.
- Council Briefing Session 13 July 2020. The point was raised that the new guidelines may be seen as too formal in their application. It was important to allow the briefing session to have less formality, so that appropriate questions can be asked. In response to this concern, the author advises:
 - The Department stresses quite strongly that, although it may be informal, the formalities and respect re office/positions are to be observed;
 - On matters where there are conflicts of interest, Council has the capacity to allow the member to stay in the room regarding certain matters (Guideline 10c);
 - Provides great clarity around planning matters;
 - Councillors can still ask questions that are relevant with regard to Guideline 10d and further questions are at the discretion of the presiding member in any case.

STATUTORY CONTEXT

Local Government Operational Guideline Number 05. As mentioned through the body of this report.

Other legislation as mentioned in the body of this report.

CORPORATE CONTEXT

Civic Leadership *to better allocate scarce resources and effectively interact with the community*

5.1	Implement measures to improve relationship and communication between Council and community	<ul style="list-style-type: none"> Implementation of initiatives to better connect Council with the community and associated matters.
5.2	Improve elected member performance	
5.3	Develop an advocacy and lobbying capacity	
5.4	Measures to improve organisational efficiency	

The briefing session guidelines will be a key part of strategy 5.2 – improve elected member performance and strategy 5.4 – measures to improve organisational efficiency including the management of the Shire's strategic community plan, the corporate business plan and its strategic resource plan.

Risk Management (Risk Governance Framework)

Consequence:	Likelihood:	Risk	Risk Acceptance	Outcome
Compliance	Almost Certain			
Extreme (5) Non-compliance results in litigation, criminal charges or significant damages or penalties to Shire/Officers	Event is expected to occur more than once per year (5)	Extreme (25)	CEO & Council	The risk will be reduced to low if Council strives to embrace the principles of good governance regarding conducting briefing sessions that embrace (Based on the AICD Guiding Principles) : <ul style="list-style-type: none"> Being strategic; Acting ethically (integrity), Openness and Transparency; Responsiveness; Equity and Inclusiveness;

				<ul style="list-style-type: none"> • Due diligence (relevant and timely information); • Accountability (Participation).
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The author has noted that the briefing sessions (and some council meetings) so far in 2020 have been the subject of disruptive behaviour and this is having an impact on the morale of both elected members and officers. This behaviour is also leading to the unnecessary duplication of work performed by officers. Council need to note that this latter issue was a key part of the findings from the City of Canning Inquiry.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority required: No

2007-15 Officer Recommendation / Council Resolution

Moved: Cr N Clarke

Seconded: Cr J King

That Council:

1. **AMENDS** Policy 1.4 Elected Members – Briefing Sessions as set out in Attachment 2; and
2. **ADOPTS** the draft Council Session Guidelines (Attachment 1) as part of Policy 1.4 Elected Members – Briefing Sessions (Point 1).

CARRIED BY UNANIMOUS DECISION OF COUNCIL

9. MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. NEW BUSINESS OF AN URGENT NATURE REQUIRING DECISION*Admitted by resolution of Council*

Nil

11. MEETING CLOSED TO PUBLIC – CONFIDENTIAL ITEMS**11.1 Matters for Which the Meeting May Be Closed**

File reference			
Report date	3 July 2020		
Applicant/proponent	CEO		
Officer disclosure of interest	Nil		
Previous meeting references	22 January 2020 2001-16, 17, 18		
Prepared by	Sean Fletcher, Governance Officer		
Authorised by	CEO		
Attachments			
Attachment 1	Page		Nil

PURPOSE

For Council to move “in camera” (behind closed doors) and consider a matter regarding the CEO’s July 2020 performance review under item 11.2.

BACKGROUND

Under section 5.23 (2)(a) of the Local Government Act, Council may close a meeting, or part of a meeting if it deals with a matter affecting an employee or employees.

COMMENT

Council conducted the CEO’s performance review on 22 January and resolved to hold the next review by 31 July 2020.

CONSULTATION

CEO and Council by way of the June 2020 Briefing Session.

STATUTORY CONTEXT

As per the background to this item.

CORPORATE CONTEXT

N/A

FINANCIAL IMPLICATIONS

N/A

VOTING REQUIREMENTS

Absolute majority required: No

2007-16 Officer's Recommendation / Council Resolution**Moved: Cr J King****Seconded: Cr D Lovelock**

That Council close the meeting under section 5.23 (2)(a) of the Local Government Act to consider a matter under item 11.2 regarding the CEO's performance review.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

The CESM Officer, Nicholas Parry, withdrew from the meeting at 4.53pm with the Ordinary Council Meeting ceasing recording at this time.

Remaining in the meeting – All Councillors

2007-17 Council Resolution**Moved: Cr Lovelock****Seconded: Cr King**

The CEO, Minute Taker and Governance Officer remained in the meeting for the Item.

CARRIED For 6 / Against 1

Cr J Kelly requested to have his name recorded as voting against the motion.

11.2 Update Regarding the CEO's Performance Review

File reference	
Report date	3 July 2020
Applicant/proponent	CEO
Officer disclosure of interest	Nil
Previous meeting references	22 January 2020 2001-16, 17, 18; 27 November 2019 1911-16
Prepared by	Sean Fletcher, Governance Officer
Authorised by	CEO
Attachments	
Attachment 1	Page Nil

2007-18 Officer's Recommendation / Council Resolution**Moved: Cr D Lovelock****Seconded: Cr J Corless - Crowther**

That Council:

1. In accordance with Resolution 2011-18 defers the scheduled completion of the CEO's performance review from 31 July 2020 to 31 August 2020, recognising the impacts of the COVID-19 pandemic on the CEO's functions, and the performance of those functions.
2. Establishes the Council as the CEO Performance Review Committee to undertake the performance review as required under Point 1 and includes:
 - a. The Shire President to be the Presiding Member;
 - b. The Committee's tenure will cease once the CEO's performance review is completed.
3. Authorises the President to:
 - a. Undertake the necessary arrangements regarding the convening, conducting and conclusion of the CEO's performance review as outlined in Point 1;
 - b. Continue the engagement of Gary Clark from Boab Consulting to assist it with the CEO's performance review in accordance with Point 1 at a cost of \$4,200 (incl. GST); and
 - c. Ensure the arrangements in Point 3a and Point 3b is agreeable to the CEO.
4. In accordance with clause 6 (3)(b) of the Shire's Meeting Procedures Local Law opens the meeting to the Public.

Note: If there are no members of the Public present, Council can resolve for the motion to be taken as read.

CARRIED BY UNANIMOUS DECISION OF COUNCIL

12. CLOSURE OF MEETING

There being no further business, the Presiding Member declared the meeting closed at 5.21 pm.

CERTIFICATION

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

Signed JABantock Date 26th Aug 2020
(Presiding member at the meeting which confirmed the minutes)

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

CONFIRMED