



Shire of  
**Perenjori**  
Embrace Opportunity

MINUTES  
*for the*  
ORDINARY COUNCIL  
MEETING

18 MARCH 2021

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## **COUNCIL ROLE**

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government /body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council e.g. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g.: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

## **DISCLAIMER**

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

# SHIRE OF PERENJORI

**Minutes for the Shire of Perenjori Ordinary Meeting of Council held on Thursday 18 March 2021, at the Latham Community Centre, LATHAM WA 6616 commenced at 4:00 pm.**

## **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:**

The Shire President declared the meeting open at 4:00 pm and welcomed those in attendance.

### **Welcome to Country: -**

As per the Shire of Perenjori Policy (Nº 1021) we wish to acknowledge the traditional owners of the land upon which the Shire of Perenjori is situated and to demonstrate respect for the original custodians.

***Therefore, I respectfully acknowledge the past and present custodians of the land on which we are meeting, the Badymia people.***

***I also acknowledge the pioneers who settled this country, developed the land and turned it into the productive country that we know today, allowing us to enjoy the lifestyle to which we have become accustomed.***

## **2. OPENING PRAYER:**

The Shire President read the opening prayer.

## **3. DISCLAIMER READING:**

As printed.

## **4. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

### **4.1 ATTENDANCE:**

#### **MEMBERS:**

Cr Chris King – Shire President  
Cr Jude Sutherland – Deputy Shire President  
Cr Brian Baxter  
Cr Colin Bryant  
Cr Daniel Bradford  
Cr Les Hepworth  
Cr Phil Logue

#### **STAFF:**

Mario Romeo – Chief Executive Officer  
Debby Barndon – Accountant  
Wayne Scheggia – Executive Advisor  
Bianca Plug – Executive Assistant

#### **DISTINGUISHED VISITORS:**

Nil

#### **MEMBERS OF THE PUBLIC:**

Alan English  
Brian King  
Elaine King

Kevin Varischetti  
Maureen McMannus  
Terina Campbell

**LEAVE OF ABSENCE:** Nil

**APOLOGIES:** Nil

**5. PUBLIC QUESTION TIME:**

**Q. M. McMannus**

When does the fire season start?

**A. Shire President:**

As of Monday 15 March permits are no longer required to burn.

**Q. T Campbell:**

What sort of funding is available to put a mini golf course on the Latham tennis courts? If none, am I able to do it myself?

**A. Shire President:**

The Shire will need to assess the plans first and will be able to look into any funding that may be available for Latham to attract tourists to the area.

**5.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE:**

Nil.

**5.2 QUESTIONS WITHOUT NOTICE:**

Nil.

**6. APPLICATIONS FOR LEAVE OF ABSENCE:**

**6.1 APPLICATION/S FOR LEAVE OF ABSENCE:**

Nil.

**7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:**

**7.1 ORDINARY MEETING HELD ON 18 FEBRUARY 2021**

**COUNCIL DECISION**

**THAT the Minutes of the Ordinary Meeting of Council held on 18 February 2021, presented in attachment 7.1 (a), be confirmed as true and correct.**

**Moved: Cr C Bryant      Seconded: Cr P Logue      Motion put and carried: 7/0**

**8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:**

The new Minister for Local Government is the Hon. John Carey.

**9. PETITIONS/DEPUTATIONS/PRESENTATIONS:**

**10. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED:**

**10.1 PROCEDURAL MOTION**

**COUNCIL DECISION**

**THAT Council accepted all confidential items, including the late confidential item listed in the agenda as item 21, and these be considered sequentially as item 16.**

**Moved: Cr L Hepworth      Seconded: Cr C Bryant      Motion put and carried 7/0**

**Matters Behind Closed Doors:**

**16.2 CONFIDENTIAL ITEM - DISPOSAL OF ONE (1) 2010 VOLVO GRADER**

**16.3 CONFIDENTIAL ITEM - LOTS 160 & 161 PLAN 188748 ENGLAND CRESCENT PERENJORI**

**16.3 CONFIDENTIAL LATE ITEM – COMMERCIAL CENTRE PROPERTY**

**11. DECLARATION OF INTEREST:**

"Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences."

No declarations of interest were made.

## **12. FINANCE REPORTS**

### **12.1 MONTHLY STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2021**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0081
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Deb Barndon – Accountant
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	12.1 (a) - Monthly Statement of Financial Activity for 28 February 2021

#### **Executive Summary:**

This item recommends that Council receive the Financial Activity Statements for the period ending 28 February 2021.

#### **Background:**

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires local governments to prepare a Monthly Statement of Financial Activity.

#### **Details:**

Nil.

#### **Legal Compliance:**

Nil.

#### **Policy Implications:**

Nil.

#### **Financial Implications:**

Shown in the attached data.

#### **Strategic Community Plan:**

Area 5: Investing in Councils Leadership.

Goal: Strengthen the Shire's position as an innovative, independent local government providing excellence in all areas of governance, management and leadership.

#### **Consultation:**

Nil.

#### **Precedents:**

Nil.

#### **Officer Comment:**

Nil.

#### **CEO Comment:**

Nil.

**Voting Requirements: Simple Majority**

**Change to Officer Recommendation**

No Change.

**12.1.1 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2021**

**OFFICER RECOMMENDATION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 28 February 2021.**

**12.1.2 THE FINANCIAL ACTIVITY STATEMENTS FOR THE PERIOD ENDING 28 FEBRUARY 2021**

**COUNCIL DECISION**

**THAT Council receive the Financial Activity Statement Reports for the period ending 28 February 2021.**

**Moved: Cr J Sutherland      Seconded: Cr D Bradford      Motion put and carried: 7/0**



## 12.2 SCHEDULE OF FINANCIAL ACTIVITY FOR PERIOD ENDED 28 FEBRUARY 2021

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0082
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Deb Barndon – Accountant
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	12.2 (a) - Accounts for Payment 28 February 2021

### Executive Summary:

Council is presented the list of payments made from the Municipal, Trust and Reserve Accounts under delegation since the last Ordinary Council Meeting.

### Background:

Council delegates authority to the Chief Executive Officer annually:

- To make payments from Trust, Reserve and Municipal Fund;
- To purchase goods and services to a value of not more than \$200,000;

### Legal Compliance:

*Local Government Act 1995*

*S6.5. Accounts and records*

*Local Government (Financial Management) Regulations 1996*

*R11. Payments, procedures for making etc.*

*R12. Payments from municipal fund or trust fund, restrictions on making*

*(1) A payment may only be made from the municipal fund or the trust fund —*

*(a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or*

*(b) otherwise, if the payment is authorised in advance by a resolution of the council.*

*(2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.*

*S13. Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

*(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*

*(a) the payee's name; and*

*(b) the amount of the payment; and*

*(c) the date of the payment; and*

*(d) sufficient information to identify the transaction.*

*(2) A list of accounts for approval to be paid is to be prepared each month showing —*

*(a) for each account which requires council authorisation in that month —*

*(i) the payee's name; and*

*(ii) the amount of the payment; and*

*(iii) sufficient information to identify the transaction; and*

*(b) the date of the meeting of the council to which the list is to be presented.*

- (3) A list prepared under sub-regulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

**Policy Implications:**

Nil.

**Council Role:**

Nil.

**Council Policy Compliance:**

Payments are checked to ensure compliance with Council's Purchasing Policy Number 4007 – Procurement Policy.

**Financial Implications:**

All payments are made in accordance with the adopted annual budget.

**Strategic Community Plan:**

Strategy 1.3.2 of the Strategic Community Plan – Monitor and produce statutory budgetary and financial reporting requirements applicable to local government operations.

**Consultation:**

Nil.

**Risk Assessment:**

Nil.

**Precedents:**

Council endorses the Schedule of Paid Accounts at each Ordinary Council Meeting.

**Officer Comment:**

This is a schedule of 'paid accounts' - the accounts have been paid in accordance with Council's delegation.

**Accounts Paid for the Month Ending 28 February 2021.**

<b>Municipal Account</b>	
EFT	\$ 356,999.07
Direct Debits	\$ 81,611.43
Cheques	\$ 1540.00
Corporate MasterCard	\$ 131.00
Bank Fees	\$ 136.18
<b>Total</b>	<b>\$440,417.68</b>

  

<b>Trust Account – Mt Gibson Public Benefit Funds</b>	
EFT	\$0.00
Cheques	\$0.00
Bank Fees	\$0.00
<b>Total</b>	<b>\$0.00</b>

**Totalling \$440,417.68 from *Municipal and Trust Accounts* for the month ending 28 February 2021.**

**Voting Requirements: Simple Majority**

Change to Officer Recommendation:

No Change.

**12.2.1 SCHEDULE OF PAID ACCOUNTS AS AT 28 FEBRUARY 2021**

**OFFICER RECOMMENDATION**

**THAT Council receives the February Schedule of Paid Accounts Report.**

**12.2.2 SCHEDULE OF PAID ACCOUNTS AS AT 28 FEBRUARY 2021**

**COUNCIL DECISION**

**THAT Council receives the February Schedule of Paid Accounts Report.**

**Moved: Cr D Bradford      Seconded: Cr P Logue      Motion put and carried: 7/0**

### 12.3 ANNUAL BUDGET REVIEW 2020/21

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0339
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Mario Romeo - Chief Executive Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	12.3 (a) Budget Review 2020/21

#### **Executive Summary:**

Each Local Government is required to conduct a budget review between 1 January and 31 March each financial year. A budget review is a detailed comparison of the year to date actual results with the adopted budget and provides an opportunity to make necessary amendments.

#### **Background:**

The review has been carried out by senior staff responsible for budgets. The review has required a thorough investigation of all areas over several meetings to ensure expenditure and income stated will be as accurate as possible. The Council also needs to address any variations in actual and expected income and expenditure.

The Shire is required to provide a copy of the budget review to the Department of Local Government within 30 days after Council has made its determinations.

The more significant changes to income or expenditures are addressed in this report.

#### **Statutory Environment:**

Local Government (Financial Management) Regulations 1996 Part 33A requires the Council to consider the review for the period from July to December of that financial year. The regulation also requires the Council to consider the local governments financial position, consider the options presented and decide whether or not to adopt the review as presented, any part of the review or any recommendations made in the review, and consider the outcomes that are forecast in the budget.

#### **Policy Implications:**

Nil.

#### **Legal Compliance:**

Nil.

#### **Risk Management:**

Nil.

#### **Consultation:**

CEO, Accountant, MIS & Executive Advisor.

#### **Financial Implications:**

Nil.

#### **Precedents:**

Nil.

#### **Strategic Community Plan:**

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative and proactive local Government providing excellence in all areas of governance, management and leadership.

**CEO Comment:**

Annual budgets are by nature predictions of what will happen during the term of the budget. Though budgets are carefully prepared unexpected circumstances and external influences result in the need to review the proposed activities for the remainder of the financial year.

A detailed summary of the budgetary situation is contained in the attachment. This includes the income and expenditure as at the 31<sup>st</sup> December 2020, together with proposed variations to ensure that the Council achieves a budget surplus of \$97,205.00 (1) for the financial year.

The key items of variance are listed on Note 5 of the attachment (Budget Review Document).

**Voting Requirements: Absolute Majority**

No Change.

**12.3.1 ANNUAL BUDGET REVIEW 2020/21**

**OFFICER RECOMMENDATION**

**THAT Council in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 Council:**

- 1. Adopts the statutory mid-year budget review for the financial year of 2020/2021.**
- 2. Provides a copy of the budget review to the Department of Local Government within 30-days of Council adoption.**

**12.3.2 ANNUAL BUDGET REVIEW 2020/21**

**COUNCIL DECISION**

**THAT Council in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996 Council:**

- 1. Adopts the statutory mid-year budget review for the financial year of 2020/2021.**
- 2. Provides a copy of the budget review to the Department of Local Government within 30-days of Council adoption.**

**Moved: Cr J Sutherland      Seconded: Cr L Hepworth      Motion put and carried: 7/0**

**(1) The CEO advised that the budget surplus figure listed in the report should be \$76,662.00**

Debby Barndon left the meeting at 4.15 pm.

### **13. COMMUNITY DEVELOPMENT**

### **14. PLANT AND WORKS**

#### **14.1 LOCAL ROADS & COMMUNITY INFRASTRUCTURE PROGRAM**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0832
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ken Markham – Manager Infrastructure Services
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

#### **Executive Summary:**

This report outlines the allocations made to the Shire of Perenjori as part of the Federal Government's COVID19 response packages and seeks Council's endorsement of the proposed expenditure program, noting that expenditure must be completed by December 2021.

#### **Background:**

The last Federal Budget incorporated a range of expenditure programs which were designed to combat the impacts of the COVID19 pandemic on the Australian economy. The most significant of these for Local Governments was the Local Roads & Community Infrastructure Program.

Two allocations under this program have been made to Local Governments. The Shire of Perenjori was allocated \$571,000.00 in the first tranche, and \$396,417.00 in the second distribution.

#### **Statutory Environment:**

Federal Budget allocations.

Local Roads & Community Infrastructure Program requirements.

#### **Policy Implications:**

Nil.

#### **Legal Compliance:**

Nil.

#### **Risk Management:**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Financial management and grant compliance	Low	Advice from Department of Local Government, WALGA and Treasury.  Early engagement with funding agencies and auditors.

**Consultation:**

CEO, (former) Commissioner, Accountant, MIS, Council.

**Financial Implications:**

Nil.

**Precedents:**

Nil.

**Strategic Community Plan:**

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative and proactive local Government providing excellence in all areas of governance, management and leadership.

**Officer Comment:**

The first tranche of funding (\$571,000.00) was made to Perenjori as part of the initial Federal COVID19 response, prior to the election of the new Council.

Discussions with the (former) Commissioner, informed by an analysis of our strategic planning and an assessment of our capability, resulted in the following projects being identified as appropriate and achievable by the June 2021 expenditure deadline;

- Replacement of footpath and kerbing along Fowler Street- \$237,256
- Installation of CCTV at various locations in Perenjori - \$60,000
- Installation of concrete footpath along Livingstone Street - \$79,500
- Installation of concrete footpath along Crossing Street- \$70,000
- Reseal Britt Street and replace kerbing- \$125,000

The second tranche of funds was allocated to the Shire of Perenjori late December 2020 and officers have provisionally allocated the following list of projects to the \$396,417.00 of funding;

- Installation of three shelters at Camel soak - \$20,000
- Installation of two shelters at Maya - \$12,000
- Installation of BBQ, Shelter and table/seating at Latham Community centre - \$18,000
- Refurbishment of Oval public toilets- \$20,000
- Refurbishment of Main Street toilets- \$70,000
- Replacement of Caravan park fencing- \$65,000
- Refurbishment of Perenjori Sports club male toilets- \$26,252
- Upgrade/ refurbishment of camp kitchen at caravan park- \$25,000
- Installation of two shelters and table/seating Fowler street- \$20,000
- Refurbishment of ablutions at caravan park- \$40,000
- Replacement of two tennis court surfaces- \$80,165

Under the terms of the grants, funds must be expended by December 2021 or Council risks losing the allocation.

Any project submitted will need to be approved by the Department of Infrastructure, Transport, Regional Development and Communication before they can be undertaken.

It is important that Council confirms the project allocations so that these works can be progressed within the available timeframe to meet our accountability requirements.

**Voting Requirements: Simple Majority**

As per Local Government (Administration) Regulations 1996 11(da) Council records the following reasons for amending the Officer Recommended Resolution: that the item be deferred until the next meeting of Council.

**14.1.1 LOCAL ROADS & COMMUNITY INFRASTRUCTURE PROGRAM**

**OFFICER RECOMMENDATION**

**THAT the following project allocations against the Local Roads & Community Infrastructure Program grant funds Phase 2 be endorsed.**

- **Installation of three shelters at Camel soak - \$20,000**
- **Installation of two shelters at Maya - \$12,000**
- **Installation of BBQ, Shelter and table/seating at Latham Community centre - \$18,000**
- **Refurbishment of Oval public toilets- \$20,000**
- **Refurbishment of Main Street toilets- \$70,000**
- **Replacement of Caravan park fencing- \$65,000**
- **Refurbishment of Perenjori Sports club male toilets- \$26,252**
- **Upgrade/ refurbishment of camp kitchen at caravan park- \$25,000**
- **Installation of two shelters and table/seating Fowler street- \$20,000**
- **Refurbishment of ablutions at caravan park- \$40,000**

**Replacement of two tennis court surfaces- \$80,165**

**14.1.2 PROCEDURAL MOTION**

**COUNCIL DECISION**

**That the item be deferred until the Special Council Meeting scheduled for March 25<sup>th</sup> to enable further consideration of the proposed projects.**

**Moved: Cr B Baxter      Seconded: Cr D Bradford      Motion put and carried: 6/1**



## 15. GOVERNANCE

### 15.1 PROPOSED ORDINARY COUNCIL MEETING TIMES FOR THE BALANCE OF 2020-21 AND AMENDMENT TO COUNCIL FORUM POLICY

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0211
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Mario Romeo - Chief Executive Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

#### Executive Summary

This report outlines a change to the proposed Shire of Perenjori Ordinary Council Meeting times and Council Forum dates and times for the balance of the 2020/21 financial year and to amend Council Forum Policy.

#### Background

Council Meeting dates and times were originally set for the 2020/21 financial year by the Commissioner (as Council), however this decision was revised in June 2020 and meeting dates only confirmed until October 2020 to give scope to the incoming Council to consider the matter. In a Special Meeting of Council on October 20, 2020, Council set the dates and times for Council Meetings for the remainder of the 2020/21 financial year. The times set at this time reflected times set by the Commissioner during his tenure at the Shire from June 2019 to October 2020. The Commissioner timing of Ordinary Council Meetings and Council Forums reflected an intent to allow as many Community members to attend. The Commissioner conducted a Council Forum (information session) immediately proceeding Council to allow feedback from attending Community members. The time set for Council Forums were inadvertently in conflict with Council Policy. Council now seeks to amend the remainder of the 2020/21 Ordinary Council meeting times including the date of the April Council meeting in consideration of the Easter break and school holidays and amend Council Policy to allow flexibility in the setting of Council Forum and meeting times to take into consideration the impact of attendance outside of "normal working hours" for Shire staff and to suit wherever possible Councillors attendance whilst providing the opportunity for the attendance of Community members.

#### Statutory Environment

*Local Government (Administration) Regulations* – Reg 12 sets out the need for Local Public Notice of the date time and venue of Ordinary Councils meetings.

Local Government Act 1995, Part 5, Administration, s 5.3 Ordinary and special council meetings,

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

#### Policy Implications

Current Council Policy.

## **9016 – GOVERNANCE POLICY – COUNCIL FORUM / BRIEFING SESSIONS**

### *Policy Objective*

To enhance councillor's participation and information exchange.

### *Policy Statement*

A minimum of one council forum will be held per month, excluding January. The forum operating procedure is as follows.

### **Forum Procedure**

1. Forum to be held each month prior to the Ordinary Council Meeting, commencing 1pm.
2. Forums to be attended by Councillors, the Chief Executive Officer, other senior staff, consultants and invited guests.
3. Forum Agenda shall include discussion on items included on the next Ordinary Council meeting agenda, issues that may result in agenda items for future Council meetings, concept items, matters raised by councillors and questions/discussion on the Councillors Information Bulletin.
4. The Chief Executive Officer will ensure timely written notice and the agenda for each Forum is provided to all members, at least three days prior to the Forum.
5. The Shire President is to be the presiding member at all forums.
6. Elected members, employees, consultants and other participants shall disclose their financial and conflict of interest in matters to be discussed. Interests are to be disclosed in accordance with the provisions of the Local Government Act, 1995 as they apply to Council meetings.
7. Members of the public can attend the Forums.
8. The Presiding Person shall be guided by the principles set out in Section 5.23 of the Local Government Act when determining if to go behind closed doors.
9. A record shall be kept of all Forums. As no decisions will be made the record need only be a general record of items discussed but should record disclosures of interest with appropriate departure/return times.

### *Policy Administration*

**Date Adopted:**      **Item N° 18125.4**      **20<sup>th</sup> December 2018.**

**Reviews/Amendments:**

### **Proposed Amendment to Council Forum Policy**

## **9016 – GOVERNANCE POLICY – COUNCIL FORUM / BRIEFING SESSIONS**

### *Policy Objective*

To enhance councillor's participation and information exchange.

### *Policy Statement*

A minimum of one council forum will be held per month, excluding January. The forum operating procedure is as follows.

### **Forum Procedure**

1. A Council Forum is to be scheduled to be held each month on the Thursday prior to the Ordinary Council Meeting commencing at 3pm.

2. The date and time of a Council Forum can be amended at the discretion of Council to suit Council requirements (to take into account seasonal working pressures amongst other variables that may impact Councillors ability to attend forums) as required.
3. Any amendments to the time and date of a Council Forum will be published by the Shire on its website, Town notice board and Social Media (Facebook) at least four days prior to the initial forum date.
4. Forums to be attended by Councillors, the Chief Executive Officer, other senior staff, consultants and invited guests.
5. Forum Agenda shall include discussion on items included on the next Ordinary Council meeting agenda, issues that may result in agenda items for future Council meetings, concept items, matters raised by councillors and questions/discussion on the Councillors Information Bulletin.
6. The Chief Executive Officer will ensure timely written notice and the agenda for each Forum is provided to all members, at least three days prior to the Forum.
7. The Shire President is to be the presiding member at all forums.
8. Elected members, employees, consultants and other participants shall disclose their financial and conflict of interest in matters to be discussed. Interests are to be disclosed in accordance with the provisions of the Local Government Act, 1995 as they apply to Council meetings.
9. Members of the public can attend the Forums.
10. The Presiding Person shall be guided by the principles set out in Section 5.23 of the Local Government Act when determining if to go behind closed doors.
11. A record shall be kept of all Forums. As no decisions will be made the record need only be a general record of items discussed but should record disclosures of interest with appropriate departure/return times.

### **Budget Implications**

Nil.

### **Risk Management**

<b>Risk Statement</b>	<b>Level of Risk</b>	<b>Risk Mitigation Strategy</b>
Compliance with requirements	Low	Adopt meeting schedule in advance.

### **Consultation**

CEO, Councillors.

### **Strategic Community Plan**

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative and proactive local Government providing excellence in all areas of governance, management and leadership.

### **Comment**

Council traditionally meets on the third Thursday of the month and does not meet in January. Whilst Council meeting times have varied over time, most recently meetings have commenced at 5.30 pm, preceded by a public discussion forum at 5.00 pm. Council seeks to amend Ordinary Council meeting times for the remainder of the 20/21 financial year as follows:

Date	Current	New	Location
Thursday 15 April 2021	5.30 pm	Thursday 22 April	
		3:00 pm	Perenjori
Thursday 20 May 2021	5.00 pm	3:00 pm	Perenjori
Thursday 17 June 2021	5.00 pm	3:00 pm	Perenjori

**Voting Requirements: Simple Majority**

**Change to Officer Recommendation**

No Change.

**15.1.1 PROPOSED ORDINARY COUNCIL MEETING TIMES FOR THE BALANCE OF 2020-21 AND AMENDMENT TO COUNCIL FORUM POLICY**

**COUNCIL DECISION**

1. That the schedule of Council Meetings for the balance of the 2020/21 financial year be endorsed with appropriate public notice be given to the revised schedule.
2. That the amendment to Council Policy 9016 – governance policy – council forum / briefing sessions be endorsed and accepted.

**15.1.2 PROPOSED ORDINARY COUNCIL MEETING TIMES FOR THE BALANCE OF 2020-21 AND AMENDMENT TO COUNCIL FORUM POLICY**

**COUNCIL DECISION**

1. That the schedule of Council Meetings for the balance of the 2020/21 financial year be endorsed with appropriate public notice be given to the revised schedule.
2. That the amendment to Council Policy 9016 – governance policy – council forum / briefing sessions be endorsed and accepted.

Moved: Cr L Hepworth      Seconded: Cr C Bryant      Motion put and carried: 6/1

## 15.2 TRANSITIONAL MODEL CODE OF CONDUCT REGULATION REQUIREMENTS

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Wayne Scheggia – Executive Advisor
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer.
<b>Attachments:</b>	15.2 (a) Model Code of Conduct 15.2 (b) Code of Conduct Complaint Alleged Breach Form

### Executive Summary:

Key Points;

- the Local Government (*Model Code of Conduct*) Regulations 2021 were gazetted on 3 February 2021;
- the Department of Local Government, Sport and Cultural Industries has recognised that there may need to be a staged approach to implementing the changes;
- A Model Code of Conduct has been established which local governments must adopt within 3 months of gazettal;
- Local governments are required to authorise appropriate persons to receive complaints under the Code, and adopt a form on which complaints can be made.

### Background:

Local governments have been notified that regulations have been approved that bring into effect the remaining parts of the Local Government Legislation Amendment Act 2019 (*the Amendment Act*) including the Local Government (*Model Code of Conduct*) Regulations 2021.

The Department has advised that there will be an implementation phase of up to three months where local governments must undertake a series of actions to implement the legislative requirements.

However, there are two immediate actions local governments are required to take;

- 1) the appointment of one or more persons to receive complaints and withdrawals of complaints of the code under Regulation 11; and
- 2) approval of the form for making a complaint of an alleged breach under Regulation 11.

It is further expected that local governments adopt the new regulations and any other procedures and processes required for implementation within three months from the regulations taking effect (by 3 May 2021).

Complaints made before the commencement of the new regulations are not impacted by the changes to the regulations and will be managed in accordance with existing procedure. There are currently no outstanding conduct complaints at the Shire of Perenjori.

### Statutory Environment:

Local Government Legislation Amendment Act 2019.

Local Government (*Model Code of Conduct*) Regulations 2021.

(The Local Government (*Rules of Conduct*) Regulations 2007 have been repealed)

**Policy Implications:**

As part of the implementation of the new legislation, the current complaints management policy and procedure will be reviewed to ensure it reflects practical implementation of the Regulations.

**Legal Compliance:**

Nil.

**Risk Management:**

Risk Statement	Level of Risk	Risk Mitigation Strategy
Complaints need to be handled efficiently and correctly.	Low.	Adopt template documents and procedures as per Departmental advice.  Review existing policy and procedure to ensure compliance.

**Consultation:**

CEO, WALGA, DLGSCI, neighbouring Local Governments.

**Financial Implications:**

Nil.

**Precedents:**

Nil.

**Strategic Community Plan:**

Area 5: Investing in Council's Capacity – Our Leadership

Goal: Strengthen the Shire's position as an innovative and proactive local Government providing excellence in all areas of governance, management and leadership.

**Officer Comment:**

The commencement of new regulations requires Council to adopt new documents and procedures. These will be presented to Council for consideration at future meetings in a systematic manner based on the feedback provided by the Department and the Western Australian Local Government Association (WALGA).

The Department has developed 'Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates' which will be considered when reviewing the Shire's current Code of Conduct to ensure compliance with legislative requirements and behavioural standards the Shire deems appropriate. It is proposed that a new Code of Conduct (*incorporating the Model Code*) will be presented to Council in April 2021 and that in the meantime, the Model Code of Conduct is to apply immediately.

Regulation 11 requires the local government to appoint a person or persons to be the complaints officer for the purpose of receiving complaints and withdrawal of complaints under the code of conduct. It is proposed that the Chief Executive Officer be appointed the authorised complaints officer for the purposes of Regulation 11, except in the case where the complaint refers to the Chief Executive Officer, which will result in the matter being referred to the Shire President.

Beyond receipt and withdrawal of complaints under the code of conduct, the person appointed under Regulation 11 has no legislative responsibilities. The new legislation provides for Council (*through the adoption of appropriate procedures*) to adjudicate on alleged breach of the code of conduct. It is proposed this will be considered as part of the Chief Executive Officer's review of current complaints management policy and procedures and will be presented for consideration by Council at a future meeting.

Regulation 11 also requires the local government approves the form for making a complaint of an alleged breach. The Department has prepared a template of this form for local governments and it has been adapted for the Shire's use

**Voting Requirements: Simple Majority**

No Change.

**15.2.1 TRANSITIONAL MODEL CODE OF CONDUCT REGULATION REQUIREMENTS**

**OFFICER RECOMMENDATION**

**THAT Council:**

1. Notes the Model Code of Conduct as per Schedule 1 of the Local Government (Model Code of Conduct) Regulations is to be observed by Council members (*including the Chief Executive Officer*), Committee Members and Candidates, until the Shire of Perenjori adopts a new Code of Conduct that incorporates the model code [as per s5.104(5) of the Local Government Legislation Amendment Act 2019],
2. Requests the Chief Executive Officer to undertake a review of the Code of Conduct, the Shire's Complaints management policy and procedures to ensure alignment with current legislative requirements;
3. Authorises the Chief Executive Officer to receive complaints and withdrawals of complaints in accordance with Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 except where the complaint relates to conduct of the Chief Executive Officer, in which case the Shire President is authorised to receive complaints and withdrawals of complaints.
4. Endorses the Code of Conduct Complaint Alleged Breach Form as the complaint form required under Regulation 11; and
5. Resolves that if a complaint under Regulation 11 is received prior to Council's adoption of a new procedure, these complaints will be dealt with once a new procedure is adopted, in accordance with that procedure.

**15.2.2 TRANSITIONAL MODEL CODE OF CONDUCT REGULATION REQUIREMENTS**

**COUNCIL DECISION**

**THAT Council:**

1. Notes the Model Code of Conduct as per Schedule 1 of the Local Government (Model Code of Conduct) Regulations is to be observed by Council members (*including the Chief Executive Officer*), Committee Members and Candidates, until the Shire of Perenjori adopts a new Code of Conduct that incorporates the model code [as per s5.104(5) of the Local Government Legislation Amendment Act 2019],
2. Requests the Chief Executive Officer to undertake a review of the Code of Conduct, the Shire's Complaints management policy and procedures to ensure alignment with current legislative requirements;

**3. Authorises the Chief Executive Officer to receive complaints and withdrawals of complaints in accordance with Regulation 11 of the Local Government (Model Code of Conduct) Regulations 2021 except where the complaint relates to conduct of the Chief Executive Officer, in which case the**

**Shire President is authorised to receive complaints and withdrawals of complaints.**

**4. Endorses the Code of Conduct Complaint Alleged Breach Form as the complaint form required under Regulation 11; and**

**5. Resolves that if a complaint under Regulation 11 is received prior to Council's adoption of a new procedure, these complaints will be dealt with once a new procedure is adopted, in accordance with that procedure.**

**Moved: Cr D Bradford      Seconded: Cr J Sutherland      Motion put and carried: 7/0**



## 16. CONFIDENTIAL REPORTS

4:26 pm – Members of the public left the room in preparation for Council to go behind closed doors.

### 16.1 COUNCIL DECISION TO GO BEHIND CLOSED DOORS

#### COUNCIL DECISION

**THAT Council go behind closed doors to consider matters that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.**

**Moved: Cr P Logue      Seconded: Cr J Sutherland      Motion put and carried: 7/0**

### 16.2 **CONFIDENTIAL ITEM** – DISPOSAL OF ONE (1) 2010 VOLVO GRADER

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Ken Markham- Manager Infrastructure Services
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	16.2 (a) Correspondence from WA Machinery Brokers

**Voting Requirements: Absolute Majority**

No Change.

### 16.2.1 **CONFIDENTIAL ITEM** – DISPOSAL OF ONE (1) 2010 VOLVO GRADER

#### OFFICER RECOMMENDATION

1. **THAT Council rescind the Council resolution regarding the outright purchase of the 2010 motor grader to WA Machinery Brokers for \$65,000 and:**
2. **THAT Council Accept the offer for the 2010 VOLVO motor grader from WA Machinery Brokers in the current condition for \$25,000 ex GST**

### 16.2.2 **CONFIDENTIAL ITEM** – DISPOSAL OF ONE (1) 2010 VOLVO GRADER

#### COUNCIL DECISION

1. **THAT Council rescind the Council resolution regarding the outright purchase of the 2010 motor grader to WA Machinery Brokers for \$65,000 and:**
2. **THAT Council Accept the offer for the 2010 VOLVO motor grader from WA Machinery Brokers in the current condition for \$25,000 ex GST**

**Moved: Cr D Bradford      Seconded: Cr P Logue      Motion put and carried: 7/0**

### **16.3 CONFIDENTIAL ITEM – LOTS 160 & 161 PLAN 188748 ENGLAND CRESCENT PERENJORI**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	Nil
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Wayne Scheggia – Executive Advisor Louise Sequerah – Rates Officer
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	Nil

**Voting Requirements: Simple Majority**

**Change to Officer Recommendation**

No Change.

#### **16.3.1 CONFIDENTIAL ITEM - LOTS 160 & 161 PLAN 188748 ENGLAND CRESCENT PERENJORI OFFICER RECOMMENDATION**

**THAT:**

1. The report be noted.
2. That the CEO be authorised to engage appropriate legal advice as necessary to clarify Council's capacity to repurchase lots 160 & 161 England Crescent Perenjori and any legal and financial liability implications in doing so.
3. Subject to the receipt of satisfactory advice in relation to point 2 above, correspondence be issued to the property owners of lots 160 & 161 England Crescent Perenjori stating they have 10 days to comply with Special Condition 9 of the Contract of Sale to commence building on the land.
4. If the owners fail to comply with this request, further correspondence be issued advising that Council will commence the process to repurchase land after 20 days, in accordance with condition 10 of the Contract of Sale.

#### **16.3.2 CONFIDENTIAL ITEM - LOTS 160 & 161 PLAN 188748 ENGLAND CRESCENT PERENJORI COUNCIL DECISION**

**THAT:**

1. The report be noted.
2. That the CEO be authorised to engage appropriate legal advice as necessary to clarify Council's capacity to repurchase lots 160 & 161 England Crescent Perenjori and any legal and financial liability implications in doing so.
3. Subject to the receipt of satisfactory advice in relation to point 2 above, correspondence be issued to the property owners of lots 160 & 161 England Crescent Perenjori stating they have 10 days to comply with Special Condition 9 of the Contract of Sale to commence building on the land.
4. If the owners fail to comply with this request, further correspondence be issued advising that Council will commence the process to repurchase land after 20 days, in accordance with condition 10 of the Contract of Sale.

**Moved: Cr L Hepworth      Seconded: Cr C Bryant      Motion put and carried: 7/0**

#### **16.4 CONFIDENTIAL LATE ITEM – COMMERCIAL CENTRE PROPERTY**

<b>Applicant:</b>	Shire of Perenjori
<b>File:</b>	ADM0556
<b>Disclosure of Interest:</b>	Nil
<b>Author:</b>	Wayne Scheggia – Executive Advisor
<b>Responsible Officer:</b>	Mario Romeo - Chief Executive Officer
<b>Attachments:</b>	21.3 (a) Email Notification Inviting Offer 21.3 (b) Property Valuation

**Voting Requirements: Simple Majority**

**Change to Officer Recommendation**

No Change.

##### **16.4.1 CONFIDENTIAL LATE ITEM - COMMERCIAL CENTRE PROPERTY**

###### **OFFICER RECOMMENDATION**

That the CEO be authorised to enter negotiations for the purchase of Lots 26, 28 & 30 Fowler Street Perenjori, with the final decision to be resolved by Council at a future meeting.

##### **16.4.1 CONFIDENTIAL LATE ITEM - COMMERCIAL CENTRE PROPERTY**

###### **COUNCIL DECISION**

That the CEO be authorised to enter negotiations for the purchase of Lots 26, 28 & 30 Fowler Street Perenjori, with the final decision to be resolved by Council at a future meeting.

Moved: Cr J Sutherland    Seconded: Cr C Bryant    Motion put and carried: 7/0

#### **16.5 COUNCIL DECISION TO RETURN FROM BEHIND CLOSED DOORS**

###### **COUNCIL DECISION**

THAT Council return to standing orders and re-open the meeting to the public.

Moved: Cr D Bradford    Seconded: Cr J Sutherland    Motion put and carried: 7/0

#### **16.6 PROCEDURAL MOTION**

###### **COUNCIL DECISION**

THAT the resolutions carried behind closed doors be adopted in open Council.

Moved: Cr D Bradford    Seconded: Cr J Sutherland    Motion put and carried 7/0

#### **17. ORDERING THE COMMON SEAL**

Document	Organisation	Purpose	Date
-	-	-	-

#### **18. REPORTS OF COMMITTEES AND MEMBERS**

#### **19. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**20. NOTICE OF MOTIONS**

***(for consideration at the following meeting, if given during the meeting).***

**21. NEW BUSINESS OF AN URGENT NATURE ADMITTED BY COUNCIL**

Special Urgent Business submitted at item 21 was accepted and considered as item 16.4.

**22. CLOSURE OF MEETING**

The Shire President declared the meeting closed at 4:42 pm.

**23. NEXT MEETING**

The Shire President advised that the date of the next Ordinary Meeting of Council will be held on Thursday 22 April 2021, commencing at 3:00 pm at the Shire of Perenjori Council Chambers, Perenjori WA 6620.