

Agenda

Ordinary Meeting of Council

To be held in Council Chambers
54 Johnson Street, Bruce Rock
Thursday 18 June 2020
Commencing 2.30pm



Notice of Ordinary Meeting of Council

Dear President and Councillors,

The next Ordinary Meeting of Council will be held on **Thursday 18 June 2020 at 2.30pm** in Council Chambers, at 54 Johnson Street, Bruce Rock.

Please contact the undersigned for any enquiries regarding the Agenda prior to the meeting.

A handwritten signature in blue ink, appearing to read "Darren Mollenoyux".

Darren Mollenoyux
CHIEF EXECUTIVE OFFICER

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Bruce Rock expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Our Mission

We will achieve our vision by maintaining and enhancing the Bruce Rock lifestyle, increase business and employment opportunities and achieve population growth in an environmentally sustainable way.

Our Values

Respect, Inclusiveness, Fairness and Equality & Communication

SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 18 JUNE 2020

TABLE OF CONTENTS

TABLE OF CONTENTS	3
1. Declaration of Opening	4
2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)	4
3. Declarations of Interest	4
4. Response to Previous Public Questions Taken on Notice	4
5. Public Question Time	4
6. Petitions/Deputations/Presentations/Submissions	4
7. Applications for Leave of Absence	4
8. Announcements by Presiding Member	4
9. Confirmation of Minutes	4
10. Regional Reports	6
10.1 WEROC Inc Meeting Minutes May 2020	6
10.2 WALGA State Council Agenda	9
11. Officers’ Reports	11
11.1 Manager of Finance	11
11.1.1 Statement of Financial Activity	11
11.1.2 List of Payments	13
11.1.3 Budget Amendment for Advance Payment of FAGs and IT	15
11.2 Deputy Chief Executive Officer	18
11.2.1 Shire Seal	18
11.2.2 Shire President Stamp	19
11.2.3 Bruce Rock Playgroup – Request for Events	20
11.3 Chief Executive Officer	22
11.3.1 CEO Annual Leave Request	22
11.3.2 GROH Lease – 44 Curlew Drive, Bruce Rock	24
11.3.3 Local Government Act Review Phase 1 Regulations	28
12. New Business of an urgent nature introduced by discussion of the meeting	31
13. Confidential Items	31
14. Closure of Meeting.	31

SHIRE OF BRUCE ROCK

AGENDA – ORDINARY MEETING 18 JUNE 2020

- 1. Declaration of Opening**
- 2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)**
- 3. Declarations of Interest**

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.60B and 5.65 of the Local Government Act 1995 the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason

- 4. Response to Previous Public Questions Taken on Notice**
- 5. Public Question Time**
- 6. Petitions/Deputations/Presentations/Submissions**
- 7. Applications for Leave of Absence**
- 8. Announcements by Presiding Member**
- 9. Confirmation of Minutes**

Ordinary Meeting of Council held on Thursday 21 May 2020.

Recommendation:

That the minutes of the Ordinary Meeting of Council held Thursday 21 May 2020 be confirmed as a true and correct record.

Audit Committee Meeting held on Thursday 21 May 2020.

Recommendation:

That the minutes of the Audit Committee Meeting held Thursday 16 April 2020 be received.

Works and Services Committee Meeting held on Friday 5 June 2020.

Recommendation:

That the minutes of the Works and Services Committee Meeting held Friday 5 June 2020 be received.

10. Regional Reports

Agenda Reference and Subject:	10.1 WEROC Inc Meeting Minutes May 2020
File Reference:	1.6.9.1 WEROC Meeting Minutes and Agendas
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	
Attachments:	<i>Item 10.1 Attachment A – WEROC Inc Board Meeting Minutes</i>

Summary

Council is asked to receive the minutes from the previous WEROC Inc Board Meeting.

Background

The last WEROC Inc Board Meeting was held on the 28th May 2020 via GoToMeeting Videoconference.

Comment

To encourage the WEROC Inc partnership and promote a better understanding by all Councillors it is recommended that WEROC Inc minutes be read and received by Council.

The following items are highlighted for Councils attention;

7.1 Annual Budget and Membership

The WEROC Inc Executive Officer presented the draft budget for WEROC Inc for the 2020/21 Financial Year.

Board members reviewed the budget and proposed membership subscription and resolved as follows;

This information was provided at the meeting and the following resolution was made;

*RESOLUTION: Moved: Mr. Raymond Griffiths Seconded: Mr. Darren Mollenoyux
That the WEROC Inc. draft budget for the year ending 30 June 2021, as presented,
with a general subscription for each Member Council set at \$12,000 (Ex. GST), be
adopted.*

7.2 Public Health Plans in Local Government

At the April WEROC In Board Meeting a presentation was given by Mr Llew Withers on the requirements of each Local Government to have a Public Health Plan within the next two years. WEROC Inc sought a quote from Mr Withers and this has been provided with the following comment;

Mr. Withers has advised that each Local Government needs to have a Plan tailored to the residents of that Shire and therefore it is not permissible to develop an overarching Public Health Plan for WEROC Inc. The cost per Shire will be \$10,000 plus up to \$500 in travel and accommodation.

On this information Council agreed at the May 2020 meeting that it would support engaging Mr Withers to undertake the WEROC Health Plans at an individual level. Further clarification was sought by the WEROC Inc Executive Officer to Mr Withers regarding the proposal and following

discussions at the WEROC Inc Board Meeting on the 28th May 2020 the following resolution was made;

- 1) WEROC Inc. will progress with the development of an overarching Health Plan that can be used as a proforma for the Member Councils to develop their individual Public Health Plans.*
- 2) The Executive Officer seek quotations for the development of a WEROC Public Health Plan.*

Since the WEROC Inc Board Meeting the Executive officer has provided this further update on the requirement and timing for Public Health Plans.

Please see below some additional information regarding Local Public Health Plans. I made an enquiry as to when the first Plan's need to be submitted as the 2023. It appears that Stage 5 of implementing the Public Health Act 2016 has not yet occurred and there is no firm date for when it will. Furthermore, WA Health is still reviewing the impact of the repeal of regulations and provisions under the old Act, which might alter the requirements of Local Governments in managing public health risks.

Advice from Department of Health

I can confirm that the provisions of the Public Health Act 2016 related to public health planning will come into effect at stage 5 of implementation and that stage 5 has not occurred yet.

The repeal of the Health (Miscellaneous Provisions Act) 1911 necessitate the repeal of the regulations that sit underneath it. WA Health is currently reviewing all those regulations, as well as a number of provisions within the Act, that will be repealed at stage 5. The aim is to determine whether these public health risks must continue to be regulated under the new regulatory framework provided by the Public Health Act or can be managed in other ways such as a local law, other legislation or a guideline.

In order for stage 5 to occur, all new subsidiary legislation must be ready to be enacted. While this work is underway it is subject to factors beyond the control of the Department of Health, including assessment by the department of Finance's Better Regulation Unit, drafting by the Parliamentary Council's Office and Parliamentary process. As a result, it is not possible to set a date for stage 5 to occur. We are hoping that it will occur during 2021 and will update our website as soon as we know when this will be.

A full copy of the minutes is provided as Attachment A for this agenda item.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Risk Implications

Risk: That Council does not receive the minutes or object to decisions of the WEROC Inc Board meeting.		
Likelihood	Consequence	Rating
Rare	Insignificant	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 12 Council leads the organisation in a strategic and flexible manner
- 12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple Majority

Officer Recommendation

That Council receives the minutes of the WEROC Board Meeting held on the 28th May 2020 via videoconference.

Voting Requirements

Absolute Majority

Officer Recommendation

That Council makes provision in the 2020/21 budget for annual WEROC Inc Subscription of \$12,000 *ex gst.*

Agenda Reference and Subject:	10.2	WALGA State Council Agenda
File Reference:	1.6.5.1	WALGA
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer	
Author:	Darren Mollenoyux, Chief Executive Officer	
Disclosure of Interest:		
Attachments:	<i>Item 10.2 Attachment A – WALGA State Council Agenda</i>	

Summary

Council is asked to review the WALGA State Council Agenda and provide direction for its voting delegate for the upcoming WALGA Great Eastern Zone Meeting.

Background

The following request has been received from WALGA;

You have recently received an email notifying you of the WALGA State Council agenda for the June 2020 round of Zone and State Council meetings. I thought I would send you a quick email to advise of some recent changes to the WALGA agenda process.

Following the review of WALGA State Council and Zone processes last year, State Council resolved to implement some changes to the agenda process. A key outcome of the review is to make the State Council agenda shorter, sharper, and more forward-looking with the aim of engendering greater engagement with the agenda by WALGA's members. It has also been resolved to cease the hard copy production of the State Council agenda.

The agenda has been distributed electronically to all CEO's and Elected Members.

A further outcome of the review is to request Chief Executive Officers to implement a process whereby State Council agenda items for decision are considered by Councils, either in formal Council meetings, or in briefing or concept forums. It would be beneficial for State Council agenda items for decision to be considered by Council in a formal or informal meeting to provide guidance and direction to their Zone representatives and to raise awareness of contemporary strategic advocacy and policy issues for all Elected Members and staff. In the June 2020 agenda, there are three items for decision to consider.

Comment

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA State Council Agenda and items requiring a decision be addressed by Council.

The following items that require direction from Council are;

5.1 WA Public Libraries Agreement

Executive Summary

- *The first Western Australian Public Libraries Strategy Consultation Report was endorsed by WALGA State Council in July 2018.*
- *WALGA State Council endorsed the new Public Library Tiered Service Model in May 2019.*

- *At its September 2019 meeting, State Council endorsed the transfer of ownership of stock from State to Tier 1 Local Governments and that the provision of Public Library services in Western Australia be delivered through a formal agreement between State and Local Government of Western Australia and governed by the Library Board Act 1951.*
- *The State Library of Western Australia, the Department of Local Government Sport and Cultural Industries, Public Libraries Western Australia and WALGA have consulted on a draft Library Agreement which is attached for WALGA State Council consideration.*

WALGA Recommendation

That State Council:

That the draft State and Local Government Agreement for Public Libraries be endorsed.

Additional reports in the agenda are for noting or information, if Councillors have any strong particular points or views they wish raised at the Zone meeting in reference to the Matters for Noting or Key Activities please raise them during the Council meeting so voting delegates can make comment.

A full copy of the State Council Agenda is provided as Attachment A.

Consultation

Nil

Statutory Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

12.2 Continue to build our voice and strategic projects within our regional groupings

Voting Requirements

Simple Majority

Officer Recommendation

That Council provides direction for its voting delegate for the WALGA State Council Agenda Items listed for consideration at the WALGA Great Eastern Zone Meeting on the 26th June 2020.

11. Officers' Reports

11.1 Manager of Finance

Agenda Reference and Subject:	11.1.1 Statement of Financial Activity
File Reference:	8.2.6.2 Financial Reporting
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance
Disclosure of Interest	
Attachment:	<i>Item 11.1.1 Attachment A – Statement of Financial Activity</i>

Summary

A statement of financial activity must be produced monthly and presented to Council.

Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

Comment

The financial statements for the month ending 31 May 2020 are available in the agenda attachment document.

Consultation

Darren Mollenoyux, Chief Executive Officer
 Alan O'Toole, Deputy Chief Executive Officer
 David Holland, Manager of Works and Services
 Mike Darby, Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Financial performance is not monitored against approved budget		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly financial report tracks the Shire's actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire's financial performance throughout the year.		

Financial Implications

Comparison of actual year to date to the 2018/19 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That the Statements of Financial Activity for the month ending 31 May 2020 as presented be received.

Agenda Reference and Subject:	11.1.2 List of Payments
File Reference:	8.2.3.3 Accounts Payable (Creditors)
Reporting Officer:	Jennifer Bow, Manager of Finance Officer
Author:	Mike Darby, Senior Finance Officer
Disclosure of Interest:	
Attachments:	<i>Item 11.1.2 Attachment A – List of Payments May 2020</i>

Summary

List of payments made since the last Ordinary Council Meeting.

Background

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also, in accordance with Finance Policy Number 2.3, included is a list of payments made with the CEO’s credit card.

Comment

Following is a list of payments made from Council’s Municipal and Trust Accounts and payments made with the CEO’s credit card for the month of May 2020.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

Consultation

Nil

Statutory Implications

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: Payments are not monitored against approved budget and delegation.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

Financial Implications

Payments must be made in accordance with 2019/20 Budget

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT to EFT totalling \$373,194.90**
 - b. Cheque number 24002 to 24009 totalling \$22,206.64**
 - c. Trust Cheque number 1941 totalling \$19,472.89**
 - d. Wages and Superannuation payments totalling \$186,808.26 and**
 - e. Credit Card payments \$559.03**

With all payments totalling \$601,682.69 for the month of May 2020.

Agenda Reference and Subject:	11.1.3	Budget Amendment for Advance Payment of FAGs and IT
File Reference:	8.2.7.1	Annual Budget
Reporting Officer:	Jennifer Bow, Manager of Finance	
Author:	Jennifer Bow, Manager of Finance	
Disclosure of Interest:		
Attachments:	<i>Nil</i>	

Summary

Budget amendments are required to recognise the advance payment of Federal Assistance Grants (FAGs) and IT upgrades deemed as necessary following the awarding of the IT tender.

Background

The Federal Government in response to the Covid-19 pandemic has given local governments an advance payment of the Federal Assistance Grants in late May 2020. A budget amendment will be necessary to reflect this inflow of funds.

Following the awarding of the Managed IT Services tender to Wallis Computer Solutions (WCS) at the last Council meeting, WCS has assessed our current hardware and software and identified several areas that are deficient and could result in our system not be secure. Several items have been identified that require to be updated immediately and cannot wait until the 2020-21 Budget.

Comment

The Grants Commission advised that the Federal Government will provide an advance payment of the 2020-21 funding pool, which will equate to approximately 50% of the pool. The payment was made in May 2020.

The Commission has determined that:

- Minimum grant local governments will receive their general-purpose grant allocation as usual, based on a per capita distribution in line with the National Principles.
- For local governments that are not minimum grant, the Commission has come to an in-principle agreement to freeze the general-purpose grants of these local governments for 2020-21. It is intended that this will ensure local governments will receive at least the same general-purpose grant as last year.
- Any increase in the total funding pool will be distributed amongst non-minimum grant local governments based on those who would have received an increase in an ordinary year.
- This has been enacted as a direct result of COVID-19 in recognition that a significant number of local governments have frozen rates, fees and charges and anticipated hardship in some rates groups. This may create difficulty for local governments to absorb any grant reductions.
- For budgeting purposes, it is recommended you use last year's general purpose grant figure (ensuring adjustment for the advance payment).
- This decision comes with the caveat, that if there was to be a reduction in funds provided to Western Australia, the Commission will need to reassess the policy and may need to pass on some reductions.

Road Grants:

- Road grants have not been frozen and will be calculated in their usual manner, based on the Asset Preservation Model.
- Using last year's allocation is the recommended approach for budgeting purpose.

The Grants Commission did note that this payment will not be 50% of our 2020-21 allocation as the advance payment was determined on the 2019-20 calculations. Any amounts received in advance that remain unspent at 30 June 2020 will be reflected in the balance carried forward into the 2020-21 financial year.

Alan O'Toole has been liaising with Nat Wallis from WCS after he was awarded the Managed IT Service tender. He has assessed our IT system and there are several elements that must be upgraded to ensure necessary security measures are in place when the switchover happens at the end of the month. Some of the hardware i.e. Firewall and Back-Up systems are different and cannot be switched.

IT Backups				\$11,724
	Backup Hardware	Datto IBC	12x \$598	7,176
	Backup MSA	File Server-Synergy	2x12x \$150	3,600
	Backup MSA	ALTUS	1x12x \$79	948
IT Security				\$5,840
	Firewall Appliance	Office	12x \$90	1,440
	Firewall Managed	Office	12x \$75	900
<i>ONCE OFF SETUP</i>	Firewall Installation	Office + Remote	1x \$3500	3,500
			TOTAL	\$17,564

Consultation

Darren Mollenoyux, Chief Executive Officer
Alan O'Toole, Deputy Chief Executive Officer

Statutory Implications

Regulation 33 of Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Risk Implications

Risk: That the 2019-20 Budget does not reflect the forecast expenditure and revenue for the remaining financial year.		
Likelihood	Consequence	Rating
Almost Certain	Moderate	High
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock's Risk Management Procedure's Risk Matrix. The perceived level of risk is considered to be "High" risk. As a High Risk, the Manager of Finance will be monitoring the progress regularly.		

Financial Implications

Increase in Capital Expenditure

- IT Upgrade (Backup Hardware Datto IBC) - \$7,176

Increase in Ordinary Expenditure

- Computer equipment & software - \$10,388

Increase in Ordinary Revenue

Total Federal Assistance Grant Advance Payment - \$1,379,485

- General Purpose Grant - \$883,952
- Roads Grant - \$495,533

Net Increase in Funds = 1,361,921

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

Officer Recommendation

That Council adopt the following amendments to Budget for 2019-20;

- Increase to revenue GL 032301 INCOME – WALGGC Roads Grant - \$495,533**
- Increase to revenue GL 032302 INCOME – Grants Commission Grant - \$883,952**
- Increase to expenditure GL 042205 EXPENSE – Computer Equipment & Software - \$10,388**
- Increase to capital expenditure J04208 IT Upgrade (Backup Hardware Datto IBC) - \$7,176**

11.2 Deputy Chief Executive Officer

Agenda Reference and Subject:

11.2.1 Shire Seal

File Reference:

Reporting Officer:

Melissa Schilling, Acting Deputy Chief Executive Officer

Author:

Caris Negri, Acting Executive Assistant

Disclosure of Interest:

Attachments:

Nil

Summary

Use of Shire President Stamp in May 2020

Background

Nil

Comment

As per Council's policy, the Shire Seal has been used during the months of May 2020 as follows:

- 26.05.20 – Caris Negri; Water Corporation Agreement – CEACA Units

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the use of the Shire Seal during May 2020

Agenda Reference and Subject:

11.2.2 Shire President Stamp

File Reference:

Reporting Officer:

Melissa Schilling, Acting Deputy Chief Executive Officer

Author:

Caris Negri, Acting Executive Assistant

Disclosure of Interest:

Attachments:

Nil

Summary

Use of Shire President Stamp in May 2020

Background

Nil

Comment

As per Council's policy, the Shire President Stamp has been used during the month of May 2020 as follows:

- 26.05.2020 – Caris Negri; Water Corporation Agreement – CEACA Units

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council endorse the use of the Shire President Stamp during May 2020

Agenda Reference and Subject:

11.2.3 Bruce Rock Playgroup – Request for Events

File Reference:

1.3.4.10 Bruce Rock Playgroup

Reporting Officer:

Melissa Schilling, Acting Deputy Chief Executive Officer

Author:

Melissa Schilling, Acting Deputy Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 11.2.3 Attachment A – Letter from Bruce Rock Playgroup

Summary

To present a request to Council to allow the Bruce Rock Playgroup to run two monthly events in addition to the regular Friday Playgroup Sessions and determine if this will result in an increase in the annual fee.

Background

This item was presented to the April Council Meeting but had to be tabled due to the closure of the Bruce Rock Playgroup during COVID-19 restrictions.

In March, the Shire of Bruce Rock recently received a letter (attached) from the Bruce Rock Playgroup requesting to hold an additional 2 events per month, one being “Mental Mum Monday’s” and the other “Dads Playgroup”. These events are designed to provide a safe place for parents to connect, share advice and feel supported by other parents in the community. Currently the Playgroup meet on Fridays during the school term.

Comment

The Bruce Rock Playgroup rent the building located at 80 Butcher Street Bruce Rock. The annual fee payable as per the 19/20 budget is \$600 per annum.

Council maintains the Bruce Rock Playgroup building and gardens, with the users responsible for cleaning after each visit. In the 19/20 budget \$15,055 was allocated and to date, \$11,770 has been spent with \$3,284 remaining. If Council choose to increase the annual fee, based on the current fees and charges, it is worked out that Playgroup pay approximately \$15 per session. If this formula is used, then over the approximate 18 additional visits per year it would work out to a \$270 per annum increase.

Consultation

Darren Mollenoyux, Chief Executive Officer

Jennifer Bow, Manager of Finance

Statutory Implications

Local Government Act 1995 s.6.16

6.16. Imposition of fees and charges

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- (3) *Fees and charges are to be imposed when adopting the annual budget but may be —(a) imposed* during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required.*

Policy Implications

Nil

Risk Implications

Risk: That the Playgroup use this building more often than the current agreement, increasing required maintenance that is carried out by Council Staff on the building and gardens.		
Likelihood	Consequence	Rating
Likely	Minor	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

If Council choose to allow Playgroup use of the building under their current agreement, this could result in an increase in maintenance on the building and gardens, compromising the current budget.

Strategic Implications

Please use the below formatting when referring to the plan.

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7 Positive mental health activities are delivered by community groups in partnership with the Shire

Governance

Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Absolute Majority

Officer Recommendation

That the Bruce Rock Playgroup be granted permission to hold an additional 2 events per month at the Playgroup Building in Bruce Rock and the new annual fee be set at \$_____ plus GST.

11.3 Chief Executive Officer

Agenda Reference and Subject:

11.3.1 CEO Annual Leave Request

File Reference:

Personnel

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Darren Mollenoyux, Chief Executive Officer

Attachments:

Nil

Summary

Council is asked to consider approval of Annual Leave and Executive Leave for the Chief Executive Officer and appoint an Acting CEO during his absence.

Background

The Chief Executive Officer is seeking leave commencing on Thursday 2nd July 2020 and returning on Wednesday 15th July 2020.

The CEO's leave proposed leave is as follows;

Executive Leave – 2nd & 3rd July 2020

Annual Leave – 6th to 15th July 2020 inclusive

Adequate Annual Leave is accrued to take the requested leave.

It is a requirement under the Local Government Act that an Acting Chief Executive Officer be appointed during these periods of absence.

Comment

I have held discussions with the Deputy CEO, Alan O'Toole and I am confident that Alan is capable and suitable to be appointed as Acting CEO during this period. I am conscious that Alan will have only been back onsite for a couple of weeks, however other Senior Managers and support staff will be available to adequately support Alan.

The Manager of Works has settled into the role well and I have confidence that he will adequately manage all works areas during this time.

Consultation

Stephen Strange, Shire President

Alan O'Toole, Deputy Chief Executive Officer

Melissa Schilling, Acting Deputy Chief Executive Officer

Statutory Implications

Local Government Act 1995

In particular:

5.36. *Local government employees*

(1) *A local government is to employ –*

(a) *a person to be the CEO of the local government; and*

- (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*

5.39. *Contracts for CEO and senior employees*

- (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting*

Policy Implications

Nil

Risk Implications

Risk: That adequate staffing resources are not available to cover the CEO's period of absence.		
Likelihood	Consequence	Rating
Unlikely	Minor	Low
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock's Risk Management Procedure's Risk Matrix. The perceived level of risk is considered to be "Low" risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

Financial Implications

It is general practice that the Acting Chief Executive Officer is paid higher duties during this time. This is budgeted for in the annual salaries and wages provision.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 10 Our organisation is well positioned and has capacity for the future
 Goal 12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council:

1. Approve the executive and annual leave of the Chief Executive Officer, Darren Mollenoyux for the period commencing on 2nd July 2020 to 15th July 2020, inclusive.
2. Appoint the Deputy Chief Executive Officer, Alan O'Toole as the Acting Chief Executive Officer for the period from 2nd July 2020 to 15th July 2020 inclusive and that Alan is paid at higher duties, equivalent to the current CEO, during this period.

Agenda Reference and Subject:

11.3.2 GROH Lease – 44 Curlew Drive, Bruce Rock

File Reference:

1.6.20.3 Government Officers Regional Housing

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Nil

Summary

Council is asked to consider proceeding with a request from Government Regional Officer Housing (GROH) to construct a new teacher's residence in 2020/21.

Background

In November 2019 Council agreed to lease a Council owned property to GROH for a long term lease and additionally agreed in principle to construct a residence for a long term lease to GROH for the housing of teaching staff and made the following resolution;

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Nov 19 – 11.5.10

Moved: Cr Rajagopalan

Seconded: Cr Dolton

- 1. That Council enters into a lease with The Housing Authority (acting through the Government Regional Officer's Housing Program) for Council's property located at 44 Curlew Drive, Bruce Rock for an initial period of 10 years.*
- 2. That Council set the rental price for 44 Curlew Drive at \$720 per week and advertise the new fee under the requirements of the Local Government Act.*
- 3. That Council agree to construct a new residence in line with GROH specifications in 2020/21 on cost recovery rental basis for a 10-year lease with the Housing Authority, pending agreement between both parties.*
- 4. That Council fund the construction of the new property in the 2020/21 budget though a WA State Treasury loan.*

CARRIED BY ABSOLUTE MAJORITY 9/0

Parts 1 and 2 of the Council resolution have been implemented, however part 3 and 4 may need to be amended due to varying factors.

Comment

Whilst Council had resolved to construct a second teachers' residence in 2020/21 recent events have significantly impacted Council's financial position. The following needs to be considered as to Council's continuation of constructing a GROH house;

- The effects of Covid19 have altered Council's priorities and projects due to financial commitments and staffing resources.
- With the Shire currently running a temporary supermarket due to the only grocery store in town burning down in March there are ongoing and unknown financial impacts.
- Current pressure from Auditor General and the Department of Sport and Recreation on financial debt ratios in the industry is a concern. Considering this building is for State Government

Employees it is not our core business and to potentially be scrutinized by the Auditor General and State Government for a debt ratio that is impacted by constructing a building for their staff, highlights an area of concern and perceived cost shifting.

- The other factor that should be considered is that by continuing to build GROH housing Council is in essence accepting cost shifting, where the State Government should be providing these properties and constructing them to assist the economy recover from Covid19 financial crisis.

Whilst parts 1 and 2 of resolution OCM Nov 19 – 11.5.10 have been actioned, they are not tied to the remainder of the resolution and there has been no progress taken for parts 3 and 4 to date. By amending Council’s previous motion Council is not proceeding with the construction of a residence for GROH teaching staff and will not proceed to seek a loan to fund the construction of this specific housing project.

Consultation

Jennifer Bow, Manager of Finance

Department of Communities & Housing - A/Program Manager – GROH Commissioning and Sector Engagement

Department of Education - Principal Consultant of Housing and Transport

Statutory Implications

Local Government Administration Regulation

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(e)

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) in any other case, by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

Policy Implications

Nil

Risk Implications

Risk: If Council does not lease 44 Curlew Drive to GROH then alternative leasing arrangements or use by Council would occur.		
Likelihood	Consequence	Rating
Possible	Minor	Moderate
Action / Strategy		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

Financial Implications

- Proposed House

The following table which outlines the details for the proposed loans for the GROH house at \$400,000 for 7 years and 10 years at the interest rate as at 14th November 2019. It is proposed that the house would be constructed in 2020/21.

Principal	Term of Loan	Interest Rate	Total Interest	Total GGF	Total Payable	Annual Repayment
\$ 400,000	7	1.42	\$ 21,626	\$ 18,522	\$ 440,148	\$ 60,232
\$ 400,000	10	1.64	\$ 35,330	\$ 27,360	\$ 462,690	\$ 43,533

The government guarantee charge is 0.7% of the outstanding loan balance, charged twice yearly.

Although we could have \$672,000 in loans (\$272,000 for current house and \$400,000). This increases the principal repayments. However, a higher ratio means we have enough cash to cover the repayments. Advanced is when the ratio is greater than 5. Currently ours is 13.5 for 2018-19, 15.5 – 2017-18 and 36 for 2016-17.

Council currently has one loan for the GROH house on Curlew Drive, however we may require new loans for other new priorities with the impact of the shop, main street revitalisation and potentially Council staff housing requirements.

In addition, as the leases are based on a cost recovery rental basis the cost of loan repayments will be covered by the rental income received annually.

Strategic ImplicationsShire of Bruce Rock Strategic Community Plan 2017-2027**Infrastructure**

- Goal 2 Maintain Shire owned facilities in a strategic manner to meet community needs
 - 2.2 Encourage greater usage of current Shire owned facilities
 - 4 Workers and their families can work and reside in the Shire
 - 4.2 Partnership approach to addressing rental accommodation for long term benefit of the Shire and local businesses

Governance

- Goal 12.5 Lead the organisation in a financially responsible and viable manner

Voting Requirements

Absolute Majority

Officer Recommendation

That Council resolves to amend Resolution OCM Nov 19 – 11.5.10, being;

Moved: Cr Rajagopalan Seconded: Cr Dolton

- 1. That Council enters into a lease with The Housing Authority (acting through the Government Regional Officer's Housing Program) for Council's property located at 44 Curlew Drive, Bruce Rock for an initial period of 10 years.***
- 2. That Council set the rental price for 44 Curlew Drive at \$720 per week and advertise the new fee under the requirements of the Local Government Act.***
- 3. That Council agree to construct a new residence in line with GROH specifications in 2020/21 on cost recovery rental basis for a 10-year lease with the Housing Authority, pending agreement between both parties.***
- 4. That Council fund the construction of the new property in the 2020/21 budget though a WA State Treasury loan.***

CARRIED BY ABSOLUTE MAJORITY 9/0

Agenda Reference and Subject:

11.3.3 Local Government Act Review Phase 1 Regulations

File Reference:

2.3.3.1 Local Government Act 1995

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Attachments:

Item 11.3.3 Attachment A – LG Consequential Regs

Explanatory Notes May 2020

Item 11.3.3 Attachment B – LG Regulations Amendment

Consultation Draft

Summary

Council is asked to consider and provide any comment on Local Government Act Review Phase One Regulations as provided by the Department of local Government.

Background

The Department of local Government has written to Councils' seeking Comment on the Local Government Regulations Amendment (Consequential) Regulations 2020.

The Local Government Regulations Amendment (Consequential) Regulations 2020 will bring into effect measures relating to:

- The harmonisation of the appointment of authorised persons across multiple pieces of legislation in the local government portfolio;
- Local and state-wide public notices; and
- Improved access to information, including through publication on the local government's website.

A consultation draft and explanatory notes have been prepared and comment on these will be accepted up until the 13th July 2020. **A copy of the consultation draft and explanatory notes are attached.**

In addition, WALGA is also seeking the sectors feedback by the 3rd July 2020 to ascertain their position on the consultation draft and explanatory notes. WALGA's Info Page states;

"The Local Government Legislation Amendment Act 2019 provided for numerous amendments to the Local Government Act, some of which have commenced including universal training and amendments to gift provisions.

Consequential amendments to regulations are now required to effect further change and the Department of Local Government, Sport and Cultural Industries has released the Local Government Regulations Amendment (Consequential) Regulations 2020 for this purpose. The Department has also prepared Explanatory Notes as an aid to understanding the effect of the proposed regulations. The Department advises that the regulations principally relate to:

- *the harmonisation of the appointment of authorised persons across multiple pieces of legislation;*
- *local and statewide public notices; and*
- *improved access to information, including through publication on Local Government websites.*

WALGA is pleased that the privacy concerns expressed in relation to the proposal to make publicly available primary and annual returns on websites has been noted, with only the positions of officers publicised (the returns themselves will not be published)."

Comment

These consequential amendments are required to implement the Department of Local Government’s changes to the Local Government Act. The aim of the changes to regulations aim to;

- Reduce Red Tape
- Introduce Administrative Efficiencies
- Drafting Improvements
- Recognising the Usage of New Technologies
- Improving Accountability
- Creating Transparency

These regulations will bring into effect the remaining parts of the Local Government Legislation Amendment Act 2019, apart from the best practice standards for CEO recruitment, performance review and termination, and the new Code of Conduct which are both being drafted. (New subsection 5.88(2A) relating to publication of the financial interest register will not be enacted.)

The Explanatory Notes are attached and outline the sections of the Local Government Act that are affected, the regulation amendment, explanatory note, and the theme of each amendment.

Consultation

The document has also been provided to other senior staff members for their input and comments

Statutory Implications

Local Government Act 1995

Local Government Regulations Amendment (Consequential) Regulations 2020

Policy Implications

Nil

Risk Implications

Risk: Some compliance will be modernised and may be streamlined from legislative changes that could occur. However there is additional requirements in other areas proposed with costs and administrative burden potentially increase.

Likelihood	Consequence	Rating
Likely	Moderate	Moderate

Action / Strategy

This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.

Financial Implications

With some of the changes there will be administrative efficiencies and use of technology which will reduce cost of printed advertising requirement, such as adverts in the West Australian Newspaper which can be quite expensive. On the other hand, there are some additional reporting requirements that may increase administrative workloads.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Governance

- Goal 10 Our organisation is well positioned and has capacity for the future
12 Council leads the organisation in a strategic and flexible manner

Voting Requirements

Simple Majority

Officer Recommendation

That Council review the Department of Local Government’s Explanatory Notes on the proposed Local Government Regulations Amendment (Consequential) Regulations 2020 and provide any comment on areas of concern or that they do not support.

- 12. New Business of an urgent nature introduced by discussion of the meeting**
- 13. Confidential Items**
- 14. Closure of Meeting.**