

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 21 JUNE 2018

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SHIRE OF BRUCE ROCK
MINUTES – ORDINARY MEETING 21 JUNE 2018

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 10.30am.

2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr IS Dolton
	Cr NC Kilminster
	Cr PG Negri
	Cr MK Thornton
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Ms CJ Dunn
(Temporary) Deputy Chief Executive Officer	Mr A O’Toole
Executive Support Officer	Mrs MJ Schilling
Manager of Finance	Mrs JL Bow (1.23pm to 3.49pm)
Environmental Health Officer	Mr J Goldacre (11.21am to 11.41am)
Manager of Works and Services	Mr G Casley (11.42am to 11.55am) (1.38pm to 3.50pm)
Leave of Absence	Cr SBV Buller
	Cr MJ Royce

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

Nil

5. Public Question Time

Nil

6. Petitions/Deputations/Presentations/Submissions

Nil

7. Applications for Leave of Absence

Nil

8. Announcements by Presiding Member

Nil

9. Confirmation of Minutes

Ordinary Meeting of Council held on Thursday 17 May 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 9.1

Moved: Cr Dolton
Seconded: Cr Thornton

That the minutes of the Ordinary Meeting of Council held Thursday 17 May 2018 be confirmed as a true and correct record.

Carried 7/0

Audit Committee Meeting held on Thursday 17 May 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 9.2

Moved: Cr Thornton
Seconded: Cr Waight

That the minutes of the Audit Committee held Thursday 17 May 2018 be received.

Carried 7/0

Works and Services Committee Meeting held on Friday 8th June 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 9.3

Moved: Cr Dolton
Seconded: Cr Rajagopalan

That the minutes of the Works and Services Meeting held Friday 8th June 2018 be received.

Carried 7/0

10. Status Report

Presentation of Status Report for May 2018 Resolutions

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
Resolution May 18 – 12.3.4 Non-Adherence to Purchasing Policy	That Council are notified of the breach to the Purchasing Policy and that the Purchasing Policy is amended to include procedures for utilising WALGA's Preferred Suppliers Panel.	MOF	Staff have been advised to adhere to the purchasing policy.
Resolution May 18 – 12.4.1 Review of Delegated Authority Register	That the Chief Executive Officer be provided with the specified delegations as per the attached table; and That sub delegations to authorised officers be confirmed as per the attached table.	DCEO	The CEO has been provided with a letter from the Shire President confirming his delegations and the delegations register has been updated.
Resolution May 18 – 12.5.1 Roe Tourism – Annual Financial Contribution	That Council makes budget provision of \$2,500 for membership and \$2,500 for financial support towards an Executive Officer for ROE Tourism in the 2018/2019 financial year.	CEO	Letter has been sent to Roe Tourism confirming Council's Financial Contribution for 2018/19.
Resolution May 18 – 12.5.2 WALGA 2018 Local Government Convention	That Council appoints Cr Stephen Strange and Cr Ramesh Rajagopalan as voting delegates and Cr Dolton and Cr Waight as proxy voting delegates at the WA Local Government Association AGM to be held on the 1st August 2018.	CEO	Registration of voting delegates has been completed. Councillors are reminded to return their registrations to Mel.
Resolution May 18 – 13.1 Lease of Equestrian Reserve	That Council wishes to advertise the lease of the Reserve 17601, Lot 211 Mitchell Street, Bruce Rock for the purposes of equestrian for a period of three years and for the annual contribution of \$800.	CEO	Advertising has been undertaken for Expression of Interest for lease.
Resolution May 18 – 13.2 Tender 2.2017/18 – Residence for Visiting Health Professionals	1. That Council does not award Tender 2.2017-18 New Hospital Residence, due to the withdrawal of funding by the Bruce Rock Memorial House Committee and that each tenderer be advised in writing outlining the decision. 2. That Council no longer proceeds with the construction of a house for visiting health professionals in the 2017/2018 financial year. 3. Should donations or funding become available in the future Council may reconsider the project at that time.	CEO	Letters sent to all tenderers advising of Councils decision.
Resolution May 18 – 13.3 Shire of Bruce Rock Rebrand	That Council endorses Concept 1A (prepared by Market Creations) as the Shire of Bruce Rock's new logo including the proposed tag line and that a corporate style guide be prepared incorporating the new brand.	CEO	The launch is proposed for Friday 20th July 2018.

Status Report

Ongoing items as at June 2018

ITEM	RESOLUTION / ACTION REQUIRED	RESPONSIBLE OFFICER	RESPONSE OR STATUS
Resolution August 16–13.1.10 Duplicate Road Name – Buller Road	Council resolved to request that Buller Road outside of the town site be renamed to Buller North Road, and the Buller Road within the gazetted town site be renamed to Buller St.	MOF	Council has been contacted by Landgate to validate address and duplicate road names will be addressed once process is completed by Landgate.
Resolution March 17 - 11.5.2 CEACA – Sale of Land for Independent Living Units	That in accordance with section 3.58 of the Local Government Act Council resolves to dispose of Lots 26,27,28, 56 and 57 Butcher Street, Bruce Rock to the Central East Aged Care Alliance (CEACA) Inc. under the following terms; a) At no cost, as the land is Council’s in-kind contribution to the CEACA Independent Living Unit’s project; b) All outgoings including rates, insurance and utilities to be paid by CEACA.	CEO	Advice given to CEACA on the transfer of land, awaiting CEACA response with details to complete documentation.
Resolution September 17 – 13.1.2 Provision of Housing for GROH	That Council approves the Chief Executive Officer to investigate floor plans and building costs for a four bedroom, two-bathroom residence to be constructed at 118 Curlew Drive, Bruce Rock to be leased to GROH for teaching staff; and The proposal be presented back to Council for approval prior to progressing to stage 2 of the process set out by GROH.	CEO	The CEO has held further discussions and is finalising details of the proposal.
Resolution December 17 – 12.5.4 Rental Accommodation	That staff engage an appropriate consultant to prepare a Housing Needs Analysis focusing on Rental Accommodation for the Shire.	CEO	Liaising with Access Housing to seek consultation for Housing Needs Analysis for Bruce Rock.
Resolution Mar 18 – 12.5.5 Strategic Community Plan – Public Comments	1. That Council considers the public submission/s that were received relating to its Strategic Community Plan. 2. That Council adopts the Shire of Bruce Rock Strategic Community Plan 2017-2027 with any changes that it deemed appropriate from public submission.	CEO	Plan is currently with the publisher who is making final changes before final print.

<p>Resolution Mar 18 – 12.5.6 Request for BMX Track</p>	<p>That Council staff undertake initial consultation with key groups to ascertain the best location and wants/needs of the youth for the establishment of a BMX track within Bruce Rock town site. With further information to be presented to Council on the insurance and compliance matters that may be associated with the establishment of a track and its location. And That Council staff investigates the options available and potential required area for any future expansion of the Bruce Rock Caravan Park located on Reserve 24756 and report details back to Council for consideration.</p>	<p>CEO</p>	<p>Due to workload this has not been actioned. It is envisaged that this will occur in late April 2018.</p> <p>The CEO and CDO have held a workshop with the school students. Data and results are now being compiled.</p>
<p>Resolution Mar 18 – 12.5.11 Hockey Turf Lighting Project and Surrounds Update</p>	<p>1. Council submits a CSRFF grant application for a power upgrade to the Bruce Rock Recreation Centre and for the supply and installation of lighting to the hockey turf for the round closing in September 2018. 2. That Council considers the Bruce Rock Hockey Club’s request for a contribution of \$17,500 towards the purchase of a turf sweeper/cleaner and if approved a budget variation be made to purchase in the 2018/19 financial year.</p>	<p>CEO</p>	<p>Letter sent to Hockey Club advising of Council’s decisions.</p>
<p>Resolution Mar 18 – 12.5.12 Review of Local Laws Outcome Report</p>	<p>1. That the Shire of Bruce Rock adopt the report of the review of the local laws under S3.16 of the Local Government Act 1995 and note that no community submissions were received in respect to the following local laws:</p> <ul style="list-style-type: none"> • Activities on Thoroughfares and Trading in Public Places Local Law 2004; • Dogs Local Law 2005; • Parking and Parking Facilities Local Law; • Local Law Relating to the Management and Control of Bruce Rock Cemetery 2004; • Local Laws Relating to Fencing; • Local Government Property Local Law; and • Local Government Model By-laws Removal and Disposal of Obstructing Animals or Vehicles No 7. <p>2. That the Shire of Bruce Rock determine that the outcome in respect to each local law is as follows:</p> <p>a. Shire of Bruce Rock Activities on Thoroughfares and Trading in Public Places Local Law 2004 be amended as outlined in the report;</p> <p>b. Shire of Bruce Rock Dogs Local Law 2005 be amended as outlined in the report;</p> <p>c. Shire of Bruce Rock Parking and Parking Facilities Local Law not be</p>	<p>CEO</p>	<p>Referred back to Consultant.</p>

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	<p>amended due to the minimal nature of the amendments;</p> <p>d. Shire of Bruce Rock Local Government Property Local Law be amended as outlined in the report;</p> <p>e. Shire of Bruce Rock Local Law Relating to the Management and Control of Bruce Rock Cemetery 2004 be amended as outlined in the report;</p> <p>f. Shire of Bruce Rock Local Laws Relating to Fencing be amended as outlined in the report;</p> <p>g. Shire of Bruce Rock Local Government Property Local Law be amended as outlined in the report; and</p> <p>h. Shire of Bruce Rock Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No 7 be further reviewed to determine whether existing local laws or legislation may satisfy the purpose and effect of the local law.</p>		
Resolution Apr 18 – 12.3.3 Community Budget Requests	That Council reviews and ranks in order of deemed importance the following projects in the 2018/19 budget, subject to funds available and budget adoption.	MOF	Community groups have been advised and allocations will be included in 2018/19 Budget Preparations.
Resolution Apr 18 – 12.5.3 WALGA Honours Program	That Council nominates Cr Strange for the Eminent Service Award in the 2018 WALGA Honours Program 2018.	CEO	Forms completed and submitted by deadline on 11 May 2018.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 10.1

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council receives the Status Reports as presented.

Carried 7/0

11. Regional Reports

Agenda Reference and Subject:

11.1 CEACA Meeting May 2018

File Reference:

CEACA

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to receive the minutes from the previous CEACA Meeting.

Background

The 11-member Councils of the Central Eastern Aged Care Alliance (CEACA) held the following meetings in May 2018;

Special Committee Meeting held in Kellerberrin on 2nd May 2018

Comment

To assist with the Councillors continued understanding and updates on CEACA and its associated projects, the minutes will be presented for receiving after each CEACA Meeting.

The Special Committee Meeting of CEACA was held to address the Executive Officer contract and to resolve the 2018/19 Budget and General Subscription of \$20,000 per Council.

A copy of the minutes has been provided to Councillors.

Consultation	Nil
Statutory Implications	Nil
Policy Implications	Nil
Financial Implications	Nil

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

- Goal 7 Community are engaged and have a healthy lifestyle
 - 7.1 Encourage and help facilitate the administration of the planned CEACA units
 - 7.3 Continue to work towards achieving the strategies of the Age Friendly Community Plan

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 AND COUNCIL DECISION

Resolution OCM June 18 – 11.1

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Council receives the minutes and endorses the actions and resolutions of the CEACA Minutes from the Special Committee Meeting held on the 2nd May 2018 at the Kellerberrin Recreation Centre

Carried 7/0

Agenda Reference and Subject:

11.2 WEROC Council Meeting May 2018

File Reference:

1.6.9.1

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

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

Background

The last WEROC Council Meeting was held on Wednesday 2nd May 2018 at the Kellerberrin Recreation Centre.

Comment

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

A copy of the minutes has been provided to Councillors for information.

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 AND COUNCIL DECISION

Resolution OCM June 18 – 11.2

Moved: Cr Thornton

Seconded: Cr Rajagopalan

That Council receives the minutes of the WEROC Council Meeting held on Wednesday 2nd May 2018 at the Kellerberrin Recreation Centre.

Carried 7/0

Agenda Reference and Subject:

11.3 WALGA Zone Meeting April 2018

File Reference:

1.6.5.6

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Council is asked to receive the minutes from the previous WALGA Great Eastern Zone Meeting.

Background

The last Great Eastern Zone Meeting was held on the 26th April 2018 at the Merredin Regional Community and Leisure Centre.

Comment

To encourage the improved awareness and promote a better understanding by all Councillors it is recommended that WALGA Zone minutes be read and received by Council.

The following items from the minutes are drawn to Councillors attention;

7.1 Budget and Membership Subscription

The budget was adopted as presented in the minutes and the annual membership subscription for 2018/19 was set at \$3,500.

7.2 Executive Officer Services

Expressions of Interest were called for the provision of Executive Services for the Zone and two applications were received being; BHW Consulting and WALGA. Discussion was held as to the preferred option and the following resolution was made;

That GECZ engage WALGA to provide executive support for 12 months (1-7-18 to 30-6-19) provided:

- 1. A senior officer from WALGA provide that service.*
- 2. That KPI's be developed by the Executive Committee by August.*

7.6 Power/Telecommunication Outages

At the Great Eastern Country Zone Executive Committee Meeting held Tuesday 17 April 2018 Cr Sachse, President Shire of Mt Marshall, raised the issue of the storms experienced in the region on Good Friday 2018 and the resultant power and telecommunication outages experienced across the region as a result of the storm event.

Cr Sachse explained that within his own Shire (Mt Marshall) there was a complete communications failure, both landline and mobile phones, across the entire Shire. This is an issue that has affected Councils within the Zone previously.

The Shire has raised the matter with the Wheatbelt DEMC and whilst the issue is one that is largely related to Telstra it believes the matter needs further consideration. It was agreed that the matter be raised for discussion at the next meeting of the Great Eastern Country Zone.

Cr Sachse commented that he believed the matter of resolving this issue should be driven by WALGA, with meetings arranged to develop solutions to the matter of power outages across the central and eastern Wheatbelt. Both State and Commonwealth agencies should be involved in these discussions.

This matter has been raised by the Shire of Bruce Rock for several years now and we have been corresponding and advocating the matter to be resolved.

The following resolution was made;

That the Great Eastern Country Zone in conjunction with WALGA and the State Emergency Management Committee seek meetings with relevant Commonwealth agencies to develop resolutions to the ongoing power outages being experienced in parts of the central and eastern Wheatbelt.

9.3 Review of WALGA State Council Agenda

5.12 Proposed Amendments to the WALGA Constitution

In reviewing the WALGA State Council Agenda at the GECZ Meeting on Thursday 26 April 2018 the meeting considered proposed amendments to the WALGA State Council Constitution (WALGA State Council Agenda Item 5.12 Proposed Amendments to the WALGA Constitution (01-001-01-0001)).

Whilst it accepted the WALGA recommendation, the meeting also considered the matter of the size of membership to State Council. This discussion followed comments at the March Meeting of the GECZ by Cr Strange that the size of the State Councils should be reviewed, with Cr Strange suggesting that 24 State Councillors may be too many and as such a review of membership on State Council should be undertaken.

Following this discussion, it was resolved as shown below;

That the matter of representation on State Council be referred to Member Councils for consideration with responses to be considered at the June Meeting of the Great Eastern Country Zone.

Council's views are sought on this matter?

A full copy of the minutes has been provided to Councillors.

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 receives the minutes of the WALGA Great Eastern Zone Meeting held on the 26th April 2018 in Merredin.

And

Council provides comment on the matter of representation on the WA Local Government Association State Council.

Council decision differed from officer recommendation as Council provided direction on the representation on state Council.

COUNCIL DECISION

Resolution OCM June 18 – 11.3

Moved: Cr Thornton

Seconded: Cr Waight

That Council receives the minutes of the WALGA Great Eastern Zone Meeting held on the 26th April 2018 in Merredin.

And

Council provides agrees that the level f representation on the WA Local Government Association State Council needs to be reviewed and any reduction should provide equal split of Metropolitan and Regional.

Carried 7/0

Mrs CJ Dunn left the Council Chambers at 11.18am.

Mrs CJ Dunn returned to the Council Chambers at 11.19am.

Mr J Goldacre entered the Council Chambers at 11.21am.

Mrs MJ Schilling left the Council Chambers at 11.24am.

Mrs MJ Schilling left the Council Chambers at 11.27am.

12. Officers' Reports

12.1. Environmental Health Officer

Agenda Reference and Subject:

12.1.1 Environmental Health Officer Information Bulletin for the period of April & May 2018

File Reference:

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Nil

Summary

To accept the Environmental Health Officer (EHO) Information Bulletin for the period of April & May 2018 for activities undertaken.

Background

The Environmental Health Officer will provide a report of activities undertaken during the preceding Month inclusive of Deputised and Delegated functions. This Information Bulletin will cover the months of April & May 2018.

Comment

- The Aquatic facility and Hydro Pool are under the supervision of the EHO with the assistance of the Handyman Crew during the absence of the Pool Manager during the off season. The Pool Manager is attending one day a month to flush the filters to keep the pool in a state to assist with pool opening season start up regimes. The Hydro pool has been hands on due to the enclosed nature of the pool. Chemical balance is important and regular fresh water flushing is required. Water from the hydro pool is now discharged into the roadwork tank for use on jobs to preserve water;
- The EHO assisted with an enquiry regarding erecting a fence in relation to governing Laws which requires, Planning, Building and fencing local law observance. The matter was finalised with clear objectives documented;
- The EHO has undertaken Commercial building and public building inspections throughout the Shire for the budget preparation for the 2018-2019 period;
- The Recreation Centre roof valley channel which caused water ingress into the children's play room has now been rectified. The main issue to cause flooding was the valley channel was too narrow to accommodate the rain collected on the large area of roofing. In recent times two 15mm to 20mm rainfall events have proven the new larger and better designed valley channel to have coped well;
- Mice reported at the recreation centre have being dealt with by the pest controller. This time of year, sees mice seeking refuge inside buildings as the temperature drops. The mice control plan implemented is professional and results should be seen in two to three weeks;
- Building development is active with the EHO assisting proponents through Building, Planning and Septic requirements and finding the best way forward to achieve suitable outcomes;
- The EHO used Council delegated authority for the issuing of two 'Approvals to Construct' apparatus for the treatment of sewerage (**Delegated Authority Resolution OCM Sep 17-12.1.3**) for a rural and townsite property;
- The EHO inspected the Ky-Brelka Holiday house to investigate progress since planning approval was granted in 2017. Works are ongoing and the best way forward was explained to clarify some matters raised. A soil absorption test was undertaken for the apparatus for the treatment of sewerage;
- The Bruce Rock Hotel was inspected to undertake an assessment of the documents served to determine progress with works;
- The EHO is assisting the proponents who are developing a fast food takeaway shop at the Great Southern Fuels building on Osborne Street. To date works are progressing well and formal approval for the food business can progress;

- Works and upgrades have been undertaken at the Nunagin Units communal septic pump tank and a review of building pumping into this tank is to be initiated with the STED scheme coming online in the future;
- The septic systems at the Farrall Street units had an occurrence requiring the overhaul of the septic system which was accomplished to good effect without too much inconvenience to the occupiers of the units;

The EHO took leave over April and May.

Consultation

Nil.

Statutory Implications

Local Government Act 1995;
Health (Miscellaneous Provisions) Act 1011
Building Act 2011;
Planning and Development Act 2005;

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7.7 Environmental Health Services

Voting Requirements

Simple majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.1.1

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

To accept the Environmental Health - Authorised Officer Information Bulletin for the period of April and May 2018.

Carried 7/0

Agenda Reference and Subject:

12.1.2 Retrospective extension of current Avon Waste Recyclables

Collection Contract

File Reference:

1.1.8.1 - Contracts

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Nil

Summary

That Council invites Avon Waste to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 and should Avon Waste be accepting Council will endorse the continuation of the kerbside and bulk bin recycling collection services until the 22 October 2019. That the Chief Executive Officer is authorised by this Resolution of Council to undertake the required correspondence to facilitate this matter.

Background

At the Ordinary Council Meeting of the Shire of Bruce Rock held on the 16 August 2012 Council accepted the quotation from Stondon Pty Ltd trading as 'Avon Waste' (Avon Waste) for the provision of kerbside and bulk bin recycling collection services (Councils resolution Aug12-7.1.2):

Resolution Aug12-7.1.2

Moved Cr Rajagopalan Seconded Cr Thornton

That Council accept the quotation from Avon Waste to provide a kerbside recycling service to the towns of Shackleton and Bruce Rock using a 240l yellow lidded bin and to provide a 4.5cum recycling bin facility for recycling programs at the Recreation Centre and two such facilities at the Landfill site.

Carried 8/0".

During a recent due diligence review of current contracts, it was discovered that the term of the contract for the provision kerbside and bulk bin recycling collection services (Contract) required Council endorsement to extend the Contract and this had not occurred.

Comment

The Deed for the contract was signed and sealed on the 1 December 2012 with the Contract Term commenced on the 22 October 2012 for a period of four years as per Clauses 2.1 and 19.1 of the Contract (**ATTACHMENT 12.1.1**). The Contract through Clause 19.2 permits Council to give notice to extend the Contract for a further three years and this has been found to have not occurred. Fortunately, due to recent Contract reviews this matter has been picked up and is now under the management of two staff being the Deputy Chief Executive Officer and the Environmental Health & Authorised Officer (EH&AO) and is now presented to Council for formal Contract extension.

Since the term of the contract from the 22 October 2012 to now, there have been no clear and present incidences where Council would have cause or reason to be dissatisfied with the recycling collection service provided by Avon Waste. Council is also not aware of any breaches of the Contract other than the expiry of the four years without notice to formally extend to which Avon Waste have not lodged a concern. In order to clear up the matter of the Contract terms described in Clause 19.2 it is offered that Council undertake to formally write to Avon Waste endorsing their continued services and pursuant to Clause 19.2 invite the extension of the Contract until the 22 October 2019. Furthermore, pursuant to Clauses 13.1 and 13.2 of the Contract, Council is to request copies of current Certificates of Currency pertaining to Public Liability Insurance and Workers Compensation Insurance for the Shire of Bruce Rock corporate records.

In anticipation that the invitation to extend the Contract be accepted by Avon Waste, then Council resolves in this instance to formally endorse the Contract extension as provided in Clause 19.2 to the date of the 22 October 2019. Furthermore, Council will endorse the retrospective portion of the Contract currently operational since the 22 October 2016. The extension of the Contract shall maintain the collection rate payable as negotiated under the Contract and contain the same terms and conditions as detailed in Clause 19.2.

Consultation

Mrs C Dunn DCEO

Statutory Implications

Local Government Act 1995.

Policy Implications

Nil.

Financial Implications

Annual budgeted amount of \$38,000 + CPI increases as applicable under the terms of Clause 4.2 of the Contract.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7.7 Environmental Health Services

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.1.2

Moved: Cr Dolton
Seconded: Cr Rajagopalan

- 1. To formally write to Stondon Pty Ltd trading as 'Avon Waste' to offer to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 as detailed in the Deed signed by Stondon Pty Ltd and the Shire of Bruce Rock on the 1 December 2018 and authorises the Chief Executive Officer to undertake this process for Council by authority of this Resolution; and**
- 2. Should Stondon Pty Ltd trading as 'Avon Waste' be accepting to retrospectively continue to provide the kerbside and bulk bin recycling collection services until the 22 October 2019 that Council pre-emptively endorse this acceptance to continue to use Stondon Pty Ltd for the provision kerbside and bulk bin recycling collection services until the 22 October 2019 and authorises the Chief Executive Officer to undertake to formally endorse this service on behalf of Council by authority of this Resolution.**

Carried 7/0

Agenda Reference and Subject:

12.1.3 Extension of current kerbside refuse collection and landfill management contract.

File Reference:

1.1.8.1 - Contracts

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Nil

Summary

That Council invites Mr Peter Fuchsbichler to continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 and should Mr Peter Fuchsbichler be accepting Council will endorse the continuation of the kerbside refuse collection and landfill management until the 30 May 2019. That the Chief Executive Officer is authorised by this Resolution of Council to undertake the required correspondence to facilitate this matter.

Background

At the Ordinary Council Meeting of the Shire of Bruce Rock held on the 18 May 2017 Council resolved to accept the quotation from Mr Peter Fuchsbichler for the provision of kerbside refuse collection and landfill management in the event it was the preferred bid during the quotation period (Councils Resolution OCM May 17-12.4.3):

“OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 17 – 12.4.3

Moved: Cr Rajagopalan Seconded: Cr Dolton

That Council:

Considers the contract and provides feedback on the preferred supplier if all quotes are received.

And

If Council chooses Mr Peter Fuchsbichler’s quote as the preferred bid, that Council authorise the Shire President and the Chief Executive Officer to sign the Waste Services Contract.

Carried 9/0”.

The quote from Mr Peter Fuchsbichler was successful and the contract for services for one year was completed with the option to extend for a further one-year period. During a recent due diligence review of current contracts, it was discovered that the term of the contract for the provision of kerbside refuse collection and landfill management (Contract) required Council endorsement to extend the Contract and this had not occurred. The Contract expired on the 30 May 2018.

Comment

The Deed for the Contract Term commenced on the 1 June 2017 for a period of one year as per Clauses 2.1 and 21.1 (**ATTACHMENT 12.1.3**). The Contract through Clause 21.2 permits Council to give notice to extend the Contract for a further one year and this has been found to have not occurred. Fortunately, due to recent Contract reviews this matter has been picked up and is now under the management of two staff being the Deputy Chief Executive Officer and the Environmental Health & Authorised Officer (EH&AO) and is now presented to Council for formal Contract extension.

Since the term of the contract from 1 June 2017 operational matters in breach of the Contract terms have been able to be resolved through discussions with Mr P Fuchsbichler and the EH&AO to a good outcome. Council is not aware of any breaches of the Contract other than the expiry of the one-year term without notice to formally extend to which Mr P Fuchsbichler has not lodged a concern. In order to clear up the matter of the Contract terms described in Clause 21.2 it is offered that Council undertake to formally write to Mr P Fuchsbichler endorsing his continued services pursuant to Clause 21.2 and invite the extension of the Contract until the 30 May 2019. Furthermore, pursuant to Clauses 15.1 and 15.2 of the

Contract, Council is to request copies of current Certificates of Currency pertaining to Public Liability Insurance and Workers Compensation Insurance for the Shire of Bruce Rock corporate records.

In anticipation that the invitation to extend the Contract be accepted by Mr P Fuchsbichler, then Council resolves in this instance to formally endorse the Contract extension as provided in Clause 21.2 to the date of the 30 May 2019. Furthermore, Council will endorse the retrospective portion of the Contract currently operational since the 1 June 2018. The extension of the Contract shall maintain the collection rate payable as negotiated under the Contract and contain the same terms and conditions as detailed in Clause 21.2.

Consultation

Mrs C Dunn DCEO, Mr D Mollenoyux CEO

Statutory Implications

Local Government Act 1995.

Policy Implications

Nil.

Financial Implications

Annual budgeted amount of \$73,000 + CPI increases as applicable under Clause 21.2 and Clauses 5.1 and 5.2 of the Contract.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Community

Goal 7.7 Environmental Health Services

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.1.3

Moved: Cr Dolton
Seconded: Cr Waight

That Council resolves to:

- 1. To formally write to Mr P Fuchsbichler to offer to retrospectively continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 as detailed in the Deed signed by Mr P Fuchsbichler and the Shire of Bruce Rock and authorises the Chief Executive Officer to undertake this process for Council by authority of this Resolution; and**
- 2. Should Mr P Fuchsbichler be accepting to retrospectively continue to provide the kerbside refuse collection and landfill management until the 30 May 2019 that Council pre-emptively endorse this acceptance to continue to use Mr P Fuchsbichler for the provision of kerbside refuse collection and landfill management until the 30 May 2019 and authorises the Chief Executive Officer to undertake to formally endorse this service on behalf of Council by authority of this Resolution.**

Carried 7/0

Mrs C. Dunn left the Council Chambers at 11.40am.

Mrs C. Dunn returned to the Council Chambers at 11.41am.

Mr G Casley entered the Council Chambers at 11.42am.

Mr J Goldacre left the Council Chambers at 11.42am.

12.2. Manager of Works & Services

Agenda Reference and Subject:

12.2.1 Works & Services Information Report

File Reference:

Reporting Officer:

Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Nil

Town & Gardening Crew

- Street sweeping carried out in Bruce Rock townsite
- General clean up after the storm
- Ramirez Park cleaned up
- Drainage completed at the rec centre
- Footpath completed at the rec centre
- Main street cleaned up
- Removal of old fence along north side of Dunstall Street ready for installation of new fence
- Clean up gardens at FESA building.
- Retic work at the pool

Construction Crew

- Cumminin Rd re-sheet well under way
- Maintenance grading on Bruce Rock - Narembeen Rd
- Commenced grading roads South East corner of the Shire

Workshop

- BK511 - Hydraulic rams reseal
- BK9354 - Repair trailer light wiring
- BK9340 - Replace trailer plug
- BK373 - Make up retaining bush for bucket pin
- BK512 - Service and flush cooling system
- BK9071 - Replace wheel bearings and repair light wiring
- BK062 - Repair tray and make up new sides
- BK3 - 40,000 service
- BK851 - Repair digger oil leak
- 20 vehicle inspections carried out this month

Rec Centre

- Oval mowed
- Oval marked for football
- Oval verti mowed
- Oval surrounds cleaned
- Rec Centre surrounds cleaned
- Oval sprayed for clover
- Back filling behind new kerbing is nearly complete

Vehicles/Machinery Changeover

- CEO's new car is due to be delivered in early July.

Dams

Dam	Current	Capacity
Railway Dam	19,000kl	32,000kl full
Negri Dam Rear	11,000kl	115000kl full
Negri Dam Front	3,500kl	15000kl full
Rec Centre Dam	15,000kl	23000kl full
Turkeys Nest	24,000kl	43000kl full

HVS Training

I attended a HVS training course in Perth to learn how to assess our local roads for RAV rating purposes. This training now allows me to assess roads that aren't up to standard to develop them to a RAV 4 and get them fixed and sent into Main Roads so they can be updated on their system.

COUNCIL DECISION

Resolution OCM June 18 – 12.2.1

Moved: Cr Negri

Seconded: Cr Kilminster

That the Manager of Works and Services report be received.

Carried 7/0

Agenda Reference and Subject:**12.2.2** Purchase of Skid Steer Loader**File Reference:**

6.4.2.3 Plant Quotations for Trade

Reporting Officer:

Glenn Casley, Manager of Works & Services

Disclosure of Interest:

Nil

Summary

To replace the Skid Steer Loader to be purchased as per the quote results in the 2017/18 budget.

Background

The Shire of Bruce Rocks New Holland Skid Steer was burnt to the ground due to an electrical fire while parked in the shed at the Shire Depot. Insurance forms were submitted and the insurer will pay out on the damaged vehicle. The Shire has received \$ 24,700.00 ex GST and less the \$300 excess.

Comment

Evaluation Matrix

New SkidSteer					
Business	Tutt Bryant	Hitachi	Clark Equipmen	Westrac	Macintosh & Sor
Vehicle	Mustang 1650 R	John Deere 318 G	Bobcat 590	Cat 236	New Holland L220
	0.00	0.00	0.00	0.00	0.00
Warranty	3 yrs/ 3000hrs	36 months / 3000hr	36 months / 3000hr	36 months / 1500hr	36 months / 3000hr
Flashing Light	Yes	Yes	Yes	Yes	Yes
Signwriting	Yes	Yes	Yes	Yes	Yes
Joystick Control	No	Yes	Yes	Yes	No
Seat Cover	Yes	Yes	Yes	Yes	Yes
Battery Isolator	Yes	Yes	Yes	Yes	Yes
Delivery	Yes	Yes	Yes	Yes	Yes
Fire Extinguisher	Yes	Yes	Yes	Yes	Yes
Avaliability	In Stock	TBA	In Stock	TBA	4 weeks
Spare Rim and Tyre	Yes	Yes	Yes	Yes	Yes
Licenced	Yes	Yes	Yes	Yes	Yes
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
Total Cost of Vehicle (Ex-GST)	57,850.00	64,500.00	62,000.00	62,750.00	58,900.00
Total Cost of Vehicle (Inc-GST)	63,635.00	70,950.00	68,200.00	69,025.00	64,790.00
Trade In (Inc-GST)	0.00	0.00	0.00	0.00	0.00
GST for Trade	0.00	0.00	0.00	0.00	0.00
Trade In (Ex-GST)	0.00	0.00	0.00	0.00	0.00
Total Changeover (Inc-GST)	63,635.00	70,950.00	68,200.00	69,025.00	64,790.00
Net Changeover Cost (Ex GST)	57,850.00	64,500.00	62,000.00	62,750.00	58,900.00

Working through the matrix, all companies are providing what the Shire has asked for, the only differences are;

1. Tutt Bryant and Macintosh and Sons machines are still the old hand and foot controls.
2. Clark Equipment and Tutt Bryant have machines in stock whilst there will be a wait with the other 3 companies.

Price on new Machine, this will be partially offset by funds received from insurance. Balance ranges from \$ 39,135.00 to \$ 46,450.00 including GST.

As we preferred not to have the old hand and foot controls, Tutt Bryant and McIntosh and Sons were ruled out. This left the quotes from Hitachi, Clark Equipment and Westrac. Of these, Clark Equipment had the cheapest quote and also had a skid steer immediately available. As we are hiring a skid steer until a new one can be purchased, it is most cost effective to purchase one immediately to reduce hire costs.

Therefore, the recommendation is to purchase the Bobcat 590 from Clark Equipment.

Consultation

Works and Services Committee
Town Crew

Statutory Implications

Local Government Authority Tender Regulations

Policy Implications

Purchasing Policy
Requiring a minimum 3 written quotes as per Policy

Financial Implications

The cost after the payout will be \$ 37,300.00 ex GST

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

Goal 1 Roads are a key economic driver across the Shire
1.3 Plant and Equipment maintenance and replacement.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.2.2

Moved: Cr Dolton

Seconded: Cr Waight

That Council amends the 2017/18 Budget for the purchase of the Bobcat 590 from Clark Equipment for the amount of \$68,200 inc GST.

CARRIED BY ABSOLUTE MAJORITY 7/0

Mr G Casley left the Council Chambers at 11.55am.

Council meeting adjourned at 11.55am for lunch.

Council meeting resumed at 1.23pm with all staff and councillors present.

Mrs JL Bow entered the Council Chambers at 1.23pm.

12.3. Manager of Finance

Agenda Reference and Subject:

12.3.1 Statement of Financial Activity

File Reference:

8.2.6.2 Financial Reporting

Reporting Officer:

Jennifer Bow, Manager of Finance

Disclosure of Interest

Nil

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 31st May 2018 are attached to the agenda.

Consultation

Chief Executive Officer
Deputy Chief Executive Officer
Manager of Finance
Manager of Works and Services
Senior Finance Officer and other staff

Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

Comparison of actual year to date to the 2017/18 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 AND COUNCIL DECISION**Resolution OCM June 18 – 12.3.1**

Moved: Cr Thornton

Seconded: Cr Waight

That the Statements of Financial Activity for the month ending 31 May 2018 as presented be received.

Carried 7/0

Agenda Reference and Subject:	12.3.2	List of Payments
File Reference:	8.2.3.3	Accounts Payable (Creditors)
Reporting Officer:	Jennifer Bow, Manager of Finance Mike Darby, Senior Finance	
Disclosure of Interest:	Nil	

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 F1.1, 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 also payments made with the CEO's credit card for the month of May 2018.

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

Financial Implications

Payments must be made in accordance with 2017/18 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 AND COUNCIL DECISION

Resolution OCM June 18 – 12.3.2

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of;**
 - a. EFT voucher numbers EFT12988 to EFT13098 totalling \$333,160.87**
 - b. Cheque number 23754 to 23760 totalling \$31,777.09**
 - c. Trust Cheque number 1909 totalling \$836.00**
 - d. Wages payments totalling \$268,809.81 and**
 - e. Credit Card payments totalling \$1,862.54**

With all payments totalling \$634,583.77 for the month of May 2018.

Carried 7/0

Agenda Reference and Subject:

12.3.3 Budget Amendment – Advance Payment for Federal Assistance Grants 2018/19

File Reference:

8.2.7.1 Annual Budget

Reporting Officer:

Jennifer Bow, Manager of Finance

Disclosure of Interest:

Nil

Summary

To amend the 2017-18 Budget to reflect the advance payment received from the Western Australian Local Government Grants Commission to be received in June 2018.

Background

The Western Australian Local Government Grants Commission (WALGGC) advised that the Commonwealth Government will be making an advance payment of the Federal Assistance Grants (FAGS), based on funding equivalent to approximately one half of the 2018/19 funding pool.

Comment

A budget amendment is required to reflect the advance payment being received from the WALGGC in June 2018. Although the WALGGC has been unable to confirm the amounts that will be paid, it is important to note that these payments do not reflect 50% of the 2018/19 grant allocation. The advance payment was calculated using data from the 2017/18 payments.

There will still be four quarterly payments in 2018/19 however the total payment will be reduced by the advance payment. Council are able to spend these funds in 2017/18 if budgeted for, however it is foreseen that the bulk of the advance payment will be carried forward for the 2018/19 Budget.

The amendments will be to the following general ledger accounts;

032300 – WALGGC – Local Roads Grant (FAGS)

032301 – Grants Commission Grant

As Council has not received confirmation of the amount of the advance payment, this figure will be brought to the Council for the meeting. However, if it is 50% of the 2017/18 payment then the advance payment will be approximate \$500,000 which comprises of \$350,000 General Purpose Grant and \$150,000 Local Roads Grant (these are only approximations).

Consultation

CEO, DCEO & MOF

Statutory Implications

Part 6 of the Local Government Act 1995 and accompanying regulations.

Policy Implications

Nil

Financial Implications

An increase to the income received for 2017/18.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2013-2023

The budget was compiled with all four priority areas of the Strategic Community Plan and the Corporate Business Plan in mind.

Voting Requirements Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.3.3

Moved: Cr Dolton

Seconded: Cr Thornton

That Council resolves to amend the 2017/18 budget to reflect the increase in funding received from the Western Australian Local Government Grants Commission by the advance payment scheduled to be received in June 2018 and amend the following accounts;

i. GL – 032300 - WALGGC – Local Roads Grant (FAGS) - \$419,115

ii. GL – 032301 – Grants Commission Grant - \$795,546 to be advised

CARRIED BY ABSOLUTE MAJORITY 7/0

Mr DRS Mollenoyux left the Council Chambers at 1.37pm.

Mr DRS Mollenoyux returned to the Council Chambers at 1.37pm.

Mr G Casley entered the Council Chambers at 1.38pm.

Agenda Reference and Subject:

12.3.4 Draft 2018/19 Budget

File Reference:

8.2.7.1 Draft 2018/19 Budget

Reporting Officer:

Jennifer Bow, Manager of Finance

Disclosure of Interest:

Nil

Summary

To review the draft 2018/19 Annual Budget.

Background

Section 6.2 of the Local Government Act 1995 instructs that Council must prepare an annual budget for each financial year, in the manner and form prescribed.

Comment

The draft budget for 2018/19 is presented to Council for consideration. A full budget will be presented to Council at a later date for adoption.

Minor changes may still be required to the budget following a more accurate estimation of Council's surplus as at 30th June 2018.

Consultation

CEO, DCEO, MOF, MOWS, EHO & NRMO

Statutory Implications

The 2018/19 Annual Budget will have to be completed in compliance with the section 6.2 of the Local Government Act 1995 and sections 22 to 32 of the Local Government (Financial Management) Regulations 1996.

Policy Implications

Nil

Financial Implications

The 2018/19 Annual Budget provides the direction for expenditure during the next financial year. This is a cash budget at this stage.

Strategic Implications

The draft budget has been compiled considering the Strategic Community Plan 2017-2027.

Shire of Bruce Rock Strategic Community Plan 2013-2023

Governance

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

Voting Requirements Simple Majority

Mr DRS Mollenoyux left the Council Chambers at 2.27pm.

Mr DRS Mollenoyux returned to the Council Chambers at 2.27pm.

Mrs NL Kilminster left the Council Chambers at 2.45pm.

Mrs NL Kilminster returned to the Council Chambers at 2.46pm.

Mrs MJ Schilling left the Council Chambers at 2.49pm.

Mrs MJ Schilling returned to the Council Chambers at 2.53pm.

Council Meeting adjourned at 2.57pm for afternoon tea.

Council Meeting resumed at 3.20pm with all staff and Councillors present.

Officer Recommendation

That Council endorse the 2018/19 Draft Budget as presented with amendments.

Councillor decision differed to officer recommendation as Council suggested amendments to be made by staff.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.3.4

Moved: Cr Kilminster

Seconded: Cr Dolton

That Council receive the 2018/19 Draft Budget as presented with staff to now prepare budget for endorsement at 19 July Ordinary Council Meeting.

Carried 7/0

Mrs JL Bow left the Council Chambers at 3.49pm

Mr G Casley left the Council Chambers at 3.50pm.

12.4 Deputy Chief Executive Officer

Agenda Reference and Subject:

12.4.1 Shire President's Stamp

File Reference:

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

Use of Shire President's stamp in May 2018

Background

Nil

Comment

As per Council's policy, the Shire President's stamp has been used during the month of May 2018 as follows:

- Letter to Darren Mollenoyux RE: Annual Review

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Governance

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.4.1

Moved: Cr Rajagopalan

Seconded: Cr Waight

That Council endorse the use of the Shire Presidents Stamp during May 2018.

Carried 7/0

Agenda Reference and Subject:

12.4.2 Shire Seal

File Reference:

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

Use of Shire Seal in May 2018.

Background

Nil

Comment

As per Council's policy, the Shire Seal has been used during the month of May 2018 as follows:

- Department of Transport Vehicle Inspection Service Centre Contract

Consultation

Nil

Statutory Implications

Council Policy

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Corporate Governance

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.4.1

Moved: Cr Dolton

Seconded: Cr Thornton

That Council endorse the use of the Shire Seal during May 2018.

Carried 7/0

Agenda Reference and Subject:

12.4.3 Fee Waiver Request Bruce Rock Police

File Reference:

8.2.7.5 Sponsorship and Donation Requests

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

To present a request to Council to waive the hire fee for the indoor basketball court at the Bruce Rock Recreation Centre.

Background

We have recently received a letter (attached) from Mr Alberto Medrano, Officer in Charge of the Bruce Rock Police Station to use the indoor basketball court located at the Bruce Rock Recreation Centre, free of charge. This is for a youth event they are holding in collaboration with the CRC called “Hoops with Cops”. This is designed to promote teamwork, build healthy lifestyles through exercise and foster relationships between the youth, police and community stakeholders.

Comment

Under our ‘Waiving of fees policy’ the request may be granted as it is a non-profit group holding a charitable event.

The following is an excerpt from our fee waiver policy

Instead of bringing each request to Council, the following guidelines are first followed in regards to the waiver request:

- Where the fee or charge involves both direct revenue and expense for the Shire, the request be refused. An example of this would be the caravan park chalets, where waiving the accommodation fee would result in \$0 revenue for the Shire, however the cleaners would still be required – resulting in a net loss to the Shire. The Shire Hall has been explicitly excluded from this as the cleaning costs may vary by situation.
- Where the request is made by a profit making entity or by a group trying to profit from the event, the request be refused.
- If the request is for an individual or non-profit group holding a charitable event or non-profit event for the benefit of the community, the request be considered.
- That in the case of the Shire Hall, the amount of cleaning required after the event is considered and if it is expected to be less than 30 minutes of the cleaners time the request be taken to Council.

For the purposes of this policy, a non-profit event is considered to be an event where all of the funds raised go to a registered charity and would not include local fundraising events for sporting or other community interest clubs.

As the request is for a non-profit group holding an event for the benefit of the community, it is recommended that the request be considered.

Under our fees and charges the hire of the Indoor Basketball Court for non-commercial purposes is \$13/hour. For commercial purposes it is \$24/ hour.

There would be some cleaning required after the event, however as a condition of use we would ask that the court be left in a clean and tidy state.

Therefore, in accordance with our policy and consistent with previous decisions, we would recommend that the fee be waived for this event.

Consultation

Darren Mollenoyux- CEO

Statutory Implications Nil

Policy Implications Waiving of fees
Instead of bringing each request to Council, the following guidelines are first followed in regards to the waiver request:

- Where the fee or charge involves both direct revenue and expense for the Shire, the request be refused. An example of this would be the caravan park chalets, where waiving the accommodation fee would result in \$0 revenue for the Shire, however the cleaners would still be required – resulting in a net loss to the Shire. The Shire Hall has been explicitly excluded from this as the cleaning costs may vary by situation.
- Where the request is made by a profit making entity or by a group trying to profit from the event, the request be refused.
- If the request is for an individual or non-profit group holding a charitable event or non-profit event for the benefit of the community, the request be considered.
- For the purposes of this policy, a non-profit event is considered to be an event where all of the funds raised go to a registered charity and would not include local fundraising events for sporting or other community interest clubs.

Financial Implications

Forfeited revenue of between \$13-\$39 depending on how long the court is required for.

Strategic Implications

Shire of Bruce Rock – Strategic Community Plan 2017-2027

Infrastructure

- Goal 2 Maintained Shire owned facilities in a strategic manner to meet the community needs
Community
- Goal 7 Community are engaged and have a healthy lifestyle

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.4.3

Moved: Cr Kilminster

Seconded: Cr Rajagopalan

1. That the hire fee for the indoor basketball courts be waived for the “Hoops with Cops” event to be held on Tuesday 26 June 2018.

Carried 7/0

Mrs MK Thornton left the Council Chambers at 3.54pm.

Agenda Reference and Subject:

12.4.4 Staff Appraisals

File Reference:

1.1.6 Awards and Salaries

Reporting Officer:

Catherine Dunn, Deputy CEO

Disclosure of Interest

Nil

Summary

Council is asked to receive a report on significant changes arising from performance appraisals for 2017.

Background

Staff are required to have at least one appraisal per year, these are traditionally carried out each May. Appraisals are completed by relevant supervisors and the CEO's is carried out by Council.

Comment

Appraisals have been carried out and a confidential report on significant changes will be provided to Councillors at the meeting.

Consultation

Senior Management

Statutory Implications

The Local Government Act, Section 5.38 "the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be interviewed at least once in relation to every year of employment".

Policy Implications

Nil

Financial Implications

Any variations or increases to wages will need to be included in the 2016/2017 budget.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 10 Our organisation is well positioned and has compacity for the future.

Voting Requirements

Simple Majority

Mrs MK Thornton returned to the Council Chambers at 4.15pm.

Mrs MJ Schilling left the Council Chambers at 3.56pm.

Mr A O'Toole left the Council Chambers at 3.56pm.

Mrs CJ Dunn left the Council Chambers at 3.56pm.

Officer Recommendation

Council receives the presented report on significant changes occurring from staff performance reviews.

Council decision differs to officer recommendation to clarify the inclusion of Senior Employee Reviews.

COUNCIL DECISION

Resolution OCM June 18 – 12.4.4

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

Council receives the presented report on significant changes occurring from staff performance reviews and endorsed the CEO's recommendations on Senior Employees Reviews.

Carried 7/0

12.5 Chief Executive Officer

Agenda Reference and Subject:

12.5.1 CEO Performance Appraisal Process

File Reference:

Personnel

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Darren Mollenoyux, Chief Executive Officer

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

(b) the personal affairs of any person;

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.5.1.1

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That Council:

Close the Meeting to members of the public to deal with matters relating to employees.

CARRIED BY ABSOLUTE MAJORITY 7/0

Summary

Council is asked to consider and appointment a consultant to assist in the preparation and undertaking of the CEO Performance Review Process for 2018/19.

Background

Council completed the 2017 CEO Performance Review at the April 2018 Council meeting. As agreed by both parties it was resolved to seek an external consultant to assist in undertaking the 2018/19 CEO Performance Review Process.

Comment

Quotation were sought from suitably qualified consultants for the provision of undertaking the CEO Performance process for 2018/19. Copies of the quotes including process approach will be provided to Councillor prior to the meeting.

Consultation

Shire President and Council
Consultants

Statutory Implications

The review of the Chief Executive Officer is a statutory obligation required under section 5.38 and 5.39 of the Local Government Act 1995.

Policy Implications

Nil

Financial Implications

Council will be required to make provision for these services in the 2018/19 budget.

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

Absolute Majority

Officer Recommendation

- That Council appoint _____ to assist in setting new Key Performance Indicators and undertaking the review of the Chief Executive Officer for the 2018/19 period.
- That Council makes budget provision of \$_____ for the 2018/19 financial year for the provision of CEO Performance Review Consultancy Services.

Council decision differed to officer recommendation as Council appointed John Philips to carry out the CEO Performance Review and make budget provision of \$4000.

COUNCIL DECISION

Resolution OCM June 18 – 12.5.1.2

Moved: Cr Rajagopalan

Seconded: Cr Thornton

Officer Recommendation

- **That Council appoint John Philips, option 2 and workshop to assist in setting new Key Performance Indicators and undertaking the review of the Chief Executive Officer for the 2018/19 period.**
- **That Council makes budget provision of \$4000 for the 2018/19 financial year for the provision of CEO Performance Review Consultancy Services.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Mrs NL Kilminster left the Council Chambers at 4.53pm.

Agenda Reference and Subject:

12.5.2 Appointment of Senior Employee

File Reference:

Personnel

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

In accordance with Section 5.23(2) of the Local Government Act 1995, the meeting is closed to the members of the public for this item as the following sub-section applied:

(b) the personal affairs of any person;

Summary

Council is asked to endorse the appointment of Mr Alan O’Toole as the Temporary Deputy Chief Executive Officer for a one-year term.

Background

As Council is aware the current Deputy CEO commences Maternity Leave on Friday 20th July 2018 for a twelve-month period. Advertising was undertaken to seek a Temporary Deputy CEO for this period.

Following the close of applications, the Chief Executive Officer, current Deputy CEO and Manager of Finance created a shortlist of five applicants to be interviewed.

Comment

At the conclusion of interviews and reference checks the panel’s preferred candidate was Mr Alan O’Toole. The Chief Executive Officer appointed Alan to the position of Temporary Deputy CEO for a one-year contract, commencing on the 2nd July 2018 and concluding on the 26th July 2019.

In securing Mr O’Toole consideration was taken into his skills and experience and a remuneration package was negotiated within the advertised parameters. Mr O’Toole will reside at 99 Noonajin Rd, which is the house recently vacated by the Town Crew Foreman.

Consultation

Interview Panel – CEO, Deputy CEO and Manager of Finance
Shire President

Statutory Implications

Local Government Act 1995

5.36. Local government employees

(3) A person is not to be employed by a local government in any other position unless the CEO —

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied with the proposed arrangements relating to the person’s employment.

(4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

5.37. Senior employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

Policy Implications Nil

Financial Implications

The package fits within Council's Salaries and Wages budget for 2018/19.

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 AND COUNCIL DECISION

Resolution OCM June 18 – 12.5.2

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That Council endorses the appointment of Mr Alan O'Toole to the Temporary position of Deputy Chief Executive Officer based on a 12-month contract commencing on the 2nd July 2018 and concluding on the 26th July 2019.

And

Council endorses the contract and remuneration package as outlined and offered to Mr Alan O'Toole.

Carried 7/0

Mrs MJ Schilling returned to the Council Chambers at 4.54pm.

Mr A O'Toole returned to the Council Chambers at 4.54pm.

Mrs CJ Dunn returned to the Council Chambers at 4.54pm.

Mrs NL Kilminster returned to the Council Chambers at 4.55pm.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.5.2.3

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Council:

Reopen the Meeting to members of the public to deal with matters relating to an employee.

CARRIED BY ABSOLUTE MAJORITY 7/0

Agenda Reference and Subject:

12.5.3 Councillor Resignation – Extraordinary Election

File Reference:

2.2.1.1 Council Elections

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Nil

Summary

Following the resignation of Cr Simon Buller, Council is to approve an Extraordinary Election and confirm that it will be an in-person election to fill the vacancy for a 1-year term.

Background

Due to ongoing health issues Cr Simon Buller has tendered his resignation as Councillor from the Shire of Bruce Rock effective from the 21st June 2018. Cr Buller's Term was due to expire in October 2019 and therefore an extraordinary election will be required to fill the remaining 1-year term.

Comment

In accordance with Section 4.9 (1) (b) Council may set the Extraordinary Election date at a meeting held within one month of receiving the resignation. The Extraordinary Election must be held within 4 months of the effective date of the resignation, making the last possible date for the election the 21st October 2018.

To enable adequate time and meet the requirements of the Election process it is requested that Council consider setting the Extraordinary Election for Friday 12th October 2018. This date allows for all statutory timeframes to be met. **A copy of the proposed Extraordinary Election Timetable is attached.**

The Extraordinary Election would be conducted at the Shire of Bruce Rock Administration Centre and Polling would be from 8.00am to 6.00pm, the count would follow immediately after close of polling place and will be held in Council Chambers.

By holding the Extraordinary Election on a Friday, it will reduce wages costs for conducting the election as staff will already be available during work hours. Many people also now complete their vote during the Early Voting period, meaning that there is a lower voter turnout on the actual polling day.

Consultation

Shire President

The CEO has contacted the WA Electoral Commission to seek clarification on the proposed date and was advised that the date and timeframes would be acceptable.

Statutory Implications

Local Government Act 1995

2.31. Resignation

- (1) *An elector mayor or president may resign from the office of mayor or president.*
- (2) *A councillor may –*
 - (a) *resign from the office of councillor;*
 - (b) *resign from the office of councillor mayor or president, deputy mayor or deputy president.*
- (3) *Written notice of resignation is to be signed and dated by the person who is resigning and delivered to the CEO.*
- (4) *The resignation takes effect from the date of delivery of the notice or from a later day specified in the notice.*

4.9. Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed –*

- (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
- (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The Election Day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
 - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) *advise the CEO of the day fixed.*

Policy Implications Nil

Financial Implications

The cost of advertising for an extraordinary election will be approximately \$2,000 plus any wages incurred for staff undertaking the election.

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 AND COUNCIL DECISION

Resolution OCM June 18 – 12.5.3

Moved: Cr Dolton

Seconded: Cr Rajagopalan

- 1. That Council acknowledges the resignation of Cr Simon Buller effective 21st June 2018.**
- 2. That in accordance with Section 4.61 (1) of the Local Government Act 1995 Council resolves to hold an In-Person Extraordinary Election on Friday 12th October 2018.**
- 3. That under Section 4.20 of the Local Government Act 1995 the Chief Executive Officer is appointed as the Returning Officer for the Extraordinary Election on Friday 12th October 2018.**

Carried 7/0

Agenda Reference and Subject:

12.5.4 Central Agcare

File Reference:

1.3.4.7 Central Agcare

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest

Summary

Council is asked to consider a request from Central Agcare to continue with an annual financial donation towards their counselling service throughout this region.

Background

For many years Council has made a financial contribution to Central Agcare to assist with Counselling services for the region including a service to Bruce Rock. In 2017/18 financial year Council contributed \$2,000 towards the service.

In 2017 Council received an in-person presentation from Central AgCare confirming their commitment to Bruce Rock and outlining the services that are provided to our community and the importance of the service.

Comment

Central AgCare are currently recruiting a new Counsellor for our area and have advised that they are committed to servicing Bruce Rock.

Consultation

As per letter from James Sullivan, President at Central Agcare

Statutory Implications Nil

Policy Implications Nil

Financial Implications

Should Council wish to make a financial contribution of \$2,000 it can be included in the 2018/19 budget.

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

Goal 7 Our community are engaged and have a healthy lifestyle

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

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM June 18 – 12.5.4

Moved: Cr Rajagopalan

Seconded: Cr Negri

That Council makes a donation of \$2,000 to Central Agcare Counselling Services for the 2018/19 financial year.

CARRIED BY ABSOLUTE MAJORITY 7/0

13. New Business of an urgent nature introduced by discussion of the meeting

Nil

14. Confidential Items

Nil

15. Confirmation and receipt of Information Bulletins.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 18 – 15.1

Moved: Cr Dolton

Seconded: Cr Waight

That Information Bulletin 1 be received.

Carried 7/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM May 18 – 15.2

Moved: Cr Rajagopalan

Seconded: Cr Thornton

That Information Bulletin 2 be received.

Carried 7/0

16. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 5.19pm.

These minutes were confirmed at a meeting on 19 July 2018.

Cr Stephen Strange
Shire President
19 July 2018