

SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 APRIL 2020

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 16 APRIL 2020

1. Declaration of Opening

The Shire President Cr SA Strange declared the meeting open at 2.53pm.

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

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr IS Dolton
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr BJ Waight
	Cr RA Waye
Chief Executive Officer	Mr DRS Mollenoyux
Acting Deputy Chief Executive Officer	Mrs MJ Schilling
Acting Executive Assistant	Miss CE Negri
Environmental Health Officer	Mr J Goldacre 3.52pm to 4.03pm
Manager of Finance	Mrs JL Bow 2.53pm to 3.34pm

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
16.04.20	Cr Rajagopalan	10.1.3	Submitted request for rent relief

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
16.04.20	Cr Negri	12.2	Part owner of adjoining property

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 19 March 2020.

COUNCIL DECISION

Resolution OCM April 20 – 9.1

Moved: Cr Crooks

Seconded: Cr Foss

That the minutes of the Ordinary Meeting of Council held Thursday 19 March 2020 be confirmed as a true and correct record.

Carried 9/0

Special Meeting of Council held on Tuesday 31 March 2020.

COUNCIL DECISION

Resolution OCM April 20 – 9.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That the minutes of the Ordinary Meeting of Council held Tuesday 31 March 2020 be confirmed as a true and correct record.

Carried 9/0

10. Officers' Reports

10.1 Manager of Finance

Agenda Reference and Subject:	10.1.1 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	Nil
Attachment:	<i>Item 10.1.1 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 March 2020 are available in the agenda attachment document.

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

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

Cr Kilminster left the Council Meeting at 3.02pm

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 10.1.1

Moved: Cr Waye

Seconded: Cr Waight

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

Carried 8/0

Cr Kilminster returned to the Council Meeting at 3.04pm

Agenda Reference and Subject:	10.1.2 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:	Nil
Attachments:	<i>Item 10.1.2 Attachment A – List of Payments March 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 also payments made with the CEO’s credit card for the month of March 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 AND COUNCIL DECISION

Resolution OCM April 20 – 10.1.2

Moved: Cr Rajagopalan

Seconded: Cr Foss

That Council endorse the list of payments from the:

- 1. Municipal Account consisting of:**
 - a. EFT voucher numbers EFT15278 to EFT15369 totalling \$411,089.87**
 - b. Cheque number 23992 to 24000 totalling \$19,749.86**
 - c. Trust Cheque number totalling \$**
 - d. Wages and Superannuation payments totalling \$176,518.82 and**
 - e. Credit Card payments \$730.44**

With all payments totalling \$607,358.55 for the month of March 2020.

Carried 9/0

Agenda Reference and Subject:	10.1.3 Financial Response to COVID-19
File Reference:	8 Financial Management
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance, and Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Cr Rajagopalan - Financial
Attachments:	<i>Item 10.1.3 Attachment A – Request from Premier to freeze rates and fees and charges</i> <i>Item 10.1.3 Attachment B – WALGA Governance Update 08.04.2020</i> <i>Item 10.1.3 Attachment C – Office of the Auditor General COVID-19 Guidelines</i> <i>Item 10.1.3 Attachment D – Financial Hardship Policy During a Pandemic</i>

Cr Rajagopalan left the Council Meeting at 3.11pm.

Summary

For Council's consideration to provide guidance as to the financial response to COVID 19 and also for the preparation of the 2020-21 Budget.

Background

The purpose of this report is to provide Council with an update on the Shire's response to the COVID-19 situation and seek guidance on future measures, particularly associated with the preparation of the 2020/21 Council budget. The Department of Health's response to the COVID-19 pandemic is placing unprecedented financial uncertainty on all levels of government, businesses, not for profit organisations and individuals. Although this is a health crisis, it is also having serious economic consequences throughout our communities with some experiencing serious loss of income.

It is clear that the restrictions are going to impact our community for at least six months. Emergency situations provide unique opportunities for Councillors to demonstrate community leadership.

The general function of a local government is to provide for the good governance of persons in its district. As always, but critically in the current Pandemic, the Council needs to balance its financial sustainability against the needs and wants of individuals, not for profits and businesses within its community.

The situation is moving so rapidly that detailed information may not be available at the critical time when decisions need to be made and leadership demonstrated. Staff are trying to keep abreast of all the information that is disseminated from Government. Details of the Shire's response to date to services and information has been provided through Council's social media (Facebook/Instagram and the website), Rock Review and media statements.

This report is primarily seeking a statement from the Council that can be put out to the community with respect to next year's budget. The Premier made a direct statement that local governments were expected to assist in easing the community's financial burden and follow the State's lead of not

increasing fees and charges, therefore no rate increases or increases to fees and charges for the 2020-21 budget.

The State Government have also assisted in rushing through some changes to key legislation for this state of emergency;

- i. *Local Government (Financial Management) Regulations 1996*; removing the need for public notice for changing repurpose of financial reserves, borrowing money or repurposing borrowed funds during a state of emergency
- ii. *Local Government (Functions and General) Regulations 1996*; increasing the tender threshold to \$250,000 and removing requirement to public invite tenders during a state of emergency
- iii. *Local Government (Long Service Leave) Regulations 1996*; clarifying that long service leave will continue to be accrued during any period of absence from duty due to the employer's response during a state of emergency, allowing long service leave to be taken in two or more separate periods and allowing employees to access long service leave during a state of emergency if they have completed at least seven years of continuous service.

The State Government have also put in additional measure to ensure the safety of WA Community members by:

- i. Restriction on Regional Intrastate Travel; and
- ii. Closing the WA State Border as at 11.59pm Sunday 5th April 2020.

Both measures although necessary, affect the economy of Bruce Rock and wider WA as there will be little or no passing traffic. Council has closed the Caravan Park and Camp Kwolyin which provides an additional effect to the community.

Putting out an early statement to this effect will assist the community to understand some of the difficult decisions that will continue to be made with respect to available services.

Comment

Staff have been in contact with other local governments to ascertain what measures they are taking with regards to financial implications of COVID.

WALGA have also held an emergency meeting of the State Council Meeting which they have endorsed the following actions that Councils can consider to assisting their communities through the COVID-19 pandemic.

As per WALGA's media statement a summary of the measures endorsed by WALGA include;

- i. Consider not increasing rates for the 2020-21 financial year
- ii. Adoption of the WALGA template rates hardship policy by Local Governments that do not currently have a policy
- iii. Consider rate relief options to support small businesses affected by the COVID-19 pandemic
- iv. Review fees and charges considering whether fees can be reduced, waived or deferred during the COVID-10 pandemic
- v. Bring forward capital works and infrastructure spending with aggressive application of reserves and borrowings
- vi. Prioritise Local Government spending with businesses and contractors located within the Local Government
- vii. Implement business friendly payment terms to support business cash flow
- viii. Consider supporting Community sporting and cultural groups by either establishing grant programs or waiving fees and charges
- ix. Redeploy staff affected by facility closure to tasks that support the community.

In response to each of these measures, staff would recommend the following;

i. Not increasing rates

Recommend that we adopt a zero per cent (0%) increase to rates, rubbish and recycling charges. This will in essence freeze the rate in the dollar. However in doing this, Council will need confirmation from the Valuer General that the UV roll which is annually revalued is applied to the Rate Book. The GRV roll is also due this financial year.

No penalty interest charged until after 31st March 2021 for 2020/21 rates.

No instalment interest or instalment administration fee for all instalment options taking up in 2020-21.

ii. Adopt rates hardship policy

To adopt WALGA's template for the rates hardship policy

iii. Consider rates relief to businesses affected by COVID-19 pandemic, particularly those who have had to shut down

This could be no penalty interest charged on the current year's outstanding rates from when the Government instructed certain businesses to close, 23 March 2020 to when rates are raised in September 2020, for those businesses directly affected.

iv. Review fees and charges

There would be no increase to fees and charges for the 2020-21 Budget. Also, certain statutory license fees could be waived, Food Licenses, Lodging Houses etc

v. Bring forward capital works

This is being evaluated however with projects being identified and ensuring that current budget projects are completed and utilising local contractors where possible.

Funding from Drought Funding Grant can also be fast tracked and to utilise local businesses or contractors where possible.

vi. Prioritise spending with local businesses

A direction to staff to ensure that all budgeted works in the 2019-20 budget which could involve local contractors and businesses are completed

vii. Implement business friendly payment terms to assist with cash flow

For those businesses affected by COVID-19 whether through instruction from Government or peak body's recommendation to shut down, a waiver on penalty interest on rates

viii. Supporting sporting or community groups

Review annual contributions for facilities for those directly affected by COVID-19 and also implications in the 2020-21 budget. This could also be reviewed after the 31st May 2020 which is the date when it will be determined if there will be a competition in 2020.

ix. Redeploy staff

The only facility that was affected by the shut down was the Pool however the Pool Manager resigned in conjunction with the forced closure of the pool. The closure of the Recreation Centre has seen the responsibilities of the Rec Centre Manager reduce but he has been redeployed to parks and gardens crew and also the town maintenance crew.

Cleaners have had hours reduced due to facility closures however with the remaining open facilities requiring a more thorough cleaning, their hours have remained stable.

One cleaner has been redeployed from the closure of the Caravan Park and Chalets and is now undertaking thorough daily cleaning at the supermarket.

The other area to consider are commercial or community or sporting group tenants that lease property from the Shire which have been directly affected by the Government’s decision to shut certain industries or recommendations from peak bodies to close doors to the public or cease sporting seasons. Further review of this area will be completed prior to the meeting with a listing of those affected and the financial impact. The closure of the gym is also another facility where some members had already paid their annual membership. This will also be reviewed and presented to Council for the May Council meeting.

Council will be relying on our Grants Commission payments heavily into the future as it is thought that very few additional capital or operating grants will be made available in the aftermath of COVID-19 due to the heavy spending from the Federal and State Government to try to boost the economy through the pandemic. Staff could write to WALGA, State and Federal elected members to lobby for increased funding for the 2020-21 and 2021-22 financial years. Staff are aware of at least one other shire undertaking this lobbying.

At this stage, one business has approached staff to discuss a reduction in rent. Staff however have not had any approaches from ratepayers to discuss implications on outstanding rates.

Staff are also requesting a variation to the current policies regarding procedures for collection of rates debtors (Policy Number 2.5) and sundry debtors (Policy Number 2.4), to not enlist collection agencies during the state of emergency but rather continue to send correspondence encouraging payment to reduce the outstanding debt.

Consultation
CEO and MOF

Statutory Implications

Local Government Act 1995 s.6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
 which is owed to the local government.

** Absolute majority required.*

Policy Implications

Adoption of a new policy – Policy 2.12 COVID19 Financial Hardship Policy;

Risk Implications

Risk: That the community experiences financial hardship during the COVID-19 pandemic resulting in a decrease in revenue		
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 Chief Executive Officer and Manager of Finance will be monitoring the progress regularly.		

Financial Implications

Significant financial implications on long term financial plan.

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;

1. Direct the CEO and staff to prepare a Draft 2020-21 Budget with the following considerations;
 - a. Zero per cent (0%) increase to rates, essentially freezing the rate in the dollar;
 - i. Obtain confirmation to whether Council will be receiving the Valuer General's revaluations for UV and GRV, as this could change individuals rates;
 - b. Zero per cent (0%) increase to fees and charges (to remain as per 2019/20) unless there are circumstances where additional new fees and charges were already identified to be included;
 - i. Removal of annual licensing levies (food and lodging houses)
 - c. Non-payment of 2020/21 rates penalty interest to be not charged until March 2021;
 - d. No instalment administration fee on all instalment plans for 2020/21;
 - e. No instalment interest on all instalment plans for 2020/21;
2. Upon request, offers a waiver to penalty interest on the current year's outstanding rates for those affected directly by either the Government's decision to force certain industries to shut down or restrict trade or close the state border between 23rd March 2020 and to when rates are raised in approximately 1st September 2020;
3. Adopt the WALGA templated Rates Hardship Policy;
4. Request a variation, during the declared state of emergency, to policies numbered 2.4 – Procedures for Outstanding Debtors and 2.5 - Procedures for Outstanding Rates Debtors, to not engage the services of Council's collection agency but rather continue with correspondence to encourage payment of the outstanding debt; and
5. Lobby the Federal Government and WALGA for increased allocations of the Financial Assistance Grants for 2020/21 and 2021/22.

Council decision varied to Officer Recommendation to add a part B to consider wavering rental charges as per the request from businesses affected by COVID 19 regulations and requirements of Council owned properties and to, approve to waiver the rental charge for Bruce Rock Dental due to closure of their business from COVID-19 regulations from the date of required closure until able to reopen.

COUNCIL DECISION

Resolution OCM April 20 – 10.1.3

Moved: Cr Dolton

Seconded: Cr Waight

That Council;

- 1. Direct the CEO and staff to prepare a Draft 2020-21 Budget with the following considerations;**
 - a. Zero per cent (0%) increase to rates, essentially freezing the rate in the dollar;**
 - i. Obtain confirmation to whether Council will be receiving the Valuer General's revaluations for UV and GRV, as this could change individuals rates;**
 - b. Zero per cent (0%) increase to fees and charges (to remain as per 2019/20) unless there are circumstances where additional new fees and charges were already identified to be included;**
 - i. Removal of annual licensing levies (food and lodging houses)**
 - c. Non-payment of 2020/21 rates penalty interest to be not charged until March 2021;**
 - d. No instalment administration fee on all instalment plans for 2020/21;**
 - e. No instalment interest on all instalment plans for 2020/21;**
- 2. Upon request, offers a waiver to penalty interest on the current year's outstanding rates for those affected directly by either the Government's decision to force certain industries to shut down or restrict trade or close the state border between 23rd March 2020 and to when rates are raised in approximately 1st September 2020;**
- 3. Adopt the Shire of Bruce Rock Policy 2.12 - COVID19 Financial Hardship Policy;**
- 4. Request a variation, during the declared state of emergency, to policies numbered 2.4 – Procedures for Outstanding Debtors and 2.5 - Procedures for Outstanding Rates Debtors, to not engage the services of Council's collection agency but rather continue with correspondence to encourage payment of the outstanding debt; and**
- 5. Lobby the Federal Government and WALGA for increased allocations of the Financial Assistance Grants for 2020/21 and 2021/22.**

Part B

- 1. That Council consider waiving rental charges as per the request from businesses affected by COVID 19 regulations and requirements of Council owned properties.**
- 2. That as per their request, Council approve to waiver the rental charge for Bruce Rock Dental due to closure of their business from COVID-19 regulations from the date of required closure until the restrictions are lifted.**

Moved: Cr Kilminster

Seconded: Cr Waye

Carried 8/0

Cr Rajagopalan returned to the Council Meeting at 3.32pm.

Agenda Reference and Subject:	10.1.4 A20311 – Write Off Rates Debt as Senior
File Reference:	A20311 – 20 Dampier St, Bruce Rock WA 6418
Reporting Officer:	Jennifer Bow, Manager of Finance
Author:	Jennifer Bow, Manager of Finance, and Michael Darby, Senior Finance Officer
Disclosure of Interest:	Nil
Attachments:	<i>Nil</i>

Summary

For Council’s consideration to write off penalty and ESL penalty interest and rubbish and recycling charges from an assessment that didn’t have its senior registration loaded when it was received.

Background

Council received an application to register a Senior under the *Rates and Charges (Rebates and Deferments) Act 1992* from the Water Corporation for a residential property in Bruce Rock, Assessment 20311 on 30th November 2015. The application was not loaded against the property when the application was received and full rates and charges have been charged for the past four years.

Comment

An eligible senior that applies for a rebate on their Council rates under the *Rates and Charges (Rebates and Deferments) Act 1992* is eligible to receive a 25% rebate, capped at \$100 from 1st July 2017, on their Council rates and ESL Levy, no penalty interest on rates or ESL levy and Council honours a reduced fee for rubbish and recycling charges, also a 25% reduction. The State Government then reimburses the Shire for the rebate via a claim lodgement system.

When Council receives an application for a pensioner or senior for a rebate on rates, the application should be processed promptly so that any rebate eligible can be applied to the property. For some reason, this application was not loaded onto the system and when the 2016/17, 2017/18 and 2018/19 rates were raised, the ratepayer did not query why there was no rebate on the rates. They have always paid their rates promptly and have not incurred any penalty interest.

The current Senior Finance Officer discovered this Rebate Application and has been able to claim the rebates applicable for 2016/17, 2017/18, 2018/19 and 2019/20. However, given the amount of rubbish and recycling charges to be written off, the CEO requires approval to write off the remainder of the debt.

The amount to be written off totals \$281.50 and is made up of the following;

- i. Rubbish and Recycling charges totaling \$281.50 needs to be written off as full charges were levied in 2016/17, 2017/18 and 2018/19.
 - a. Rubbish Charge is \$63.50 for 2016/17, \$67.00 for 2017/18 and \$70.25 for 2018/19; and
 - b. Recycling Charge is \$25.50 for 2016/17, \$27.00 for 2017/18 and \$28.25 for 2018/19.

The charges for 2019/20 have been amended by raising an Interim Rate to reflect the registration of the senior for a rebate on rates.

Consultation

CEO, MOF & SFO

Statutory Implications

Local Government Act 1995 s.6.12

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
- which is owed to the local government.

** Absolute majority required.*

Policy Implications

Nil

Risk Implications

Nil

Financial Implications

Reduction of rubbish and recycling charge of \$281.50

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 AND COUNCIL DECISION

Resolution OCM April 20 – 10.1.4

Moved: Cr Kilminster

Seconded: Cr Crooks

That Council gives the CEO authority to write off the following from A20311;

- i. Rubbish charges of \$200.75 and**
- ii. Recycling charges of \$80.75.**

CARRIED BY ABSOLUTE MAJORITY 9/0

Mrs JL Bow left the Council Meeting at 3.34pm and did not return.

10.2 Deputy Chief Executive Officer

Agenda Reference and Subject:

10.2.1 Shire Seal

File Reference:

Reporting Officer:

Melissa Schilling, Acting Deputy Chief Executive Officer

Author:

Caris Negri, Acting Executive Assistant

Disclosure of Interest:

Nil

Attachments:

Nil

Summary

Use of Shire President Seal in March 2020.

Background

Nil

Comment

As per Council's policy, the Shire Seal has been used during the month of March 2020 as follows;

- 31.03.20 – Caris Negri; WEROC Contract with 150 Square for Executive Officer Services

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 AND COUNCIL DECISION

Resolution OCM April 20 – 10.2.1

Moved: Cr Kilminster

Seconded: Cr Rajagopalan

That Council endorse the use of the Shire President Seal during March 2020.

Carried 9/0

10.3 Chief Executive Officer

Agenda Reference and Subject:	10.3.1 Variation to Burning Permit Procedures Policy
File Reference:	2.3.1.1 Policy Manual
Reporting Officer:	Darren Mollenoyux, Chief Executive Officer
Author:	Darren Mollenoyux, Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	<i>Item 10.3.1 Attachment A – Current Policy 8.3 Fire Permits</i> <i>Item 10.3.1 Attachment B – Notice of Variation Gazettal</i>

Summary

Council is asked to consider amending policy 8.3 Fire Permit Procedures to enable a burning permit to be valid for up to 14 days for the burning of stubble by farmers.

Background

Staff were made aware that The Fire and Emergency Services Commissioner has signed off on the instrument extending Restricted Burning Periods for all LGs outside the Kimberley and Pilbara to the 30 April 2020. This was published in the Gazette on Tuesday and will come into effect on Wednesday 1 April 2020.

Council's normal Restricted Burning Period had already concluded on the 15th March and therefore notice was given to the public to advise that burning permits were required again up until the 30th April 2020.

Comment

With this amendment Council staff have been continually flooded with burning permit requests for stubble burning for farmers and as per Council policy we can only issue a permit for 5 days at a time. We are already reissuing many permits as the five day period expires and it is consuming a considerable amount of staff time.

Whilst we do not want to have an open policy and are conscious of ensuring permits are adhered to we have been informed that many other Council's are issuing permits for longer periods and therefore reducing the requirement of getting a new permit every 5 days.

Council is asked to consider temporarily amending the Council Policy for this current restricted burning period to enable a burning permit to be issued and valid for up to 14 days for the burning of stubble by farmers.

A copy of Council's current policy for "Burning Permit Procedures" is provided at Attachment A of this agenda item.

Consultation

Ian Dolton Chief Bush Fire Control Officer

Consultation via email to neighbouring Council's as to their policy on how many days their burning permits were valid for.

Statutory Implications

Bush Fires Act 1954

Gazettal Notice made by the FES Commissioner of Department of Fire and Emergency Services - Amendment to Bush Fires Act 1954 “Bushfires (Restricted Burning Times) Amendment Notice 2020”
A copy of the Amendment Notice has been included as Attachment B to this agenda item.

Policy Implications

Policy 8.3 Fire Permit Procedures (Attachment A)

Risk Implications

Risk: That Council not vary the policy to allow burning permits to be valid for 14 days creating additional administration.		
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

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

1. That Council amends Policy 8.3 Fire Permit Procedures to allow a burning permit can be issued to be valid for up to 14 days during the extended Restricted Burning Period to the 30 April 2020.
2. This should only be permitted for farmers for the practice of stubble burning and in line with all other terms and conditions of the burning permits.

Council decision varied to Officer Recommendation to remove recommendation 2. This should only be permitted for farmers for the practice of stubble burning and in line with all other terms and conditions of the burning permits.

COUNCIL DECISION

Resolution OCM April 20 – 10.3.1

Moved: Cr Dolton

Seconded: Cr Foss

1. That Council amends Policy 8.3 Fire Permit Procedures to allow a burning permit can be issued to be valid for up to 14 days during the extended Restricted Burning Period to the 30 April 2020.

Carried 9/0

Agenda Reference and Subject:

10.3.2 Annual Electors Meeting 2019 Annual Report

File Reference:

8.2.6.5 Annual Report

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Item 10.3.2 Attachment A – Public Notice of Cancelled Meeting

Summary

Council is asked to acknowledge that the Annual Electors Meeting scheduled for the 27th March 2020 was cancelled due to COVID19 and social distancing requirements.

Background

At the February 2020 Ordinary Council Meeting the Annual Report was presented to Council for adoption and date set for the Annual Electors Meeting. The following resolution was made;

OFFICER RECOMMENDATION COUNCIL DECISION

Resolution OCM Feb 20 – 11.4.3

Moved: Cr Kilminster

Seconded: Cr Waye

That Council;

- 1. Accepts the Annual Report for 2018-19 including the Audited Financial Report for period ended 30 June 2019, and that local public notice of its availability be given as soon as practicable; and*
- 2. Holds the Annual Meeting of Electors at 4.00pm 27th March 2020 at the Bruce Rock Town Hall Supper Room.*

CARRIED BY ABSOLUTE MAJORITY 9/0

In accordance with Council's resolution and the Local Government Act 1995 requirements advertising was undertaken advising of the availability of the 2018/19 Annual Report and Annual Electors meeting details.

Comment

In the days prior to the Annual Electors meeting date, the impacts of COVID19 and social distancing requirements were implemented and thus impacting Council's ability to hold its Annual Electors Meeting as scheduled.

Following conversations with WALGA governance staff and the Department of Local Government it was suggested that whilst Council will not proceed with its Annual Electors meeting it needed to ensure that it took appropriate steps to enable the ratepayers and community similar access and ability to ask questions as what would normally occur at the Annual Electors meeting.

The CEO prepared a public notice advising of the cancellation of the Annual Electors Meeting and advising to enable the electors to be informed as per scheduled business of the meeting, the following measures were put in place;

1. Confirmation of the 2019 minutes of the AGM of Electors

A copy of the minutes is available on the Shire's website

2. Business arising from previous Annual Electors Meeting minutes

There was no general business or questions raised at the 2019 meeting

3. Receiving of the 2018/19 Annual Report

A copy of the Annual Report can be accessed via the following means;

- Council Website
- Emailed upon request via the Shire Office admin@brucerock.wa.gov.au
- Posted upon request by phoning the Shire Office 08 9061 1377

4. General Business

If Electors have any general business to raise or would like to ask, please email or write to the Chief Executive Officer by 14th April 2020 and it will be raised at the April 2020 Council Meeting & written response will be provided.

At the time of writing this report no public questions had been received, however the CEO will present any questions received by the deadline at the April 2020 Council meeting.

Consultation

Shire President, Stephen Strange
Manager of Finance, Jennifer Bow
WALGA Governance Staff
Department of Local Government Staff

Statutory Implications

LOCAL GOVERNMENT ACT 1995 - SECT 5.27

5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

5.29 Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice, of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

5.30 Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, then the electors

present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

5.32 Minutes of electors’ meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors’ meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors’ meeting are first considered.

5.33 Decisions made at electors’ meetings

- (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose, whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Policy Implications

Nil

Risk Implications

Risk: That as Council has not held a Annual Electors Meeting as required under the Local Government Act it may be deemed as a minor breach of the Local Government Act 1995.		
Likelihood	Consequence	Rating
Rare	Moderate	Moderate
Action / Strategy		
That Council inform the Minister for Local Government of its inability to hold an Annual Electors Meeting due to COVID19 restrictions and outline actions to ensure adequate public access to information.		

Financial Implications

Nil

Strategic Implications

Shire of Bruce Rock Strategic Community Plan 2017-2027

Governance

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

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 10.3.2

Moved: Cr Kilminster

Seconded: Cr Rajagopalan

- 1) That Council endorses the actions of not holding the Annual Electors Meeting scheduled for the 27th March 2020 due to COVID19 and Social Distancing requirements.**
- 2) That Council receives any questions provided by the public in writing up to the 14th April 2020 and provide appropriate responses.**
- 3) That the Chief Executive Officer writes to the Minister for Local Government informing of Council's inability to hold an Annual Electors Meeting for the 2019 Annual Report and providing an explanation of what actions Council undertook to ensure provision for adequate access to information and questions relating to the 2018/19 Annual Report.**

Carried 9/0

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

Agenda Reference and Subject:		
	11.1	Correction to Error in the 19/20 Budget Review and subsequent amendment to adopted 2019-20 Budget
File Reference:		Annual Budget
Reporting Officer:		Jennifer Bow, Manager of Finance
Author:		Jennifer Bow, Manager of Finance
Disclosure of Interest:		Nil
Attachments:		<i>Nil</i>

Summary

The Manager of Finance discovered an error in the Statement of Budget Review whilst preparing the Monthly Financial Statements for the period ending 31st March 2020.

Background

Staff prepared a Statement of Budget Review incorporating year to date budget variations and forecasts to 30th June 2020 for the period ending 29th February 2020 is presented for Council to consider at the March Ordinary Meeting of Council. As per the *Local Government (Financial management) Regulations 1996, regulation 33A* as amended, local governments are required to conduct a budget review between 1 January and 31 March in each financial year, and present it to Council within 30 days of the review.

Comment

There two errors that were discovered when preparing the Monthly Financial Statements for the period ending March 2020.

The errors are;

- Not correctly adjusting capital expenditure when budget amendments which were made earlier in the year and had not copied through to the listings of capital expenditure
- The amount that is to be transferred to the Plant Replacement Reserve was overstated due to the spreadsheet not including the budget amendments already completed throughout the year.

The Manager of Finance apologises for not detecting this error earlier and highlighting it to Council's attention.

The following adjustments are necessary;

	Budget Review	Correction
Capital Acquisitions	\$2,541,132	\$2,517,132
Transfers to Reserves	\$194,047	\$136,287

Overall, there will be a reduction in the amount of cash which can be transferred to the Plant Replacement Reserve due to the purchase of the front end loader not occurring this financial year.

Consultation

CEO and MOF

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

Reduction in amount of funds being transferred to the Plant Replacement Reserve.

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

<p>OFFICER RECOMMENDATION AND COUNCIL DECISION Resolution OCM April 20 – 11.1</p> <p>Moved: Cr Rajagopalan Seconded: Cr Dolton</p> <p>That Council adopt the following amendments to the Budget Review and Budget for 2019-20; a. Correction to capital expenditure to \$2,517,132; and b. Correction to funds to be transferred to Plant Replacement Fund \$75,959 and total Transfers to Reserves of \$136,287</p> <p style="text-align: right;">CARRIED BY ABSOLUTE MAJORITY 9/0</p>

12. Confidential Items

Agenda Reference and Subject:

12.1 Appointment of Senior Employee – Manager of Works

File Reference:

1.1.1.13 Manager of Works & Services

Reporting Officer:

Darren Mollenoyux, Chief Executive Officer

Author:

Darren Mollenoyux, Chief Executive Officer

Disclosure of Interest:

Nil

Attachments:

Nil

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 12.1.1

Moved: Cr Rajagopalan

Seconded: Cr Foss

That 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;

Carried 9/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 12.1.2

Moved: Cr Rajagopalan

Seconded: Cr Dolton

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Carried 9/0

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 12.1.3

Moved: Cr Foss

Seconded: Cr Waye

That Council endorses the appointment of Mr David Holland to the position of Manager of Works and Services based on a 3 year contract of employment commencing on the 3rd May 2020.

And

Council endorses the contract and remuneration package as outlined and offered to Mr Holland.

Carried 9/0

Agenda Reference and Subject:

12.2 Landfill Site Operation and Management Service
Contract KPIs Review and Correspondence to
Contractor

File Reference:

4.1.1 Waste Management

Reporting Officer:

Julian Goldacre, Environmental Health Officer

Author:

Julian Goldacre, Environmental Health Officer

Disclosure of Interest

Cr Negri - Proximity

Attachment:

Nil

Cr Negri left the Council Meeting at 3.52pm.

Mr J Goldacre entered the Council Meeting at 3.52pm.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 12.2.1

Moved: Cr Rajagopalan

Seconded: Cr Waight

That 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:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter discussed at the meeting

Carried 8/0

Voting Requirements

Simple majority

Cr Foss left the Council Meeting at 4.00pm.

OFFICER RECOMMENDATION AND COUNCIL DECISION

Resolution OCM April 20 – 12.2.2

Moved: Cr Rajagopalan

Seconded: Cr Kilminster

That in accordance with Section 5.23(2) of the Local Government Act 1995, Council reopens the meeting to the members of the public.

Carried 7/0

COUNCIL DECISION

Resolution OCM April 20 – 12.2.3

Moved: Cr Rajagopalan

Seconded: Cr Waye

That Council resolves to:

- 1. That Council instructs the Chief Executive Officer to send correspondence to Mr Peter Fuchsbichler who holds the 'Agreement for landfill services' Contract, informing Mr Peter Fuchsbichler that his performance under the Contract as measured by the Key Performance Indicators is unsatisfactory to Council;**
- 2. Mr Peter Fuchsbichler is duly notified by correspondence to undertake the Contract at 90% compliance with the Key Performance Indicators for a period of three weeks from the date of the correspondence; and**
- 3. Should Mr Peter Fuchsbichler fail in the undertaking of 90% without reasonable cause then Council will consider enacting Clause 3.2 of the landfill site operation and management service Tender requirements referenced in the signed and sealed Contract to undertake that the Contract be terminated.**

Carried 7/0

Cr Negri returned to the Council Meeting at 4.02pm.

Cr Foss returned to the Council Meeting at 4.03pm.

Mr J Goldacre left the Council Meeting at 4.03pm.

COUNCIL DECISION

Resolution OCM April 20

Moved: Cr Waye

Seconded: Cr Waight

The Shire President formally congratulated and thanked the Chief Executive Officer and staff for all their outstanding work and commitment not only during COVID-19, but in the handling of the Mason's Fire and subsequent establishment of a temporary grocery store.

Carried 9/0

13. Closure of Meeting.

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 4.06pm.

These minutes were confirmed at a meeting on 21 May 2020.

Cr Stephen Strange
Shire President
21 May 2020