



MINUTES

Special Council Meeting Monday, 30 March 2020

Date: Monday, 30 March 2020

Time: 8.15am

**Location: Council Chamber
110 Massingham Street
Kellerberrin WA 6410**

Order Of Business

1	Declaration of Opening	3
2	Record of Attendance / Apologies / Leave of Absence.....	3
3	Declaration of Interest.....	3
4	Public Question Time	3
4.1	Response to Previous Public Questions taken on Notice	3
4.2	Public Question Time	3
5	Presentations.....	4
5.1	Petitions	4
5.2	Presentations	4
5.3	Deputations.....	4
6	Corporate Services Reports.....	5
6.1	COVID-19	5
6.2	Compliance Audit Return 2019.....	9
7	New Business of an Urgent Nature Introduced by Decision of Meeting.....	12
8	Confidential Matters	12
8.1	Chief Executive Officer - Performance Appraisal.....	12
9	Closure of Meeting.....	13

**MINUTES OF SHIRE OF KELLERBERRIN
SPECIAL COUNCIL MEETING
HOSTED AT THE COUNCIL OFFICE, 110 MASSINGHAM STREET, KELLERBERRIN
ON MONDAY, 30 MARCH 2020 AT 8.15AM**

1 DECLARATION OF OPENING

The Presiding Member opened the meeting at 8.07am

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

The Presiding Member welcomed Council Members, staff and members of the public receiving the broadcast of this electronic meeting, which is conducted in accordance with the *Local Government (Administration) Regulations 1996*.

PRESENT:

- Cr Rod Forsyth (Shire President)
- Cr Scott O'Neill (Deputy President)
- Cr David Leake
- Cr Wendy McNeil
- Cr Matt Steber
- Cr Dennis Reid
- Cr Emily Ryan

IN ATTENDANCE: Raymond Griffiths (Chief Executive Officer)
Kate Dudley (Deputy Chief Executive Officer)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

3 DECLARATION OF INTEREST

Note: Under Section 5.60 – 5.62 of the Local Government Act 1995, care should be exercised by all Councillors to ensure that a “financial interest” is declared and that they refrain from voting on any matters which are considered may come within the ambit of the Act.

A Member declaring a financial interest must leave the meeting prior to the matter being discussed or voted on (unless the members entitled to vote resolved to allow the member to be present). The member is not to take part whatsoever in the proceedings if allowed to stay.

4 PUBLIC QUESTION TIME

Council conducts open Council meetings. Members of the public are asked that if they wish to address the Council that they state their name and put the question as precisely as possible. A maximum of 15 minutes is allocated for public question time. The length of time an individual can speak will be determined at the President's discretion.

4.1 Response to Previous Public Questions taken on Notice

4.2 Public Question Time

5 PRESENTATIONS

5.1 Petitions

5.2 Presentations

5.3 Deputations

6 CORPORATE SERVICES REPORTS

6.1 COVID-19

File Number: COVID
Author: Raymond Griffiths, Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: Nil

BACKGROUND

The purpose of this report is to provide Council with an update on the Shire response to the COVID19 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 COVID19 Pandemic is placing unprecedented financial uncertainty on Governments, businesses, Not for Profits and individuals. It is clear that the restrictions are going to increase and will impact for at least six months. Emergency situations provide unique opportunities for the 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 decisions need to be made and leadership demonstrated. Details of the Shires response to date services and information has been provided through Councils social media (Facebook/Instagram and the website).

This paper is primarily seeking a statement from the Council that can be put out to the community with respect to next year's budget. It is clear to officers that no rate rise or rise in fees and charges would be accepted by the community at this time. In fact, the community could possibly be looking for easing of processes used to collect these costs. Putting out an early statement to that affect will assist the community to understand some of the difficult decisions that will continue to be made with respect to available services.

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

- Closing of the WA boarder 24th March 2020 @ 1.30pm; and
- Restriction on Regional Travel.

Both measures albeit necessary, affect the economy of Kellerberrin and wider WA as no passing traffic.

In addition Council has closed the Caravan Park to new patrons which provides an addition affect to the community.

COMMUNITY, ENVIRONMENT, ECONOMY AND GOVERNANCE ISSUES:**Community:**

The measures taken to slow the spread of the Pandemic are supported as this is primarily a Health crisis. However, the flow on effects to the community will also impact social and financial impacts of our lives.

Environment:

Limitations on human activity has been reported to be having a positive impact on the environment in terms of pollution levels. Council's staff have been heavily promoting social distancing and for members of our community to stay home whenever/wherever possible to ensure the safety of our community.

Economy:

The Pandemic is having a major impact on Australia's and the world's economy currently.

Governance:

The demonstration of good leadership at times of crisis is significant when the recovery phase of the crisis is reached.

Disclosure of Interest:

No Officer involved in the preparation of this report has a declarable interest in this matter.

RELEVANT PRECEDENTS:

Please refer to Federal and State Government announcements

STAFF COMMENT

Council offices have been in contact with several different Local Governments throughout the state to ascertain what levels they are undertaking in savings to the community.

Currently in reviewing Kellerberrin's situation we haven't been approached or received any information from any of our ratepayers/businesses/individuals regarding loss of income or employment.

TEN YEAR FINANCIAL PLAN

This will have an exponential effect on Councils Long Term Financial Plan unless the outward years are amended.

FINANCIAL IMPLICATIONS

The Financial Implications will be provided to Council at the time of producing the DRAFT Budget documentation.

STATUTORY IMPLICATIONS

Nil at this time.

STRATEGIC COMMUNITY PLAN

There could be some Strategic Plan implications should items be reviewed due to limited funds, however this will be further reviewed and information provided at the DRAFT Budget presentation.

COMMUNITY CONSULTATION

The following consultation took place;

Chief Executive Officer

Deputy Chief Executive Officer

STAFF RECOMMENDATION

That Council;

1. Request the Chief Executive Officer prepare a DRAFT 2020/2021 Budget with the following considerations;
 - (a) Zero percent (0%) rate increase, essentially a freeze on the rate in the dollar;
 - i. Seek confirmation as to whether Council will be receiving a Rural Revaluation, as this may affect a change in rates per individual properties irrespective of rate increase freeze;
 - (b) Zero percent (0%) increase in Councils fees and charges, (remain as per 2019/20);
 - i. No Annual Food Licence Levies issued
 - ii. No Alfresco Licence Levies Issued
 - iii. No Lodging House Levies Issued.
 - (c) 2020/2021 Non-payment of rates penalty interest not apply until March 2021;
 - (d) No Instalment administration fees on all instalment options for 2020/2021
 - (e) No Instalment interest applied to all instalment options for 2020/2021
2. Offers, upon request, a waiver of interest on outstanding rates for those business/individuals directly affected by the Commonwealth/State Government's decision to close various businesses between 23 March and 31 July 2020;
3. Offers, upon request, a waiver of interest on outstanding rates for those businesses/individuals directly affected by the State Governments decision to close Western Australia's borders, between 23 March and 31 July 2020;
4. Writes to and lobbies the State Government for urgent financial assistance that can be used to assist the community as a matter of urgency; and
5. Writes to the Federal Government and the Western Australian Local Government Association requesting an increase to the Federal Assistance Grant Scheme funding for both the 2020/21 and 2021/22 financial years.



COUNCIL RESOLUTION 037/20

Moved: Cr Dennis Reid **Seconded:** Cr Matt Steber

That Council;

1. ***Request the Chief Executive Officer prepare a DRAFT 2020/2021 Budget with the following considerations;***
 - (a) Zero percent (0%) rate increase, essentially a freeze on the rate in the dollar;***

6.2 COMPLIANCE AUDIT RETURN 2019

File Number: FIN01
Author: Kate Dudley, Deputy Chief Executive Officer
Authoriser: Raymond Griffiths, Chief Executive Officer
Attachments: 1. **Compliance Audit Return - Unsigned 2019**  

BACKGROUND

The Compliance Audit Return (CAR) is a statutory reporting tool that seeks to evaluate the Shire's compliance with targeted sections of the Local Government Act 1995 during the period 1 January 2019 to 31 December 2019.

The Shire has completed the 2019 CAR and it is included in this report at Attachment 1 for the Audit Committee's consideration and Council decision. The complete 2019 CAR is recommended for adoption, after which it will be lodged with the Department of Local Government, Sport and Cultural Industries (the Department) as required by 31 March 2020.

STAFF COMMENT

In completing the 2019 CAR, the Deputy Chief Executive Officer have undertaken an audit of the Shire's activities, practices and procedures in line with the Act and its associated Regulations.

There is one comment provided under optional questions for the provision of the Financial Management Review to be conducted within three years. Due to COVID-19 Moore Stephens staff were unable to undertake the review, which was scheduled for 24 – 26 March 2020. The Ministers officer and OAG have been made aware of the situation.

TEN YEAR FINANCIAL PLAN

There are no direct financial implications.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

STATUTORY IMPLICATIONS

Section 7.13 of the Local Government Act 1995 provides for the making of Regulations in regards to Audits.

Regulation 13 of the Local Government (Audit) Regulations 1996 prescribes the statutory requirements for which compliance audit needed.

Regulations 14 and 15 of the Local Government (Audit) Regulations 1996 state the following:

14. Compliance audits by local governments
 - (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government's audit committee is to review the compliance audit

return and is to report to the council the results of that review.

(3) After the audit committee has reported to the council under subregulation

(3A), the compliance audit return is to be –

(a) presented to council at a meeting of the council; and

(b) adopted by council; and

(c) recorded in the minutes of the meeting at which it is adopted.

15. Certified copy of compliance audit return and other documents to be given to Departmental CEO

(1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with-

(a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and

(b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.

(2) In this regulation – certified in relation to a compliance audit return means signed by

(a) the mayor or president; and

(b) the CEO.

STRATEGIC COMMUNITY PLAN

Core drivers identify what Council will be concentrating on as it works towards achieving Councils vision. The core drivers developed by Council are:

1. Relationships that bring us tangible benefits (to the Shire and our community)
2. Our lifestyle and strong sense of community
3. We are prepared for opportunities and we are innovative to ensure our relevancy and destiny

COMMUNITY CONSULTATION

No community consultation is required.

STAFF RECOMMENDATION

That Council,

1. Having received the 2019 Compliance Audit Return (Attachment A), adopt the 2019 Compliance Audit Return and authorises the Shire President and Chief Executive Officer to sign in joint the Certificate.
2. Authorise the CEO to submit the CAR to the department by 31 March 2020.

COUNCIL RESOLUTION 038/20

Moved: Cr Matt Steber Seconded: Cr David Leake

That Council,

1. *Having received the 2019 Compliance Audit Return (Attachment A), adopt the 2019 Compliance Audit Return and authorises the Shire President and Chief Executive Officer to sign in joint the Certificate.*
2. *Authorise the CEO to submit the CAR to the department by 31 March 2020.*

CARRIED BY ABSOLUTE MAJORITY 7/0

7 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**8 CONFIDENTIAL MATTERS****8.1 CHIEF EXECUTIVE OFFICER - PERFORMANCE APPRAISAL****COUNCIL RESOLUTION 039/20**

Moved: Cr Scott O'Neill Seconded:Cr Dennis Reid

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

8.1 Chief Executive Officer - Performance Appraisal

This matter is considered to be confidential under Section 5.23(2) - a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with a matter affecting an employee or employees.

CARRIED 7/0

COUNCIL RESOLUTION 040/20

Moved: Cr David Leake Seconded:Cr Matt Steber

That Council endorse the actions of the President advising Mr John Phillips of John Phillips Consulting that the Chief Executive Officers performance appraisal process be cancelled for 2020 due to the current COVID-19 virus and the inability to host an in person appraisal.

CARRIED 7/0

COUNCIL RESOLUTION 041/20

Moved: Cr Scott O'Neill Seconded:Cr David Leake

That Council moves out of Closed Council into Open Council.

CARRIED 7/0

9 CLOSURE OF MEETING

The Meeting closed at 8.46am.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Shire of Kellerberrin held on 21 April 2020.

.....
CHAIRPERSON