



# MINUTES FOR THE ORDINARY COUNCIL MEETING

15 APRIL 2020

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**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS AND VIA ZOOM ON 15 APRIL 2020 COMMENCING AT 4.30PM**

**1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

Prior to commencement of this meeting, the connections by electronic means for all Council Members and other attendees joining the meeting via Zoom (teleconferencing platform), were tested and confirmed.

The Presiding Member declared the meeting open at 4:30pm.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**

The Presiding Member asked Council Members and staff to verbally confirm that they are connected and in attendance, with the following attendees so confirmed:

**COUNCILLORS**

|              |            |                                 |
|--------------|------------|---------------------------------|
| JD Bagley    | Councillor | Rural Ward (via teleconference) |
| GJ Cosgrove  | Councillor | Town Ward                       |
| CV Farr      | Councillor | Town Ward                       |
| HR McTaggart | Councillor | Rural Ward (via teleconference) |
| HM Newton    | Councillor | Town Ward                       |
| RW Newton    | Councillor | Rural Ward                      |
| AR Smyth     | Councillor | Town Ward (via teleconference)  |

**APOLOGIES**

Nil.

**STAFF**

|           |   |
|-----------|---|
| N Hay     | Chief Executive Officer                 |
| J Clapham | Finance Manager (via teleconference)    |
| E Greaves | Governance Officer (via teleconference) |

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4.0 PUBLIC QUESTION TIME / PUBLIC STATEMENT TIME**

Nil.

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**OFFICER RECOMMENDATION AND COUNCIL DECISION – PROCEDURAL MOTION- Resolution 15042001**

Moved: Cr HM Newton

Seconded: Cr CV Farr

That Council suspends Clauses 3.6, 3.7 and 7.2 of the *Shire of Mingenew Standing Orders Local Law 2017* for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**6.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

**7.1 ORDINARY COUNCIL MEETING HELD 18 MARCH 2020**

**OFFICER RECOMMENDATION - ITEM 7.1**

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 18 March 2020 be confirmed as a true and accurate record of proceedings.

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 7.1 - Resolution 15042002**

Moved: Cr HM Newton

Seconded: Cr RW Newton

That the Minutes of the Ordinary Council Meeting of the Shire of Mingenew held in the Council Chambers on 18 March 2020 be confirmed as a true and accurate record of proceedings, subject to the following amendment:

The Minute record to show that Cr HR McTaggart was the mover of Resolution 18032005 in which Council received the Minutes of the Audit & Risk Committee meeting held 11 March 2020.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**7.2 SPECIAL COUNCIL MEETING HELD 26 MARCH 2020**

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 7.2 - Resolution 15042003**

Moved: Cr HM Newton

Seconded: Cr AR Smyth

That the Minutes of the Special Council Meeting of the Shire of Mingenew held in the Council Chambers on 26 March 2020 be confirmed as a true and accurate record of proceedings.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

**9.0 DECLARATIONS OF INTEREST**

Cr HM Newton disclosed an Impartiality Interest in relation to Item 11.5 as a member and Chairperson of the Mingenew CRC Management Committee.

**10.0 RECOMMENDATIONS OF COMMITTEES**

**10.1 LOCAL EMERGENCY MANAGEMENT COMMITTEE MEETING HELD 26 MARCH 2020**

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 10.1.1 - Resolution 15042004**

Moved: Cr HM Newton

Seconded: Cr AR Smyth

That Council receives the Minutes of the Local Emergency Management Committee meeting held 26 March 2020.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**11.0 CHIEF EXECUTIVE OFFICER REPORTS**  
**11.1 COUNCIL AND COMMITTEE MEETINGS**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0246  
**Disclosure of Interest:** Nil  
**Date:** 7 April 2020  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

**Summary**

To set the Shire's Council and Committee meetings as eMeetings during the social isolation period implemented due to the COVID-19 public health emergency and consider guidelines to assist in the running of these meetings.

**Key Points**

- There has been a legislated change to the Local Government (Administration) Regulations to allow for Council meetings to be conducted electronically (Regulation 14D)
- To comply with the social isolation requirements, it is appropriate for Councils to decide on how those meetings are to be conducted
- It will not be possible to make eMeetings open to the public however, provisions have been made to ensure members of the public are able to address any questions or matters to Council electronically
- An eMeetings Guide has been established to guide the process for conducting eMeetings and outlining any implications for adhering to the *Shire of Mingenew Standing Orders Local Law 2017*

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 11.1 - Resolution 15042005**

Moved: Cr RW Newton

Seconded: Cr AR Smyth

That Council:

1. Amends the meeting 'place' for all Council and Committee meetings of the Shire of Mingenew to "eMeetings" for the duration of the state-declared Public Health Emergency relating to the COVID-19 Pandemic, with all meetings to be held on the dates and times previously scheduled and advertised as follows:

| Month     | Commencement Time | Ordinary Council Meeting |
|-----------|-------------------|--------------------------|
| May       | 4:30pm            | 20                       |
| June      | 4:30pm            | 17                       |
| July      | 4:30pm            | 15                       |
| August    | 4:30pm            | 19                       |
| September | 4:30pm            | 16                       |
| October   | 4:30pm            | 21                       |
| November  | 4:30pm            | 18                       |
| December  | 4:30pm            | 16                       |

**NOTE: Meetings will revert to being held in the Mingenew Council Chambers, 21 Victoria Street, Mingenew once the social isolation restrictions and pandemic implications have been lifted.**

2. Accepts the Shire of Mingenew eMeetings Guide, as presented in Attachment Booklet – April 2020;
3. Gives public notice of the change to eMeetings, noting that the electronic meetings are not open to the public, however provision is made to accept public questions, in writing to the CEO, at least 4 hours prior to the meeting commencement time.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

### Attachments

- 11.1.1 Proposed Shire of Mingenew eMeetings Guide
- 11.1.2 WALGA Electronic Council Meetings Guide

### Background

A number of amendments to the Local Government (Administration) Regulations have been made to provide for local governments to convene Council and Committee meetings by electronic means in response to the restrictions on group gatherings as a result of the COVID-19 public health emergency.

WALGA have prepared an Electronic Council Meeting (eMeeting) Guide to assist Council's in meeting their local needs and to run efficient and effective meetings.

### Comment

In response to and based on WALGA's guide, a specific guide has been developed that addressed the key areas raised in WALGA's guide, as well as navigating the procedures within the Shire of Mingenew Standing Orders Local Law 2017, to ensure meetings can be consistent with those where appropriate or identify variations required.

The eMeetings Guide also includes a procedure for dealing with Public Question Time to ensure that members of the public can continue to participate through Council meetings in modified form. The response to this is to allow for questions to be submitted to the CEO in advance (at least 4 hours prior to the Council meeting). Depending on the nature and complexity of the questions, a response may be provided at the meeting, taken on notice and provided by the next Council meeting or dealt with as ordinary correspondence (which will be dealt with in accordance with the Shire's Customer Service Charter). A public notice is to be prepared advising members of the public of the relevant changes.

It is difficult to anticipate when the state-declared emergency will be lifted, and Council meeting processes can return to normal. It is recommended that an 'until further notice' approach be taken.

### Statutory Environment

#### **Local Government Act 1995**

#### **5.25. Regulations about council and committee meetings and committees**

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(ba) the holding of council or committee meetings by telephone, video conference or other electronic means;

#### **Local Government (Administration) Regulations 1996**

#### **14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))**

(1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —

(a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and



(b) the person is in a suitable place; and (c) the council has approved\* of the arrangement.

(2) A council cannot give approval under sub regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person (other than a person with a disability) who was not physically present was taken to be present in accordance with this regulation.

(3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

(4) In this regulation —

**disability** has the meaning given in the Disability Services Act 1993 section 3;

**suitable place** —

(a) in relation to a person with a disability — means a place that the council has approved\* as a suitable place for the purpose of this paragraph; and

(b) in relation to any other person — means a place that the council has approved\* as a suitable place for the purpose of this paragraph and that is located —

(i) in a townsite or other residential area; and

(ii) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

**townsite** has the same meaning given to that term in the Land Administration Act 1997 section 3(1).

#### **14B. Attendance by telephone etc. after natural disaster (Act s. 5.25(1)(ba))**

(1) If a council member is prevented from being physically present at a meeting of the council because of fire, flood, lightning, movement of land, storm, or any other natural disaster the member is to be taken to be present at the meeting if —

(a) the member is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and

(b) the member is authorised to be present by —

(i) the Mayor; or

(ii) the President; or

(iii) the council.

(2) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

(3) A place where a person referred to in this regulation is physically present during a meeting is not a place that is open to members of the public under section 5.23(1).

(4) In this regulation — person referred to in this regulation, in respect of a meeting, means a council member who is prevented from being physically present at that meeting.

#### **14C. Attendance by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))**

(1) In this regulation — meeting means —

(a) an ordinary meeting of the council; or

(b) a special meeting of the council; or

(c) a meeting of a committee of the council; or

(d) a meeting of an audit committee of a local government.

(2) A member of a council or committee may attend a meeting by electronic means if —

(a) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and

(b) because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present in person at a meeting; and

(c) the member is authorised to attend the meeting by electronic means by —

(i) the mayor; or

(ii) the president; or

(iii) the council.

(3) A person who attends a meeting by electronic means is taken to be present at the meeting.

**14D. Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))**

(1) In this regulation — meeting means —

- (a) an ordinary meeting of the council; or
- (b) a special meeting of the council; or
- (c) a meeting of a committee of the council; or
- (d) a meeting of an audit committee of a local government.

(2) A meeting may be held by electronic means —

(a) if —

- (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
- (ii) because of the public health emergency or state of emergency, the mayor, president or council considers it appropriate for the meeting to be held by electronic means; or

(b) if —

- (i) a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and
- (ii) the mayor, president or council authorises the meeting to be held by electronic means.

(3) The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —

- (a) the mayor; or
- (b) the president; or
- (c) the council.

(4) The CEO must be consulted before a determination is made under subregulation (3).

**14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))**

(1) In this regulation — electronic meeting means a meeting held by electronic means under regulation 14D.

(2) If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.

(3) If a council or a committee holds an electronic meeting —

- (a) a person who attends the meeting by the electronic means determined under regulation 14D(3) is taken to attend the meeting for the purposes of the Act and these regulations; and
- (b) the meeting is open to the members of the public under section 5.23(1) if —
  - (i) the council or committee complies with the requirement to make the unconfirmed minutes of the meeting available for public inspection under regulation 13; or
  - (ii) the council or committee publicly broadcasts the meeting on a website; or
  - (iii) the meeting or a broadcast of the meeting is otherwise accessible to the public.

(4) If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —

- (a) the council or committee provides a means to submit a question prior to the meeting; and
- (b) the council or committee determines at the meeting —
  - (i) to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or
  - (ii) that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.

(5) If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —

- (a) tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and

*(b) made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.*

**Policy Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

Community Strategic Plan:

Strategy 1.2.2 Enhance open and trusting communication between Council and the community, and deliver high quality services in partnership with external stakeholders

Strategy 1.2.3 Provide sound corporate governance of the Shire and create an attractive work environment

## 11.2 COMMUNITY RELIEF DURING COVID-19 PUBLIC HEALTH EMERGENCY

|                         |                                     |
|-------------------------|-------------------------------------|
| Location/Address:       | Shire of Mingenew                   |
| Name of Applicant:      | Shire of Mingenew                   |
| File Reference:         | ADM0305                             |
| Disclosure of Interest: | Nil                                 |
| Date:                   | 31 March 2020                       |
| Author:                 | Erin Greaves, Governance Officer    |
| Authorising Officer:    | Nils Hay, Chief Executive Officer   |
| Voting Requirements:    | Absolute Majority / Simple Majority |

### Summary

To provide economic relief to residents and ratepayers of the Shire of Mingenew in response to the COVID-19 public health emergency.

### Key Points

- The State Government is urging local governments to take appropriate action to provide local communities with financial, economic and social support through the COVID-19 pandemic
- WALGA State Council resolved to request local governments to take a number of measures in support of this position and intends to advocate for relief from Federal and State Governments and relevant agencies to support local governments in taking these actions
- A relief package has been developed to address those actions proposed by WALGA and additional measures identified as appropriate
- Whilst some of these actions have implications for the 2020/21 financial year and Council is yet to deliberate on its Budget, a commitment from Council is requested in order to assist staff in preparing its documentation for the Budget and provide the community with some relief for the immediate future

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 11.2 - Resolution 15042006**

Moved: Cr JD Bagley

Seconded: Cr CV Farr

#### That Council:

1. In response to the COVID-19 pandemic and in support of WALGA's policy position for local governments to provide a coordinated and consistent response as outlined in the State Council Special Meeting Minutes 27 March 2020 as attached:
  - a) Waives any interest incurred on rateable property (rates) and sundry debtors for the remainder of the 2019/20 financial year, backdated to 1 April 2020;
  - b) Places a hold on debt recovery activities for the remainder of the 2019/20 financial year and encourages debtors to seek alternative payment arrangements where required (noting this does not relieve debtors of any existing debts);
  - c) Commits to not increasing rates for the 2020/21 financial year
  - d) Adopts the Rates Hardship Policy (new) based on the WALGA template policy
  - e) Adopts, by Absolute Majority, the amended Delegation CD02 Debts, Waiver, Concessions, Write Off and Recovery as presented in Attachment Booklet – April 2020;

- f) Considers the establishment of an Emergency Relief Reserve for the purpose of funding critical response and recovery activities related to a state-declared emergency impacting the Shire of Mingenew
  - g) Considers rate relief options to support small businesses affected by the COVID-19 pandemic
  - h) Reviews fees and charges for the 2020/21 financial year, considering whether fees can be reduced, waived or deferred during the COVID-19 pandemic
  - i) Considers bringing forward eligible capital works and infrastructure spending, where appropriate and feasible
  - j) Considers the re-application of reserves and borrowing in order to bring forward eligible capital works or develop new projects
  - k) Prioritises Local Government spending with businesses and contractors located within the Shire of Mingenew
  - l) Implements business-friendly payment terms to support business cash flow
  - m) Considers grant programs or waiving fees and charges to support community and sporting groups for the 2020/21 financial year, including:
    - i) Waiving all venue and venue equipment hire fees (bonds and cleaning fees to still apply) for local sporting clubs, community groups and not-for-profit organisations
    - ii) Waiving the community bus hire fees for local travel (within 250 kms)
  - n) Where applicable, redeploys staff affected by facility closures and service restrictions to tasks that support the community and recovery efforts
  - o) Waives any newly incurred rate and sundry debtor interest incurred for the 2020/21 financial year.
2. Supports the Chief Executive Officer in preparing and issuing correspondence to the State Government indicating support for WALGA's policy position with regard to community relief measures and advocacy for:
- a) Suspension of the Western Australian Treasury Corporation's borrowing guarantee charge of 0.7 percent on top of the loan interest rate for the 2020-2021 financial year
  - b) No increase to street lighting and utility tariffs in 2020-2021
  - c) Deferral of revaluations for the 2020-2021 financial year
  - d) Request the Office of the Auditor General to cease performance audits for the 2020-2021 financial year
  - e) Freezing of the waste levy for the 2020-2021 financial year.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 5/2

*It is noted that prior to Item 1.2 being put to the vote, the connection with attendees joining by teleconference (Zoom) was temporarily lost therefore, the meeting was suspended at 4:45pm. All meeting attendees were confirmed at 4:51pm and the meeting recommenced, ensuring that the motion was read and understood before being put to the vote.*

### **Attachments**

11.2.1 WALGA State Council Special Meeting Minutes – 27 March 2020

11.2.2 Financial Hardship Policy (new)

11.2.3 CD02 Debts, Waivers, Concessions, Write Off and Recovery (amended)

### **Background**

The global Coronavirus (COVID-19) pandemic has resulted in a state-declared public health emergency under s167 of the *Public Health Act 2016*. Whilst there are no reported cases directly affecting Mingenew residents at the time of this report being prepared, there are likely to be lasting social and economic impacts for our local residents.

The Shire is continuing to provide ongoing updates to the community on appropriate behaviour and actions that can positively affect their health and well-being through the Shire's website, Facebook, SMS service and other communication mediums as appropriate.

### **Comment**

Local governments across Western Australia are implementing various measures to reduce the impacts of the pandemic on local communities and the recommendations above are the Shire's proposed response to this.

### **Debt Recovery**

The impacts of the debt recovery and reductions/waivers actions proposed are generally aligned with the measures identified by WALGA and the State Government.

It is proposed that debt recovery actions will be placed on hold for the remainder of the financial year. This does not release debtors from existing debts and residents will be encouraged to contribute to any outstanding amounts to reduce financial risk in future.

It is also proposed that Council commit to a number of measures that are likely to provide some relief to households and community groups (including sporting clubs) so that social activities can recommence once it is safe to do so. This includes freezing any proposed increases to fees and charges related to facility use and hire, and any other fees and charges within Council's control (excludes statutory fees set by other agencies, such as some Building and Planning fees).

A full financial impact assessment will be undertaken in the development of the 2020/21 Annual Budget.

For the 2019/20 financial year it is proposed that no further interest be applied to any outstanding rates and sundry debtor debts. This would mean that new interest charges would not be applied from 1 April 2020. Any outstanding debts will be expected to be paid either through the usual means or by contacting the Shire in regard to a payment plan.

It is also worth noting that the CEO has delegated authority to waive or write off individual debts valued, or cumulative debts of a debtor valued under \$100 (excluding rate or service charges). To ensure the efficient application of the overall strategy to provide relief to individuals and groups under reasonable circumstances, it is considered appropriate that the Delegation be reviewed and amended for emergency response purposes.

### Emergency Relief

The proposed Emergency Relief Reserve is proposed to provide relief and support for recovery efforts during and following an emergency. Potentially this fund would be allocated for:

- Providing emergency relief to impacted staff (procedure to be developed)
- Fund increased overtime for staff to undertake critical works
- The hire or purchase of critical equipment
- Co-contributions for externally funded projects that will provide further economic, financial and social relief to the community

A listing of our current reserves (actual YTD) are provided below:

| Reserve Name                             | YTD Actual<br>(29/02/2020) |
|--|----------------------------|
| Land and Building Reserve                | \$62,298                   |
| Plant Reserve                            | \$82,266                   |
| Recreation Reserve                       | \$12,960                   |
| Employee Entitlement Reserve             | \$67,794                   |
| Aged Persons Units Reserve               | \$12,944                   |
| Environmental Reserve                    | \$9,605                    |
| Industrial Area Development Reserve      | \$5,751                    |
| RTC/PO/NAB Building Reserve              | \$12,188                   |
| Insurance Reserve                        | \$43,271                   |
| Economic Development & Marketing Reserve | \$10,419                   |

This will be considered further and presented to Council at a future meeting.

As the real impact on the community's well-being and economy is unknown, it is considered appropriate to undertake preparatory measures for the next financial year, assuming a high consequence approach in risk assessing.

### Statutory Environment

The Local Government Act 1995

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.*

Rates and Charges (Rebates and Deferments) Act 1992

### Policy Implications

1.3.9 Debt Collection Policy

### Financial Implications

The freezing of current interest on debts and debt recovery actions are likely to be minimal.

Financial implications for the 2020/21 financial year will be prepared and communicated with Council as Budget preparations are made and response and recovery actions are developed. The freeze on increases

to rates and fees and charges will mean that Council will be operating below cost-recovery which will have longer term financial implications that cannot yet be forecast.

**Strategic Implications**

Community Strategic Plan:

Strategy 1.3.1 Provide a high level of compliance with external regulation, in a resource-efficient manner



### 11.3 PURCHASING POLICY – EMERGENCY PROVISIONS

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0489  
**Disclosure of Interest:** Nil  
**Date:** 8 April 2020  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

#### Summary

To adopt an amended Purchasing Policy with special emergency provisions that reflect (to be gazetted) changes to the *Local Government (Functions and General) Regulations 1996*.

#### Key Points

- Changes to the Regulations include increasing the Tender threshold to \$250,000 during a State of Emergency. Also, public tenders will not be required during a State of Emergency for the supply of goods or services associated with the emergency nor for a 12 month (only) renewal or extension of an existing contract that would otherwise expire within three months.
- The proposed policy allows for varied purchasing thresholds to apply including the above
- It also encourages support for local purchasing where possible

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 11.3 - Resolution 15042007**

**Moved:** Cr HR McTaggart  
**Seconded:** Cr HM Newton

#### **That Council:**

1. adopts the amended 1.3.1 Purchasing Policy and Procedure as presented in Attachment Booklet – April 2020, which includes new Emergency Purchasing provisions; and
2. adopts the amended Delegation CD04 Expressions of Interest, Tenders and Tender Exempt Procurement, as presented in Attachment Booklet – April 2020.

#### **VOTING DETAILS:**

**CARRIED BY ABSOLUTE MAJORITY: 6/1**

#### Attachments

11.3.1 Purchasing Policy (amended)

11.3.2 Delegation CD04 Expressions of Interest, Tenders and Tender Exempt Procurement (amended)

#### Background

The primary purpose of these amendments is to increase the flexibility of the local government sector to contract with local suppliers during, and in the aftermath of, the State of Emergency Declaration under the Emergency Management Act 2005.

An amendment is being made to regulation 11(1) to increase the threshold to \$250,000 to align with State Government tendering thresholds. This will permit local governments to extend the use of their own purchasing policy and apply local content provisions more readily to goods and services acquired via written quotations.

Local governments are encouraged to update their purchasing policy to cover the direct purchase of goods and services under \$250,000. For purchases over \$150,000, local governments should ensure that quotations are requested in writing and offers are received in writing.

Regulation 11(2) contains two further exemptions when tenders do not have to be publicly invited.

The first exemption, in new regulation 11(2)(aa), ensures the formal tender process does not need to be undertaken when sourcing and securing essential goods and services to respond to a state of emergency. As outlined in regulation 11(3), there must be a state of emergency declaration in force for the local government district or part of the district and the goods or services must be required to address needs arising from, or impacts or consequences of, the hazard to which the emergency relates.

The other exemption in regulation 11(2)(ja) gives a local government the discretion to renew or extend a contract that expires when a state of emergency declaration is in force, even though this option is not included in the original contract. This will overcome the practical difficulty of businesses responding to a formal tender process while they are shut down or in the transition period when normal business resumes. Limits on this apply: the original contract must have less than three months left to run, the renewal or extension cannot be for more than twelve months, and there must be a state of emergency declaration applying to the district or part of the district when the renewal or extension is entered into.

A further exemption in regulation 11(2)(h) is being updated to encourage local governments to purchase goods or services supplied by Aboriginal businesses. The exemption will now reflect the fact that the Chamber of Commerce and Industry administers the Aboriginal Business Directory. A new exemption has been added recognising goods or services may also be supplied by Supply Nation.

The changes were gazetted on Thursday, 9 April 2020 and will come into effect on Friday, 10 April 2020.

### Comment

In response to the proposed changes, an amended Purchasing Procedure has been developed to outline the Shire's control measures in regard to purchasing activity during an emergency. The Policy changes are summarised below:

- Incorporating the previous Purchasing Policy and Procedure into one Policy to provide clarity on Council's domain and intention for decision-making
- Aligns more closely to better practice purchasing processes as identified in the WALGA Model Purchasing Policy
- Provides a clear definition of 'Purchasing Value' and associated considerations (page 2-3)
- No changes to purchasing thresholds for business as usual
- Discretion for purchasing in an emergency, in accordance with Regulation. Tender threshold is increased to \$250,000 and public tenders not required for emergency-related purchasing (with restrictions on contract terms)
- Description of various other purchasing processes e.g. Expressions of Interest, Request for Proposal etc.

The proposed change to the Delegation relates to the provision for emergency purchases:

6. Authority to undertake tender exempt procurement during a State of Emergency, in accordance with Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget or the expenditure has been authorized by the Shire President [LGA s6.8(1))(c) and F&G r11(1)]

**Statutory Environment**

The Local Government Act 1995

Local Government (Functions and General) Regulations 1996 (as amended)

**Policy Implications**

1.3.1 Purchasing Policy and Procedure (current)

**Financial Implications**

As outlined above.

**Strategic Implications**

Community Strategic Plan:

Strategy 1.1.2 Provide buildings, facilities and services to meet community needs

Strategy 1.2.1 Manage organisation in a financially sustainable manner

*Prior to the commencement of this item, Cr HM Newton disclosed an Impartiality Interest as a member and Chairperson of the Mingenew CRC Management Committee. Cr Newton remained present during discussions and voted on the item in accordance with Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.*

#### 11.4 REQUEST TO WAIVE RENT – 32A (LOT 20) SHENTON STREET (MINGENEW CRC)

**Location/Address:** 32A (Lot 20) Shenton Street, Mingenew  
**Name of Applicant:** Mingenew Community Resource Centre (Lessee)  
**File Reference:** A324  
**Disclosure of Interest:** Nil  
**Date:** 10 March 2020  
**Author:** Erin Greaves, Governance Officer  
**Authorising Officer:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Absolute Majority

#### Summary

To consider a request from the Community Resource Centre to place a freeze on rental payments incurred for the lease of 32A (Lot 20) Shenton Street, Mingenew, as the residence for the current Mingenew Day Care Coordinator.

#### Key Points

- The Mingenew CRC commenced a Residential Tenancy Agreement in October 2015 and is valid until 2021
- Correspondence from the CRC was received 2 April 2020 requesting a freeze on rent charged until the current economic / COVID-19 situation passes
- The Mingenew Day Care has significantly decreased operations and receiving minimal income for the service, with many parents opting to keep their children home during the imposed self-isolation period

#### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 11.4 - Resolution 15042008**

**Moved:** Cr Hellene

**Seconded:** Cr Anthony

**That Council, by Absolute Majority, endorses a rent freeze on the residential property 32A (Lot 20) Shenton Street, Mingenew (A324) under the current the Residential Tenancy Agreement with the Mingenew Community Resource Centre from the week commencing 1 April 2020 until 30 June 2020.**

**VOTING DETAILS:**

**CARRIED BY ABSOLUTE MAJORITY: 7/0**

#### Background

The Mingenew Community Resource Centre (CRC) have a Residential Tenancy Agreement with the Shire of Mingenew for the lease on 32A Shenton Street, Mingenew until 2021 to provide housing for the Mingenew Day Care Centre Coordinator.

#### Comment

The Mingenew Day Care Centre is a valuable resource for the Mingenew community, as indicated through the Strategic Community planning process. Whilst the Government has promised stimulus support for day care centres in order to promote continued operation, the Mingenew Day Care has seen a significant fall in attendance, with many parents opting to keep children at home during the isolation period mandated as a result of the COVID-19 pandemic. Resulting in revenue loss for the Day Care and therefore, the Mingenew CRC.

There are many local community groups, businesses and individuals affected by the actions required to help ease the risk of spread of the virus and the Shire is developing strategies to provide relief where possible, particularly in regards to preparation of the 2020/21 Budget (as outlined in the proposed Community Relief Response to COVID-19 agenda report). The known impact on the Mingenew Day Care Centre and Mingenew CRC however, is considered to be a priority for consideration immediately.

### **Statutory Environment**

The Local Government Act 1995

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**

1.3.9 Debt Collection Policy

### **Financial Implications**

The waiver of rent payments will result in a minimal decrease in income for the Shire. The loss of income will, however, provide relief to the Mingenew CRC and Day Care service, which will hopefully support the business to effectively recover from the current poor economic conditions and enable services to return to full capacity.

### **Strategic Implications**

Community Strategic Plan:

Strategy 2.2.1 Develop childcare service to full time full day care model

## 11.5 RFT 2 2019/20 - MANAGEMENT OF MINGENEW RESOURCE RECOVERY PARK (TRANSFER STATION AND LANDFILL)

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** TEN020  
**Disclosure of Interest:** Nil  
**Date:** 6 April 2020  
**Author:** Nils Hay, Chief Executive Officer  
**Voting Requirements:** Simple Majority

### Summary

We have sought tenders for the management of Mingenew's landfill as it transitions to a transfer station. This paper accepts the single tender received subject to further discussion and negotiation before engagement.

### Key Points

- RFT issued with single response from Cleanaway (current waste management provider, and manager of a number of regional transfer stations, including Meru and Dongara).
- Some clarification of tender response required with regards to use of mobile plant on site.
- Provision of a manned service will necessarily increase operational costs of the landfill site, but will also improve the site's compliance as well as environmental outcomes.

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 11.5**

**Moved:** Cr HM Newton

**Seconded:** Cr JD Bagley

**That Council:**

1. **Accepts the Tender submitted by Cleanaway Pty Ltd as the most advantageous Tender to form a Contract, and**
2. **Delegates the formation of the Contract to the Chief Executive Officer, subject to any variations (of a minor nature) prior to entry to Contract.**

**VOTING DETAILS:**

**LOST: 0/7**

### Attachment

11.6.1 RFT Documentation

11.6.2 CONFIDENTIAL - Response Documents from Cleanaway

11.6.3 CONFIDENTIAL - Request for Tender Assessment – Management of Mingenew Resource Recovery Park

*Confidential documents provided under separate confidential cover in accordance with s5.23(2)(c) and (e) of the Local Government Act 1995.*

### Background

The Shire has been moving towards the operation of a transfer station for several years, with the construction of a site shed and new transfer bin site completed in mid-2018, as per the following resolution from the August 2018 Ordinary Meeting of Council.

1. Notes the progress being made with the Mingenew Refuse Site upgrade;
2. Notes that (subject to a provision in the 2018/19 budget) a monitoring bore will be positioned by the Shire on the eastern side of the facility (between the facility and the nearest Water Corporation water production bore); and
3. Agrees in principle that a controlled waste precinct site is an ideal goal for waste management at the Mingenew Refuse Site, and to progress that consideration requires that a Community Consultation program be developed and implemented (to enable the Shire and the Mingenew Community to suitably engage in a discussion as to how it might occur, and when it might commence) - these discussions to include recycling opportunities, communications opportunities, fees and charges, and opening days/hours.

VOTING DETAILS:

CARRIED 5/0

In terms of addressing item 3 above, there has been public consultation regarding the ultimate limiting of hours of access to the tip and restriction on waste types late 2019, ahead of the development and release of tender documentation in February 2020. In accordance with s14 of the Local Government (Functions and General) Regulation 1996, the tender was advertised in regional newspapers, as well as through the Shire's social media, website and Mingenew Matters.

One tender was received, from Cleanaway Pty Ltd.

### Comment

Whilst Cleanaway are the only organization to tender for the work, they have significant experience in this space and can leverage off the fact they are presently the waste collection agency for the Shire, as well as the manager of the Meru facility which is where much of the transferred waste would be taken.

The cost is comparable to similar facilities, like Morawa, and – given that it includes a part-time employee, operating on weekends, with a vehicle – does not appear excessive; especially as we are also outsourcing management of that employee and some of the operational risk of the facility at the same time.

Were we to employ a staff member to do this, and provide a vehicle, our costs would be approximately \$40,000 for the staff member and around \$3,000-\$4,000 per annum for the vehicle, including on-costs. This figure doesn't include any estimate for supervisory requirements so, at present, this would likely fall to the Works Supervisor or CEO whose capacity for this work is limited. It may also require the purchase of an additional light vehicle for that role.

Those figures don't take into account any value that can be derived from outsourcing some of the regulatory responsibility to a third party, or the cost of developing the systems and processes for managing a transfer station, which outsourcing would provide for us.

If Council wishes to look at cheaper alternatives, the following options could be considered:

- Reduce number of manned hours (focusing on weekends – particularly Sundays - which would draw penalty rates)
  - o The tender could be accepted, but entering into a contract subject to further negotiation
- Explore options for the Shire employing someone to man the transfer station
  - o We will still need to make arrangements with Cleanaway (or another party) for collection and transfer of recoverable/recyclable waste
- Explore unmanned options
  - o This will still require setting up the transfer station, installation of signage etc., but we will not man the site or close the gates; remote cameras could be explored as an option to manage illegal

- dumping
- o We will still need to make arrangements with Cleanaway (or another party) for collection and transfer of recoverable/recyclable waste

### **Consultation**

- Gordon Houston, Environmental Health Officer
- WALGA Governance/Procurement Services

### **Statutory Environment**

The Local Government Act 1995 at S3.57(1) (tenders for providing goods or services) requires that in certain circumstances, a local government is to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services. The Local Government (Functions and General) Regulations 1996 at Cl.11(1) (when tenders have to be publicly invited) clarifies that tenders are to be publicly invited if the consideration under the contract is, or is expected to be, more, or worth more, than \$150,000.

As there was potential for a multi-year contract to exceed \$150,000, a public tender was viewed as the most appropriate method for obtaining submissions for this work.

Clause 11(2)(b) however, outlines that tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program.

Section 50 of the Waste Avoidance and Resource Recovery Act 2007 outlines that (subject to the Environmental Protection Act) a local government may provide or enter into a contract for the provision on its behalf of, waste services. Sections 66 and 67 provides the capacity for local governments to charge a fee for the service of waste collection and disposal.

### **Policy Implications**

In obtaining a public tender, the Shire's Purchasing Policy requirements have been met.

### **Financial Implications**

The Shire provides for an annual budget allocation of \$45,000 for management and maintenance of the transfer station. If an agreement was contracted as per the submitted tender, an additional amount will be required for future years.

It is noted that Cleanaway requested that the contract price rise and fall with CPI, this will need to be factored into future budget years, but this is not deemed to be an unreasonable request.

### **Strategic Implications**

- Strategic Community Plan 2019-2029:
- 1.4.1 Manage and reduce waste

- Corporate Business Plan 2019-2023:
- 1.4.2a: Transition from landfill to transfer station



**12.0 FINANCE AND ADMINISTRATION REPORTS**  
**12.1 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2020**

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**Disclosure of Interest:** Nil  
**File Reference:** ADM0304  
**Date:** 8 April 2020  
**Author:** Jeremy Clapham – Finance & Administration Manager

**Summary**

This report recommends that the Monthly Financial Report for the period ending 31 March 2020 as presented to the Council be received.

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 12.1 - Resolution 15042009**

**Moved: Cr RW Newton**

**Seconded: Cr HR McTaggart**

**That the Monthly Financial Report for the period 1 July 2019 to 31 March 2020 be received.**

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

**Attachment**

12.1.1 Monthly Financial Report for period ending 31 March 2020

**Background**

The Monthly Financial Report to 31 March 2020 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Summary Information
- Statement of Financial Activity by Program
- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity Information
- Cash and Financial Assets
- Receivables
- Other Current Assets
- Payables
- Rating Revenue
- Disposal of Assets
- Capital Acquisitions
- Borrowings
- Cash Reserves
- Other Current Liabilities
- Grants and Contributions
- Trust Fund
- Explanation of Material Variances

### Comment

| Summary of Funds as per bank statements – Shire of Mingenew as at 31 March 2020 |             |
|---|-------------|
| Municipal Funds   | \$1,120,124 |
| Cash on Hand  | \$100       |
| Restricted Funds – 3 Month Term Deposit @ 2.50%                                 | \$164,067   |
| Trust Fund  | \$1         |
| Reserve fund (3 Month Term Deposit) @ 2.50%                                     | \$310,035   |

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2019/20 financial year.

### Consultation

Nil

### Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

***committed assets*** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
- (b) budget estimates to the end of the month to which the statement relates; and
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- (e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- (c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity may be shown —
  - (a) according to nature and type classification; or
  - (b) by program; or
  - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
  - (a) Presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
  - (b) Recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

**Policy Implications**

Nil

**Financial Implications**

No financial implications are indicated in this report.

**Strategic Implications**

Nil

## 12.2 LIST OF PAYMENTS FOR THE PERIOD 1 MARCH 2020 TO 31 MARCH 2020

**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0042  
**Attachment/s:** List of Payments – March 2020  
**Disclosure of Interest:** Nil  
**Date:** 8 April 2020  
**Authorising Officer:** Jeremy Clapham, Finance & Administration Manager  
**Voting Requirement:** Simple Majority

### Summary

This report recommends that Council receive the list of payments for period 1 March 2020 to 31 March 2020 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

### **OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 12.2 - Resolution 15042010**

**Moved:** Cr Helen

**Seconded:** Cr Anthony

That Council receive the attached list of payments for the period of 1 March 2020 to 31 March 2020 as follows:

|              |  |
|--------------|--|
| \$7,396.70   | Municipal Cheques;   |
| \$917,002.49 | Municipal EFT's;   |
| \$27,886.65  | Municipal Direct Debit Department of Transport (Licencing) Payments; |
| \$78,159.41  | Municipal Direct Debit Other;  |
| \$1,239.58   | Municipal Other Charges.   |

Totalling \$1,031,684.83 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$62,336.71

Total of all payments - \$1,094,021.54.

**VOTING DETAILS:**

**CARRIED BY SIMPLE MAJORITY: 7/0**

### Attachments

12.2.1 List of Payments for period 1 March 2020 to 31 March 2020

### Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

### Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

### Consultation

Nil

### Statutory Environment

Local Government Act 1996, Section 6.4  
Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

**Policy Implications**

Payments have been made under delegation.

**Financial Implications**

Funds available to meet expenditure.

**Strategic Implications**

Nil

13.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING

14.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

15.0 CONFIDENTIAL ITEMS

15.1 CONFIDENTIAL ITEM

A Confidential report was provided to Councillors under separate, confidential cover.

**COUNCIL DECISION – PROCEDURAL MOTION - Resolution 15042011**

Moved: Cr RW Newton

Seconded: Cr HM Newton

That Council moves behind closed doors at 5.42pm, in accordance with s5.23(2)(a) of the *Local Government Act 1995*, in order to discuss Item 15.1 which relates to a confidential matter affecting staff.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

Mr J Clapham and Miss E Greaves left the meeting at 5:42pm.

**COUNCIL DECISION - Resolution 15042012**

Moved: Cr HM Newton

Seconded: Cr CV Farr

That Council lays Confidential Item 15.1 on the table.

VOTING DETAILS:

CARRIED BY SIMPLE MAJORITY: 7/0

**OFFICER RECOMMENDATION AND COUNCIL DECISION ITEM 15.1 - Resolution 15042013**

Moved: Cr HM Newton

Seconded: Cr RW Newton

That Council returns from behind closed doors at 6:18pm, in accordance with s5.23(2)(a) of the *Local Government Act 1995*.

VOTING DETAILS:

..... CARRIED BY SIMPLE MAJORITY: 7/0

**16.0 TIME AND DATE OF NEXT MEETING**

Next Ordinary Council Meeting to be held on Wednesday 20 May 2020 commencing at 4.30pm.

**17.0 CLOSURE**

The meeting was declared closed at 6:19pm.

**These minutes were confirmed at an Ordinary Council meeting on 20 May 2020**

Signed \_\_\_\_\_  
Presiding Officer

Date: \_\_\_\_\_