



AGENDA

ORDINARY MEETING OF COUNCIL

to be held on

Thursday, 17 December 2020

at 5.30pm



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

'This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.'

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Morawa for any act, omission, statement or intimation occurring during Council Meetings. The Shire of Morawa disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission, and statement of intimation occurring during Council Meetings.

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note:

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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Item 1 Opening of Meeting

The President to declare the meeting open.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elders past, present and future, in working together for the future of Morawa.

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Item 3 Recording of Attendance**3.1 Attendance****Council**

President (Presiding Member) Councillor Karen Chappel
Deputy President Councillor Dean Carslake
Councillor Jane Coaker
Councillor Debbie Collins
Councillor Yvette Harris
Councillor Shirley Katona
Councillor Ken Stokes

Staff

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	John van der Meer
Executive Manager Works and Assets	Paul Buist
Economic Development Manager	Ellie Cuthbert
Executive Assistant	Rondah Toms

Members of the Public**3.2 Attendance by Telephone / Instantaneous Communications**

In accordance with section 14 of the *Local Government (Administration) Regulations 1996* "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

3.3 Apologies**3.4 Approved Leave of Absence****3.5 Disclosure of Interests**

Item 4 Applications for Leave of Absence**Item 5 Response to Previous Questions****Item 6 Public Question Time**

Important note:

‘This meeting is being recorded on audio tape and to assist with minute taking purposes. The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

6.1 Public Question Time**6.2 Public Statement Time****6.3 Petitions/Deputations/Presentations/Submissions****Item 7 Questions from Members without Notice**

Item 8 Announcements by Presiding Member without Discussion
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President's Meetings for the month of November 2020.

Date	Meeting	Details of Meeting
2 nd	WALGA State Council	Special Meeting
3 rd	WALGA	Honours Meeting
5 th	Morawa Shire CEO & RSM Auditors	Meeting (teleconference)
7 th	WA College of Agriculture - Morawa	Graduation Day
11 th	Remembrance Day	Ceremony
11 th	Karara Mining Ltd	Meeting
12 th	Shire of Morawa	Briefing Session
12 th	Morawa Shire CEO and President of WALGA	Meeting
13 th	ALGA	Board Meeting
17 th	Rural West	Meeting
18 th	Local Government House Trust	Meeting
18 th	WALGA finance and service	Committee Meeting
19 th	Shire of Morawa	Ordinary Council Meeting
23 rd	Northern Country Zone of WALGA	Meeting in Mingenew
24 th	Minister David Templeton	Meeting in Geraldton
24 th	Desert Blue Connect	Board Meeting
26 th	Midwest Development Commission	Board Meeting
27 th	Cue Parliament	Meeting
30 th	Department Regional Development	Meeting

Item 9 Declarations of All Members to have Given Due Consideration to All Matters Contained in the Business Paper before the Meeting

The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 19 November 2020 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa’s secure portal to all Councillors on 23 November 2020.

OFFICER’S RECOMMENDATION

That Council confirm that:

- 1. The Minutes of the Ordinary Council Meeting held on 19 November 2020 are a true and correct record.**

SIMPLE MAJORITY VOTE REQUIRED

Disclaimer

Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.

Item 11 Reports of Officers**11.1 Chief Executive Officer****11.1.1 Integrated Planning and Reporting – November 2020**

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive the Integrated Planning and Reporting (IPR) update for the month of November 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

All local governments are required to produce a plan for the future under S5.56(1) of the *Local Government Act 1995*. To ensure there is a regular and open flow of information between the Shire's administration, the Council and the community, the following monthly update is provided.

DETAIL

The information provided (**Attachment 1**) is generated from the Shire's IPR software Envisio. This informs Council and the community of the current outcomes relating to the objectives of the Shire's Strategic Community Plan 2018-2028 and the Corporate Business Plan 2018-2022.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 S5.56 (1)
Local Government (Administration) Regulations 1996

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

The expenditure associated with the provision of the software used to monitor and report on IPR have been budgeted in the 2020/2021 financial year.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

That Council receive the IPR November update (*Attachment 1*).

ATTACHMENT

Attachment 1 – 11.1.1 IPR November 2020

11.1.2 Morawa Gym establishment - Final Business Case

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, with regards to the Final Business Case of a Gym in Morawa, resolves to:

1. note the *Final Business Case* report as received.
2. authorise the Chief Executive Officer to enter into a 24-month financial lease of the gym equipment as stated in the Final Business Case or comparable equipment if some are not available.
3. allow to utilise Incubator Unit 1 and 9 as the location(s) for the duration of the lease agreement and undertake the works to modify the Units to become functional as a gym.
4. authorise the Chief Executive Officer to draft and publish an Expression of Interest for the provision of inductions by a certified personal trainer or person(s) with similar qualifications.
5. publish the Fees and Charges as presented for membership including the option to pay 6 or 12 months in advance and provide a discount as presented in the *Final Business Case*.
6. authorise the Chief Executive Officer to undertake the steps and actions required to implement the recommendations as presented.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

This report aims at providing Council with the *Final Business Case* Report for the establishment of a 24/7 accessible gym in Morawa and outline the requirements and actions needed to commence implementation in January 2021.

DETAIL

The *Final Business Case* for the establishment of a gym explores and determines the requirements. Most of the information can be found in the **Attachment 1 – 11.2.1 Final Business Case** as part of the report.

In short, the report recommends the Chief Executive Officer undertake the following actions and activities to provide the gym to the community:

- Enter into a 24-month lease arrangement for the gym equipment;
- Invest in the Units security and safety requirements as presented;
- Purchase / re-use the furniture and equipment regarding e.g. dressing benches, TVs, fans, mirrors and others;
- Undertake the electrical works as quoted by North Midlands Electrical;
- Set up a membership scheme for \$20 per month and allow for a 10% or 20% discount for payments in advance;
- Commence the process of requesting Expressions of Interest for the mandatory inductions and set up the required consent forms and Code of Conduct;
- Follow the draft implementation timelines as presented in the *Final Business Case* (Attachment 1)

It is noted that the *Final Business Case* is a dynamic document and may be changed as developments materialise during the implementation.

LEVEL OF SIGNIFICANCE

High significance – The potential establishment of a gym facility in Morawa has been subject of much debate and should be treated with care and caution.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 S3.58

FIN04 – Purchasing Policy

Delegations Register 4.6 – Disposal of Property (other than land)

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 1.1 Maintain and increase population.

Outcome 3.1 Services and facilities that meet the needs of the community.

Outcome 3.6 Promote and support a healthy community.

Outcome 3.7 Support an inclusive community.

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

The operational expenditure associated with the gym have been budgeted for in the 2020/2021 financial year Budget as adopted by Council on 30 July 2020. The ongoing costs for leasing the equipment are funded from general rates whilst the one-off investments are scheduled to be funded from the COVID-19 Emergency Reserve Fund.

RISK MANAGEMENT CONSIDERATIONS

The risks associated with this project are shown in the *Final Business Case* (see attachment 1) and relate to the operation, financing, and timing of a gym facility.

CONCLUSION

That Council receive the report as presented and endorse the recommendations as presented. Council is to authorise the Chief Executive Officer to undertake and implement the activities as presented in the *Final Business Case*.

ATTACHMENT

Attachment 1 – 11.1.2 Final Business Case

11.2 Executive Manager Corporate & Community Services

11.2.1 Banks Reconciliations – November 2020

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive the bank reconciliation report for 30 November 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Local Government (Financial Management) Regulation 34 (1) (a) states that a Local Government must prepare financial statements monthly.

DETAIL

The information provided is obtained from the bank reconciliations carried out for Municipal, Reserves and Bonds & Deposits Bank accounts to ensure all transactions have been accounted for.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Acting Chief Executive officer
Executive Manager Corporate & Community Services

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995
Local Government (Financial Management) Regulations 1996.
Policy FIN02 – Investment Policy
Delegated Authority 3.4 – Investment of Surplus Funds

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

As presented to Council.

RISK MANAGEMENT CONSIDERATIONS

As per *Policy CORP01 – Risk Management Policy*

CONCLUSION

The Shire of Morawa's financial position is as follows:

BANK BALANCES AS AT 30 November 2020

Account	2020
Municipal Account	\$3,285,973.45
Bonds & Deposits Account	\$22,281.04
Reserve Account	\$3,109,919.94
Reserve Term Deposit (Community Development)	\$500,000.00
Reserve Term Deposit (Future Funds 1)	\$800,000.00
Reserve Term Deposit (Future Funds 2)	\$800,000.00

BANK RECONCILIATION BALANCES

The Bank Reconciliation Balances for 30 November 2020 with a comparison for 30 November 2019 is as follows:

Account	2019	2020
Municipal Account	\$2,462,564.24	\$3,285,973.45
Bonds & Deposits Account	\$21,757.91	\$22,281.04
Total Reserve Accounts	\$5,563,758.90	\$5,209,919.94

RESERVE ACCOUNTS

The Reserve Funds of \$5,209,919.94 as at 30 November 2020 were invested in:

- Bank of Western Australia \$3,109,919.94 in the Reserve Account
- Term Deposit (Future Funds 1) \$800,000.00
- Term Deposit (Future Funds 2) \$800,000.00
- Term Deposit (Community Development Fund) \$500,000.00

Breakdown for November 2020 with a comparison to November 2019 is as follows:

	November 2019	November 2020
Leave Reserve	\$219,430.76	\$225,233.43
Swimming Pool Reserve	\$40,567.12	\$60,734.96
Plant Reserve	\$836,784.36	\$467,767.35
Building Reserve	\$93,950.02	\$114,311.88
Economic Development Reserve	\$113,240.68	\$3,516.89
Sewerage Reserve	\$246,974.98	\$222,847.21
Unspent Grants and Contributions Reserve	\$0.00	\$0.00
Community Development Reserve	\$1,247,605.46	\$1,256,812.08
Morawa Future Funds Reserve	\$2,056,885.70	\$2,037,590.70
Morawa Future Funds Interest Reserve	\$273,680.35	\$224,682.87
Refuse Transfer Station Reserve	\$0.00	\$0.00
Aged Care Units Reserve Units 1 - 4	\$70,409.03	\$70,664.94
Aged Care Units Reserve Unit 5	\$56,521.17	\$56,726.62
Aged Care Units Reserve Units 6 - 9	\$9,459.90	\$9,494.30
Business Units Reserve	\$125,477.82	\$145,954.28
Legal Fees Reserve	\$26,025.51	\$26,120.10
Road Reserve	\$146,746.04	\$147,279.43
Covid-19 Reserve	\$0.00	\$140,182.90
TOTAL	\$5,563,758.90	\$5,209,919.94

Transfer of funds

Nil

Investment Transfers

Nil

ATTACHMENTS

Nil

11.2.2 Accounts Due for Payment – November 2020

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council endorses the list of accounts paid by the Chief Executive Officer under delegated authority, represented by:

- **Municipal EFT Payment Numbers EFT13654 to EFT13776 amounting to \$250,296.07**
 - **Municipal Cheque Payment Numbers 12007 to 12007 amounting to \$18,546.73**
 - **Municipal Direct Debit Payment Numbers DD7420.1 to DD7512.1 amounting to \$46,470.88**
 - **Payroll for November 2020**
 - 11/11/2020 - \$52,790.12
 - 25/11/2020 - \$56,445.45
- Total payroll for November 2020: \$109,235.57**
- **Credit Cards payment in November 2020**
\$23.77

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

A list of accounts is attached for Council's consideration in relation to all Shire payments made for the month of November 2020.

DETAIL

Local Government (Financial Management) Regulations 1996 – Reg 13.

In accordance with the Shire of Morawa Delegations Register 2020 – updated 17 September 2020, Council delegated the Chief Executive Officer (CEO) to make payments from the municipal fund or the trust fund as required. A list of all accounts paid by the CEO is to be prepared each month showing all accounts paid since the last list was prepared.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996 – Reg 13

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

Use of Corporate Credit Cards as per *Policy EMP05*.

FINANCIAL AND RESOURCES IMPLICATIONS

As per *Attachment 1*.

RISK MANAGEMENT CONSIDERATIONS

As per Council Policy *CORP01 – Risk Management Policy* of the Policy Manual 2020

CONCLUSION

Council is requested to endorse the list of accounts paid by the (Acting) Chief Executive Officer as provided in **Attachment 1**.

ATTACHMENTS

Attachment 1 - 11.2.2 List of accounts due and submitted

11.2.3 Monthly Financial Statements – November 2020

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive the Statement of Financial Activity for the period ending 30 November 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

Regulation 34(1) (a) of the *Local Government (Financial Management) Regulations 1996* requires that a local government must prepare monthly financial statements for Council. The Monthly Financial Activity Report and Schedules are provided for Council's consideration.

DETAIL

As per the *Local Government (Financial Management) Regulations 1996*, a monthly statement of financial activity report on the sources and application of funds, as set out in the annual budget has the following details:

- Annual budget estimates.
- Operating revenue, operating income and all other income and expenses.
- Any significant variations between year-to-date income and expenditure and the relevant budget provisions to the end of the reporting period.
- Identification of any significant areas where activities are not in accordance with budget estimates for the relevant reporting period.
- Provision of likely financial projections for those highlighted significant variations and their effect on the end of year result.
- Inclusion of an operating statement.
- Any other supporting notes as required.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

The actual closing balance figures contained in the report were subjected to end of year 2019/20 adjustments and final audit.

The audit and annual financials have now been completed so there should be no further adjustments.

The Auditor's Report for the 2019/20 financial year ending 30 June 2020 has been prepared by the Office of the Auditor General (OAG) via RSM Australia.

The 2019/20 Annual Report, Auditor's Report and Audited Financial Statements are presented to Council for adoption in this month's meeting as a separate item.

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996

Strategic Community Plan 2018 to 2028 (Desktop Reviewed June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

Outcome 4.5 Long Term Financial Viability

FINANCIAL AND RESOURCES IMPLICATIONS

As presented.

RISK MANAGEMENT CONSIDERATIONS

There are no perceived risks associated with the report.

CONCLUSION

This report is based on the 2020/21 Annual Budget adopted by Council on 30 July 2020. It contains the budget amounts, actual amounts of expenditure and income to the end of the month for the purpose of keeping Council abreast of the current financial position and the variances are explained under Note 2 of the report.

ATTACHMENTS

Attachment 1 – 11.2.3 November 2020 Monthly Financial Activity Report

Attachment 2 – 11.2.3 November 2020 Schedules 2 - 14

11.2.4 Chief Executive Officer Authorisations and Reporting to Council

Author: Senior Finance Officer

Authorising Officer: Executive Manager Corporate and Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That with respect to the Chief Executive Officer Authorisations and Reporting to Council, Council:

1. Receive the information presented to this meeting of the time worked by the Chief Executive Officer between 20 October 2020 and 30 November 2020 and acknowledges that the time worked is in accordance with the Chief Executive Officer's Letter of Appointment and his Letter of Resignation.
2. Receive the information presented to this meeting that the Chief Executive Officer took annual leave on 16, 23, 24, 25, 26, 27 and 30 November 2020 – prior to his resignation.
3. Receive the information presented to this meeting of the credit card transactions made by the Chief Executive Officer using his corporate credit card for November 2020 and acknowledges that payment has been incurred in accordance with the Shire's purchasing policy (FIN04) and Corporate Credit Card policy (EMP05).
4. Receive the information presented to this meeting of no reimbursement applications made by the Chief Executive Officer in November 2020.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

The purpose of this agenda item is to report to Council on (Acting) Chief Executive Officer (CEO) leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

DETAIL

Due to the position held by the CEO, there is no other individual person authorised under the *Local Government Act 1995* (the Act) to approve or authorise the CEO's leave applications, use of the corporate credit card and the reimbursement of CEO expense applications.

These functions can only be approved by Council resolution.

Leave Taken

This report covers leave taken by the CEO for the period between 29 October 2020 and 30 November 2020. Annual leave was taken on the following dates, as shown in **Attachment 1**.

- 16 November 2020; and
- 23 – 30 November 2020 – prior to the Acting CEO's resignation

Leave Sought

No leave is sought in the period from 17 December 2020 to 18 February 2021 other than the public holidays and the office closure during the Christmas period.

Reimbursement Applications

This report covers November 2020. No reimbursements were claimed during this period.

Corporate Credit Card

This report covers November 2020 credit card statements (**Attachment 2**).

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Section 2.7 of the *Local Government Act 1995* states:

“Role of council

(1) The council —

(a) governs the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to —

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.”

Shire of Morawa Policies

EMP05 – Corporate Credit Card

EMP10 – CEO Leave Authorisations and other Approvals

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial or resource implications in relation to this item.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

That Council receive the information contained in this report addressing the CEO's:

- leave of any type;
- additional hours worked and claimed (none);
- corporate credit card expenses; and
- work related expenses/reimbursements (none).

ATTACHMENTS

Attachment 1 – 11.2.4 CEO's Timesheets

Attachment 2 – 11.2.4 CEO Credit Card Statement

11.3 Economic Development Manager

There are no reports from the Economic Development Manager for this Ordinary Council Meeting.

11.4 Executive Manager Works & Assets

11.4.1 Tender awards from Plant and Equipment – Tender 03/2020

Author: Executive Manager Works and Assets

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council, with regards to the tenders received, resolves to

1. accept the tenders submitted on Vehicles, Plant and Equipment as presented; and
2. authorise the Chief Executive Officer to negotiate the sale of the Vehicles, Plant and Equipment to the highest tender and undertake the necessary activities related to the sale.

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

To inform Council on the tender results set up to dispose of designated Vehicles, Plant and Equipment surplus to requirement, values of which have come in under \$20,000 for each item.

DETAIL

At the Ordinary Council Meeting held on 17 September 2020, Council resolved to call for tender locally for a period of two weeks in respect of the Vehicles, Plant and Equipment.

In total, thirty-one tenders were received: Table shows tender totals in \$ excluding GST.

Item Number	Description	Tender A	Tender B	Tender C	Tender D	Tender E
1	Toyota RAV 4	16,500.00				
2	Toyota Hilux Utility (unregistered)	707.00				
3	2 x Metal Spreaders					
4	2 x Sand Spreaders (Scrap Purposes only)					
5	Trailer (unregistered) with Davey pump bolted on (scrap purposes only)	40.00				

Item Number	Description	Tender A	Tender B	Tender C	Tender D	Tender E
6	1 x Lightburn Cement Mixer (scrap purposes only)					
7	1 x Tankwest 10,000 litre fiberglass water tank suitable for truck mounting	45.00	1200.00			
8	1 x 9000 litre fiberglass water tank suitable for truck mounting	45.00	1000.00	1500.00		
9	2003 John Deere Tractor with mower deck & front-end loader attachment	2500.00	8500.00	3500.00	4000.00	3750.00
10	2 x Southern Cross traveling irrigators (tractor sprinklers)	200.00	300.00			
11	1 x Pedestrian Roller (scrap purposes only)	100.00				
12	1 x Compare portable air compressor. Still useable. Air tank out of compliance. (scrap purposes only)	200.00	1100.00	2000.00	500.00	300.00
13	Pallet of Pavers (A)	12.00				
14	Pallet of Pavers (B)	12.00				
15	Pallet of Pavers (C)	12.00				
16	Pallet of Pavers (D)	12.00				
17	Pallet of Pavers (E)	12.00				
18	Pallet of Pavers (F)	12.00				
19	Pallet of Pavers (G)	12.00				
20	Pallet of Pavers (H)	12.00				
21	Pallet of Pavers (I)	12.00				
22	Pallet of Pavers (J)	12.00				

As the tenders have come in under \$20,000 each, the Local Government Act 1995 gives authority to dispose of property by private treaty only in accordance with section 3.58(3) of the Local Government Act 1995 and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].

In accordance with *Delegation 4.2 – Tenders Evaluation Criteria*, the CEO determined that the highest offer would be awarded the tender. Where two or more tenders have been submitted preference is usually given to the highest offer to improve the financial position of the Shire to assist in providing further services to the community.

LEVEL OF SIGNIFICANCE

Low – The Shire will be disposing of the Vehicles, Plant and Equipment this financial year as they are now surplus to requirements.

CONSULTATION

Senior Executive Team
Technical Officer

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995 Section 3.58(3)
Policy FIN08 – Disposal of Property (other than land)
Delegations 4.2 – Tenders Evaluation Criteria

FINANCIAL AND RESOURCES IMPLICATIONS

Income from the sale of assets and operational savings on maintenance, insurance and other ongoing costs.

RISK MANAGEMENT CONSIDERATIONS

Nil

CONCLUSION

That the Council authorise the disposal of all the Vehicle, Plant and Equipment as per this report based on the best financial return – i.e. highest offer - for the Shire of Morawa.

ATTACHMENTS

Nil

Item 12 Reports of Committees**12.1 Meeting of WALGA State Council Meeting held 02 November 2020**

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive the **Unconfirmed Full Minutes of the WALGA State Council Meeting held Wednesday 02 November 2020. (Attachment 1 - 12.1).**

SIMPLE MAJORITY VOTE REQUIRED

12.2 Unconfirmed Minutes of the Audit Committee Meeting held 17 December 2020

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That Council receive the **Unconfirmed Minutes of the Audit and Risk Committee Meeting held 17 December 2020 (Attachment 1 - 12.2 – to be provided under separate cover).**

RECOMMENDATION/S OF COMMITTEE
(To be advised)

Item 13 Motions of Which Previous Notice Has Been Given**Item 14 New Business of an Urgent Notice**

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)

15.1 Closure of the Meeting to the Public
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Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that he does not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011 s 6.2 (2)* so that it can consider the following Items:

- 15.2 Confidential Item – Motown Community Shed (s5.23 (2)(c) and (e) of the *Local Government Act 1995*).
- 15.3 Confidential Item – Awarding of Tender 02/2020 to undertake the Netball Courts Redevelopment Project under (s5.23 (2)(b)(c), and (e) of the *Local Government Act 1995*).

SIMPLE MAJORITY VOTE REQUIRED

PURPOSE

This item seeks Council’s approval under s5.23 (2) of the *Local Government Act 1995* to move into camera or closed session to consider confidential matters:

DETAIL

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are considered to be ‘confidential matters’ as addressed below:

- Item 15.2 is presented to address a request provide an Incubator Unit at no cost, host a temporary Refund Collection Point, and do up “Frosty’s Yard” under (s5.23 (2) (c) and (e) of the *Local Government Act 1995*).
- Item 15.3 is presented to address to address the tender award to Road Contractors on the basis of the scores provided for Tender RFT 02/2020 to undertake the works for the Netball Courts Redevelopment Project under (s5.23 (2) (b), (c), and (e) of the *Local Government Act 1995*).

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS**Local Government Act 1995**

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees;
- (b) the personal affairs of any person;
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person;
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property;
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
- (h) such other matters as may be prescribed.

Shire of Morawa Standing Orders Local Law 2011

The key parts include:

- 6.2 (1) *The CEO may recommend that part of the meeting is closed.*
- 6.2 (2) *The Council may decide to close a meeting or part of a meeting.*
- 6.2 (3) *The presiding member is to direct everyone to leave the meeting except, members, the CEO and any officer specified.*
- 6.2 (5) *Clause 8.9 (re speaking twice)*
- 6.2 (7) *The presiding member is to ensure any resolution of the Council made while the meeting was closed is to read out including a vote of a member.*

Strategic Community Plan 2018 to 2028 (desktop Review June 2020)

Outcome 4.3 A local government that is respected, professional and accountable.

FINANCIAL AND RESOURCES IMPLICATIONS

Any known financial implications are addressed in the respective reports.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management considerations.

CONCLUSION

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Standing Orders Local Law 2011* s 6.2 (2) so that it can consider the reports as addressed.

ATTACHMENT

Nil

15.2 Confidential Item – Motown Community Shed

Author: Executive Manager Corporate and Community Services

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council, with regards to the establishment of the Motown Community Shed, resolves to:

1. note the receipt of the Certificate of Incorporation and Letter from the President of the Motown Community Shed Committee.
2. request the Chief Executive Officer to expedite the necessary repairs and maintenance to the switchboard required to get the premises on 81 Winfield Street – “Frosty’s Yard” – to operational standard for a maximum of \$3,500 (excluding GST).
3. authorise the Chief Executive Officer to undertake the steps to dispose of the location “Frosty’s Yard” in accordance with S3.58 of the *Local Government Act 1995* and draft an appropriate agreement between parties to reflect the arrangements made including a financial lease agreement for a peppercorn rent.
4. donate the eligible containers in the skip bins located at the landfill site on Jones Lake Road towards the start-up investment of the Motown Community Shed as an in-kind contribution. The transport of containers from the landfill site is to be arranged by the Motown Community Shed Committee.

SIMPLE MAJORITY VOTE REQUIRED

15.3 Confidential Item – Awarding of Tender for Netball Courts Project

Author: Executive Manager Corporate and Community Services

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER’S RECOMMENDATION

That Council, with regards to the tender awarding, resolves to:

1. award the tender under Tender number 02/2020 for the Netball Court Redevelopment Project in Morawa to Road Contractors Pty Ltd.
2. authorise the Chief Executive Officer to undertake the necessary steps to publish this decision as required under the *Local Government Act 1995* and enter into an agreement with Road Contractors Pty Ltd.

ABSOLUTE MAJORITY VOTE REQUIRED

15.4 Reopening of the Meeting to the Public

OFFICER'S RECOMMENDATION

That Council reopens the meeting to the public.

SIMPLE MAJORITY VOTE REQUIRED

Item 16 Closure

16.1 Date of Next Meeting

The next ordinary meeting of Council will be held on Thursday, 18 February 2021 commencing at 5.30pm.

16.2 Closure

There being no further business, the President to declare the meeting closed.