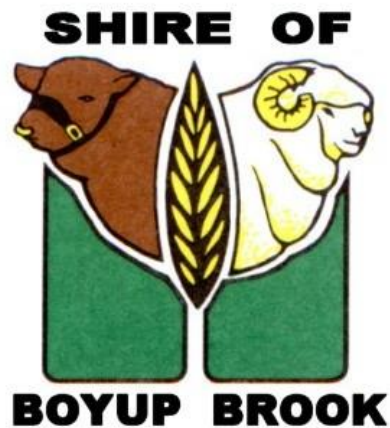


AGENDA



being held

THURSDAY 17 December 2020
Commencing AT 5.00PM

SHIRE OF BOYUP BROOK
CHAMBERS
ABEL STREET-BOYUP BROOK

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

PRESENT:	Shire President	Richard F Walker
	Deputy Shire President	Helen C O’Connell
	Councillor	Sarah E G Alexander
		Steele Alexander
		Philippe Kaltenrieder
		Darren E King
		Kevin J Moir
		Thomas J Oversby
		Adrian Price
	Chief Executive Officer	Dale Putland
	Deputy Chief Executive Officer	Aaron Bowman
	Coordinator Works & Services	Vanessa Crispe
	Executive Assistant	Maria Lane

LEAVE OF ABSENCE:

APOLOGIES:

MEMBERS OF PUBLIC:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME
5. PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS
6. DISCLOSURE OF INTEREST
7. CONFIRMATION OF MINUTES

7.1 Ordinary Council Minutes – 26 November 2020

OFFICER RECOMMENDATION – ITEM 7.1

That the minutes of the Ordinary Council Meeting held on Thursday 26 November 2020 be confirmed as an accurate record.

8. PRESIDENTIAL COMMUNICATIONS
9. COUNCILLOR QUESTIONS ON NOTICE

10.1 COORDINATOR PROJECTS WORKS AND ASSETS

Nil

10.2 FINANCE

10.2.1 List of Accounts Paid in November 2020

(Will be available on Monday – 14 December 2020)

10.2.2 30 November 2020 Statement of Financial Activity

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>10 December 2020</i>
Authors:	<i>D Long – Finance Consultant</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Yes</i>

SUMMARY

The Monthly Financial Report for 30 November 2020 is presented for Councils consideration.

BACKGROUND

The Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require local governments to prepare monthly reports containing the information that is prescribed.

The Regulations require local governments to prepare annual budget estimates and month by month budget estimates so that comparatives can be made to Year to Date (YTD) Actual amounts of expenditure, revenue and income, and materials variances can be commented on.

COMMENT

The Shire prepares the monthly financial statements in the statutory format along with other supplementary financial reports consisting of:

- (a) Statement of Comprehensive Income by Function/Program;
- (b) Statement of Comprehensive Income by Nature/Type;
- (c) Statement of Financial Activity;
- (d) Summary of Net Current Asset Position;
- (e) Statement of Explanation of Material Variances;
- (f) Statement of Financial Position;
- (g) Statement of Cash Flows;
- (h) Detailed Operating and Non-Operating Schedules;
- (i) Statement of Cash Back Reserves;
- (j) Loan Borrowings Statement; and
- (k) Trust Fund Statement.

At its budget meeting, Council adopted a material variance threshold of \$10,000 or 10%. For interpretation purposes, this means any variance at Function/Program level that is greater than 10% and exceeds \$10,000 in value is reported on and commentary is provided to explain the YTD budget estimate to YTD actual variance. The material variance is shown on the Statement of Financial Activity, in accordance with the *Local Government (Financial Management) Regulations 1996*.

The material variance commentary is now provided in a separate statement, called the Statement of Explanation of Material Variances. This statement categorises the variance commentary according to reporting Functions/Programs and groups the variances by Operating Revenue, Operating Expenditure, Non-Operating/Capital Revenue, and Capital Expenditure.

The Statement of Financial Activity as at 30 November shows a closing surplus of \$3,966,569.

CONSULTATION – Nil

STATUTORY OBLIGATIONS

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996:

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, 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);
 - (b) budget estimates to the end of month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

POLICY IMPLICATIONS – Nil

BUDGET/FINANCIAL IMPLICATIONS

As presented in the attached reports.

STRATEGIC IMPLICATIONS – Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – Item 10.2.2

That Council receive the Monthly Financial Report for 30 November 2020, as presented.

10.2.3 Budget Review

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	9th December 2020
Author:	Aaron Bowman – A/Deputy Chief Executive Officer
Authorizing Officer:	Dale Putland – Chief Executive Officer
Attachments:	Attachment 1

SUMMARY

To present a review of the Shire 2020/21 Budget. This review includes several proposed budget variations, which results in a nil net change.

BACKGROUND

Changes to the Annual Budget are required during the year, as circumstances change, from when the annual budget was adopted by Council at the beginning of the financial year. Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the Shire's finances.

COMMENT

A review of the Shire 2020/21 grant funding commitments together with carried forward grant funding projects from 2019/20 has been undertaken. The review has highlighted discrepancies with the information provided to and from funding bodies and what was adopted in the Shire budget. In addition, expenditure for projects for the Local Roads and Community Infrastructure grant funding were neither previously presented or discussed with Council, and only 1/3 of the expenditure was accounted for in the adopted budget.

CONSULTATION

No community consultation was undertaken / required. Consultation has occurred between the Executive.

STATUTORY COMPLIANCE

Regulation 33A of the Local Government (Financial Management) Regulations 1996 as amended requires a Local Government to review their annual budget between 1 January and 31 March each year.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The paying out of the loan, outstanding plus the premium will decrease the Shire's long-term liability, which will result in the same reduction in the shire assets (aged care reserve).

There will be a Nil effect on the Shire budget.

STRATEGIC IMPLICATIONS

Prudent financial management of ratepayer's funds

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 10.2.3

That Council approves the schedule of variations presented below in accordance with section 6.8 of the Local Government Act 1995.

Account Number	Type	Description	Debit	Credit
121404 RRG 148	↓Expenditure	Boyup Brook-Cranbrook Road		19,407
Reason: to match the budget allocation with RRG funding allocation				
121404 RRG 210	↑Expenditure	Boyup Brook-Arthur River Road	5,698	
Reason: to match the budget allocation with RRG funding allocation				
	↑			
121404 RRG 211	Expenditure	Winnejup Road	75,000	
Reason: to match the budget allocation with RRG funding allocation				
121001	↓Income	Capital Grant - State - Non-Operating	39,106	
Reason: to match the budget allocation with RRG funding allocation				
		Capital Grant - State- Non-Operating Winnejup		
121001	↑Income	Road		50,000
Reason: to match the budget allocation with RRG funding allocation				
121403 RTR029	↑Expenditure	Terry Road	22,427	
Reason: to match the budget allocation with RTR funding submission				
121403 RTR 115	↑Expenditure	Beatty Street	24,840	
Reason: to match the budget allocation with RTR funding submission				
		Capital Grants - Federal - Non-Operating 2019-20		
121003	↑Income	Unspent		123,973
Reason: to match the budget allocation with RTR funding submission				
		Capital Grants - Federal - Non-Operating 2020-21		
121003	↓Income	Grant	76,705	
Reason: to match the budget allocation with allocated 20/21 RTR funds to be received.				
121400 MU 500	↓Expenditure	Muni - Back Slopes and Shoulders		201,426
Reason: to reallocate funds to LRCI projects				
122105	↓Expenditure	Repairs & Maint-Bridges - Services-Bridge Repairs		60,000
Reason: to reallocate funds to LRCI projects				
147451	↓Expenditure	Rylington Park Dorm Rooms Air Conditioners		10,800
Reason: to reallocate funds to LRCI projects				
147411	↓Expenditure	Rylington Park Chemical Shed		15,000
Reason: to reallocate funds to LRCI projects				
147410	↓Expenditure	Rylington Park House Capital - Replace house roof and gutters		50,000
Reason: to reallocate funds to LRCI projects				
		Members-Conferences/Seminars Costs - Local Govt		
41105	↓Expenditure	Week		15,850
Reason: to reallocate funds to LRCI projects				
143101	↓Expenditure	Consultant Engineer		5,000
Reason: to reallocate funds to LRCI projects				
121400 MU501	↓Expenditure	Muni-Gravel Pit Rehabilitation - Services		20,000
Reason: to reallocate funds to LRCI projects				
53405	↓Expenditure	Plant & Equipment - Material-CCTV infrastructure		51,700
Reason: grant funding not received				

53002	Non-Operating Grant - Capital Grant-CCTV project	31,700	
Reason: grant funding not received			
	↑Expenditure Football oval lights - stage 1	120,000	
Reason: Identified LRCI project			
	↑Expenditure Flax Mill / Caravan Park upgrades	147,680	
Reason: Identified LRCI project			
	↑Expenditure Tourism Centre Upgrades	50,000	
Reason: Identified LRCI project			
	↑Expenditure Road Verge - Coop carparking	40,000	
Reason: Identified LRCI project			
	↑Income Road Verge - Coop Carparking contribution		10,000
Reason: Agreed contribution from the Coop			
Total		<u>\$633156</u>	<u>\$633,156</u>

10.3 PLANNING

Nil

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Attendance at Events Policy

Location	NA
Applicant	NA
File	M.16
Disclosure of Interest	Nil
Date	3rd December 2020
Author	Aaron Bowman – A/Deputy Chief Executive Officer
Authorizing Officer	Dale Putland – Chief Executive Officer
Attachments	1) Draft Attendance at events policy 2)DLGSC – operational guideline – attendance at events policy

SUMMARY

For Council to adopt a new policy in respect to Councillor and CEO attendance at events as a representative of the Shire.

BACKGROUND

On the 20th October 2019, the new gifts framework contained within the Local Government Legislation Amendment Act 2019 came into operation. This new gift framework has been simplified, with the focus on transparency and accountability. The Act now requires “a local government to prepare and adopt a policy that deals with matter relating to the attendance of Council members and the CEO at events”

The Shire of Boyup is currently non-compliant in that it has not yet adopted an Attendance at Events policy.

COMMENT

In developing the policy, there are several matters which need to be considered. Principally, the council needs to consider what is the benefit to the community or local government in having members of Council or the CEO attend the event.

The attendance at Events policy is to enable council members and the Chief Executive Officer to attend events as a representative of council without restricting their ability to participate in council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before council from the provider of the invitation.

While attending events is generally considered an important function for council members and the CEO to represent the local government, if there are costs involved, it can lead to criticism from the community in relation to spending ratepayer’s money if

the tangible benefits are not identified. Similarly, if the council is accepting tickets, including those as a result of sponsorship, there can be a perception of bias when matter affecting that organisation come before council.

The policy should consider the type of role that the person attending will have in the event. The community perception will be different for a person attending to undertake a specific role or function versus being a member of the audience.

Examples are provided in the legislation of what constitutes an event: concerts, conference, functions and sporting event. This is not an exhaustive list and Council should consider the full range of events that may be relevant to the Shire of Boyup Brook, such as agricultural shows, field days, school awards nights and cultural events.

The policy may provide authorisation for the CEO to be the decision maker, in that case, the policy must set out clear criteria by which the CEO may make such determinations.

In developing the attendance at events policy, Council needs to actively consider the purpose of and benefits to the community from council members or the CEO attending events. The policy should not be used to intentionally circumvent conflict of interests which may arise from attending events hosted by a provider who will have a significant matter before council.

CONSULTATION

Nil

STATUTORY COMPLIANCE

S5.90A policy for attendance at events

(1) In this section –

Event includes the following

- a. A concert;
- b. A conference;
- c. A function;
- d. A sporting event;
- e. An occasion of a kind prescribed for the purpose of this definition.

(2) A local government must prepare and adopt* a policy that deals with matters relating to the attendance of council members and the CEO at events, including –

- a. The provision of tickets to events; and
- b. Payments in respect of attendance; and
- c. Approval of attendance by the local government and criteria for approval; and
- d. Any prescribed matter.

(3) A local government may amend* the policy

(4) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(5) The CEO must publish an up-to-date version of the policy on the local governments official website.

*absolute majority required

POLICY IMPLICATIONS

If adopted by Council, the Attendance at Events Policy will guide future Councillor and CEO attendance at events.

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 10.4.1

That Council adopt the ‘Attendance at Events’ policy M.16 (attachment 10.4.1).

10.4.2 Early Repayment of Loan

Location	<i>N/A</i>
Applicant	<i>N/A</i>
File	<i>Loan 118</i>
Disclosure of Interest	<i>Nil</i>
Date	<i>5th December 2020</i>
Author	<i>Aaron Bowman – A/Deputy Chief Executive Officer</i>
Authorizing Officer	<i>Dale Putland – Chief Executive Officer</i>
Attachments	<i>Attachment 1 – Early repayment of loan agenda item 29th October 2020</i> <i>Attachment 2 – update treasury payout quote – to be provided to Council at the meeting.</i>

SUMMARY

To approve the transfer of funds from the aged care reserve to repay loan 118.

BACKGROUND

Council resolved at the 29th October 2020 Ordinary Council meeting:

“that Council undertake local public advertising for a minimum of 1 month, of its intention to use the aged care accommodation reserve to pay back loan 118.

COMMENT

The Shire placed the following advert in the Manjimup Bridgetown times on the 11th November 2020.

“*LOAN 118*

Notice is hereby given under section 6.11 (2) (b) of the Local Government Act 1995 that the Shire of Boyup Brook intends to use the aged accommodation reserve to pay back loan 118. Comments on this notice may be submitted to the Chief Executive Officer in writing on or before Friday, 11th December 2020.

*Dale Putland
Chief Executive Officer
PO Box 2, Boyup Brook WA 6244”*

In addition, a notice was placed on the shire’s noticeboard.

No comments / submissions have been received at the time of writing this report.

CONSULTATION

Department of Local Government

Western Australian Treasury Corporation

STATUTORY COMPLIANCE

Section 6.11(2)(b) of the Local Government Act 1995 – A local government must give one month’s local public notice of the proposed change of purpose or propose use of money in a reserve account.

The paying of the loan is classified as a change of use.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

The paying out of the loan, outstanding plus the premium will decrease the Shire’s long-term liability, which will result in the same reduction in the shire assets (aged care reserve).

There will be a nil effect on the Shire budget.

STRATEGIC IMPLICATIONS

Prudent financial management of ratepayer’s funds

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 10.4.2

That Council use the funds in the aged care reserve to pay out loan 118 in full.

10.4.3 Insurance of Shire owned bridges

Location:	N/A
Applicant:	N/A
File:	Insurance
Disclosure of Interest:	Nil
Date:	9th December 2020
Author:	Aaron Bowman – A/Deputy Chief Executive Officer
Authorizing Officer:	Dale Putland – Chief Executive Officer
Attachments:	Nil

SUMMARY

To amend council resolution 171/20 which incorrectly lists the Shire bridges to be insured and replaced with an updated list of the correct bridges to be insured.

BACKGROUND

Council resolved at the 29th October 2020 Ordinary Council meeting to:

“reallocate \$30,000 from 074115 Medical centre sundry expenses to 122105 Bridges to enable the most critical 50% of the Shire bridges to be insured”.

This was the outcome of the administration being advised that no shire bridges were insured.

Resolution 171/20 listed 8 bridges as the most critical bridges that were to be insured.

COMMENT

The Shire report previously identified the total replacement value of all the Shire bridges was \$49.384 million. The correct value is \$62.41 million. With this updated information it is recommended that the most critical 40% - 45% of bridges (in value) are insured, not 50%.

In addition, the recommended bridges to be insured, provided by the administration to Council as part of the council report for the October 2020 ordinary council was incorrect. The result being that resolution 171/20 needs amending.

CONSULTATION

LGIS

STATUTORY COMPLIANCE

16.20 (1)(a) of the Shire of Boyup Brook Standing Orders 1997 Local Law -A substantive motion may be revoked at any time provided that no action in relation to the resolution being rescinded has already occurred.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Council has previously resolved as part of resolution 171/20 to reallocate \$30,000 for the cost to insure some of the shire bridges.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – ITEM 10.4.3

That Council amend resolution 171/20 by replacing the list of bridges to be insured from

Asset No.	Primary Location	Secondary Location	Secondary Description	Reinstatement with new	Comments
0268A	Tweed River	Boyup Brook Cranbrook Rd	Timber framed bridge with bitumen road	3,000,000	Includes steel crash barrier
0207A	Tone River	Boyup Brook Cranbrook Rd	Steel concrete bridge with bitumen road	10,000,000	Includes steel crash barrier
0740	Blackwood River	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	8,500,000	Includes steel crash barrier
0741	Boree Gully	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	1,600,000	Includes steel crash barrier
0742	Dinninup Brook	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	3,300,000	Includes steel crash barrier
0743	Blackwood River	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	8,000,000	Includes steel crash barrier
0744	Campbells Brook	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	1,600,000	Includes steel crash barrier
3304A	Tweed River	Winnejup Road	Timber framed bridge with bitumen road	1,500,000	Includes steel crash barrier

To

Asset No.	Primary Location	Secondary Location	Secondary Description	Reinstatement with new	Comments
740	Blackwood River	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	8,500,000	Includes steel crash barrier
0741	Boree Gully	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	1,600,000	Includes steel crash barrier
0742	Dinninup Brook	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	3,300,000	Includes steel crash barrier
0743	Blackwood River	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	8,000,000	Includes steel crash barrier
0744	Campbells Brook	Boyup Brook Arthur Rd	Timber framed bridge with bitumen road	7,600,000	Includes steel crash barrier

10.4.4 Key Performance Indications for the Chief Executive Officer

Location:	<i>Shire of Boyup Brook</i>
Applicant:	<i>NA</i>
File:	<i>#154</i>
Disclosure of Interest:	<i>Nil</i>
Date:	<i>3rd December 2020</i>
Author:	<i>Dale Putland – Chief Executive Officer</i>
Authorizing Officer:	<i>Dale Putland – Chief Executive Officer</i>
Attachments:	<i>Chief Executive Officer Key Performance Indicators (Confidential Attachment)</i>

SUMMARY

To establish Key Performance Indicators for the Chief Executive Officer (CEO) for the remainder of the 2020/2021 financial year.

BACKGROUND

Section 5.38 of the *Local Government Act 1995* requires that Council review the performance of the Chief Executive Officer at least once a year. Conducting this review is an important function of Council because the CEO is Council's only employee and it is through this review process that Council can also review the performance of the organisation. This also provides an appropriate basis of Council to conduct an annual review of the CEO's remuneration package.

Key Performance Indicators should refer to the Chief Executive Officer's Contract of Employment, the Corporate Business Plan and/or the Strategic Community Plan. They should contain a balance of both tactical and strategic indicators, define realistic milestones and reporting requirements, mirror expectations of Council and the community, and acknowledge leadership.

The Chief Executive Officer will provide a self-assessment to the Committee of his/her performance against the relevant KPIs prior to the CEO's performance review.

COMMENT

The recommended CEO Key Performance Indicators are included in Attachment 1 under Confidential cover and form the basis of assessment for the performance of the CEO for the remainder of the 2020/2021 financial year. The Key Performance Indicators are based around the areas of governance, strategy and organisational performance.

CONSULTATION

Councillors and senior Shire staff

STATUTORY COMPLIANCE

Section 5.38 of the *Local Government Act 1995*

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

KPIs will be delivered within current financial year budget

STRATEGIC IMPLICATIONS

CEO KPIs establish priorities for the organisation

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 10.4.4

- 1. That Council adopts the following Key Performance Indicators included in Attachment 1 for the Chief Executive Officer for the remainder of the 2020/2021 financial year:**

11 COMMITTEE MINUTES

11.1 Rylington Park Transitional Committee

OFFICER RECOMMENDATION - Item 11.1

That the unconfirmed minutes of the Rylington Park Transitional Committee Meeting held on Wednesday 2 December 2020 be received by Council.

12 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT

14 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

15 CLOSURE OF MEETING

There being no further business the Shire President, Cr Walker thanked all for attending and declared the meeting closed at