



SHIRE OF KOJONUP
Kojonup

MINUTES

Ordinary Council Meeting

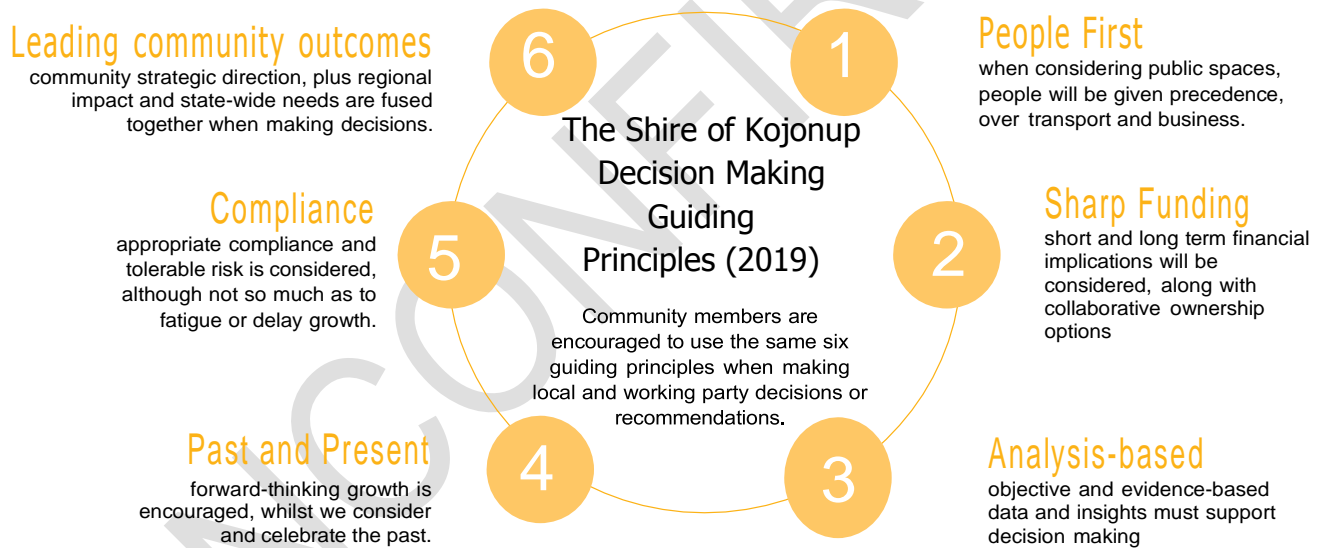
8 December 2020

MINUTES FOR THE COUNCIL MEETING TO BE HELD ON 8 DECEMBER 2020

TABLE OF CONTENTS

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	4
2	ATTENDANCE AND APOLOGIES	5
3	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	5
4	PUBLIC QUESTION TIME.....	5
5	PETITIONS, DEPUTATIONS AND PRESENTATIONS.....	6
6	APPLICATIONS FOR LEAVE OF ABSENCE.....	6
7	CONFIRMATION OF MINUTES	6
8	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	6
9	DECLARATIONS OF INTEREST	6
10	KEY PILLAR 1 – ‘PLACE’ REPORTS.....	7
11	KEY PILLAR 2 – ‘CONNECTED’ REPORTS.....	8
12	KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS.....	9
12.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY (NOVEMBER 2020)	9
12.2	MONTHLY PAYMENTS LISTING NOVEMBER 2020.....	10
12.3	OCCUPATIONAL SAFETY AND HEALTH COMMITTEE TERMS OF REFERENCE	13
12.4	RESERVE ACCOUNT APPROPRIATENESS REVIEW – 2020/2021.....	16
13	KEY PILLAR 4 – ‘PROSPERITY’ REPORT	31
14	KEY PILLAR 5 – ‘DIGITAL’ REPORTS.....	32
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	33
15.1	ELECTED MEMBER FEES & ALLOWANCES – CR GALE.....	33
16	NEW BUSINESS	38
17	CONFIDENTIAL REPORTS.....	38
17.2	REQUEST FOR TENDER (RFT) 1/2020/21 – SUBDIVISIONAL WORKS SEWER & DRAINAGE CONSTRUCTION, KOJONUP	39
17.1	CONFIDENTIAL - CEO RECRUITMENT.....	40
18	NEXT MEETING	41
19	CLOSURE.....	41
20	ATTACHMENTS (SEPARATE).....	42

The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years; in line with the Strategic Community Plan review schedule.



MINUTES

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.00pm and drew the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging

Prayer – Cr Pedler

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elizabeth. Grant to her good health and strength in the executing of her duties.

We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.

Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.

We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on Public Committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.

2 ATTENDANCE AND APOLOGIES

COUNCILLOR

Cr Benn

Shire President

Cr Radford

Deputy Shire President

Cr Gale

Cr Pedler

Cr Singh

Cr Webb

Cr Wieringa

STAFF

Rick Mitchell-Collins

Chief Executive Officer

Anthony Middleton

Manager Corporate and Community Services

Judy Stewart

Senior Administration Officer

Lorraine Wyatt

Executive/Human Resource Coordinator

LEAVE OF ABSENCE

Nil

APOLOGIES

Cr Fleay

GALLERY

Jill Mathwin

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil.

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

7.1 COUNCIL MEETING 17 NOVEMBER 2020

Minutes of the Council Meeting which was held on 17 November 2020 were previously circulated under separate cover and are at [Attachment 7.1.1.](#)

OFFICER RECOMMENDATION

158/20 Moved Cr Gale, seconded Cr Pedler

That the Minutes of the Council Meeting held on 17 November 2020 be confirmed as a true record.

CARRIED 7/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Attended Southern Link VROC Full Members meeting at Mt Barker with Cr Fleay and CEO on Friday, 4 December 2020.

9 DECLARATIONS OF INTEREST

Item 17.1 – Confidential CEO Recruitment

Rick Mitchell-Collins declared a Direct Financial Interest being the present incumbent of the position.

Item 17.1 – Confidential CEO Recruitment

Lorraine Wyatt declared a direct financial Interest being as the Author of the report and a direct report to the CEO.

Item 17.2 – Request for Tender (RFT) 1/2020/21 – Subdivisional Works Sewer & Drainage Construction, Kojonup

Cr Sing declared an Indirect Financial Interest being the purchaser of Lot 66, 101 Albany Highway, proceeds of which form part of officer recommendation.

10 **KEY PILLAR 1 – ‘PLACE’ REPORTS**

Nil

UNCONFIRMED

11 **KEY PILLAR 2 – ‘CONNECTED’ REPORTS**

Nil

UNCONFIRMED

12 **KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS**

12.1 **FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY
(NOVEMBER 2020)**

Due to the date of the Council meeting, this report is incomplete and therefore, unavailable for the December meeting. It will be presented at the meeting to be held 16 February 2021.

UNCONFIRMED

12.2 MONTHLY PAYMENTS LISTING NOVEMBER 2020

AUTHOR	Vivicka Kahn - Finance Officer
DATE	Sunday 29 November 2020
FILE NO	FM.AUT.1
ATTACHMENT	12.2.1 – Monthly Payment Listing 1/11/2020 to 26/11/2020

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2019-2023”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the list of payments covering the month of November 2020.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

Any comments or queries regarding the list of payments is to be directed to the Manager of Corporate and Community Services prior to the meeting.

CONSULTATION

No consultation was required.

STATUTORY REQUIREMENTS

Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996* provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

POLICY IMPLICATIONS

Council's Policy 2.1.2 provides authorisations and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made in line with Council Policy.

STRATEGIC/CORPORATE IMPLICATIONS

There are no strategic/corporate implications involved with presentation of the list of payments.

RISK MANAGEMENT IMPLICATIONS

A control measure to ensure transparency of financial systems and controls regarding creditor payments.

ASSET MANAGEMENT PLAN IMPLICATIONS

There are no asset management implications for this report.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)
IMPLICATIONS**

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

159/20 Moved Cr Singh, seconded Cr Radford

That in accordance with Regulation 13 (1) of the *Local Government (Financial Management) Regulations 1996*, the list of payments as attached made under delegated authority:

FROM – 1 November 2020		TO – 26 November 2020
Municipal Cheques	14273 - 14277	\$21,261.88
EFTs	27005 - 27138	\$542,700.57
Direct Debits		\$414,352.25
Total		\$978,314.70

be received.

CARRIED 7/0

UNCONFIDENTIAL

12.3 OCCUPATIONAL SAFETY AND HEALTH COMMITTEE TERMS OF REFERENCE

AUTHOR	Judy Stewart – Senior Administration Officer
DATE	Monday, 23 November 2020
FILE NO	RM.PRO.1
ATTACHMENT(S)	12.3.1 - Occupational Safety and Health Committee Terms of Reference

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
Key Pillar	Community Outcomes	Corporate Actions/Delivered Activity
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	Provision of Risk Management processes and systems.

DECLARATION OF INTEREST

Nil

SUMMARY

The purpose of this report is to bring to Council’s attention the formation of Terms of Reference for the Shire of Kojonup’s (Shire) Occupational Safety and Health (OSH) Committee.

BACKGROUND

The Shire’s OSH Committee is an operational committee concerned with ensuring the Shire meets its OSH legislative requirements (currently the *Occupational Safety and Health Act 1984*).

COMMENT

Council’s OSH Committee recently formed the attached Terms of Reference (ToR) in order to formalise the structure, function, limits of authority and responsibilities of the Committee.

The ToR document is based on a template provided by Council’s Local Government Insurance Services’ Regional Risk Coordinator and modified to be appropriate to the Shire of Kojonup, in accordance with the above mentioned legislation and the Government of Western Australia’s Guidance Note *Formal Consultative Processes at the Workplace 2006*.

CONSULTATION

OSH Committee Meeting – 22 October 2020

STATUTORY REQUIREMENTS

- *Occupational Health and Safety Act 1984*
- Occupational Health and Safety Regulations 1996
- Government of Western Australia Guidance Note *Formal Consultative Processes at the Workplace* 2006

POLICY IMPLICATIONS

2.2.14 - Occupational Safety and Health Policy - this Policy aims to exemplify the commitment and steadfast aspiration of everyone at the Shire of Kojonup in creating and maintaining a safe and healthy place to work.

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
14 - Safety & Security	Non-compliance with the <i>Occupation Safety & Health Act 1984</i> , associated regulations and standards. Inadequate policy, frameworks, systems and structure to prevent the injury of visitors, staff, volunteers, contractors and/or tenants.	OSH Committee	Nil
<i>Risk rating: Moderate</i>			
IMPLICATIONS			
The OSH Terms of Reference provide specific information as to the structure, functions, limits of authority and responsibilities of the Shire’s OSH Committee and make for an easy reference point for the Organisation’s employees. Risk is lessened as the Terms of Reference provide clear direction and guidance around the function of the OSH Committee.			

ASSET MANAGEMENT IMPLICATIONS

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS)
IMPLICATIONS**

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

160/20 Moved Cr Radford, seconded Cr Singh

**That the Occupational Safety and Health Committee Terms of Reference October 2020,
as attached, be received.**

CARRIED 7/0

UNCONFIRMED

12.4 RESERVE ACCOUNT APPROPRIATENESS REVIEW – 2020/2021

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Friday, 20 November 2020
FILE NO	FM.FNR.2
ATTACHMENT(S)	Nil.

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.4 – Be organised and transparent with our financial management.	3.4.1 - Increase regularity of readable financial reporting to the community. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to undertake a review of appropriateness of each reserve account in accordance with Council Policy.

BACKGROUND

Council Policy 2.1.8 – ‘Financial Governance’ has a section relating to reserve accounts, which states as follows:

‘Cash Reserves

In addition to grant funding, the Shire’s reserve accounts are one of the primary funding sources for major projects and will be prioritised in the annual budget.

Cash reserves are to be established and maintained to accumulate funds for the following purposes:

- 1. To smooth funding allocations over future years;***
- 2. To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget;***
- 3. To meet statutory obligations;***
- 4. To fund renewal of existing physical/built assets;***

5. **To fund future strategic initiatives and the provision of new services and facilities to future residents;**
6. **To buffer against unpredictable events;**
7. **To hold unspent grants and contributions; and**
8. **Other purposes as determined by the Council from time to time.**

When preparing the annual budget each year, consideration will be given to establishing reserve accounts for major projects as contained within the Community Strategic Plan.

The Manager of Corporate and Community Services will conduct an annual review for the Council addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of future projects as identified in adopted forward plans.

Specifically, the following goals are set for individual reserve account balances:

- **Employee Leave – As a minimum, the level of this reserve should meet both:**
 - **The EBA sick leave liability (clause 29); and**
 - **The current portion of the long service leave liability for staff with seven (7) years or more service.**

This funding goal is to be implemented over several financial years up to 2021/2022 to manage the financial impact.

- **Day Care Building Maintenance – 100% of annual rent paid by the tenant is deposited into this account;**
- **Springhaven Building Upgrade & Renewal - This reserve receives 100% of interest earned from the 'Springhaven Lodge' (bonds paid by residents) reserve account;**
- **Low Income Housing - All operating profit/(loss) is to be transferred to/(from) this reserve in accordance with the joint venture agreement with the Department of Housing;**
- **Independent Living Units - Operating profits from Loton Close & Soldier Road units are transferred to this reserve;**
- **Landfill Waste Management - 10% of total rubbish & recycle bin charges are to be allocated to this reserve annually;**
- **Energy Efficiency - 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve;**
- **Saleyards - The profit or loss from annual operations of the Saleyards to be transferred to this account.'**

This agenda item undertakes the fifth such review since this policy was adopted in November 2015.

OFFICER’C COMMENT

Why Have Reserves?

Section 6.11 of the *Local Government Act 1995* states that when a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose. The Council policy detailed above outlines eight (8) such reasons why a local government may establish a reserve account.

An analysis of the appropriateness of current reserve accounts does not give consideration to any areas of major future expenditure whereby a reserve account currently does not exist. Specifically, this review builds upon the existing reserve accounts established with a specific focus on:

1. The fifteen (15) highest scoring buildings identified in the *Buildings Assessment Framework*; and
2. Identified major projects for inclusion in the Long Term Financial Plan.

To ensure that both important building renewal can be funded and major projects are prioritised, this review seeks to ensure that reserve accounts exist for each building and project and then are funded to an appropriate level.

Asset Management:

The fifteen (15) highest scoring buildings identified in the *Buildings Assessment Framework* are as follows:

Building:	Current building renewal reserve account?
1. Springhaven Frail Aged Lodge	Yes
2. Recreation Centre	Yes, but not specific
3. Hall & Lesser Hall	Yes
4. Shire Office & Library	No
5. Kodja Cultural Centre	Yes
6. RSL Hall	Yes
7. Doctors Surgery (Ex Dwelling)	No
8. Depot Office & Workshop	No
9 – 15. Loton Close Independent Living Units	Yes

As is demonstrated above, gaps exists in building renewal and upgrade reserve accounts in our identified most important buildings. Whilst the construction of a community owned medical centre has surpassed the need for item 7 above, it is recommended that building upgrade and renewal reserve accounts be established for:

- Sporting Complex;
- Shire Office & Library; and
- Works Depot.

Major Projects:

Consideration of the major funding requirements in the draft Long Term Financial Plan should also be reconciled to setting money aside into a reserve account for a future purpose. The identified major priorities established in the plan and an assessment of existing reserve accounts is listed in the table below:

	Current Reserve Account?
1. Great Southern Housing Initiative	Completed
2. Sporting Facility Upgrades	Yes
3. Harrison Place Park & Toilets / Hall Upgrade	2020/2021 Budget
4. Townscape	Yes
5. Benn Parade Multi-Facility	Yes
6. Community Hub/Southern Dirt/Telecentre	Yes (Economic Development)
7. Spencer Street Youth Precinct	No
8. Apex Park	2020/2021 Budget
9. Kojonup Spring	No
10. Subdivision & Land Development	Yes
11. Water Harvesting & Quin Quin Reserve	2020/2021 Budget
12. Swimming Pool Refurbishment	Yes
13. The Kodja Place Master Plan	No
14. Communications Tower	Yes
15. Waste Facility Upgrades	Yes
16. Trails Network - Construction	No

As is demonstrated above, gaps exist in setting aside funds in a reserve accounts to achieve the identified major projects in the next 10-15 years. As such, it is recommended that reserve accounts be established for:

- Spencer Street Youth Precinct;
- The Spring;
- Trails Network Construction; and
- The Kodja Place Master Plan.

Appropriateness of Existing Reserve Account Balances:

The following table shows reserve account balances as at 30 June 2020 and 30 June 2021 (budgeted) and a commentary on the appropriateness of these balances in conjunction with major projects planned in *Smart Implementation*. Recommendations within the table are made based on the following key:

- ↑ - More funds required
- ✓ - Currents funds are appropriate; and
- ↓ - Funds are surplus to needs of the account.
- ? – More information required

Recommendations have also been colour coded using a traffic light system.

	Name of Reserve	Actual Balance 30 June 2019	2019 Rec.	Budgeted Balance 30 June 2020	Officers Comment	2020 Rec.
1.	Employee Leave	\$205,018	↑	\$227,068	Policy 2.1.8 has set a plan to increase the level of this reserve in accordance with a set formula of minimum balance. Whilst the reserve needs to grow significantly, a balance between meeting possible future liabilities and tying up large amounts of cash needs to be considered. Recommendation: Increase the balance of the reserve slowly over time.	↑
2.	Bushfire Communications	\$111,569	✓	\$12,685	The requirement for a new bush fire communications tower is currently being planned and the project scoped in accordance with the Council resolution from 5 November 2019. The provision of a sum for asset management of this critical infrastructure is sound management and desired outcomes of Key Pillar 5 (Digital) neatly fit within this project. The Council resolution from 5 November 2019 included funding any shortfall through loan funds.	✓
3.	Community Grant Scheme	\$9,718	✓	\$9,815	This reserve account is currently holding funds set aside for the Kojonup Theatrical Society (\$6,000) and will be used for future community projects that span multiple financial years.	✓
4.	Day Care Building Maintenance	\$9,385	✓	\$12,129	This newly created reserve sets aside annual rental income for future major maintenance requirements. (Rent reviewed annually)	✓
5.	Youth	\$11,226	✓	\$11,338	The youth component of <i>Smart Possibilities</i> will not require vast expenditure of funds, apart from staff and elected member time. Is this reserve account needed and if so, for what? Recommendation: Rename this reserve the 'Spencer Street Youth Precinct' reserve account and increase the balance to fund new skate park, pump track and youth centre.	↑↑
6.	Springhaven Building Upgrade & Renewal	\$15,487	✓	\$290	This reserve receives interest earned from the 'Springhaven Lodge - Bonds' reserve and is used to fund major building items at Springhaven. While it is has been nearly fully drawn down in recent years, vast improvements have been made at Springhaven and the reserve will rebuild adequately in the coming years.	✓

Shire of Kojonup – Ordinary Council Meeting – Minutes – 8 December 2020

	Name of Reserve	Actual Balance 30 June 2019	2019 Rec.	Budgeted Balance 30 June 2020	Officers Comment	2020 Rec.
7.	Springhaven Equipment	\$6,478	✓	\$6,543	This reserve will fund urgent laundry or kitchen equipment at Springhaven Lodge. Most equipment is new in 2019/2020 so this reserve can slowly build.	↑
8.	Low Income Housing	\$41,408	✓	\$49,822	This reserve 'operates' the Jean Sullivan joint venture housing, i.e. profit from rent transferred to reserve to fund major maintenance. Rental amounts are set by the State.	✓
9.	Independent Living Units	\$133,077	✓	\$76,358	This reserve was nearly fully withdrawn with the construction of new and upgrade of existing ILU's in Loton Close. Rental returns will improve the reserve over time, importantly from an asset replacement perspective in the long term.	✓
10.	Benn Parade Multi-Facility	\$10,268	↑	\$14,371	A new reserve created in 2018/2019 financial year. The scope of any future works in this precinct still needs to be defined, however, this seed funding will not achieve what is envisaged in collocating the Men's Shed, Kojonup Tourist Railway and Kojonup Historical Society. Recommendation: High priority for funding.	↑↑↑
11.	Townscape	\$10,299	↑	\$15,402	A new reserve created in 2018/2019 financial year. The scope of future works is currently being defined and need reserve funds to leverage grant or external funding. Recommendation: High priority for funding.	↑↑↑
12.	Landfill Waste Management	\$50,539	✓	\$25,466	Continual improvements that are required in waste management practices highlights that this will be an area of future expenditure needs. Post closure management expenses need to be saved for the duration of the operation of a facility to ensure appropriate funding of required works following closure. From 1 July 2018, the reserve definition was updated to include 10% of rubbish bin charges being allocated to this account.	✓
13.	Energy Efficiency	\$40,308	✓	\$0	Installation of solar array at the Works Depot will achieve major energy savings and closure of this reserve in 2020/2021.	✓

Shire of Kojonup – Ordinary Council Meeting – Minutes – 8 December 2020

	Name of Reserve	Actual Balance 30 June 2019	2019 Rec.	Budgeted Balance 30 June 2020	Officers Comment	2020 Rec.
14.	Building Upgrade & Renewal	\$11,498	↓	\$0	Reserve closed in 2020/2021 to establish more specific <i>building upgrade and renewal reserve accounts</i> for important buildings.	✓
15.	Historical Buildings	\$7,501	✓	\$0	Funds expended on important preservation projects. Future requirements will be funded through annual budget process. Future ownership and responsibility of assets such as Old Barracks and Elverd Cottage needs strategic direction.	✓
16.	Natural Resource Management	\$93,579	✓	\$65,001	This reserve account has enabled the employment of a NRM Officer and leveraged approx. 100% additional grant funding. Council policy now contributes annual figure comparative to previous rates discount amount.	✓
17.	RSL Hall Building Renewal	\$10,271	?	\$10,374	The scope of any future works in this precinct needs to be defined, or indeed if this building is to be retained. Strategic direction required.	?
18.	Memorial & Lesser Hall Upgrade & Renewal	\$4,600		\$12,100	Very important community asset that has large asset renewal backlog. Recommendation: High priority for funding.	↑↑↑
19.	Sporting Facility	\$49,912	↑	\$12,411	Major expenditure in 2020/2021 will meet the immediate demands for facility upgrades. Possible building extension for storage/office space, swimming pool club rooms, deck extension and parking/kerbing/footpath upgrades are all identified future projects. Recommendation: Improve funding in the medium term.	↑↑
20.	Playground & Parks	\$0		\$10,000	Asset renewal and upgrade reserve established in 2020/2021. Recommendation: Priority for funding in the medium term.	↑
21.	Swimming Pool	\$5,414	↑	\$20,468	This asset will require upgraded drainage (wet decks) in the short term and possible full asset replacement in the medium to long term future and therefore major funds are required. \$40,000 was spent in 2018/2019 to repaint the pool as a vital maintenance item. Recommendation: High priority for funding.	↑↑

Shire of Kojonup – Ordinary Council Meeting – Minutes – 8 December 2020

	Name of Reserve	Actual Balance 30 June 2019	2019 Rec.	Budgeted Balance 30 June 2020	Officers Comment	2020 Rec.
22.	Economic Development	\$88,253	↑	\$59,136	Establishing a business hub, amending the town planning scheme and creating a state tech-farming epicentre will require an increase in funds - A future 'investment' area of the Council. Recommendation: Project scope needs defining before more funds are contributed.	?
23.	Land Acquisition and Development	\$27,191	↑	\$2,463	Given the shortage in available residential and industrial land, and the opportunities to develop land in John Street, Soldier Road and Thornbury Close, substantially more funds are required in this area. However, it is noted that developments could be funded by loans and this reserve utilized to deposit sale proceeds and meet loan repayments.	✓
24.	Saleyards	\$45,355	✓	\$15,209	Future of the Saleyards currently under review by the Council	?
25.	The Kodja Place Tourist Precinct	\$951	↓	\$0	Reserve budgeted to be closed in 2020/2021. Recommendation: Rename this reserve 'The Kodja Place Master Plan Implementation' reserve account and slowly increase the balance to implement recommendations contained within the plan.	↑
26.	The Kodja Place Building Upgrade & Renewal	\$4,600		\$9,600	Relatively new building that has minimal renewal issues at present, with the exception of the rammed earth walls. Recommendation: Funding to be increased in the medium to long term.	↑
27.	Plant Replacement	\$375,327	✓	\$381,160	Considerable work has been undertaken for this reserve with regards to passenger vehicles. It is important that the full 12 year cycle of this plant is considered and funds not claimed for other purposes during low expenditure years.	✓
28.	Gravel Pits	\$32,288	?	\$0	Reserve closed in 2020/2021	✓
	Shire Held Funds	\$1,411,516		\$1,059,205		
29.	Springhaven Lodge Bonds	\$2,078,388		\$2,078,388	This reserves operates as a trust fund for resident bonds held (Not the property of the Shire).	
	Total Reserves	\$3,489,904		\$3,137,593		

Based on the commentary above, it is recommended that the 2021/2022 draft budget include transfers to the following reserve accounts (in priority order) to increase their balances:

Highest Priority:

1. Benn Parade Multi-Facility
2. Memorial & Lesser Hall
3. Townscape

Medium Priority:

4. Youth / Spencer Street Youth Precinct
5. Swimming Pool
6. Sporting Facility

Lower Priority:

7. The Kodja Place Master Plan Implementation
8. Playgrounds and Parks
9. Springhaven Equipment
10. Employee Leave
11. Kodja Place Building Upgrade & Renewal

Total Reserve Account Balances:

The table above highlights the following evolving issues for the Shire's reserve accounts:

- a) The estimated balance at 30 June 2021 of \$3.13m reduces significantly to \$1.06m when excluding Springhaven Bonds;
- b) \$1.06m is an inadequate reserve account balance when comparing to 2020/2021 budget capital expenditure of \$8.7m or 2019/2020 of budget capital expenditure \$9.32m;
- c) \$1.06m represents less than 10% of annual revenue as savings;
- d) Future expenditure requirements for existing assets such as the Kevin O'Halloran Memorial Swimming Pool and the Memorial Hall will dwarf the current \$1.06m reserve balance. This excludes new projects that the Council or community may wish to undertake;
- e) 4 of the Shire's 28 reserve accounts will be closed in 2020/2021 financial year and 3 require further consideration / investigation (addressed in this report). Of the remaining 21, 11 require significant further funding requirements;
- f) While most reserve account balances hover around the \$10,000 to \$20,000 balance, to be an effective funding tool this needs to increase to at least \$100,000 to \$200,000; and
- g) If all 11 reserve accounts identified for further funding received on average an additional \$150,000 in next year's budget, \$1.65m would be required.

Current Reserve Account Purpose:

The purpose for which each reserve account has been established are as follows:

Employee Leave Reserve

To be used to fund annual and long service leave requirements.

Bushfire Communications Reserve

To construct and maintain critical bushfire communication infrastructure.

Community Grant Scheme

To finance community grant scheme rounds and to financially manage larger community grants that may extend over more than one financial year.

Day Care Building Maintenance

For the expenditure of major building maintenance items on the Kojonup Day Care Centre building, corner of Elverd and Honner Streets, Kojonup. Annual rent paid by the tenant is deposited into this account.

Youth

To fund new opportunities for the youth of Kojonup, specifically outcome 1.3 from 'Smart Possibilities', the Kojonup Community Strategic Plan.

Springhaven Lodge Bonds

To cash back refundable bonds paid by residents of the facility.

Springhaven Building Upgrade & Renewal Reserve

To be used for major upgrade and capital renewal of Springhaven facility buildings

Springhaven Equipment

To fund the replacement of major equipment and appliances at Springhaven Frail Aged Lodge.

Low Income Housing Reserve

To be used for major maintenance of Jean Sullivan Units. All operating profit is to be transferred to this reserve in accordance with the joint venture agreement

Independent Living Units

To transfer operating profits from Loton Close units to this reserve to fund major maintenance and future asset replacement.

Benn Parade Multi-Facility

To fund the co-location of Historical Society, Men's Shed and Kojonup Tourist Railway facilities to the Benn Parade Railway Precinct.

Townscape

To fund major townscape improvements to the Kojonup Town Centre.

Landfill Waste Management Reserve

To be used for future upkeep, maintenance, expansion, post closure activities and or reclamation of the Shire's waste management facilities. 10% of rubbish bin charges are to be allocated to this reserve annually.

Energy Efficiency Reserve

Established to fund energy efficiency initiatives within the Shire's operations. 50% of any savings resulting from expenditure of this reserve account is to be transferred back into the reserve.

Building Upgrade & Renewal Reserve

To be used for major maintenance, upgrades and renewal of Council owned buildings.

Historical Buildings Reserve

To be used for the purpose of maintaining Historical Buildings and maintaining the Municipal Heritage Inventory.

Natural Resource Management

For the Shire of Kojonup to progress the following projects:

1. Bridal Creeper and tagasaste Eradication program.
2. Managing water resources including water harvesting and re-use opportunities in the Shire for the use in Kojonup parks and reserves during summer.

3. Undertake weed management and planting of native trees and shrubs in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:
 - a) Myrtle Benn, Farrar and Quin Quin;
 - b) Showground's area; and
 - c) Blackwood Road arboretum.

to improve bio diversity, fauna habitat and natural resource management outcomes.

RSL Hall Building Renewal

To fund major refurbishment and/or re-purposing of the Kojonup RSL Hall.

Memorial & Lesser Hall Upgrade & Renewal

To be used for major upgrade and capital renewal of the Memorial and Lesser Hall buildings.

Sporting Facility Reserve

To fund Council contribution to CSRFF Funding grants or to fund construction or renewal of Shire sporting facilities.

Playground & Parks

To be used for the asset renewal and upgrade of major playground equipment and park infrastructure.

Swimming Pool

To fund major refurbishment and/or asset replacement of the Kevin O'Halloran Memorial Swimming Pool.

Economic Development Reserve

To be used for the advancement of economic development within the Shire of Kojonup, specifically to fund outcomes within Key Pillar 4 - 'Prosperity' and Key Pillar 5 - 'Digital' within 'Smart Possibilities' the Kojonup Community Strategic Plan.

Land Acquisition & Development

To fund the purchase of land, sub-division expenses and receipt sub-division sales revenue.

Saleyards

The profit or loss from annual operations to be transferred to this account to fund major refurbishment and/or asset renewal of the Kojonup Saleyards.

The Kodja Place Tourist Precinct Reserve

To be used for future upkeep, maintenance, renewal and enhancement of IT equipment, communications and interactive and static displays at The Kodja Place. Expenditure from this reserve is to consider advice from the 'Storyplace/Gallery Work Group'.

The Kodja Place Building Upgrade & Renewal

To be used for major upgrade and capital renewal of The Kodja Place buildings.

Plant Replacement Reserve

To smooth funding allocations over financial years for the purchase of major plant items.

Gravel Pits Reserve

To be used for the purchase and provision of gravel stocks.

Reserve Account Purpose - Summary:

No changes were made to reserve account definitions (purposes) in last year's review. Considering these definitions have been constantly reviewed over the past five financial years, the existing reserve account definitions are all considered appropriate and relevant with the exception of:

- Renaming the 'Youth Reserve' to the 'Spencer Street Youth Precinct Reserve' to fund the development, planning and construction of a new skate park, pump track and youth centre at the Spencer Street site; and

- Renaming the ‘*The Kodja Place Tourist Precinct Reserve*’ to the ‘*The Kodja Place Master Plan Implementation Reserve*’ to fund the implementation of the recommendations contained within The Kodja Place Master Plan.

Closure of Reserve Accounts:

It is not recommended that any reserve accounts be closed in addition to those authorised in the 2020/2021 annual budget.

Further Information Needed:

Strategic direction is needed for the following reserves to determine their long term future:

- RSL Hall Building Renewal;
- Saleyards; and
- Economic Development.

The RSL hall requires a large expenditure to bring this facility to public building standards, especially in the kitchen and bathrooms. An assessment needs to be undertaken to ascertain if this expenditure is warranted and if “another hall” is required considering the availability of the Memorial & Lesser Halls, the Sporting Complex, The Kodja Place meeting rooms and community facilities such as Boniface House.

The Council resolution regarding the saleyards at their meeting held 17 November 2020 included the following decisions:

‘3. *The Kojonup Saleyards be closed effective 1 January 2021.*

4. *Council authorise the Chief Executive Officer to call for expressions of interest from the community or from a corporate body to take over the Saleyard including existing by April 2021.*

5. *The truckwash be retained for use and be maintained by Council.*’

As such, the process defined by the Council needs to be completed prior to an assessment being made on the Saleyards reserve account. For example, the funds may be transferred to the truckwash bay, used to improve decommission the saleyards or transferred for another purpose.

The Economic Development Reserve account is not defined very specifically within its definition or intended use. Renaming this reserve to a specific project within key pillar 4 may be more appropriate, such as ‘*Community Hub/Southern Dirt/Telecentre Reserve Account*’, however, the project scope for most of key pillar 4 needs further development before this could be considered.

Additional / New Reserve Accounts:

To summarise what has been identified within this report, it is recommended that the following reserve accounts be created:

- The Spring;
- Trails Network Construction;
- Sporting Complex Building Upgrade & Renewal;
- Shire Office/Library Building Upgrade & Renewal; and
- Works Depot Building Upgrade & Renewal.

CONSULTATION

Senior Management Team.

STATUTORY REQUIREMENTS

Section 6.11 of the *Local Government Act 1995* legislates reserve accounts and states:

(1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

(2) Subject to subsection (3), before a local government —

(a) changes* the purpose of a reserve account; or

(b) uses* the money in a reserve account for another purpose,

it must give one month's local public notice of the proposed change of purpose or proposed use.

* *Absolute majority required.*

(3) A local government is not required to give local public notice under subsection (2) —

(a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or

(b) in such other circumstances as are prescribed.

(4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.

POLICY IMPLICATIONS

This report has been completed in accordance with Council Policy 2.1.8 – 'Financial Governance' as outlined in the background of this report.

FINANCIAL IMPLICATIONS

While the report does not in itself have a financial implication on the 'bottom line' of this year's finances, reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day.

Cash reserves are established in accordance with the *Local Government Act 1995* and maintained to accumulate funds for the following purposes:

- To smooth funding allocations over future years.
- To offset liabilities in respect of previously earned employee entitlements to the extent they require an outflow of funds not allocated in the annual budget.
- To meet statutory obligations.
- To fund renewal of existing physical/built assets.
- To fund future strategic initiatives and the provision of new services and facilities to future residents.
- To buffer against unpredictable events.
- To hold unspent grants and contributions.
- Other purposes as determined by the Council from time to time.

RISK MANAGEMENT IMPLICATIONS

Maintaining a suitable forward planning process that is intrinsically linked to long term financial planning minimizes many risks, including those associated with the funding of major projects or the provision of essential equipment and infrastructure.

ASSET MANAGEMENT IMPLICATIONS

Reserve accounts are one of the major funding sources for major projects and a very important financial tool in managing the finances of the Shire day-to-day, and therefore this review to ensure they remain focussed and appropriate is essential. As such, this item is central to good asset management, and the ability to fund identified major upgrades, renewal and replacement of assets as identified in the asset management plan.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER RECOMMENDATION

161/20 Moved Cr Singh seconded Cr Radford

That:

- 1. The annual review undertaken addressing the appropriateness of each reserve account purpose, suitability of current balances, and deficiencies for the funding of asset management and future projects as identified in adopted forward plans be received;**
- 2. The 2021/2022 draft budget include the renaming and change of purpose of the following reserve accounts:**
 - a) Renaming the 'Youth Reserve' to the 'Spencer Street Youth Precinct Reserve' to fund the development, planning and construction of a skate park, pump track and youth centre at the Spencer Street site; and**
 - b) Renaming the 'The Kodja Place Tourist Precinct Reserve' to the 'The Kodja Place Master Plan Implementation Reserve' to fund the implementation of the recommendations contained within The Kodja Place Master Plan.**
- 3. The 2021/2022 draft budget include transfers to the following reserve accounts (in priority order) to increase their balances:**

Highest Priority:

 - a) Benn Parade Multi-Facility**
 - b) Memorial & Lesser Hall**
 - c) Townscape**

Medium Priority:

 - d) Spencer Street Youth Precinct**
 - e) Swimming Pool**
 - f) Sporting Facility**

Lower Priority:

 - g) The Kodja Place Master Plan Implementation**
 - h) Playgrounds and Parks**
 - i) Springhaven Equipment**

- j) **Employee Leave**
- k) **Kodja Place Building Upgrade & Renewal**

4. The following new reserve accounts be created:

- a) **The Spring**

To be used for major capital upgrades and improvements at the Kojonup Spring area;

- b) **Trails Network Construction**

To be used to construct recreational trails within the Shire of Kojonup in accordance with the Great Southern Trails Master Plan and the Shire of Kojonup Trails Plan;

- c) **Sporting Complex Building Upgrade & Renewal**

To be used for major upgrade and capital renewal of the Sporting Complex Building;

- d) **Shire Office/Library Building Upgrade & Renewal**

To be used for major upgrade and capital renewal of the Shire Administration Centre and library buildings; and

- e) **Works Depot Building Upgrade & Renewal**

To be used for major upgrade and capital renewal of the Works & Services Depot buildings; and

5. The following three reserve accounts to be discussed at a Council briefing session in 2021:

- a) **RSL Hall Building Renewal;**
- b) **Saleyards; and**
- c) **Economic Development.**

CARRIED 7/0

13 **KEY PILLAR 4 – ‘PROSPERITY’ REPORT**

Nil

UNCONFIRMED

14 **KEY PILLAR 5 – ‘DIGITAL’ REPORTS**

Nil

UNCONFIRMED

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

15.1 ELECTED MEMBER FEES & ALLOWANCES – CR GALE

AUTHOR	Anthony Middleton – Manager Corporate & Community Services
DATE	Tuesday, 24 November 2020
FILE NO	GO.CLR.3
ATTACHMENT(S)	15.1.1 - Councillor Remuneration Benchmark Report prepared by the Shire of Waroona

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group.	3.1.4 - Implement strategies to improve Councillors role as community leaders and asset custodians (G1.5.3)
	3.4 – Be organised and transparent with our financial management.	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money. 3.4.3 - Commit to future state-wide measurement systems testing local government performance.

DECLARATION OF INTEREST

Nil.

SUMMARY

The purpose of this report is to consider a notice of motion from Cr Gale regarding elected member fees & allowances.

BACKGROUND

Council Policy 3.10 – ‘Councillors Fees & Reimbursements’ states as follows:

‘Elected member fees and allowances are set annually by the Salaries and Allowances Tribunal and are to be set at 75%, determined by the allocated band, of the maximum level permitted under the Local Government Act 1995 and Salaries and Allowances Act 1975.

The Information and Communication Technology allowance be set at \$3,000 or 75% of the maximum level permitted, whichever is the greater.’

The Chief Executive Officer was requested by Cr Gale to prepare an agenda item regarding:
Councillors being able to choose whether they want the additional 25% or stay at 75% of Salaries and Allowances Tribunal band for member attendance fees.

OFFICER’S COMMENT

Legislative Background:

The Salaries and Allowances Tribunal classify all local governments within WA into four (4) bands, with band 1 being the largest local governments and band 4 being the smallest. The Shire of Kojonup is a band 3 local government.

The annual meeting attendance fee range within the bands, as defined in the *Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members* made on 8 April 2020 are as follows:

Table 8: Annual attendance fees in lieu of council meeting, committee meeting and prescribed meeting attendance fees – local governments

Band	For a council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,604	\$31,678	\$24,604	\$47,516
2	\$14,865	\$23,230	\$14,865	\$31,149
3	\$7,688	\$16,367	\$7,688	\$25,342
4	\$3,589	\$9,504	\$3,589	\$19,534

Table 10: Annual allowance for a mayor or president of a local government

For a mayor or president		
Band	Minimum	Maximum
1	\$51,258	\$89,753
2	\$15,377	\$63,354
3	\$1,025	\$36,957
4	\$513	\$20,063

The annual allowance for a Deputy Shire President is set within the determination and section 5.98A(1) of the *Local Government Act 1995* as 25% of that paid to the Shire President.

The annual allowance for ICT expenses is also set within the determination and section 5.99A(b) of the *Local Government Act 1995*, which is currently set at a minimum of \$500 and maximum of \$3,500.

Consideration of Notice of Motion:

There are two (2) factors to consider when initially addressing Cr Gale’s request. They are:

1. The required process of setting annual sitting fees for elected members under the *Local Government Act 1995*; and
2. The relevancy of the amount of the fee set considering community expectations and benchmarking data of other similar local governments.

1. Process of setting annual sitting fees

The *Local Government Act 1995* legislates the manner and types of payments able to be made to elected members.

Section 5.98 '*Fees etc. for council members*', part (6) states as follows:

'A local government cannot –

(a) make any payment to; or

(b) reimburse an expense of,

a person who is a council member or a mayor or president in that person's capacity as council member, mayor or president unless the payment or reimbursement is in accordance with this Division.'

Section 5.99 '*Annual fee for council members in lieu of fees for attending meetings*' states as follows:

'A local government may decide that instead of paying council members a fee referred to in section 5.98(1), it will instead pay all council members who attend council or committee meetings –*

(a) the annual fee determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7B; or

(b) where the local government has set a fee within the range for annual fees determined by that Tribunal under that section, that fee.

** Absolute majority required.'*

As such, the Council is required to set the annual fee for meeting attendance, which is currently undertaken via Policy 3.10. The fee cannot be set as a range for individual elected members to pick and choose their preferred amount. Cr Gale's request is therefore not possible.

2. Relevancy of the Amount of the Allowance Set

Elected Members at the Shire of Kojonup currently receive the following annual fees:

MEMBER:	MEETING ATTENDANCE FEE	ANNUAL PRES/DEPUTY ALLOWANCE	ICT ALLOWANCE / OTHER	TOTALS
Shire President:	\$19,006	\$27,718	\$3,000 + Car	\$49,724 + Car
Deputy Shire President	\$12,275	\$6,929	\$3,000	\$22,204
Councillor	\$12,275		\$3,000	\$15,275
Councillor	\$12,275		\$3,000	\$15,275
Councillor	\$12,275		\$3,000	\$15,275
Councillor	\$12,275		\$3,000	\$15,275
Councillor	\$12,275		\$3,000	\$15,275

Councillor	\$12,275		\$3,000	\$15,275
TOTALS	\$104,931	\$34,647	\$27,000	\$166,578

Kojonup is one of the smaller band 3 Shires and could easily have been classified as a band 4 local government. As such, the dollar amounts applicable to Kojonup are relatively generous and by setting the level at 75% of the band, some could say very generous.

Attached is a *Councillor Remuneration Benchmark* Report prepared by the Shire of Waroona, showing comparisons between various local governments, but particularly Shire of Waroona Neighbours and 'Rural Agricultural Medium' (RAM) local governments. This report backs up the notion that Kojonup's payments to its elected members are generous, especially the ICT Allowance.

Whilst it is acknowledged that the role of an elected member is a lot more than merely attending meetings, a comparison between Council and Committee meeting attendance as listed in the 2018/2019 Annual Report and the table above gives an average payment per meeting attended of \$1,501.

Considering the economic impact of COVID-19 to the Shire, through the freezing of rates and fees and charges, and the leadership shown by other local governments such as the City of Albany whose elected members took a 20% reduction in allowances, it is considered that a pay increase now may not meet with community expectations. Historically (prior to the *Local Government Act 1995*), the role of an elected member was a voluntary one, with expenses such as lunch on meeting days being provided. In addition, elected members receive travelling reimbursement for meeting attendance and training and conference attendance at no cost. Approximately \$25,000 is spent each year on these additional costs.

CONSULTATION

Chief Executive Officer.

STATUTORY REQUIREMENTS

Section 5.98 to 5.102 of the *Local Government Act 1995* legislates payments and gifts local governments can make to its members. Specific details, as they apply to this agenda item, are quoted within the Officer's Comment section of this report.

The *Determination of the Salaries and Allowances Tribunal on Local Government Chief Executive Officers and Elected Members* made on 8 April 2020 is made under section 7A of the *Salaries and Allowances Act 1975*.

POLICY IMPLICATIONS

Council Policy 3.10 – ‘Councillors Fees & Reimbursements’ set the level of allowances paid to elected members within the range prescribed by the Salaries and Allowances Tribunal.

FINANCIAL IMPLICATIONS

The table of direct payments made to elected members above shows total payments of \$166,578 plus a motor vehicle. This equates to 4% of total rates raised in 2020/2021. The number of elected members and, by extension, the cost of maintaining Council’s with a larger number of elected members, has been an ongoing topic of discussion by the State Government.

As recently as August 2020, the State Government released a report titled ‘*Recommendations for a new Local Government Act for Western Australia*’ which recommended local governments with a population of less than 5,000 people should only have five (5) elected members (recommendation 26). Should the Shire of Kojonup wish to retain its representation of eight (8) elected members and be able to lobby as such, keeping costs of the elected Council to a minimum would assist greatly.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Absolute Majority if setting an annual fee for council members in lieu of fees for attending meetings, otherwise simple majority.

CR GALE NOTICE OF MOTION:

162/20 Moved Cr Gale seconded Cr Webb

That individual Councillors are able to choose whether they want the additional 25% or stay at 75% of Salaries and Allowances Tribunal band for member attendance fees.

LOST 0/7

ALTERNATE OFFICER RECOMMENDATION

163/20 Moved Cr Benn seconded Cr Webb

That the information provided within the report on elected member fees and allowances be received.

CARRIED 7/0

16 NEW BUSINESS

Nil

17 CONFIDENTIAL REPORTS

STATUTORY REQUIREMENTS

Section 5.23(2) of the Local Government Act 1995 permits the Council to close a meeting, or part of a meeting, to members of the public if the meeting deals with any of the following:

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (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; and
- (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; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (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; and
- (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; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and
- (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

Subsection (3) requires a decision to close a meeting, or part of a meeting and the reason for the decision to be recorded in the minutes.

PROCEDURAL MOTION

164/20 Moved Cr Gale, seconded Cr Singh

That the meeting proceed behind closed doors in accordance with Section 5.23(2)(a) of the *Local Government Act 1995* at 3.21pm.

CARRIED 7/0

Items 17.2 was discussed out of sequence allowing for Elected Member discussions regarding item 17.2 once officers with an “interest” left the meeting.

Cr Singh declared an Indirect Financial Interest in item 17.2 being the purchaser of Lot 66, 101 Albany Highway, proceeds of which form part of officer recommendation.

Cr Singh left the meeting at 3.27pm

17.2 REQUEST FOR TENDER (RFT) 1/2020/21 – SUBDIVISIONAL WORKS SEWER & DRAINAGE CONSTRUCTION, KOJONUP

AUTHOR	Michelle Dennis - Development Services Coordinator
DATE	Friday, 3 December 2020
FILE NO	FM.TND.3; LP.SUB

OFFICER'S RECOMMENDATION

165/20 Moved Cr Wieringa seconded Cr Radford

That:

1. The tender offer from Vasse Civil and Drainage for a total of \$595,172. (including GST) for the subdivisional works – sewer and drainage construction in accordance with Shire of Kojonup Request for Tender 1/2020/21, be accepted; and:
2. The 2020/2021 annual budget be amended as follows:
 - a) The budget provision of account C310 Subdivision Expenses be increased by \$405,000 to \$645,000;
 - b) The proceeds of sale of Lot 66, 101 Albany Highway of \$51,000 be used to fund an increase to the budget provision of account C310 Subdivision Expenses;
 - c) The budgeted loan to be taken out for 'Land Development' of \$200,000 be increased by \$354,000 to \$554,000 in accordance with requirements under the *Local Government Act 1995*.

CARRIED 6/0

Cr Singh returned to the meeting at 3.31pm

The Chief Executive Officer, Rick Mitchell-Collins declared a Direct Financial Interest in item 17.1 as the incumbent Chief Executive Officer.

The Executive/Human Resources Coordinator, Lorraine Wyatt declared a Direct Financial Interest in item 17.1 as the Author of the report and a direct report to the CEO.

Rick Mitchell-Collins and Lorraine Wyatt left the meeting at 3.32pm and did not return.

17.1 CONFIDENTIAL - CEO RECRUITMENT

AUTHOR	Lorraine Wyatt – Executive/Human Resource Coordinator
DATE	2 December 2020
FILE NO	PE.RCR.9

OFFICER RECOMMENDATION

166/20 Moved Cr Gale, seconded Cr Benn

That:

- 1. Council engage Lester Blades being a suitably qualified independent recruitment consultant to progress the Recruitment, Selection and Appointment of a Chief Executive Officer on the terms and conditions as outlined in the Proposal including the fee schedule being:
 - a) A Retainer of one third (33.3%) of the total fee is raised on commencement of the assignment.**
 - b) The second one third is raised once the client accepts the shortlist of candidates.**
 - c) The balance of the total fee is raised on successful completion of the assignment. Successful completion of the assignment is defined as being once the candidate has signed the contract of employment and agreed a start date.****
- 2. A budget of \$19,500 be applied for the recruitment process at the mid-year budget review for the 20/21 financial year.**
- 3. That the Committee meet with the Consultant on Tuesday 15 December 2020 to formally commence the process.**

CARRIED 7/0

PROCEDURAL MOTION

167/20 Moved Cr Gale, seconded Cr Benn

That the meeting be reopened to the public at 4.03pm.

18 NEXT MEETING

Ordinary Council Meeting Tuesday, 16 February 2021 commencing at 3.00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 4.05pm.

UNCONFIRMED

20 ATTACHMENTS (SEPARATE)

Item 7.1	7.1.1	Unconfirmed Minutes of the Ordinary Council Meeting held 17 November 2020
Item 12.2	12.2.1	Monthly Payment Listing 1/11/2020 to 26/11/2020
Item 12.3	12.3.1	Occupational Safety and Health Committee Terms of Reference
Item 15.1	15.1.1	Councillor Remuneration Benchmark Report prepared by the Shire of Waroona

UNCONFIRMED