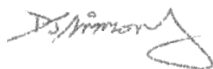


Shire of Koorda

AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held in Council Chambers, 10 Haig Street, Koorda commencing at 6.00pm on Wednesday, 17 November 2021.



Darren Simmons
Chief Executive Officer



DISCLOSURE OF INTEREST

✦ WRITTEN

- Prior to meeting
- CEO to advise Presiding Person
- Reported to meeting immediately before item discussed
- Standard form may be used

✦ VERBAL

- No round robin at start of meeting
- Advise immediately before item discussed

✦ TO BE DISCLOSED

- Nature of interest
- Extent if vote on participation held.



SHIRE OF KOORDA

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda 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 or statement or intimation occurring during Council or Committee meetings.

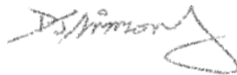
Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed



DJ Simmons
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING

2 ANNOUNCEMENT OF VISITORS

3 RECORD OF ATTENDANCE

- 3.1 *Record of Attendance:*
- 3.2 *Apologies:*
- 3.3 *Approved Leave of Absence:*

**PRESIDENT TO DRAW THE DISCLAIMER TO THE PUBLIC'S ATTENTION
(If members of the public present)**

4 QUESTION TIME FOR THE PUBLIC

- 4.1 *Response to Previous Public Questions Taken on Notice*
- 4.2 *Public Question Time Open*
- 4.3 *Public Question Time Closed*

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 DECLARATIONS OF INTEREST

7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

- 8.1 **ORDINARY MEETING HELD 20 October 2021** ([Click here to view](#))

Officer Recommendation

That the Minutes of the Koorda Shire Council Ordinary Meeting held on 20 October 2021, as circulated, be confirmed and certified as a true and accurate record.

- 8.2 **SPECIAL MEETING HELD 28 October 2021** ([Click here to view](#))

Officer Recommendation

That the Minutes of the Koorda Shire Council Special Meeting held on 28 October 2021, as circulated, be confirmed and certified as a true and accurate record.

9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

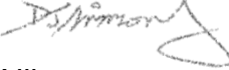
10 REPORTS OF COMMITTEES

11 CHIEF EXECUTIVE OFFICERS REPORT

11.1 Governance and Administration

11.1.1 COUNCILLOR VACANCY ON COUNCIL

Section 5.23 – Applicability

Location:	Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
Disclosure of Interest:	No Interest declared by CEO
Author:	Darren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Nil

Background:

In a letter dated 13 August 2021, then Deputy Shire President and former Councillor Pam McWha submitted her resignation from Council effective from 30 September 2021 which allowed the election for the subsequent vacancy on Council to be consolidated into the ordinary local government elections of 16 October 2021.

Now with three 4-year terms and one 2-year terms on Council, nominations for the 16 October election opened on Thursday, 2 September and closed at 4.00pm on Thursday, 9 September 2021.

At the close of nominations, three nominations had been received which resulted in the unopposed election of Councillors Chandler, Greaves and Stratford to the three 4-year terms expiring 18 October 2025.

With the 2-year term unfilled and, in accordance with section 4.57 of the Local Government Act 1995 (the Act), an extraordinary election was arranged for Tuesday, 14 December 2021.

With a 14 December 2021 election day, the nomination period for candidates opened on Monday, 1 November and closed at 4.00pm on Monday, 8 November 2021.

At the close of nominations deputy returning officer, Lana Foote, declared that no nominations were received.

Comment:

With no nominations received for the 14 December 2021 extraordinary election, Council is required to decide a course of action from the following three options:

1. Call a second extraordinary election under section 4.57(1);
2. Appoint a person who would be eligible to be a candidate under s4.57(3); and
3. Allow the Councillor vacancy to remain unfilled until October 2023 (subject to Electoral Commissioner approval) under section 4.17(3).

In respect to option #1, another extraordinary election would have to be held between three to four months from 8 November 2021 (approximately first week of February and March 2022). However, with two successive elections failing to receive a nomination, it remains doubtful that another extraordinary election would prove any different and divert limited staff resources and cause additional administrative expense.

For option #2, and without any prior history to assist, Council would need to determine how it would identify and select suitable persons for it to appoint.

Therefore, it is suggested that as subsections (3) and (4A) of section 4.17 of the Act apply to the Shire of Koorda and with no change in absolute majority vote or quorum requirements, current elected members being more than capable of covering any additional workload (which immediate past experience following former Shire President and Councillor Ricky Storer's 2020 resignation attests) and based on informal advice that the Electoral Commissioner has no objections, it is recommended that Council now allow the vacancy to remain unfilled until the next ordinary elections in October 2023.

Consultation

Shire President

Deputy CEO

Manager, Election Events (Western Australian Electoral Commission)

Statutory Environment:

Local Government Act 1995

Local Government Act 1995 Reference

4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.
- (2) An election is also to be held under this section if section 4.57 or 4.58 so requires.
- (3) An election under this section is called an extraordinary election.

4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or
 - (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.

4.17. Cases in which vacant offices can remain unfilled

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

(4A) Subsection (3) applies —

(a) if —

- (i) the office is for a district that has no wards; and
- (ii) at least 80% of the number of offices of member

4.57. Less candidates than vacancies

(1) If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.

(2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —

(a) the candidate or candidates is or are elected; and

(b) an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.

(3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.

* Absolute majority required.

(4) A person appointed under subsection (3) is to be regarded as having been elected.

Policy Implications:

Policy A26 Local Government Elections calls for elections to be conducted in-house.

Financial Implications:

Minor additional advertising and administrative expense if extraordinary election is conducted.

Strategic Implications:

Shire of Koorda Strategic Community Plan 2018

Outcome 4.1 – To provide accountable and transparent leadership

Voting Requirement:

Absolute majority

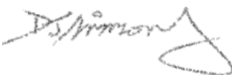
OFFICER RECOMMENDATION

That Council:

- 1. Notes that the extraordinary election scheduled for 14 December 2021 resulted in no nominations being received; and**
- 2. Decides, in accordance with section 4.17 (3) and (4A) of the *Local Government Act 1995* to allow the current Councillor vacancy with a term expiring 21 October 2023 to remain unfilled and requests the Electoral Commissioner's approval, accordingly.**

11.1.2 **NEWROC COUNCIL MEETING**
26 October 2021 at Mukinbudin

Section 5.23 – Applicability

Location: NEWROC Regions
Portfolio: **Governance, Administration and Finance**
Cr JM Stratford
File Reference: ADM 0105
Disclosure of Interest: No Interest declared by CEO
Author: Darren Simmons, Chief Executive Officer
Signature of CEO 
Attachment: [Minutes](#)

Background:

Minutes of the NEWROC Council Meeting held on 26 October 2021 at Mukinbudin.

Comment:

The following issues were discussed:

- Item 5.1 Minutes – Council Meeting 31 August 2021
- Item 5.2 Minutes – Executive Meeting 5 October 2021
- Item 6.1 List of Income and Expenditure
- Item 6.2 NEWROC 2020/21 Audit
- Item 7.1 Town Team Project
- Item 7.2 Waste
- Item 7.3 Energy
- Item 7.4 Regional Subsidiary
- Item 7.5/7.6 Telecommunications
- Item 8 Emerging NEWROC Issues as Notified, Introduced by Decision of the Meeting

Consultation

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

- Shire of Koorda Strategic Community Plan
- 4.1.7 - Develop successful and collaborative partnerships
- 4.2.2 - Facilitate resource sharing on a regional basis

Voting Requirement:

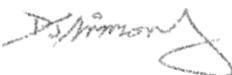
Simple majority

OFFICER RECOMMENDATION

That Council note and endorse the recommendations of the NEWROC Council Meeting held at Mukinbudin on 26 October 2021.

11.1.3 NEWTRAVEL AGM / GENERAL MEETING
28 October 2021 at Nungarin

Section 5.23 – Applicability

Location: NEWTRAVEL Regions
Portfolio: **Governance, Administration and Finance**
Cr JM Stratford
File Reference: ADM 0142
Disclosure of Interest: No Interest declared by CEO
Author: Lana Foote, Deputy Chief Executive Officer
Signature of CEO 
Attachment: [Minutes](#)

Background:

Minutes of the NEWTRAVEL Meetings held on 28 October 2021 at Nungarin.

Comment:

The AGM was held first with the election of Office Bearers. Kim Storer from the Koorda CRC was re-elected to the position of Chair, Stacey Geier was elected Deputy Chair and Linda Vernon appointed the Administrator/Treasurer.

The following issues were discussed at the ordinary meeting:

- Item 1 Previous Minutes
- Item 2 Correspondence
- Item 3 Financial Report
- Item 4 Tourism Officer Report
- Item 5.1 Wheatbelt Way Visitor Statistics
- Item 5.2 Social Media and Marketing Report
- Item 6 General Business
- Item 7 Other Business
- Item 8 Next Meeting – Thursday, 24 February 2022 in Westonia

Consultation

Nil

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.1.7 - Develop successful and collaborative partnerships

4.2.2 - Facilitate resource sharing on a regional basis

Voting Requirement:

Simple majority

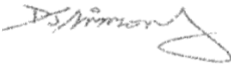
OFFICER RECOMMENDATION

That Council note the minutes of the NEWTRAVEL meetings held at Nungarin on 26 October 2021.

11.2	Finance
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11.2.1 **MONTHLY FINANCIAL STATEMENTS**
As at 30 September 2021

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance
	Cr JM Stratford
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Monthly Financial Statement

Background:

Submission of monthly Financial Statements for period ended 30 September 2021.

Comment:

Monthly Financial Statements for the period ended 30 September 2021 for Council's information and acceptance. The explanations for variances of \$10,000 and 10% or more are in Note 14 of the Financial Monthly Report.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996 34.1(2) as amended 2005

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement:

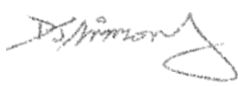
Simple majority

OFFICER RECOMMENDATION

That the monthly Financial Statements for the period ended 30 September 2021, as presented, be received and adopted.

11.2.2 **ACCOUNTS PAID AS LISTED**
As at 12 November 2021

Section 5.23 – Applicability

Location: Shire of Koorda
Portfolio: **Governance, Administration and Finance**
Cr JM Stratford
File Reference: ADM 0448
Disclosure Of Interest: No interest declared by CEO
Author: Lana Foote, Deputy Chief Executive Officer
Signature of CEO 
Attachment: [Monthly Report List](#)

Background:

Regulatory requirement to advise Council of payments made, since the previous meeting.

Comment:

The payments on the attached schedule have been made for the period 13 October 2021 to 12 November 2021 and are generally within budget guidelines and are of an operational nature.

V217	BTR Haulage	\$29,642.12
V229	Marty Grant Bulldozing	\$5,335.00

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 5.42

Local Government (Financial Management) Regulations 1996 12(1) (a), 13(1), 13(3).

Policy Implications:

Nil

Financial Implications:

Budget guidelines and constraints

Need to authorise unbudgeted expenditure (if any)

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement: Simple majority

OFFICER RECOMMENDATION

That accounts as listed being for period 13 October 2021 to 12 November 2021.

Municipal Vouchers No's V211 to V278	Totalling	\$566,342.61
Bendigo Credit Card Voucher V245 & 249	Totalling	\$5,306.39
	Total	\$571,649.00

To be endorsed or passed for payment

11.3	Law, Order & Public Safety
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No items this month

11.4	Health and Building
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No items this month

11.5	Education & Welfare
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No items this month

11.6	Housing
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No items this month

11.7	Community Amenities
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No items this month

11.8	Recreation and Culture
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No items this month

11.9	Transport
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No items this month

11.10	Economic Services
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No items this month

11.11	Other Property & Services
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No items this month

11.12	Reserves
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No items this month

12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED

14 MATTERS FOR WHICH MEETING MAY BE CLOSED

15 DATE OF NEXT MEETING

Wednesday 15 December 2021 @ 6.00pm

16 CLOSURE

PORTFOLIO'S

- ***Governance, Administration and Finance - Cr JM Stratford***

- ***Law, Order, Health and Building - Cr BG Cooper***

- ***Education, Welfare and Property – Cr GL Boyne***

- ***Community Amenities, Environment, Recreation and Culture - Cr LC Smith***

- ***Transport and Communication - Cr GW Greaves***

- ***Economic, Other Property and Services and Reserves - Cr NJ Chandler***