

2021

MINUTES

Shire of Koorda

17/03/2021

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SHIRE OF KOORDA MINUTES

FOR THE ORDINARY MEETING OF COUNCIL
Held in the Council Chambers, 10 Haig Street,
Koorda, on Wednesday, 17 March at 5.00pm

1 DECLARATION OF OPENING

The Presiding Person declared the meeting open at 5.00pm.

2 ANNOUNCEMENT OF VISITORS

3 RECORD OF ATTENDANCE

3.1 *Record of Attendance:*

CR JM Stratford	President
CR PL McWha	Deputy President
CR GL Boyne	Councillor
CR BG Cooper	Councillor
CR LC Smith	Councillor
CR RDG Storer	Councillor

Mr Darren Simmons	CEO
Miss Lana Foote	DCEO

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 17 February 2021

COUNCIL DECISION

Officer Recommendation

Moved CR GL Boyne

Seconded CR LC Smith

That the Minutes of the Koorda Shire Council Ordinary Meeting held on the 17 February 2021, as circulated be confirmed and certified as a true and accurate record.

**PUT & CARRIED: 6/0
RESOLUTION NO: 010321**

9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Sincere condolences passed onto the Pam, Llewyn, Jill and families on passing of Norma Green.

Acknowledgement of the CDO Report.

Congratulations and best wishes to our DCEO on her involvement in the upcoming GROH Webinar scheduled for the 30th March. It is about the Shire of Koorda process with GROH Housing Projects.

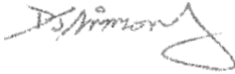
10 REPORTS OF COMMITTEES

11 CHIEF EXECUTIVE OFFICERS REPORT

11.1 Governance and Administration

11.1.1 NEWROC COUNCIL MEETING 23 February 2021 at Trayning

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 23 February 2021 at Trayning.

Comment:

The following issues were discussed:

- Item 5.1 Council Meeting 8 December 2020
- Item 5.2 Out of Session Meeting 24 January 2021
- Late Item NEWROC/Town Teams
- Item 6.1 List of Income and Expenditure
- Item 6.2 NEWROC Audit 2019/20
- Item 7.1 Waste
- Item 7.2 Strategic Projects – Reds Application
- Item 7.3 Updated Item - Strategic Projects – Micro Grid
- Item 7.3 Strategic Projects – Telecommunications
- Item 7.4 Telecommunications – DPIRD Digital Farm Grant
- Item 7.5 Childcare
- Item 7.6 Integrated Planning and Reporting
- Item 8.1 Emergency Management Meetings
- Item 8.2 Regional Subsidiary

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

COUNCIL DECISION

Officer Recommendation

Moved CR PL McWha

Seconded CR BG Cooper

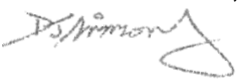
That Council note and endorse the recommendations of the NEWROC Council meeting held at Trayning on 23 February 2021.

**PUT & CARRIED: 6/0
RESOLUTION NO: 020321**

11.1.2

GREAT EASTERN COUNTRY ZONE MEETING
22 February 2021 at Kellerberrin

Section 5.23 – Applicability

Location:	GECZ Regions
Portfolio:	Governance, Administration and Finance
	Cr JM Stratford
File Reference:	ADM 0092
Disclosure of Interest:	No Interest declared by CEO
Author:	Daren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Minutes

Background:

Minutes of the GECZ Meeting held on 22 February 2021 at Kellerberrin.

Comment:

The following business issues were discussed:

- Item 4.1 Guest Speaker/Deputations: Richard Burnell – Department of Fire and Emergency
- Item 5 Minutes
- Item 6.1 Independent Review of Emergency Services Levy
- Item 6.2 Grass Roots Community Grants' program
- Item 6.3 Wheatbelt Bushfire Volunteer Support
- Item 6.4 Proposed Review of the Road Asset Preservation Model (APM)
- Item 7 Various Zone Reports
- Item 8 WALGA Business – State Councillors Report, WALGA Status Report, State Council Agenda Items, WALGA President's Report
- Item 10 Agency Reports
- Item 11.1 CEO Recruitment Standards
- Item 11.2 Federal Government National On-Farm Emergency Water Infrastructure Rebate Scheme
- Item 11.3 WALGA Transport and Roads Forum
- Item 11.4 Rural Water Council 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

COUNCIL DECISION

Officer Recommendation

Moved CR G Storer

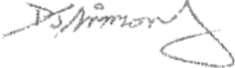
Seconded CR GL Boyne

That Council note and endorse the recommendations of the GECZ Meeting held at Kellerberrin on 22 February 2021.

**PUT & CARRIED: 6/0
RESOLUTION NO: 030321**

11.1.3 **NEWTRAVEL MEETING** 25 February 2021 at Wyalkatchem

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:	Darren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Minutes

Background:

Minutes of the NEWTRAVEL General Meeting held on 25 February 2021 at Wyalkatchem.

Comment:

The following issues were discussed:

- Item 5.1 Quarterly Statistics
- Item 5.1 Social Media and Marketing Report
- Item 6.1 RDA Wheatbelt & Tourism
- Item 6.2 Future of Digital Tourism Symposium
- Item 6.3 Tourism WA Unique Positioning Statement Review
- Item 6.4 Photo Competition
- Item 7.1 Member Reports

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

COUNCIL DECISION
Officer Recommendation

Moved CR PL McWha

Seconded CR BG Cooper

That Council note and endorse the recommendations of the NEWTRAVEL Meeting held at Wyalkatchem on 25 February 2021.

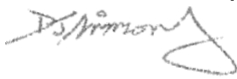
PUT & CARRIED: 6/0
RESOLUTION NO: 040321

CONFIRMED

11.1.4

LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN 2020

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	ADM 0121
Disclosure Of Interest:	No interest declared by the CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Compliance Audit 2020

Background:

Each local government is to carry out a Compliance Audit Return for the period 1 January to 31 December against certain requirements included within a Compliance Audit Return (CAR) provided by the Department of Local Government.

The CAR, once completed, is to be presented to the Audit Committee and then a report is to be presented to Council for adoption of the return. A copy of the completed CAR is included as an attachment for this item.

The Audit Committee has been requested to review the CAR for 2020 at a meeting immediately preceding Council's March 2021 Ordinary Meeting and, if so resolved, present to Council for adoption so the CAR may be submitted prior to 31 March 2021.

Comment:

The Compliance Audit Return for 2020 has been completed as required;

- Care was taken when completing the Compliance Audit Return to endeavour to ensure all items were adequately addressed in accordance with the 'Audit of Compliance' per Section 7.13(i) of the Local Government Act 1995.

The Compliance Audit Return is:-

- Now presented to Council for adoption,
- Should be received by the Department of Local Government by 31 March 2021.

The Compliance Audit Return has endeavoured to cover various aspects of Statutory Compliance as required by the Local Government Act and various regulations, to include statutory requirements listed in the Local Government (Audit) Regulations in the return.

There is a possible interpretation on completion of the "Compliance Audit" and the requirement that a Local Government is to complete this Compliance Audit Return. These are matters that still remain the responsibility of the Auditor to verify compliance. It is noted that the Compliance Audit Return does not contain a number of the provisions of the Local Government (Financial Management) Regulations 1996.

Consultation:

Darren Simmons, Chief Executive Officer

Statutory Environment:

Local Government Act 1995, Section 7.13(i)
Audit Regulations 13, 14, 15.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

4.2.4 - Operate in a financially sustainable manner (ongoing)

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner (short term, in progress)

Voting Requirement:

Simple majority

COUNCIL DECISION

Committee Recommendation

Moved CR PL McWha

Seconded CR G Storer


That the Compliance Audit Return for the 2020 calendar year, as presented, be adopted.

**PUT & CARRIED: 6/0
RESOLUTION NO: 050321**

11.2 Finance

11.2.1 **MONTHLY FINANCIAL STATEMENTS** As at 28 February 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 28 February 2021.

Comment:

Monthly Financial Statements for the period ended 28 February 2021 for Council's information and acceptance. The variances are mentioned on Note 13 of Statement of Financial Activity.

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

4.2.4 - Operate in a financially sustainable manner (ongoing)

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

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR GL Boyne

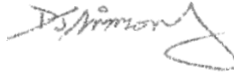
Seconded CR BG Cooper

That the monthly Financial Statements for the period ended 28 February 2021, as presented, be received and adopted.

PUT & CARRIED: 6/0
RESOLUTION NO: 060321

11.2.2 **ACCOUNTS PAID AS LISTED** As at 8 March 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 to 8 March 2020 and are generally within budget guidelines and are of an operational nature. Payments for capital assets expenditure are:

V527	Western Power	\$1,320.00
V542	WCS Concrete Pty Ltd	\$3,256.00
V547	Bendigo Credit Card	\$4,905.41
V550	Bendigo Credit Card	\$958.65
V560	Bendigo Credit Card	\$4,824.60
V573	Elders Ltd	\$53.78
V576	Joondalup Designs	\$560.00
V578	KTY Electrical Services	\$668.25
V579	MW Grant	\$10,208.00

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

4.2.4 - Operate in a financially sustainable manner

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

Voting Requirement:

Simple majority

COUNCIL DECISION

Officer Recommendation

Moved CR G Storer

Seconded CR PL McWha

That accounts as listed being for period 11 February 2021 to 8 March 2021.

Municipal Vouchers No's V524 to V583

Totalling \$182,992.35

February Credit Card Transactions (V547 & V555)

Totalling \$ 5,864.06

March Credit Card Transactions (V560)

Totalling \$ 4,824.60

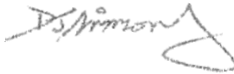
Total \$281,336.13

To be endorsed or passed for payment

**PUT & CARRIED: 6/0
RESOLUTION NO: 070321**

11.2.3 **MONTHLY FINANCIAL POSITION** As at 8 March 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 the CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Financial Position

Background:

Current Monthly Financial position as at 8 March 2021 on various accounts.

Comment:

The Municipal Account's financial position as at 8 March 2021 indicated at this time.

Monthly Financial Position	Municipal Account	\$495,804.44
	Reserve Account	\$5,748,350.90
	Trust Account	\$0.00

Consultation:

Monthly advice

Statutory Environment:

Local Government Act 1995, Section 6.4

Policy Implications:

Nil

Financial Implications:

Shows current financial position

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.2.4 - Operate in a financially sustainable manner (ongoing)

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

Voting Requirement:

Simple majority

COUNCIL DECISION
Officer Recommendation

Moved CR BG Cooper

Seconded CR PL McWha

That the Financial Position, as at 8 March 2021, as presented, be noted, received and adopted.

PUT & CARRIED: 6/0
RESOLUTION NO: 080321

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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13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

**COUNCIL DECISION
Officer Recommendation**

Moved CR GL Boyne

Seconded CR G Storer

That late item *13.1.1: Review of Budget Performance, as at 28 February 2021*, be accepted to the Agenda for consideration.

**PUT & CARRIED: 6/0
RESOLUTION NO: 090321**

5.25pm SUSPEND STANDING ORDERS

Moved CR PL McWha

Seconded CR BG Cooper

That standing orders be suspended to discuss item *13.1.1 Review of Budget Performance, as at 28 February 2021*.

**PUT AND CARRIED: 6/0
RESOLUTION NO: 100321**

The DCEO spoke to her report. Numerous questions were asked and answers given.

5.47pm RESUMPTION OF STANDING ORDERS

Moved CR PL McWha

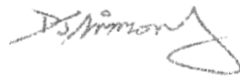
Seconded CR GL Boyne

That standing orders be resumed as per attendance register.

**PUT AND CARRIED: 6/0
RESOLUTION NO: 110321**

13.1.1 **REVIEW OF BUDGET PERFORMANCE** **As at 28 February 2021**

Section 5.23 – Applicability

Location: Shire of Koorda
Portfolio: **Governance, Administration and Finance**
Cr JM Stratford
File Reference: ADM 0044
Disclosure Of Interest: No interest declared by the CEO and DCEO
Author: Lana Foote, Deputy Chief Executive Officer
Signature of CEO 
Attachment: 2020/2021 Budget Review

Background:

Council is required to conduct a budget review annually between 1 January and 31 March and as such, a budget review document has been prepared and attached, it is a summary of the outcomes. Council adopted a 10% and \$10,000 minimum for reporting material variances to be used in the statement of financial activity and the annual budget review.

Comment:

OPENING FUNDING SURPLUS/(DEFICIT)

The variance in the Opening Funding Surplus (Deficit) is a result of Audited Annual Financial Statements. The variance was due to including the LRCI Program Funding being allocated to be received in the 2019/2020 year, however it was received in 2020/2021. Also due to the timing of the budget preparation, the operating expenditure and capital expenditure predicted until year end was under allocated.

Initial Opening Surplus	\$ 1,347,137
Audited Opening Surplus	<u>\$ 393,856</u>
Variance	\$ 953,281

INCOME

Variation to the budgeted revenue worthy of note since the adoption of the 2020/2021 budget and are listed below. Where practicable, projects will be financed by way of a Reserve transfers.

Operating Income (excluding Operating grants, subsidies and contributions)

It is anticipated the Council's total budgeted operation income should remain within the parameters of the overall budget allocations, however this will need to be monitored regularly.

Income was	\$ 627,635
Reserve Interest	- \$25,000
Revised Income	<u>\$ 602,634</u>
Variance	\$ 25,000

Capital Revenues

Grants, Subsidies and Contributions

- Operating Grants: Phase 2 of the Local Roads and Community Infrastructure (LRCI) Program was announced and Koorda were recipients to a further \$303,810. The income for the diesel fuel rebate is anticipated to be \$11,000 more by year end.
- Non-Operating Grants: no change to the non-operating grants income is anticipated.

Operating Grants	Income was	\$ 1,677,411
	<i>LRCI Program</i>	+ \$303,810
	<i>Diesel Fuel Rebate</i>	+ \$11,000
	Revised Income	<u>\$ 1,992,221</u>
	Variance	\$ 314,810
Non-Operating Grants	Income was	\$ 702,000
	Revised Income	<u>\$ 702,000</u>
	Variance	\$ NIL

EXPENDITURE

Throughout the year, consideration has been made for items that may have been required outside of the budget process or may be an opportunity to create a savings in the future. All items to date have been brought to Council but are still shown in the Budget Review. Other changes that are required are also included below.

Operating Expenditure

It is anticipated that Council's total budgeted operational expenditure should remain within the parameters of overall budget allocations, however this will need to be monitored regularly.

- Election Expense: an annual allocation of \$11,000 was not omitted from the 2019/2020 budget. As 2020/2021 is not an election year, the allocation can be removed. (Nature & Type: Other Expenditure / Reporting Program: Governance to decrease)
- Depreciation: Due to the allocation of a brand new fire tender through DFES LGGS, the depreciation expenditure needs to be increased as the annual depreciation was worked off the previous vehicle net book figure (\$250,000), not the higher acquisition cost of the new tender (\$480,000). (Nature & Type: Depreciation / Reporting Program: Law, order, public safety to increase)

Expenditure was	\$ 4,673,617
<i>Election Expense</i>	- \$11,000
<i>Depn – Fire Control</i>	+ \$45,000
Revised Expenditure	<u>\$ 4,707,617</u>
Variance	\$ 34,000

Capital Expenses

Building and Improvements

- Yalambee Units increase \$720,000 – the 2020/2021 budget included an allocation of \$80,000 for internal upgrades. Following the announcement of the LRCI Program funding, Council determined that a complete rebuild would be more economically viable and hence resolved to demolish the existing units and replace them with new transportable units. A tender was

adopted for the supply and delivery of eight new two-bedroom units. An increase to the Building capital expenditure is required to reflect the new scope of works.

- Caravan Park increase \$250,000 – the 2020/2021 budget included an allocation of \$100,000 for ablution upgrades. Following the announcement of phase 2 of the LRCI Program funding, Council have requested that the funds can be used for a complete ablution upgrade at the caravan park, as well as bay definition and park beautification.
- L203 Pearman Street – Bathroom and laundry upgrades have been completed. Flooring upgrades still required to be completed.
- L05 Depot Crib Room – Crib room has been ordered and will be installed after Yalambee and Caravan Park projects have been completed.

Budgeted Expenditure	\$ 251,000
<i>Yalambee Upgrade</i>	+ \$720,000
<i>Caravan Park Upgrade</i>	+ \$250,000
Revised Expenditure	<u>\$ 1,221,000</u>
Variance	\$ 970,000

Furniture and Equipment/Intangible Assets

- Currently nil additions at this point for F&E.
- New accounting system \$150,000 – implementation is progressing well for a go-live date of 1st July 2021.
- TV Decoders \$20,000 – decoders installed and project complete.

Budgeted Expenditure	\$ 170,000
Revised Expenditure	<u>\$ 170,000</u>
Variance	\$ NIL

Infrastructure – Other

- Drive In \$20,000 – allocation allowed for a limestone wall and outdoor seating area.
- Townscaping Revitalisation \$150,000 – Sally Malone Design has been contracted to assist the Shire with the proposed townscape revitalisation project. Consultation will commence in the coming months. A portion of the 2020/2021 budget allocation may need to be carried forward as Council and Community consultation will take place before on the ground works will commence
- Swimming Pool Pump and Repairs \$40,000 – the new pump works was completed prior to the season commencement, and balance tank works will be completed once the season has finished (April – June).

Budgeted Expenditure	\$ 210,000
Revised Expenditure	<u>\$ 210,000</u>
Variance	\$ NIL

Plant and Equipment

- The Plant replacement program is on track year to date. The large item being the \$200,000 allocation for the P35 new Prime Mover is slightly behind monthly budget split. The plant has been ordered, however with the COVID-19 Pandemic, the delivery of vehicles is significantly delayed and the truck is expected to be delivered in March/April.
- P40 Garden Ute was due for changeover in the 2019/2020 budget. The Vehicle was ordered in March 2020, however was not delivered until July 2020. This will be reflected in the “transfer from reserves” as it is a carry-forward item.

- We envisage there will be no further amendments to the program and all budget plant replacement should take place within the 2020/2021 financial year.

Budgeted Expenditure	\$ 690,000
Revised Expenditure	<u>\$ 690,000</u>
Variance	\$ NIL

Infrastructure – Roads

- It is anticipated that all items on the Road works program will be completed this year. Some projects have run over budget, however this will be reflected in the “transfer from reserves” to cover the additional funds spent on the program.

Budgeted Expenditure	\$ 1,570,000
Revised Expenditure	<u>\$ 1,570,000</u>
Variance	\$ NIL

Land

- Nil capital land transactions were included in the 2020/2021 budget, however the transfer of Lot 42 Allenby Street for the transfer of the former Anglican Church was completed and is required to be included.

Budgeted Expenditure	\$ 0
<i>L42 Allenby Street</i>	+ \$7,933
Revised Expenditure	<u>\$ 7,933</u>
Variance	\$ 7,933

FINANCING

Transfer from Reserves

- Building Reserve \$442,933 - additional transfers of \$360,000 is required for the Yalambee unit project, \$50,000 for Caravan Park, \$25,000 for Depot Crib Room and \$7,933 to cover the L42 Allenby Street purchase.

- Road Reserve \$200,000 – an portion (\$120,000) of the LRIC was made at the time of the budget to Roadworks, this has all been pooled to Yalambee project, so a transfer is required to cover this short fall, also roadworks currently \$80,000 over budget on two projects, and it is anticipated other may end up over budget, so an allocation is being made to cover the over spend.

- Plant Reserve \$35,000 – to cover the carry forward plant replacement from the 2019/2020 budget for P40 Gardener ute change over.

Transfer from was	\$ 528,000
<i>Council Building Reserve</i>	+ \$442,933
<i>Road Reserve</i>	+ \$200,000
<i>Recreation Reserve</i>	+ \$210,000
<i>Plant Reserve</i>	+ \$35,000
Revised Transfer	<u>\$ 1,415,933</u>
Variance	\$ 887,933

Transfer to Reserves

To compensate for the adjusted surplus after audit, to ensure no year end deficit, transfer to Reserves will be adjusted to ensure a \$0 surplus/deficit. At year end, Staff will determine if any reserve transfers can be made.

Transfer to was	\$ 761,797
<i>Transfer to all Reserves</i>	- \$706,562
Revised Transfer	<u>\$ 761,797</u>
Variance	\$ 706,562

Proceeds from disposal of assets

Due to the increase demand in the second hand car market following COVID-19, the proceeds from disposal of assets were more than anticipated at the time of budget.

Transfer to was	\$ 392,000
<i>CEO Vehicle</i>	+ \$10,000
<i>DCEO Vehicle</i>	+ \$6,000
<i>WS Vehicle</i>	+ \$15,000
Revised Transfer	<u>\$ 423,000</u>
Variance	\$ 31,000

Consultation:

Darren Simmons, Chief Executive Officer
Darren West, Works Supervisor
Shire of Koorda Councillors

Statutory Environment:

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications:

Nil

Financial Implications:

Variances have been noted with changes required. The general financial impact of the review will reduce Councils carry forward surplus, which has been a topic of conversations in previous discussions during budgeting time and during the Strategic Resourcing Plan adoption workshop.

Strategic Implications:

Shire of Koorda Strategic Community Plan
4.2.3 - Use resources efficiently and effectively (ongoing)
4.2.4 - Operate in a financially sustainable manner (ongoing)

Voting Requirement:

Absolute majority (4)

COUNCIL DECISION
Officer Recommendation

Moved CR BG Cooper

Seconded CR G Storer

That Council note the Budget changes and adopt the amended Budget, as presented.

PUT & CARRIED ABSOLUTE MAJORITY: 6/0
RESOLUTION NO: 120321

CONFIRMED

COUNCIL DECISION
Officer Recommendation

Moved CR GL Boyne

Seconded CR LC Smith

That late item 13.1.2: Code of Conduct for Council Members, Committee Members and Candidates, be accepted to the Agenda for consideration.

**PUT & CARRIED: 6/0
RESOLUTION NO: 130321**

5.48pm SUSPEND STANDING ORDERS

Moved CR PL McWha

Seconded CR LC Smith

That standing orders be suspended to discuss item 13.1.2: Code of Conduct for Council Members, Committee Members and Candidates.

**PUT AND CARRIED: 6/0
RESOLUTION NO: 140321**

The CEO presented to Council on the key aspects and implications of the new Model Code of Conduct requirements.

6.11pm RESUMPTION OF STANDING ORDERS

Moved CR GL Boyne

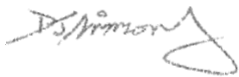
Seconded CR LC Smith

That standing orders be resumed as per attendance register.

**PUT AND CARRIED: 6/0
RESOLUTION NO: 150321**

13.1.2 **CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES**

Section 5.23 – Applicability

Location:	Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	CRS 0349
Disclosure of Interest:	No Interest declared by CEO
Author:	Darren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Attachment #1 -Draft Shire of Koorda Model Code of Conduct for Council Members, Committee Members and Candidates Attachment #2 - Complaint about alleged Breach Draft Template

Background:

The following regulations took effect on 3 February 2021, implementing the remaining parts of the Local Government Legislation Amendment Act 2019:

Local Government (Administration) Amendment Regulations 2021

Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021

Local Government (Model Code of Conduct) Regulations 2021.

In respect to the Local Government (Model Code of Conduct) Regulations 2021, Local Governments are required to adopt a Code of Conduct for Council Members, Committee Members and Candidates within three (3) months of the Regulations taking effect.

However, to account for any breaches occurring on and from the first day that the Regulations take effect, Local Governments must authorise at least one person to receive complaints.

From the CEO's attendance at the Local Government Professionals WA CEO Connections Forum held on Friday, 12 March, 2021, it was evident from the presentation made by senior officers from the Department of Local Government, Sport and Cultural Industries (DLGSC) that this was to have been done by 24 February 2021.

Hence the matter being presented as a late item to Council.

Comment:

The DLGSC has produced Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates, (available via hyperlink under the Statutory Environment section of this report).

Whilst it is open to Council to prepare its own Code of Conduct document, at least in the interim, the attached draft Model Code of Conduct (Attachment 1) has been recommended and appears to be satisfactory.

The guidelines indicate that local governments must authorise at least one person to receive complaints regarding members and candidates. The Regulations state that the Local Government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints, but they do not specify who that person(s) will be. The Complaints Officer could be:

- President,
- Deputy President (especially for complaints about the President),
- Chief Executive Officer, or
- External Consultant

The DLGSC has also produced a template complaints form as the Regulations state that complaints are to be made in writing in a form approved by the Local Government. The DLGSC template form is another attachment to this item (Attachment 2).

While there is a requirement to appoint a Complaints Officer (expected to be from 24 February 2021) it should be noted that there is still a requirement for a local government to have a Complaints Officer (section 5.120 of the Local Government Act 1995), to process allegations of 'Rules of Conduct' breaches, and these alleged breaches are still to be referred to the Local Government Standards Panel (refer Division 4 of the Model Code of Conduct). The Chief Executive Officer is that officer.

In time, with the development of templates by industry or the Western Australian Local Government Association (WALGA), Local Governments can determine the most appropriate and effective process for dealing with complaints under Division 3 of the Code of Conduct and how they are prioritised and managed. Having such processes at the moment is not required by the law and nor considered critical.

Consultation

Nil

Statutory Environment:

Sections of the Acts, Regulations and/or Local Laws that apply to this item include:

- Local Government Act 1995
- Local Government (Administration) Amendment Regulations 2021
- Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021
- Local Government (Model Code of Conduct) Regulations 2021.

Resources and further reading for local governments include:

<https://www.dlgsc.wa.gov.au/local-government/strengthening-local-government/public-consultations/local-government-act-review/priority-reforms/model-code-of-conduct>

https://www.dlgsc.wa.gov.au/docs/default-source/local-government/local-government-act-review/model-code-of-conduct-guidelines.pdf?sfvrsn=b507b9c3_0

Policy Implications: The Council's existing Code of Conduct, as last adopted on 15 August 2018, must be repealed, as the Act and Regulations now stipulates there are to be at least two separate

Codes, one for Council Members, Committee Members and Candidates, and another for local government employees.

Financial Implications:

Apart from officer time and minor administrative expense, no significant expense known or expected.

Strategic Implications:

Shire of Koorda Strategic Community Plan 2018

Outcome 4.1 – To provide accountable and transparent leadership

Voting Requirement:

Absolute majority

COUNCIL DECISION

Officer Recommendation

Moved CR G Storer

Seconded CR BG Cooper

That with respect to the new Model Code of Conduct for Council Members, Committee Members and Candidates for a local government election, Council;

- 1. Repeal the existing Code of Conduct for Council Members, Committee Members and Employees as last reviewed and adopted on 15 August 2018;**
- 2. Note that pursuant to section 5.51A of the Local Government Act 1995, the Chief Executive Officer will be preparing a Code of Conduct for all employees of the Shire, including the Chief Executive Officer, based on the repealed version or any model version being available from WALGA.**
- 3. Pursuant to section 5.104 of the Local Government Act 1995, adopt the new Code of Conduct for Council Members, Committee Members and Candidates for local government elections for the Shire of Koorda, listed as Attachment #1, and request the Chief Executive Officer to ensure all Elected Members and Committee Members are aware of its content;**
- 4. Pursuant to the Local Government (Model Code of Conduct) Regulations 2021;**
 - a. Clause 11 (2), adopt the form for lodging complaints, listed as Attachment #2;**
 - b. Clause 11 (3), authorise the following persons to receive Division 3 complaints and withdrawals of same, relating to about Council Members, Committee Members and Candidates:**
 - i. Complaints about Council Members or candidates for elections that become Council Members, excluding those made by the Shire President – the Shire President;**
 - ii. Complaints made by the Shire President excluding those made of the Deputy Shire President – the Deputy Shire President;**
 - iii. Complaints about the Shire President excluding those made by the Deputy Shire President – the Deputy Shire President; and**

iv. Complaints about the Deputy Shire President made by the Shire President or complaints about the Shire President made by the Deputy Shire President – a committee comprising all the Council Members, excluding the Shire President and Deputy Shire President.

5. Pursuant to sections 5.551A (3) and 5.104 (7) of the Local Government Act 1995, request the Chief Executive Officer to ensure that both of the updated / adopted Codes of Conduct are published on the Shire's official website, as soon as practical.

**PUT & CARRIED ABSOLUTE MAJORITY: 6/0
RESOLUTION NO: 160321**

CONFIRMED

14	MATTERS FOR WHICH MEETING MAY BE CLOSED
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15	DATE OF NEXT MEETING
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Wednesday 21 April 2021 @ 5.00pm

16	CLOSURE
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The Presiding Person thanked Councillors and Staff for their attendance and declared the meeting closed at 6.13 pm

Signed

Presiding Person at the meeting at which the minutes were confirmed

Date: 21 April 2021