

**2019**

# MINUTES

**Shire of Koorda**

**20/11/2019**

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# SHIRE OF KOORDA MINUTES

**FOR THE ORDINARY MEETING OF COUNCIL**  
Held in the Council Chambers, Allenby Street,  
Koorda, Wednesday 20 November at 6.00pm

## 1 **DECLARATION OF OPENING**

The Presiding Person declared the meeting open at 6.00pm.

## 2 **ANNOUNCEMENT OF VISITORS**

## 3 **RECORD OF ATTENDANCE**

### 3.1 **Record of Attendance:**

CR FJ Storer	President
CR JM Stratford	Deputy President
CR GL Boyne	Councillor
CR BG Cooper	Councillor
CR PL McWha	Councillor
CR LC Smith	Councillor
CR RDG Storer	Councillor
Mr Darren Simmons	CEO
Miss Charli West	Exec Assistant/CSO

### 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**

A Leave of Absence request for the December 2019 Meeting has been received from Cr JM Stratford.

### **COUNCIL DECISION**

**Moved CR G Storer**

**Seconded CR LC Smith**

**That Cr JM Stratford be granted Leave of Absence for the December 2019 Ordinary Meeting of Council.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 011119**

## **6 DECLARATIONS OF INTEREST**

Item 8.1: ORDINARY MEETING HELD 16 October 2019: CEO Darren Simmons disclosed a financial interest as the matter involves his employment arrangements with the Shire.

Item 11.1.3: CEO Leave and Acting CEO Appointment: CEO Darren Simmons disclosed a financial interest as the matter involves his employment arrangements with the Shire.

## **7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil.

## **8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS**

Prior to consideration of Item 8.1: ORDINARY MEETING HELD 16 October 2019: CEO Darren Simmons disclosed a financial interest as the matter involves his employment arrangements with the Shire.

### **8.1 ORDINARY MEETING HELD 16 October 2019**

#### **COUNCIL DECISION Officer Recommendation**

**Moved CR JM Stratford**

**Seconded CR BG Cooper**

**That the Minutes of the Koorda Shire Council Ordinary Meeting held on 16 October 2019, as circulated, be confirmed and certified as a true and accurate record subject to Resolution No. 131019 for item 14.1 being amended to read as follows:**

#### **“COUNCIL RESOLUTION**

**Moved Cr JM Stratford**

**Seconded Cr LC Smith**

**That Council, having assessed the CEO’s performance during the contractual probationary period:**

- 1) Confirms the appointment of the CEO; and**
- 2) Authorises the Shire President to meet with and agree with the CEO a recalibration of his adopted 2019/20 Key Performance Indicators (KPIs), contract changes to include staff benefits set out in Council Policies and executive time off arrangements.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 131019”**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 021119**

### **8.2 SPECIAL MEETING HELD 21 October 2019**

#### **COUNCIL DECISION Officer Recommendation**

**Moved CR GL Boyne**

**Seconded CR PL McWha**

**That the Minutes of the Koorda Shire Council Special Meeting held on 21 October 2019, as circulated, be confirmed and certified as a true and accurate record.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 031119**

### **8.3 SPECIAL MEETING HELD 28 October 2019**

**COUNCIL DECISION**  
**Officer Recommendation**

**Moved CR G Storer**

**Seconded CR BG Cooper**

**That the Minutes of the Koorda Shire Council Special Meeting held on the 28 October 2019, as circulated, be confirmed and certified as a true and accurate record.**

**PUT & CARRIED: 7/0**  
**RESOLUTION NO: 041119**

## 9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

### 9.1 2018-2019 AUDIT PROCESS

Further to the acceptance of the draft audit report at the special meeting of Council held on Monday, 28 October 2019, I advise Council that I am in receipt of the report of the Shire's final Annual Audit via an Office of the Auditor General Transmittal Letter dated 30 October 2019.

I also advise that the draft information provided at THE special meeting of council held on 28 October 2019 remains the same except for the addition of some words of clarification as highlighted in yellow in the extract below:

#### Report on Other Legal and Regulatory Requirements

In accordance with the Local Government (Audit) Regulations 1996, I report that:

- (i) The following material matters indicating non-compliance with Part 6 of the *Local Government Act 1995*, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law were identified during the course of my audit:
  - a. The Shire has not reported the Asset Renewal Funding Ratio for 2019, 2018 and 2017 in the annual financial report as required by section 50(1)(c) of the Local Government (Financial Management) Regulations 1996, as management could not confirm the reliability of the available information on planned capital renewals and required capital expenditure **in the long-term financial plan and asset management plan respectively.**
  - b. Accounting journal entries were posted with no evidence of independent review

As the addition of these words help to clarify but do not change the opinion and, as such, Council's acceptance at the special meeting of 28 October 2019 still stands with no need to call a meeting of the Audit Committee or further consideration by council.

That said, I wish to also advise that the Shire of Koorda 2018/2019 Annual Report, which was adopted by Council at the special meeting held on 28 October 2019, has been updated to include the Auditor's Report, as issued, on 30 October 2019 and which is available from the Shire's website (<https://www.koorda.wa.gov.au/documents/55/annual-report-2018-2019>) or from the Shire office.

### 9.2 CONDOLENCES

On behalf of Council, I extend condolences to the Sutherland Family on the sad passing of Ray.

## 10 REPORTS OF COMMITTEES

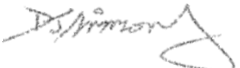
Nil.

## 11 CHIEF EXECUTIVE OFFICERS REPORT

### 11.1 Governance and Administration

#### 11.1.1 **NEWROC COUNCIL MEETING** 29 October 2019 at Traying

##### **Section 5.23 – Applicability**

<b>Location:</b>	NEWROC Regions
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0105
<b>Disclosure of Interest:</b>	No Interest declared by CEO
<b>Author:</b>	Darren Simmons, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Minutes (Attachments page 2-25)

##### **Background:**

Minutes of the NEWROC Council Meeting held on 29 October 2019 at Traying.

##### **Comment:**

The following issues were discussed:

- Item 2 Election of Koorda Shire President, Cr Ricky Storer, as NEWROC Chair and Koorda CEO, Mr Darren Simmons, as NEWROC CEO
- Item 6.1 Minutes – Executive Meeting 24 September 2019
- Item 6.2 Minutes – Council Meeting 27 August 2019
- Item 7.1 List of Income and Expenditure
- Item 8.1 NEWROC Strategic Planning – Project Updates
- Item 8.2 Childcare
- Item 8.3 Integrated Planning
- Item 8.4 Telecommunications
- Item 8.5 NEWROC Health Forum
- Item 9.1 NEWTRAVEL
- Item 9.2 Late Item – Microgrid Energy

##### **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 JM Stratford**

**Seconded CR GL Boyne**

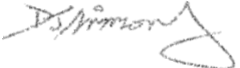
**That Council:**

- 1. Note and endorse the recommendations of the NEWROC Council meeting held at Trayning on 29 October 2019; and**
- 2. Acknowledges and extends its best wishes to the Shire President and CEO for assuming the roles of NEWROC Chair and CEO respectively.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 051119**

**11.1.2 NEWTRAVEL AGM / GENERAL MEETING  
24 October 2019 at Mukinbudin**

**Section 5.23 – Applicability**

<b>Location:</b>	NEWTRAVEL Regions
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0142
<b>Disclosure of Interest:</b>	No Interest declared by CEO
<b>Author:</b>	Darren Simmons, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Minutes (Attachments page 26-44)

**Background:**

Minutes of the NEWTRAVEL Meetings held on 24 October 2019 at Mukinbudin.

**Comment:**

The AGM was held first with the election of Office Bearers. Kim Storer from the Koorda CRC was re-elected back into the position of Chair for NEWTRAVEL and Tony Clarke re-elected as Deputy Chair.

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 Quarterly Statistics Report
- Item 6 General Business
- Item 7 Member Shire Reports and Other Business
- Item 8 Next Meeting – 10.00am on Thursday, 27 February 2020 in Bencubbin

In addition, due to an error of omission, the agenda item dealing with the appointment of Council delegates/ representatives at the special meeting of Council held on 21 October 2019, did not include NEWTRAVEL.

As it has been Council's practice to appoint the CEO as its NEWTRAVEL representative, the CEO attended the NEWTRAVEL meeting held on 24 October 2019.

However, it is considered prudent that Council formalise this appointment retrospectively.

**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:**

- 1. Note the minutes of the NEWTRAVEL meeting held at Mukinbudin on 24 October 2019; and**
- 2. Appoints, retrospectively, the CEO as its NEWTRAVEL representative for 2019-2021.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 061119**

Prior to consideration of Item 11.1.3: CEO Leave and Acting CEO Appointment: CEO Darren Simmons disclosed a financial interest as the matter involves his employment arrangements with the Shire of Koorda.

### 11.1.3 **CEO LEAVE AND ACTING CEO APPOINTMENT**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	Personal Files
<b>Disclosure of Interest:</b>	Interest declared by CEO as item relates to his employment arrangements
<b>Author:</b>	Darren Simmons, Chief Executive Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Nil

#### **Background:**

The Chief Executive Officer (CEO) is requesting leave (to allow for a family vacation over the Christmas and summer school holidays) from 21 December 2019 to 17 January 2020 with a return to work on 20 January 2020 and recommends Council appoint an acting CEO to attend to any statutory, administrative and/or staffing matters over this time.

#### **Comment:**

As the December/January period is relatively quiet and with no ordinary Council meeting scheduled, the Shire's past CEOs have traditionally taken leave at this time and it is considered appropriate that this practice continue.

On this basis, it is also suggested that consideration be given for the Manager of Finance and Administration to relieve in the CEO role and be appointed acting CEO for the period 21 December 2019 to 19 January 2020 inclusive.

In addition to ensuring the statutory functions of the CEO are covered, this would allow the Manager of Finance and Administration the opportunity to gain valuable experience of the CEO role while also providing Council with some cost savings as the payment of a higher duties allowance is more cost effective than engaging an external relieving (locum) CEO.

#### **Consultation**

Shire President  
Manager of Finance and Administration.

#### **Statutory Environment:**

Local Government Act 1995 – appointment of CEO.

#### **Policy Implications:**

Nil

#### **Financial Implications:**

Nil

**Strategic Implications:**

Shire of Koorda Strategic Community Plan

4.3.4 Recruit, retain and develop suitably qualified, experienced and skilled staff

4.3.5 Provide flexible and attractive work conditions in a supportive work environment

**Voting Requirement:**

Absolute majority

**COUNCIL DECISION**

**Officer recommendation**

**Moved CR JM Stratford**

**Seconded CR BG Cooper**

**That Council:**

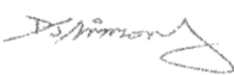
- 1. Approve the Chief Executive Officer's leave from 21 December 2019 to 19 January 2020 (inclusive); and**
- 2. Appoint the Manager of Finance and Administration as Acting Chief Executive Officer for the period 21 December 2019 to 19 January 2020 (inclusive) and for which a commensurate higher duties allowance apply.**

**PUT & CARRIED by ABSOLUTE MAJORITY: 7/0  
RESOLUTION NO: 071119**

**11.2 Finance**

**11.2.1 MONTHLY FINANCIAL STATEMENTS  
As at 31 October 2019**

**Section 5.23 – Applicability**

<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO
<b>Author:</b>	Debbie West, Payroll Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Monthly Financial Statement (Attachments page 45-71)

**Background:**

Submission of monthly Financial Statements for period ended 31 October 2019.

**Comment:**

Monthly Financial Statements for the period ended 31 October 2019 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.

In addition to this month's financial report, the Shire is in receipt of correspondence from WALGA President, Cr Lynne Craigie OAM which reads:

***LGIS 2019 Surplus Distribution***

*Dear Darren*

*Further to my previous correspondence in August, I am pleased to advise that the LGIS 2018/19 results have now been finalised and a surplus distribution is available to Member Local Governments.*

*For the Shire of Koorda, your share of the surplus is \$10,216.*

*Your Local Government can choose to receive its surplus distribution: as an immediate refund via electronic transfer; opt for LGIS to retain the funds to offset your contribution next year; or for LGIS to hold the amounts in trust for risk mitigation activities.*

*LGIS is a WALGA service, for which we partner with JLT, and which is governed by a sub-board to State Council. It was the decision of the LGIS board, endorsed by State Council, that each Local Government decide on how they wished to apply their surplus share by determination of Council to ensure that all Elected Members were involved in the process.*

*As such, please advise WALGA or your LGIS account manager once your Council decision has been formalised.*

*To revisit my previous advice, the surplus this year is a consequence of a lower than anticipated number of claims in Property and WorkCare; a better than expected performance in investments; and a reduced requirement of the capital needed to be carried by the Scheme.*

*As part of the surplus distribution process, LGIS representatives will meet with your executive team to further discuss the options. This meeting is also an opportunity to discuss how your Local Government can get the most out of your membership, including access to risk mitigation services.*

*In addition, representatives from WALGA and LGIS are also available to present to a meeting of your Council for a general briefing on your mutual scheme and how it works, which may be of particular interest to Elected Members who are new to the sector.*

*I would ask that you distribute this information to your newly-elected President through the appropriate channels.*

*In closing, I would again take the opportunity to thank you for your continued support of this WALGA service and encourage all Elected Members to seek to have an understanding of this significant investment by their Council and the benefits delivered by the mutual scheme model.*

*Kind regards,*

*Lynne*

**Cr Lynne Craigie OAM | President | WALGA**

Cr Craigie's email correspondence also included a LGIS insurance summary document of which copies be provided to elected members at the meeting of Council to be held on 20 November 2019.

In respect to the handling of the Shire's surplus dividend of \$10,216, it is recommended that LGIS be requested to hold the Shire's funds in trust for risk mitigation services. (This may include 'Team Koorda' health and wellbeing services for staff and/or lightning protection at the Drive in).

**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

**COUNCIL DECISION**  
**Officer Recommendation**

**Moved CR PL McWha**

**Seconded CR GL Boyne**

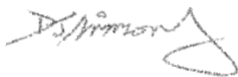
**That:**

- 1. The monthly Financial Statements for the period ended 31 October 2019, as presented, be received and adopted; and**
- 2. Note the advice from the WALGA State President of the Shire's LGIS surplus dividend of \$10,216 and request LGIS to hold the Shire's funds in trust for risk mitigation services.**

**PUT & CARRIED: 7/0**  
**RESOLUTION NO: 081119**



**11.2.2**                      **ACCOUNTS PAID AS LISTED**  
**As at 5 November 2019**

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b>
	Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by CEO
<b>Author:</b>	Debbie West, Payroll Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Monthly Report List (Attachments page 72-74)

**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 09 October 2019 to 05 November 2019 and are generally within budget guidelines and are of an operational nature.

V246	Western Rural Earthmoving	\$7425.00
V261	BCG Quarries	\$50720.25
V262	Boral ACM	\$3515.60
V263	BTR Haulage	\$64005.37
V281	Quality Builder Pty Ltd	\$90678.50
V294	Westrac Pty Ltd	\$393800.00
V305	RJ & CM Beatty	\$1425.60
V309	GW & N Fuchsbichler	\$2346.30
V327	Sport & Recreation Surfaces	\$16720.00

**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

**COUNCIL DECISION**

**Officer Recommendation**

**Moved CR PL McWha**

**Seconded CR JM Stratford**

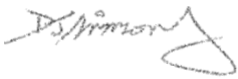
**That accounts as listed being for period 09 October 2019 to 05 November 2019.**

<b>Municipal Vouchers No's V221 to V329</b>	<b>Totalling</b>	<b>\$991,230.82</b>
<b>Trust Vouchers V252 – V255</b>	<b>Totalling</b>	<b>\$320.00</b>
<b>Bendigo Credit Card Voucher V316</b>	<b>Totalling</b>	<b>\$3179.50</b>
	<b>Total</b>	<b>\$994,730.32</b>

**To be endorsed or passed for payment**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 091119**

## 11.2.3 **MONTHLY FINANCIAL POSITION** As at 5 November 2019

<b>Section 5.23 – Applicability</b>	
<b>Location:</b>	Shire of Koorda
<b>Portfolio:</b>	<b>Governance, Administration and Finance</b> Cr JM Stratford
<b>File Reference:</b>	ADM 0448
<b>Disclosure Of Interest:</b>	No interest declared by the CEO
<b>Author:</b>	Debbie West, Payroll Officer
<b>Signature of CEO</b>	
<b>Attachment:</b>	Financial Position (Attachments page 75)

### **Background:**

Current Monthly Financial position as at 05 November 2019 on the various accounts.

### **Comment:**

The Municipal Account's financial position as at 05 November 2019 indicated at this time.

Monthly Financial Position	Municipal Account	\$992,212.05
	Reserve Account	\$5,652,177.02
	Trust Account	\$5604.46

### **Consultation:**

Monthly advice

### **Statutory Environment:**

Local Government Act 1995, Section 6.4

### **Policy Implications:**

Regulation

### **Financial Implications:**

Shows current financial position

### **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

**COUNCIL DECISION**  
**Officer Recommendation**

**Moved CR G Storer**

**Seconded CR PL McWha**

**That the Financial Position, as at 05 November 2019, as presented, be noted, received and adopted.**

**PUT & CARRIED: 7/0**  
**RESOLUTION NO: 101119**

**11.3 Law, Order & Public Safety**

*No items this month*

**11.4 Health and Building**

*No items this month*

**11.5 Education & Welfare**

*No items this month*

**11.6 Housing**

*No items this month*

**11.7 Community Amenities**

*No items this month*

**11.8 Recreation and Culture**

*No items this month*

**11.9 Transport**

*No items this month*

**11.10 Economic Services**

*No items this month*

**11.11 Other Property & Services**

*No items this month*

**11.12 Reserves**

*No items this month*

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

**13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED**

**14 MATTERS FOR WHICH MEETING MAY BE CLOSED**

The Exec Assistant/CSO retired from the meeting at 6.38pm

**14.1 STAFF MATTER**

**COUNCIL DECISION**

**Moved CR JM Stratford**

**Seconded CR PL McWha**

**That Council close the meeting to the public at 6.39pm in accordance with section 5.23 (2)(a) as the matter relates to an employee.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 111119**

Discussion ensued.

At 7.10pm Cr PL McWha left the meeting and returned at 7.11pm

**COUNCIL DECISION**

**Moved CR JM Stratford**

**Seconded CR PL McWha**

**That Council open the meeting to the public at 7.12pm.**

**PUT & CARRIED: 7/0  
RESOLUTION NO: 121119**

**15 DATE OF NEXT MEETING**

Wednesday 18th December 2019 @ 6.00pm

**16 CLOSURE**

The President thanked Councillors and the CEO for their participation and closed the meeting at 7.12pm.

Signed .....

Presiding person at the meeting at which the minutes were confirmed

Date: 18 December 2019