

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
15 DECEMBER 2021

TABLE OF CONTENTS

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS	3
1.1 DECLARATION OF OPENING.....	3
1.2 DISCLAIMER READING	3
2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
4. PUBLIC QUESTION TIME	3
5. PETITIONS / DELEGATIONS / PRESENTATIONS.....	3
6. APPLICATIONS FOR LEAVE OF ABSENCE.....	4
7. ANNOUNCEMENTS BY THE PRESIDING MEMBER.....	4
8. CONFIRMATION OF MINUTES	5
8.1 ORDINARY COUNCIL MEETING - 17 NOVEMBER 2021	5
9. REPORTS OF OFFICERS.....	5
9.1 GOVERNANCE AND CORPORATE SERVICES.....	5
9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31	5
9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2021	7
9.1.3 ROADS TO RECOVERY ROAD PROGRAM 2021-22	8
9.1.4 WRITE OFF DEBTOR BALANCES	11
9.1.5 MOORA TOWNSITE – WAYFINDING SIGNAGE PROPOSAL ENDORSEMENT.....	14
9.1.6 APPOINTMENT TO COMMITTEES AND APPOINTMENT OF DELEGATES/ REPRESENTATIVES TO COMMUNITY GROUPS.....	21
9.1.7 APPOINTMENT OF MANAGER OF CORPORATE SERVICES.....	23
9.2 ENGINEERING SERVICES	25
9.2.1 PLANT REPLACEMENT PROGRAM - 2021-2022 – WALGA PREFERRED SUPPLIER PROGRAM: RFQ 04/2021-2022 – ARTICULATING ROAD GRADER and RFQ 05/2021-2022 – FRONT END WHEEL LOADER	25

10. REPORTS OF COMMITTEES.....	32
GENERAL PURPOSE COMMITTEE MEETING – 1 DECEMBER 2021	32
10.1 UPDATE OF 2022 COUNCIL MEETING SCHEDULE.....	32
11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	34
12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL	34
12.1 WRITE OFF RATE ASSESSMENT BALANCE OUTSTANDING.....	35
12.2 MOORA BOWLING CLUB – FUNDING REQUEST FOR RENEWAL OF SURFACE – LOT 123 GARDINER STREET, MOORA.....	37
13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED	39
14. CLOSURE OF MEETING	40

*

Separate Attachments

- 9.1.1 List of Payments Authorised Under Delegation 1.31
- 9.1.2 Statement of Financial Activity for Period Ended 30 November 2021
- 9.1.4 Debtors Trial Balance
- 9.1.5 Wayfinding Signage Proposal
- 9.2.1 Quotation Summary Spreadsheet and Machine Brochures
- 10.1 Updated Schedule of Meeting Dates for 2022
- 12.1 A6140 Transaction Listing
- 12.2 Letter from Moora Bowling Club

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.30pm.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

TL Lefroy	-	President
SJ Gilbert	-	Deputy President
DV Clydesdale-Gebert	-	Councillor
EI Hamilton	-	Councillor
KM Seymour	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor
AJ Leeson	-	Chief Executive Officer
G Robins	-	Deputy Chief Executive Officer
NM Beard	-	Manager Community Development & Visitor Servicing
K Dickerson	-	Acting Manager Engineering Services
MM Murray	-	Executive Support Officer (minute taker)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS / DELEGATIONS / PRESENTATIONS

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

The CEO advised a written request for leave of absence had been received from Cr Tracy Lefroy for the meetings of Council to be held during the period 15 - 17 February 2022 as she will be away with work.

COUNCIL RESOLUTION

122/21 Moved Cr Bryan, seconded Cr Hamilton that leave of absence be granted to Cr Lefroy for the meetings of Council to be held during the period 15 – 17 February 2022.

CARRIED 7/0

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr Lefroy, President

- 18/11 Inhouse Council Training with Steven Tweedie
- 23/11 Chaired the LEMC meeting, Moora
- 24/11 WALGA training for Mayors and Presidents, Perth
- 25/11 Meeting with Paul Slaughter, Harvest Road Group CEO
- 26/11 DMIRS, DFES community meeting re new WHS legislation and implications for Bush Fire Brigade volunteers, Moora
- 27/11 ABC radio interview re new WHS legislation
- 1/12 Undertook CMSHS scholarship interviews
- 3/12 St Joseph's Primary awards night, presented Shire award
- 13/12 Meeting with Jen Collins and Sam Cornthwaite, representatives from the Dept. of Sport and Cultural Industries, Moora
- 15/12 Undertook Australia Day awards judging
- Upcoming meeting on 20/12 with Hon Ken Wyatt AM MP, Minister for Indigenous Australians

Cr Gilbert, Deputy President

- 18/11 Inhouse Council Training with Steven Tweedie
- 7/12 Chaired Sport & Recreation Community Reference Group meeting
- 13/12 Meeting with Department of Local Government, Sport and Cultural Industries representatives Jen Collins introduced Samantha Cornthwaite as the person looking after this role while Jen on leave.
- 14/12 Meeting of the Regional Joint Development Assessment Panel – CBH new unloading facility in Moora.

Cr Seymour

- 19/11 Avon-Midland Zone meeting, Gingin
- 26/11 DMIRS, DFES community meeting re new WHS legislation and implications for Bush Fire Brigade volunteers, Moora

Cr Hamilton

- 18/11 Inhouse Council Training with Steven Tweedie
- 26/11 DMIRS, DFES community meeting re new WHS legislation and implications for Bush Fire Brigade volunteers, Moora

- 1/12 Undertook CMSHS scholarship interviews
 14/12 CMSHS awards night and presented Shire Scholarships

Cr Bryan

- 18/11 Inhouse Council Training with Steven Tweedie
 10/12 Miling Primary School presentation evening, presented Shire award

Cr Clydesdale-Gebert

- 18/11 Inhouse Council Training with Steven Tweedie
 9/12 Moora Primary School presentation evening, presented Shire award

Cr Errington

- 18/11 Inhouse Council Training with Steven Tweedie

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING - 17 NOVEMBER 2021

COUNCIL RESOLUTION

123/21 Moved Cr Hamilton, seconded Cr Gilbert that the Minutes of the Ordinary Meeting of Council held on 17 November 2021 be confirmed as a true and correct record of the meeting.

CARRIED 7/0

9. REPORTS OF OFFICERS

9.1 GOVERNANCE AND CORPORATE SERVICES

9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 9 December 2021

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

SCHEDULE PREPARED BY: Julie Greatbatch, Creditors Officer

ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

124/21 Moved Cr Gilbert, seconded Cr Seymour that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

<i>Municipal Fund</i>	<i>Cheques 62506 to 62508</i>	<i>\$2,904.00</i>
	<i>EFT 26239 to 26400</i>	<i>\$429,852.89</i>
	<i>Direct Debits 14097.1 to 14165.24</i>	<i>\$92,134.20</i>
	<i>(chq 062511) Credit Card 04/02/20 to 02/03/20</i>	<i><u>\$2,327.87</u></i>
		<i>\$527,218.96</i>
<i>Trust Fund</i>	<i>Cheques 5581 to 5583</i>	<i><u>\$785.82</u></i>
		<i>Subtotal \$528,004.78</i>
<i>Net Pays</i>	<i>PPE 10/11/21</i>	<i>\$110,124.14</i>
	<i>PPE 24/11/21</i>	<i><u>\$109,088.59</u></i>
		<i>\$219,212.73</i>
	<i>Total</i>	<i><u>\$747,217.51</u></i>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 NOVEMBER 2021

REPORT DATE: 9 December 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 November 2021

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 30 November 2021.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2021/22 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

125/21 Moved Cr Bryan, seconded Cr Gilbert that Council notes and receives the Statement of Financial Activity for the period ended 30 November 2021.

CARRIED 7/0

9.1.3 ROADS TO RECOVERY ROAD PROGRAM 2021-22

FILE REFERENCE: S/RORI

REPORT DATE: 9 December 2021

APPLICANT/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Martin Whitely, LG Corporate Solutions

ATTACHMENTS: Nil

PURPOSE OF REPORT:

This report recommends that Council agree to change the road projects to be funded under the Roads to Recovery program for the 2021/22 financial year.

BACKGROUND:

As part of the Local and State Government Road Safety Package announced in the 2019-20 Budget, the Australian Government committed an additional \$100 million per year to the Roads to Recovery Program from 2019-20. From 2013-14 to 2023-24, the Government will provide \$6.2 billion under the Roads to Recovery Program, with an ongoing commitment of \$500 million each year.

A total of \$2,355,201 has been allocated to the Shire of Moora for the 5-year period to 2023-24, with an amount of \$471,040 to be allocated each financial year.

COMMENT:

At the time of adopting the 2021-22 Budget, funds for the Roads to Recovery program were allocated to a 1km section of the Miling West Road (various sections SLK 1.00 – 2.50).

Works to be completed were;

- Widening road formation
- Increasing 6 culverts to 12 metres
- Tree lopping & clearing vegetation works
- Upgrading signs and guide posts
- Cement stabilising 1km section
- Widening to 9.6 metres wide, applying a two coat bitumen seal

Following a review of the current road program for the 2021/22 financial year it was considered that reallocating the \$471,040 for the Roads to Recovery Program could be more beneficial and value for money.

It is recommended that the funds be reallocated from the Miling West Road to fund several smaller reseal projects on various roads within the Shire as per below;

Railway Road

SLK 0.00 – SLK 0.43	0.43km 7mm reseal @ 7 metres wide
SLK 2.53 – SLK 5.53	3.00 km 7mm reseal @ 7 metres wide
SLK 11.05 – SLK 12.05	1.00 km 7mm reseal @ 7 metres wide

Estimated Cost - \$94,290

Ranfurly Street

SLK 0.00 – SLK 3.20	3.20 km 7mm reseal @ 10 metres wide
SLK 3.20 – SLK 3.53	0.33 km 7mm reseal @ 12 metres wide

Estimated Cost - \$108,345

Bindi Bindi Ballidu Road

SLK 5.15 – SLK 8.15	3.00 km 10mm reseal @ 7.5 metres wide
---------------------	---------------------------------------

Estimated Cost - \$82,125

Bindi Bindi Toodyay Road

SLK 0.00 – SLK 3.00	3.00 km 10mm reseal @ 6.2 metres wide
SLK 5.00 – SLK 9.00	4.00 km 10mm reseal @ 7 metres wide

Estimated Cost - \$170,528

The estimated costs are based on pricing obtained for the 7mm & 100mm reseals and with an additional allowance of \$15,752. The total cost for all the above projects comes to \$471,040.

All the suggested projects meet the eligible criteria under the Roads to Recovery Program and the program allows great flexibility in allowing projects to be substituted during the financial year.

There were some costs allocated for salaries, overheads & plant operation costs in the current Miling West project. These costs will be redirected to other projects under the Wheatbelt Secondary Freight Route program to allow the Shire to undertake clearing works for staged projects due to commence in the 2022-23 financial year.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Nil

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:➤ **Environment**

There are no known significant environmental implications associated with this proposal.

- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Nil

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

126/21 Moved Cr Seymour, seconded Cr Bryan that Council agree to removing the Miling West Road project under the Roads to Recovery Program for 2021/22 financial year, replacing with the following road projects;

Railway Road**SLK 0.00 – SLK 0.43****0.43km 7mm reseal @ 7 metres wide****SLK 2.53 – SLK 5.53****3.00 km 7mm reseal @ 7 metres wide****SLK 11.05 – SLK 12.05****1.00 km 7mm reseal @ 7 metres wide****Ranfurly Street****SLK 0.00 – SLK 3.20****3.20 km 7mm reseal @ 10 metres wide****SLK 3.20 – SLK 3.53****0.33 km 7mm reseal @ 12 metres wide****Bindi Bindi Ballidu Road****SLK 5.15 – SLK 8.15****3.00 km 10mm reseal @ 7.5 metres wide****Bindi Bindi Toodyay Road****SLK 0.00 – SLK 3.00****3.00 km 10mm reseal @ 6.2 metres wide****SLK 5.00 – SLK 9.00****4.00 km 10mm reseal @ 7 metres wide****CARRIED 7/0**

9.1.4 WRITE OFF DEBTOR BALANCES**FILE REFERENCE:** F/SUDI**REPORT DATE:** 9 December 2021**APPLICANT/PROPONENT:** Shire of Moora**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Martin Whitely, LG Corporate Solutions**ATTACHMENTS:** Debtors Trial Balance**PURPOSE OF REPORT:**

This report recommends that Council agree to write off 11 outstanding debtor balances totalling an amount of \$4,115.40.

BACKGROUND:

During the process of the final audit for the 2020/21 financial year all outstanding rates and debtor balances were reviewed to make an assessment on the likelihood of recovering these outstanding balances.

Following the management review of outstanding debtor balances at 30 June 2021, it was concluded that 11 outstanding debtor balances totalling \$4,115.40 were considered as highly unlikely to be recovered.

COMMENT:

All of the outstanding balances are now in excess of 2 years outstanding, with some balances almost 6 years in arrears. Attempts have been made over the years to recover the outstanding balances and below is a summary of some explanations for the outstanding balances;

Debtor No.	Debtor Name	Outstanding	Comment
35838	Indus Mining Services	\$1,437.50	Currently in administration
35838	Indus Mining Services	\$52.44	Currently in administration
36028	Bullsbrook Water Carriers	\$483.67	Refuse to pay as was a Water Corporation contract. Water Corporation contacted but won't pay on behalf of the contractor.
36210	Pace Live Pty Ltd	\$821.00	Shades of Buble' Tour. Contacted multiple times but refused to pay.
20792	WW Pattison	\$246.20	Relates to communication error during settlement of property. Unclear who is at fault.
30545	Checkpoint Deli	\$657.74	Notification of bankruptcy on file
36010	Chris Ehlers Family Trust	\$260.00	Outstanding balance on tickets for MPAC event. Has paid some of the amount off.
35896	Nigel Humes	\$93.85	Lost & damaged library books
34965	Kaputai Pekepo	\$21.00	Swimming pool inspection fees
35234	Leanne Peck	\$21.00	Swimming pool inspection fees
31663	Michael Bruce	\$21.00	Swimming pool inspection fees. Person now deceased.

Should Council not want to write off the debtor balances, there is the option to pursue further legal action in an attempt to recover these debts. The risk associated with this is that such legal costs may not be recovered in the event of the amounts not being recovered in full.

Given that some of the debtors are now in liquidation, while other amounts are insignificant in nature (pool inspections), it is recommended that all balances be written off.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and
 - (b) for the safe custody and security of all money collected or held by the local government; and
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable; and
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;and
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.
- (2) The CEO is to —
 - (a) ensure that the resources of the local government are effectively and efficiently managed; and
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

STRATEGIC IMPLICATIONS:

Nil

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Writing off the outstanding balances will result in an amount of \$4,115.40 previously invoiced no longer being collected.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

127/21 Moved Cr Clydesdale-Gebert, seconded Cr Bryan that Council agree to write off the 11 debtor balances as tabled totalling \$4,115.40.

CARRIED 7/0

9.1.5 MOORA TOWNSITE – WAYFINDING SIGNAGE PROPOSAL ENDORSEMENT

FILE REFERENCE:**REPORT DATE:** 9 December 2021**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Alan Leeson, Chief Executive Officer**ATTACHMENTS:** Wayfinding Signage Proposal**PURPOSE OF REPORT:**

For Council formally endorse the Wayfinding Signage Proposal prepared by Aztec Signs.

BACKGROUND:

Council over the past few months has been working with John Williamson of Aztec Signs formulating a suite of wayfinding signs for the Moora townsite. As per the attached information / proposal and plans there is three components to the overall suite of signs;

1. Primary Directional (1200mm wide x 5000mm high) x 6
2. Secondary Directional (1000mm wide x 2400mm high) x 6
3. Pedestrian Directional (500mm wide x 2100mm high) x 6
 - Note that current plans marked up only indicate 3 Pedestrian Wayfinding Signs. Additional locations to be determined for locations in the area between the junction of Clinch / Padbury Street and north end of Padbury Street CBD (WA Webb & Co).

COMMENT:

The broader objectives of Wayfinding Signage are but not necessarily limited to;

- Assist in safely and effectively guiding visitors to their place of interest e.g. Public amenities, visitor services and infrastructure, local business areas / precincts.

A wayfinding system is a unified series of related informational, advisory and directional aids to help visitors traverse around with confidence and good effect.

POLICY REQUIREMENTS:

Policy Manual – Section 12, Purchasing and Tender Policy

12.1 OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Moora.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Moora operational areas.

12.2 CONTEXT

Regulation 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to prepare, adopt and implement a purchasing policy in relation to the supply of goods or services where the consideration is expected to be \$250,000 or less. Purchases above \$250,000 must follow the process detailed in Division 2 of the Local Government (Functions and General) Regulations 1996 and requires a local government to invite tenders.

All Purchases by the Shire of Moora shall:

- Comply with relevant legislation, regulations and the Shire's policies and code of conduct;
- Transparent, free from bias and fully documented in accordance with applicable policies and audit requirements; and
- Ensure effective and proper expenditure of public moneys based on achieving value for money.

12.3 ETHICS & INTEGRITY

All officers and employees of the Shire of Moora shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Moora.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Moora policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Moora by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

12.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Moora. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, service benchmarks and local supply.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.

- Minimising the social, environmental and economic impacts in procurement decision making.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

12.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Moora is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Moora's sustainability objectives. Practically, sustainable procurement means the Shire of Moora shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For fleet motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range (note that fleet vehicles shall be shared as close as possible to 50% / 50% of the total council light fleet between local suppliers Rumbold Ford/Nissan and Moora Toyota). Council notes there is no requirement to obtain quotes from suppliers external to Moora, however the policy does not preclude external supplier quotes from being obtained at the CEO's discretion. Reputable independent trade in valuations e.g., Redbook shall be obtained by staff to validate trade-in prices of fleet vehicles.
- For new buildings and refurbishments – where available use renewable energy and technologies.

12.6 QUOTE, TENDER AND PURCHASE RECORD CAPTURE

Written information and documents associated with quotes and purchases will be captured and retained as per the requirements of the General Disposal Authority for Local Government Records, under the *State Records Act 2000*.

12.7 QUOTATION AND TENDER EXEMPTION

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The supply of the goods or services associated with a state of emergency;

- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

12.8 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be: - Amount of

<u>Amount of Purchase</u>	<u>Policy</u>
Up to \$5,000	Direct purchase from suppliers requiring only one verbal quotation or priced printout from a reputable supplier catalogue or website.
\$5,001 to \$20,000	Obtain up to three* verbal quotations or priced printouts from reputable suppliers' catalogues or websites.
\$20,001 - \$40,000	Obtain at least two* written quotations.
\$40,001 - \$249,999	Obtain at least three* written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process, tender to be awarded by Council.

*A minimum of one quotation may be accepted in place of three at the discretion of the CEO for justifiable reasons consistent with quote and tender exclusions under Regulation 11.

*Councils Works Supervisor is authorised to issue purchase orders for bulk diesel subject to:

- Minimum of two quotes being obtained;
- Providing notice of the lowest quote being accepted, being given to the CEO and Deputy CEO prior to issuing purchase order to the selected supplier of the bulk diesel order.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in Division 2 of the *Local Government (Functions and General) Regulations 1996* must be followed in full.

In this instance the CEO advises that the one quotation from Aztec Signs is sufficient given the intricate, detailed and close working relationship of Aztec Signs with Management and Council in the formulation and finalisation of the final wayfinding signage proposal.

LEGISLATIVE REQUIREMENTS:

Local Government (Functions and General) Regulations 1996

Division 2 — Tenders for providing goods or services (s. 3.57)

[Heading inserted: Gazette 2 Feb 2007 p. 245.]

11. When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

(1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or

[(ba) *deleted*]

(c) within the last 6 months —

(i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or

(ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;

or

(d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or

(e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or

(ea) the goods or services are to be supplied —

(i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and

(ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

(f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or

(g) the goods to be supplied under the contract are —

(i) petrol or oil; or

(ii) any other liquid, or any gas, used for internal combustion engines;

or

- (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;
 - and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;
 - or
 - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;
 - or
 - (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;
 - or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of sub- regulation (2)(aa) a supply of goods or services is associated with a state of emergency if —
- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
 - (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

[Regulation 11 amended: Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6; SL 2020/35 r. 8; SL 2020/55 r. 5.]

STRATEGIC IMPLICATIONS:

Goal 4: An innovative, thriving and diverse local economy

Scope:

Planning, promotion and advocacy for local industries, business and employment opportunities.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

➤ **Economic**

There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire has budgeted \$100,000 (ex GST) for the implementation of new wayfinding signage in Moora and renewal of Shire Boundary Signs.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

128/21 Moved Cr Hamilton, seconded Cr Gilbert that Council endorse the Wayfinding Signage Proposal of Aztec Signs incorporating the three overall components of the proposal and design in accordance with the Shire of Moora 2021/2022 budget parameters, further authorising the Chief Executive Officer to implement the wayfinding signage proposal;

- 1. Primary Directional (1200mm wide x 5000mm high) x 6***
- 2. Secondary Directional (1000mm wide x 2400mm high) x 6***
- 3. Pedestrian Directional (500mm wide x 2100mm high) x 6***

- Note that current plans marked up only indicate 3 Pedestrian Wayfinding Signs. Additional locations to be determined for locations in the area between the junction of Clinch / Padbury Street and north end of Padbury Street CBD (WA Webb & Co).***

CARRIED 7/0

9.1.6 APPOINTMENT TO COMMITTEES AND APPOINTMENT OF DELEGATES/ REPRESENTATIVES TO COMMUNITY GROUPS

FILE REFERENCE: PL/DELI

REPORT DATE: 9 December 2021

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 3/11/2021 (109/21)

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Nil

BACKGROUND

Council bi-annually in line with the Local Government Election Cycle appoints elected members to Committees, Portfolio / Working Groups and representation to other various community groups.

COMMENT

Since the 2019 Local Government Election, Council put in place project specific working Groups aligned to

- Sport and Recreation
- Early Learning Childhood Development and Education

It has been suggested with the reduction in the number of elected members from 9 to 7 it is more feasible to work key portfolio / project / focus areas into the monthly meeting framework of the General Purpose Committee Agenda. This should facilitate a consistent level of context, input and information sharing across all Councillors and staff.

Audit Committee

Membership: 7 Shire Councillors

General Purpose Committee

Membership: 7 Shire Councillors

Key focus / portfolio areas (suggested) that could be embedded into agenda framework

- Sport and Recreation
- Marketing / Communication / Community Engagement
- Visitor Servicing and Cultural Development
- Early Learning, Education and Civic Precinct Development
- Planning and Infrastructure Development

Against each of these areas it is suggested at two Councillors are nominated representatives to lead any community engagement and collaboration that may be required from time to time across the community. Notwithstanding Councillors nominated to lead these key focus / portfolio areas, it is noted the Shire President may exercise discretion to work with the lead Councillors appointed.

Council formally endorsed the following appointments at its 3 November Special meeting of Council, however requested further discussion regarding appointments to Council representation / membership to Community Groups / Community Committees and they have therefore been brought back for decision.

- Avon-Midland Country Zone WALGA
Membership: Cr Seymour currently Avon Midland Zone President and WALGA State Councillor and the Shire President, Cr Tracy Lefroy
- Joint Development Assessment Panel
Membership: Cr Clydesdale-Gebert and Cr Gilbert
Alternate members: Cr Lefroy and Cr Bryan
- Local Emergency Management Committee (LEMC)
Membership: Shire President (Chair), Chief Executive Officer, Community Emergency Services Manager plus representatives appointed by the LEMC Committee
- Wheatbelt North Regional Road Group - Cr Gilbert with proxy Cr Hamilton
- Moora Sub Regional Road Group - Cr Gilbert with proxy Cr Hamilton
- Innovation Central Midlands WA Inc. - Cr Lefroy and Cr Seymour
- Bush Fire Advisory Committee – Cr Lefroy with proxy Cr Seymour

Council representation / membership to Community Groups / Community Committees

Moora Residential College Linc Advisory Committee - Cr

Meets: (On demand / when required)

Community Resource Centre Mgmt. Committee - Cr with proxy Cr

Meets: Monthly (2nd Wednesday)

Landcare Groups (Rural Water Council / West Koojan-Gillingarra LCDC) -

Cr with proxy Cr

Meets: 3 monthly in Northam and Bi Monthly in Gillingarra

Wildflower Country Inc. Committee – Cr with proxy Cr

Meets: Bi Monthly in Three Springs

VOTING REQUIREMENTS

Absolute Majority Required

RECOMMENDATION

That Council formally endorse the appointed representatives to Community Committee's and Groups as discussed and resolved at the Ordinary Meeting of Council held on 15 December 2021.

COUNCIL RESOLUTION

129/21 Moved Cr Gilbert, seconded Cr Clydesdale-Gebert, that this item be laid on the table.

CARRIED 7/0

9.1.7 APPOINTMENT OF MANAGER OF CORPORATE SERVICES

FILE REFERENCE: HR/

REPORT DATE: 9 December 2021

APPLICANTS/PROPONENT: Shire of Moora

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Gavin Robins, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To recommend to Council note the appointment of a Manager of Corporate and Customer Services, and Manager of Financial Services.

BACKGROUND:

Numerous employees have left the Shire's employment over the last couple of years due to resignations, retirements, and relocations. The vacancies created have proven difficult to fill because each position has a mix of skills not easily found in the general employment market. The Shire has been frustrated in its considerable efforts to recruit suitable staff. The lack of qualified financial and administrative staff has been particularly significant and most keenly felt.

COMMENT:

Council recently undertook another recruitment round to fill the vacancy of Manager, Corporate Services. As planned, this position encompassed finance, human resources, technology, and general administrative functions. Five competitive candidates applied for the vacancy and were interviewed. While highly credible, none of the applicants met each of the key selection criteria.

After a review of the applicants and the Shire's current capability and capacity matrix necessary to manage its business professionally and accountably, it was decided to separate key functions of the original position and create two distinct positions. One position incorporating financial management, financial accounting, reporting, procurement, and rates. The second position incorporates human resources, general administration, information technology and customer services. Each position will also carry corporate governance functions to create greater segregation of responsibilities, functional transparency, and contemporary governance.

The appointment of two senior officers will create a more sustainable mix of responsibilities, succession planning and more effective leadership. These appointments will bring the presently outsourced accounting and rates functions back in house, which will create a more responsive and informed service.

The cost of appointing two senior officers rather than a single officer will be marginal as the Shire currently pays for the functions of finance, accounting, and rates to be provided by two external contractors. However, with these appointments, and the filling of other administrative vacancies, office accommodation will become a significant constraint.

It is proposed that the present Shire Chambers be repurposed as office space and that future Council meetings be conducted in the Moora Performing Arts Centre. This arrangement would be maintained until a new shire administration centre is established. Consideration has been given to acquiring a second transportable building for office accommodation. This

proposal has been dismissed at present based on cost and in the interests of preserving a reasonably orderly administration site.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 5.37 of the Local Government Act 1995 and Council Policy 1.5 “Senior Employees”, relates to the appointment of designated senior employees; and Section 5.36 of the Act deals with the Council’s role in ensuring that the Shire is appropriately resourced with staff.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

130/21 Moved Cr Hamilton, seconded Cr Bryan that Council:

- 1. Note the proposed appointment of two senior officers to fulfill the Shire’s financial and accounting functions and corporate services functions.***
And
- 2. Endorse the use of the present Council Chambers for use as temporary office accommodation.***

CARRIED 7/0

9.2 ENGINEERING SERVICES

9.2.1 PLANT REPLACEMENT PROGRAM - 2021-2022 – WALGA PREFERRED SUPPLIER PROGRAM: RFQ 04/2021-2022 – ARTICULATING ROAD GRADER and RFQ 05/2021-2022 – FRONT END WHEEL LOADER

FILE REFERENCE: L/TEP1-2
REPORT DATE: 8 December 2021
APPLICANT/PROPONENT: Acting Manager Engineering Services
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: N/A
AUTHORS: Keith Dickerson, Acting Manager Engineering Services and Alan Leeson, CEO
ATTACHMENTS: Quotation Summary Spreadsheet and Selected Machine Brochures

PURPOSE OF REPORT:

For Council to consider quotations/tenders received through the WALGA Preferred Supplier Program portal for the changeover of two items of heavy plant in accordance with the 2021-2022 budget parameters / allocation.

Quotes submitted are for two items;

1. 1 x Articulating Road grader
2. 1 x Front End Loader – 3m³

BACKGROUND:

Council budgeted to change these items over in the 2021-2022 budget. In summary, the budgeted changeover allocations against each are (ex GST);

- Articulating Road Grader - \$285,000
- Front End Loader - \$275,000

COMMENT:

In accordance with the Local Government (Functions and General Regulations) 1996, quotations were called through the WALGA Preferred Supplier portal (refer to legislative requirements) process to calling for quotations for the listed machines. Attached with the Agenda Item are scoring matrix tables evaluated by the author and Works Supervisor, Trevor Longman. Scoring is assessed against the following criteria weighted to an overall quotation score out of 10;

- Warranty
- Suitability
- Availability
- Price

Comments in summary regarding respective quotations submissions are provided with individual Scoring Summary Attachments. The author will be in attendance at the meeting to answer any questions from Councillors.

POLICY REQUIREMENTS:

Policy Manual – Section 12, Purchasing and Tender Policy

12.1 OBJECTIVES

- To provide compliance with the Local Government Act, 1995 and the Local Government Act (Functions and General) Regulations, 1996 (as amended in March 2007).
- To deliver a best practice approach and procedures to internal purchasing for the Shire of Moora.
- To ensure consistency for all purchasing activities that integrates within all the Shire of Moora operational areas.

12.2 CONTEXT

Regulation 11A of the Local Government (Functions and General) Regulations 1996 requires a local government to prepare, adopt and implement a purchasing policy in relation to the supply of goods or services where the consideration is expected to be \$250,000 or less. Purchases above \$250,000 must follow the process detailed in Division 2 of the Local Government (Functions and General) Regulations 1996 and requires a local government to invite tenders.

All Purchases by the Shire of Moora shall:

- Comply with relevant legislation, regulations and the Shire's policies and code of conduct;
- Transparent, free from bias and fully documented in accordance with applicable policies and audit requirements; and
- Ensure effective and proper expenditure of public moneys based on achieving value for money.

12.3 ETHICS & INTEGRITY

All officers and employees of the Shire of Moora shall observe the highest standards of ethics and integrity in undertaking purchasing activity and act in an honest and professional manner that supports the standing of the Shire of Moora.

The following principles, standards and behaviours must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties:

- full accountability shall be taken for all purchasing decisions and the efficient, effective and proper expenditure of public monies based on achieving value for money;
- all purchasing practices shall comply with relevant legislation, regulations, and requirements consistent with the Shire of Moora policies and code of conduct;
- purchasing is to be undertaken on a competitive basis in which all potential suppliers are treated impartially, honestly and consistently;
- all processes, evaluations and decisions shall be transparent, free from bias and fully documented in accordance with applicable policies and audit requirements;
- any actual or perceived conflicts of interest are to be identified, disclosed and appropriately managed; and
- Any information provided to the Shire of Moora by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or relevant legislation.

12.4 VALUE FOR MONEY

Value for money is an overarching principle governing purchasing that allows the best possible outcome to be achieved for the Shire of Moora. It is important to note that compliance with the specification is more important than obtaining the lowest price, particularly taking into account user requirements, quality standards, sustainability, life cycle costing, service benchmarks and local supply.

An assessment of the best value for money outcome for any purchasing should consider:

- all relevant whole-of-life costs and benefits whole of life cycle costs (for goods) and whole of contract life costs (for services) including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal.
- the technical merits of the goods or services being offered in terms of compliance with specifications, contractual terms and conditions and any relevant methods of assuring quality;
- Financial viability and capacity to supply without risk of default. (Competency of the prospective suppliers in terms of managerial and technical capabilities and compliance history);
- A strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable.
- Minimising the social, environmental and economic impacts in procurement decision making.

Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

12.5 SUSTAINABLE PROCUREMENT

Sustainable Procurement is defined as the procurement of goods and services that have less environmental and social impacts than competing products and services.

The Shire of Moora is committed to sustainable procurement and where appropriate shall endeavour to design quotations and tenders to provide an advantage to goods, services and/or processes that minimise environmental and negative social impacts. Sustainable considerations must be balanced against value for money outcomes in accordance with the Shire of Moora's sustainability objectives. Practically, sustainable procurement means the Shire of Moora shall endeavour at all times to identify and procure products and services that:

- Have been determined as necessary;
- Demonstrate environmental best practice in energy efficiency / and or consumption which can be demonstrated through suitable rating systems and eco-labelling.
- Demonstrate environmental best practice in water efficiency.
- Are environmentally sound in manufacture, use, and disposal with a specific preference for products made using the minimum amount of raw materials from a sustainable resource, that are free of toxic or polluting materials and that consume minimal energy during the production stage;
- Products that can be refurbished, reused, recycled or reclaimed shall be given priority, and those that are designed for ease of recycling, re-manufacture or otherwise to minimise waste.
- For fleet motor vehicles – select vehicles featuring the highest fuel efficiency available, based on vehicle type and within the designated price range (note that fleet vehicles shall be shared as close as possible to 50% / 50% of the total council light fleet between local suppliers Rumbold Ford/Nissan and Moora Toyota). Council notes there is no requirement to obtain quotes from suppliers external to Moora, however the policy does not preclude external supplier quotes from being obtained at the CEO's discretion. Reputable independent trade in valuations e.g., Redbook shall be obtained by staff to validate trade-in prices of fleet vehicles.
- For new buildings and refurbishments – where available use renewable energy and technologies.

12.6 QUOTE, TENDER AND PURCHASE RECORD CAPTURE

Written information and documents associated with quotes and purchases will be captured and retained as per the requirements of the General Disposal Authority for Local Government Records, under the *State Records Act 2000*.

12.7 QUOTATION AND TENDER EXEMPTION

In the following instances public tenders or quotation procedures are not required (regardless of the value of expenditure):

- An emergency situation as defined by the Local Government Act 1995;
- The supply of the goods or services associated with a state of emergency;
- The purchase is under a contract of WALGA (Preferred Supplier Arrangements), Department of Treasury and Finance (permitted Common Use Arrangements), Regional Council, or another Local Government;
- The purchase is under auction which has been authorised by Council;
- The contract is for petrol, oil, or other liquid or gas used for internal combustion engines;
- Any of the other exclusions under Regulation 11 of the Functions and General Regulations apply.

12.8 PURCHASING THRESHOLDS

Where the value of procurement (excluding GST) for the value of the contract over the full contract period (including options to extend) is, or is expected to be: - Amount of

<u>Amount of Purchase</u>	<u>Policy</u>
Up to \$5,000	Direct purchase from suppliers requiring only one verbal quotation or priced printout from a reputable supplier catalogue or website.
\$5,001 to \$20,000	Obtain up to three* verbal quotations or priced printouts from reputable suppliers' catalogues or websites.
\$20,001 - \$40,000	Obtain at least two* written quotations.
\$40,001 - \$249,999	Obtain at least three* written quotations containing price and specification of goods and services (with procurement decision based on all value for money considerations).
\$250,000 and above	Conduct a public tender process, tender to be awarded by Council.

*A minimum of one quotation may be accepted in place of three at the discretion of the CEO for justifiable reasons consistent with quote and tender exclusions under Regulation 11.

*Councils Works Supervisor is authorised to issue purchase orders for bulk diesel subject to:

- Minimum of two quotes being obtained;
- Providing notice of the lowest quote being accepted, being given to the CEO and Deputy CEO prior to issuing purchase order to the selected supplier of the bulk diesel order.

Where it is considered beneficial, tenders may be called in lieu of seeking quotations for purchases under the \$250,000 threshold (excluding GST). If a decision is made to seek public tenders for Contracts of less than \$250,000, a Request for Tender process that entails all the procedures for tendering outlined in Division 2 of the *Local Government (Functions and General) Regulations 1996* must be followed in full.

LEGISLATIVE REQUIREMENTS:**Local Government (Functions and General) Regulations 1996****Division 2 — Tenders for providing goods or services (s. 3.57)**

[Heading inserted: Gazette 2 Feb 2007 p. 245.]

11. When tenders have to be publicly invited

(1A) In this regulation —

state of emergency declaration has the meaning given in the *Emergency Management Act 2005* section 3.

- (1) Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$250 000 unless subregulation (2) states otherwise.
- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —
- (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or
 - (aa) the supply of the goods or services is associated with a state of emergency; or
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or
- [(ba) deleted]
- (c) within the last 6 months —
 - (i) the local government has, according to the requirements of this Division, publicly invited tenders for the supply of the goods or services but no tender was submitted that met the tender specifications or satisfied the value for money assessment; or
 - (ii) the local government has, under regulation 21(1), sought expressions of interest with respect to the supply of the goods or services but no person was, as a result, listed as an acceptable tenderer;
- or
- (d) the contract is to be entered into by auction after being expressly authorised by a resolution of the council of the local government; or
 - (e) the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or a regional local government; or
- (ea) the goods or services are to be supplied —
- (i) in respect of an area of land that has been incorporated in a district as a result of an order made under section 2.1 of the Act changing the boundaries of the district; and
 - (ii) by a person who, on the commencement of the order referred to in subparagraph (i), has a contract to supply the same kind of goods or services to the local government of the district referred to in that subparagraph;

or

- (f) the local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines;or
 - (h) the following apply —
 - (i) the goods or services are to be supplied by —
 - (I) a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Limited ABN 96 929 977 985; or
 - (II) a person registered with the Australian Indigenous Minority Supplier Office Limited (trading as Supply Nation) ABN 50 134 720 362;and
 - (ii) the consideration under the contract is \$250 000 or less, or worth \$250 000 or less; and
 - (iii) the local government is satisfied that the contract represents value for money;or
 - (i) the goods or services are to be supplied by an Australian Disability Enterprise; or
 - (j) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract was entered into after the local government, according to the requirements of this Division, publicly invited tenders for the supply of goods or services; and
 - (ii) the invitation for tenders contained provision for the renewal or extension of a contract entered into with a successful tenderer; and
 - (iii) the original contract contains an option to renew or extend its term; and
 - (iv) the supplier's tender included a requirement for such an option and specified the consideration payable, or the method by which the consideration is to be calculated, if the option were exercised;or
 - (ja) the contract is a renewal or extension of the term of a contract (the **original contract**) where —
 - (i) the original contract is to expire within 3 months; and
 - (ii) the renewal or extension is for a term of not more than 12 months from the expiry of the original contract; and
 - (iii) the contract for renewal or extension is entered into at a time when there is in force a state of emergency declaration applying to the district, or part of the district, of the local government;or
 - (k) the goods or services are to be supplied by a pre-qualified supplier under Division 3.
- (3) For the purposes of sub- regulation (2)(aa) a supply of goods or services is associated with a state of emergency if —

- (a) the contract for the supply is entered into while there is in force a state of emergency declaration applying to the district, or part of the district, of the local government; and
- (b) the local government considers that the goods or services are required for the purposes of addressing a need arising from the hazard, or from the impact or consequences of the hazard, to which the state of emergency declaration relates.

[Regulation 11 amended: Gazette 29 Apr 1997 p. 2145; 26 Jun 1998 p. 3447; 25 Feb 2000 p. 970-1; 29 Jun 2001 p. 3130; 31 Mar 2005 p. 1054-5; 2 Feb 2007 p. 245-6; 18 Sep 2015 p. 3804-6; SL 2020/35 r. 8; SL 2020/55 r. 5.]

STRATEGIC IMPLICATIONS:

Strategically the appropriate resourcing of heavy plant and equipment should be a priority of Council on an annual basis. Timely changing over of major plant and equipment will generally mitigate against the risk of major repairs and rebuilds.

In a general sense Council should undertake a closer examination of its heavy plant and equipment fleet and look to establish or re-establish outer markers in terms of maximum years/working hours of such items.

It is understood there is always annual budget parameters and it's a difficult task to provide the appropriate fiscal resources to keep up with a plant and equipment replacement program.

In 2021-2022 Council placed a high priority on the Plant Replacement Program including the following items of heavy plant and equipment.

- Road Broom
- Prime Mover (November 2021 Council meeting)
- Small Tip Truck (November 2021 Council Meeting)
- Smooth Steel Drum Vibrating Roller (November 2021 Council meeting)
- 3m³ Front End Loader
- Articulating Road Grader

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The budgeted changeover allocation for the two machines as per the Shire 2021/2022 budget was (ex GST);

- Articulating Road Grader - \$285,000 (recommended changeover \$292,500)
- Front End Loader - \$275,000 (recommended changeover \$243,500)

The officer's recommendation results in an overall saving of \$24,000 across the two machines against budget allocations.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

131/21 Moved Cr Seymour, seconded Cr Gilbert that Council accept the quotations-tender submitted through the WALGA Preferred Supplier Program Portal for the supply of 1 x Articulating Road Grader, and 1 x 3m³ Front End Loader, noting the summary spreadsheet with Officer recommendations;

RFQ 04/2021-2022 Articulating Road Grader – Quotation VPR484294 – Westrac Equipment Caterpillar 140 – Changeover - \$292,500 (Ex GST);

RFQ 05/2021-2022 Front End Wheel Loader – Quotation VPR484480 – Westrac Equipment – Caterpillar 950GC – Changeover – 243,500 (Ex GST);

further noting that the Shire of Moora 2021-2022 Budget be amended to reflect the accepted quotations.

CARRIED BY ABSOLUTE MAJORITY 7/0

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 1 DECEMBER 2021****10.1 UPDATE OF 2022 COUNCIL MEETING SCHEDULE**

FILE REFERENCE: EN/COAI

REPORT DATE: 29 November 2021

DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 15/9/21 (Res. 91/21)

AUTHOR: Michelle Murray, Executive Support Officer

ATTACHMENTS: Update to Schedule of Meeting Dates for 2022

PURPOSE OF REPORT:

To provide an update of meeting dates for Council approval for the 2022 year to enable public advertising as required by the Local Government Act 1995.

BACKGROUND:

The current format of holding a General-Purpose Committee Meeting on the first Wednesday of each month and the Ordinary Meeting of Council on the third Wednesday of each month has been effective and is recommended this format be continued with.

COMMENT:

Council on 15 September 2021 adopted their meeting dates for the 2022 year.

The dates were chosen on the notion that the Local Government Convention was to be held in the first week of August as in past years. This year due to COVID, the Convention was trialled in September, being held during the period from 19th – 21st September. It has now

been decided to hold next year's Convention towards the latter part of the year with the dates being confirmed as 2nd – 4th October 2022.

Given the change in dates, it is recommended Council now schedule a committee meeting to be held in August on the first Wednesday being the 3rd.

Council has the flexibility and autonomy to changes meeting dates around the annual WALGA convention and other conferences and conventions of strategic significance. The only requirement in changing meetings dates is to give adequate notice in accordance with legislative requirements.

POLICY REQUIREMENTS:

There are no council policies relative to this matter.

LEGISLATIVE REQUIREMENTS:

Section 5.25 (g) of the Local Government Act 1995 stipulates that Regulations may make provision in relation to the giving of public notice of the date and agenda for Council or committee meetings.

Regulation 12 of the Local Government (Administration) Regulations 1996 states;

- I. At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.

Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration Regulations) 1996 sets the minimum and maximum amounts for the payment of meeting fees.

STRATEGIC IMPLICATIONS:

Enables Council to provide effective local government to the district.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item. The holding of Council meetings including all associated costs is provided in the current budget and will be provided for in future budgets.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATIONS)***132/21 Moved Cr Errington, seconded Cr Hamilton that Council;*

- 1. Adopts the updated meeting schedule for the period February 2022 to December 2022 with the inclusion of a Committee meeting to be held on 3 August, as attached;*
- 2. Advertises the meeting dates in accordance with section 5.25 of the Local Government Act 1995 and Regulation 12 (1) of the Local Government (Administration) Regulations 1996.*

CARRIED 7/0**11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

The Chief Executive Officer presented two items of urgent business titled 'Write Off Rate Assessment Balance Outstanding' and 'Moora Bowling Club – Funding Request for Renewal of Surface – Lot 123 Gardiner Street, Moora' for Council consideration.

COUNCIL RESOLUTION

133/21 Moved Cr Clydesdale-Gebert, seconded Cr Errington that council consider the two items of urgent business provided by the Chief Executive Officer titled 'Write Off Rate Assessment Balance Outstanding', item 12.1 and 'Moora Bowling Club – Funding Request for Renewal of Surface – Lot 123 Gardiner Street, Moora', item 12.2.

CARRIED 7/0

12.1 WRITE OFF RATE ASSESSMENT BALANCE OUTSTANDING

FILE REFERENCE: PA6140
REPORT DATE: 14 December 2021
APPLICANT/PROPONENT: Shire of Moora
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Martin Whitely, LG Corporate Solutions
ATTACHMENTS: A6140 Transaction Listing

PURPOSE OF REPORT:

This report recommends that Council agree to write off an amount of \$19,850.23 for rate assessment 6140, located at Lot 89 Gardiner Street, Moora.

BACKGROUND:

This property is located at Lot 89 Gardiner Street, Moora and forms part of the locality commonly referred to as Candy's Bush. The title was previously privately owned and had outstanding rates on the property dating back to the 2009/10 financial year.

After years of unsuccessful recovery action an application was made for the land to be revested back to the State as crown land.

COMMENT:

Despite years of attempts to recover unpaid rates dating back to 2009/10 the shire had been unsuccessful in recovering any of these funds.

In summary a total of \$19,850.23 was outstanding which was made up of the following:

Rates	\$8,112.00
Rates Penalty Interest	\$3,121.83
ESL	\$881.00
ESL Penalty Interest	\$222.70
Legal Fees	<u>\$7,512.70</u>
Balance Outstanding	\$19,850.23

A detailed transaction listing is attached for Council information.

The Shire were notified by Landgate that its application to have the land located at Lot 89 Gardiner Street, Moora handed back to the State as crown land was successful on the 4th October 2021.

The Revestment of land back to the Crown does not allow any recoup of Outstanding Rates. As a result, Council will need to agree to write off the outstanding balance of \$19,850.23.

Under the Shire's current Significant Accounting Policies, any rates amount to be written off in excess of \$20 must be endorsed by Council.

POLICY REQUIREMENTS:

9.5 Rates Collection Procedure

- (1) That within 7 days of any rates or service charges falling due for payment, the CEO issue a final notice for recovery of outstanding rates and service charges, allowing 7 days for payment.
- (2) That action for recovery be taken after that time, to the extent allowed in the Act.

9.8 Small Rates Balance Write Offs

The CEO has delegated authority to write off small rates balances up to and including \$20.00. All amounts over \$20.00 should be referred to Council for consideration.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money,
 which is owed to the local government.

* Absolute majority required.

6.43. Rates and service charges are a charge on land

Subject to the *Rates and Charges (Rebates and Deferments) Act 1992*, rates and service charges imposed under this Act, together with the costs of proceedings, if any, for the recovery of the rates or service charges, are a charge on the land rated or in relation to which the service charge is imposed.

Local Government (Financial Management) Regulations 1996

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and

STRATEGIC IMPLICATIONS:

Nil

At 6.02pm the CEO left the meeting.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Writing off the outstanding balances will result in an amount of \$19,850.23 in rates, legal fees and associated fees and charges no longer being collected.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

134/21 Moved Cr Hamilton, seconded Cr Gilbert that Council agree to write off outstanding balance of A6140 totalling \$19,850.23 to finalise the revestment of Lot 89 Gardiner Street Moora to the State as now crown.

CARRIED BY ABSOLUTE MAJORITY 7/0

12.2 MOORA BOWLING CLUB – FUNDING REQUEST FOR RENEWAL OF SURFACE – LOT 123 GARDINER STREET, MOORA

At 6.04pm Cr Bryan declared an impartiality interest in item 12.2 as she is a member of the Moora Bowling Club and left the meeting.

At 6.05 the CEO rejoined the meeting.

FILE REFERENCE: CC/MOBI

REPORT DATE: 15 December 2021

APPLICANTS/PROPONENT: Moora Bowling Club

OFFICER DISCLOSURE OF INTEREST: N/A

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Letter from Moora Bowling Club

PURPOSE OF REPORT:

For Council to formally consider a funding request from the Moora Bowling Club to contribute \$70,000 toward the resurfacing of the Moora Bowling Club Green, Lot 123 Gardiner Street, Moora.

BACKGROUND:

Over the past week's, discussions have been ongoing with the Moora Bowling Club (MBC) with respect to their wish to renew the playing surface and potentially sub-grade of the existing bowling green on Lot 123 Gardiner Street, Moora.

Deputy Shire President Cr Steve Gilbert and CEO Alan Leeson have attended two meetings with Moora Bowling Club President (Peter Jorissen) and Secretary (Peter Van Der Ende). Mr Clive Adams from Bowls WA has also been in attendance at those two meetings. The central point of discussion at both meetings was the current state of the Moora Bowling Club green playing surface. The existing green has been down for approximately 5 years, laid in 2016 with an expected lifespan of between 8-10 years as referenced by the MBC.

The MBC wish to submit a funding application to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Community Sport and Recreation Facilities Fund (CSRFF) Small Grants Round.

COMMENT:

The MBC seek a commitment of \$70,000 from the Shire of Moora to underpin a submission to the CSRFF Small Grants Round in February 2022. The balance of funds of a preliminary project cost estimates of between \$150,000 to \$200,000 (referenced by MBC) would be shared between the MBC and the DLGSC. In the normal course of assessment for Sport and Recreation projects costs are consistently shared on a proportionate basis of;

- DLGSC 1/3rd
- Local Government 1/3rd
- Sporting Club 1/3rd

In terms of re-surfacing projects, the contribution from DLGSC (if any) is consistently less than 1/3rd and more likely to be a maximum of 1/6th (as referenced by DLGSC). If this were the case and based on projected overall resurfacing cost estimates the proportionate share of contributions to the project would be in the vicinity of;

Moora Bowling Club Green Resurfacing		
Estimated Project Cost	150,000	200,000
<u>Funding Contribution Model</u>		
DLGSC -CSRFF (1/6th)	24,990	33,320
Shire of Moora (\$70,000)	70,000	70,000
Moora Bowling Club (Balance)	55,010	96,680
Total	150,000	200,000

Up until this juncture feedback from Deputy Shire President Cr Gilbert and CEO Alan Leeson to the Moora Bowling Club Executive has been that the Shire is unlikely to agree to make a financial contribution toward re-surfacing the existing Bowling Green whilst a comprehensive overall review of Sport and Recreation Facilities across the Shire of Moora, and in particular a model of co-location at the Moora Recreation grounds is under assessment and development.

Notwithstanding that, communication the MBC have requested a formal response from the Shire of Moora with respect to their direct request for a financial contribution from the Shire.

POLICY REQUIREMENTS:

Council does not have a policy position in relation to this matter.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995.

STRATEGIC IMPLICATIONS:

Outcome 3.5: Sustainable asset and infrastructure base.

Strategy 3.5.3: Maintain effective liaison with other levels of government and regional bodies to ensure coordinated provision of regional infrastructure.

Strategy 3.5.4: Continue to lobby for modern, efficient and sustainable key infrastructure solutions across the community.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known environmental implications associated with this proposal at this juncture.
- **Economic**
There are no known economic implications associated with this proposal at this juncture.
- **Social**
There are no known significant social implications associated with this proposal that have been identified at this juncture.

FINANCIAL IMPLICATIONS:

The requested contribution of \$70,000 (ex GST) from the Shire of Moora has not been budgeted in 2021-2022. However, were the project to be funded through the Small Grants Program of DLGSC CSRFF, the amount funded would likely be appropriated in the 2022-2023 financial year.

VOTING REQUIREMENTS

Simple Majority Required

RECOMMENDATION

That Council formally advise the Moora Bowling Club, at this juncture their request of the Shire of Moora to make a financial contribution of \$70,000 towards the resurfacing of the green at Lot 123 Gardiner Street, Moora is declined on the basis that the Shire will await the outcome of development and finalisation of an overall Sport and Recreation Masterplan with a key focus of co-locating a range of ball sports, facilities and infrastructure at the Moora Recreation Grounds, Roberts Street, Moora.

COUNCIL RESOLUTION

135/21 Moved Cr Hamilton, seconded Cr Gilbert that Council formally advise the Moora Bowling Club that the Shire of Moora is awaiting the development and finalisation of an overall Sport and Recreation Masterplan with a key focus of co-locating a number of sports, facilities and infrastructure. Therefore, at this juncture, the Shire of Moora will not be making a financial contribution of \$70,000 towards the resurfacing of bowling greens at the Moora Bowling Club's current location at Lot 123 Gardiner Street, Moora.

CARRIED 6/0

At 6.09pm Cr Bryan rejoined the meeting and was advised of the decision of Council.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

Prior to closing, the Shire President expressed her thanks to the Councillors, Management and staff for their hard work over what has been a trying 2021 year and looked forward to 2022.

There being no further business, the Shire President declared the meeting closed at 6.11pm.

CONFIRMED

PRESIDING MEMBER