

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
19 OCTOBER 2022

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I. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

I.1 DECLARATION OF OPENING

The Shire President declared the meeting open at 5.33pm.

The Shire acknowledges the traditional custodians of the land we are meeting on today, the Yued people, and pay our respects to Elders past, present and emerging.

I.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 / Presiding Member
SJ Gilbert	-	Deputy President
El Hamilton	-	Councillor
SA Bryan	-	Councillor
TL Errington	-	Councillor

GW Robins	-	Acting Chief Executive Officer
MM Murray	-	Executive Support Officer

APPROVED LEAVE OF ABSENCE

DV Clydesdale-Gebert	-	Councillor
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APOLOGIES

KM Seymour	-	Councillor
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PUBLIC

Cynthia McMorran AM, Shire Freeman

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. **PUBLIC QUESTION TIME**

Cynthia McMorran

Road Verges, who is meant to maintain them in the Shire?

ACEO, it's the homeowner's responsibility to maintain.

How is the Shire's Health Plan going, as it's to be completed by June 2023?

Preliminary work has been undertaken and is a work in progress.

How is the solar power for the Moora Lifestyle Village progressing?

ACEO advised that two quotes were received however neither were accepted.

5. **PETITIONS / DELEGATIONS / PRESENTATIONS**

Nil

6. **APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

7. **ANNOUNCEMENTS BY THE PRESIDING MEMBER**

The following Council associated engagements were attended;

Cr Lefroy, President

2/10 WALGA Mayors and Presidents Forum, Perth

3/10 WALGA Heads of Agencies meeting, Perth

3/10 meeting with Minister McBain, Perth

10/10 Teams meeting with the Hon Fiona Nash – Regional Education Commissioner

11/10 meeting with Wendy Newman, Kylie Helgesen and Steven Sizer of REED (Regional Early Education and Development Inc), Moora

18/10 meeting with Hon Sandra Carr MLC and Hon Darren West MLC, Parliament House to discuss funding pathways for the Childcare centre

Cr's Gilbert and Errington

2-4/10 WALGA Convention, Perth

Cr Hamilton

2-4/10 WALGA Convention, Perth

10/10 Moora Chamber of Commerce meeting

18/10 Moora Residential College end of year Presentation Ceremony

18/10 presented award at the CMSHS year 12 Presentation evening

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 28 SEPTEMBER 2022****COUNCIL RESOLUTION**

71/22 Moved Cr Gilbert, seconded Cr Errington that the Minutes of the Ordinary Meeting of Council held on 28 September 2022 be confirmed as a true and correct record of the meeting.

CARRIED 5/0

9. REPORTS OF OFFICERS**9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.15**

REPORT DATE: 12 October 2022

OFFICER DISCLOSURE OF INTEREST: Nil

AUTHOR: Gavin Robins, Acting Chief Executive Officer

SCHEDULE PREPARED BY: Charly Sawyer, 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 1.15 – Making 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

72/22 Moved Cr Bryan, seconded Cr Hamilton that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.15

<i>EFT's</i>	27890-28056	-\$1,503,468.64
<i>Muni Cheque</i>	62540-62541	-\$3,380.00
<i>Trust Cheque</i>	5617-5618	-\$141.41
<i>Credit Card</i>	DD14980.1	-\$4,379.61
<i>Direct Debit</i>	DD14920.1-DD149872.9	<u>-\$103,043.62</u>
		<u>-\$1,614,413.28</u>
<i>Nett Pay</i>	PPE 14/09/2022	-\$125,104.40
<i>Nett Pay</i>	PPE 28/09/2022	-\$126,820.98
	Payment Total	<u>-\$1,866,338.66</u>
		<u>CARRIED 5/0</u>

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 30 SEPTEMBER 2022

REPORT DATE: 17 October 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Jen Young, Manager Financial Services

ATTACHMENTS: Statement of Financial Activity for the Period Ended 30 September 2022

PURPOSE OF REPORT:

To receive and endorse the Statement of Financial Activity for the period ended 30 September 2022.

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 2022/23 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

73/22 Moved Cr Gilbert, seconded Cr Bryan that Council endorses the Statement of Financial Activity for the period ended 30 September 2022.

CARRIED 5/0

9.1.3 REVIEW OF 2023 COUNCIL MEETING SCHEDULE

FILE REFERENCE: EN/COAI

REPORT DATE: 4 October 2022

DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Michelle Murray, Executive Support Officer

ATTACHMENTS: Schedule of Meeting Dates for 2023

PURPOSE OF REPORT:

To provide dates for Council approval for meeting dates for the 2023 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:

Attached is a draft schedule of proposed dates for Council meetings for the 2023 year.

In past years, the schedule has identified the need to adjust the regular meeting dates for the likes of the Local Government Convention which also provides the opportunity for professional development during the week. 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.

- The ALGA National General Assembly in Canberra is scheduled for 18th – 21st June 2023.
- The next state-wide Ordinary Local Government elections are scheduled for Saturday 21st October 2023.
(It is proposed that a Special Council meeting be held for the Swearing in of Councillors on Wednesday 25th October 2023).
- WALGA Convention dates are yet to be confirmed.

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

74/22 Moved Cr Bryan, seconded Cr Hamilton that Council;

- 1. Adopts the meeting schedule for the period February 2023 to December 2023 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 5/0

9.1.4 ENDORSEMENT OF A VARIATION TO FINANCIAL DELEGATIONS RELATING TO MAJOR PROJECTS

FILE REFERENCE:**REPORT DATE:** 13 October 2022**OFFICER DISCLOSURE OF INTEREST:** Nil**PREVIOUS MEETING REFERENCES:** Nil**AUTHOR:** Mr Gavin Robins, Acting Chief Executive Officer**ATTACHMENTS:** Nil**PURPOSE OF REPORT:**

Consideration of a recommendation to vary the CEO's financial delegations to enable the payment of progress claims made in respect of the Koojan Road West upgrade.

BACKGROUND:

The Shire of Moora undertook the function of project manager for the Koojan Road West Upgrade project. The Shire recognised the upgraded road would become a Shire asset and that the function of project manager would enable it to best represent the Shire's priorities and future interests crystallising from the project. The project manager is required, among other things, to authorise approved progress claims for payment. Progress claims made in accordance with the works contract are lodged at defined progress delivery points. Claims are processed in accordance with the shire's financial policies and procedures. While the current financial delegations are suitable for general procurement purposes, they are unsuitable for major project purposes. This is because progress claims by contractors commonly exceed the limits of the CEO's delegation.

COMMENT:

The current delegations do not facilitate efficient and timely payment of progress claims because Council is currently required to approve the payment of sums exceeding the CEO's delegation. This, in conjunction with the multi-stage verification of progress claims has the potential to delay payments beyond the contractual terms. As the coordination of Council meetings and payment runs is not a natural fit, the current circumstances give rise to potential penalties for delayed payments.

The administrative options available to resolve this issue each present a range of complications relating to transparency, compliance and the integrity of financial reporting payments.

To remediate the current issue, it is recommended that the CEO be authorised to approve the payment of progress claims in respect of the Koojan Road West upgrade project at their face value, as and when received. The CEO would report to Council, each payment in respect of the Koojan Road West project that falls outside the approved delegations until the conclusion of the project.

POLICY REQUIREMENTS:

Observation and compliance with financial management policies.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995

STRATEGIC IMPLICATIONS:

Shire of Moora Annual Budget 2022-2023

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are significant economic implications for the 2022-2023 Annual Budget arising from this matter.
- **Social**
There are substantial social benefits associated with this proposal.

FINANCIAL IMPLICATIONS:

There are significant financial implications for the Shire in this matter. Penalties may be incurred for delayed payments; penalties may be material and should relationships deteriorate, invoke formal dispute measures leading to further costs.

VOTING REQUIREMENTS:

Simple Majority Required

COUNCIL RESOLUTION

75/22 Moved Cr Gilbert, seconded Cr Errington that Council;

- 1. Approve the variation of the CEO's financial delegations to authorise the payment of all progress claims in respect of the Koojan West Road Project, as and when these claims are received.***

and

- 2. Note the CEO will report to Council each payment in respect of the Koojan West Road project that falls outside the approved financial delegations until the conclusion of the project.***

CARRIED BY ABSOLUTE MAJORITY 5/0

9.3 **ENGINEERING SERVICES**

9.3.1 **REQUEST FOR TENDER No. 02/2022 – SUPPLY OF ROAD STABILISATION SERVICES;**

REQUEST FOR TENDER No. 03/2022 - SUPPLY OF ROAD SURFACE SEALING SERVICES;

REQUEST FOR TENDER No. 04/2022 - SUPPLY AND DELIVERY OF SEALING AGGREGATE;

FILE REFERENCE: L/TER1-3

REPORT DATE: 10 October 2022

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Keith Dickerson, Manager Engineering Services

ATTACHMENTS: Tenders received matrix

PURPOSE OF REPORT:

Council calls tenders in accordance with the requirements of the Local Government Act and Regulations for the value of services over \$250,000.

BACKGROUND

Each year tenders are called for the supply of road sealing aggregate, supply and spray of bitumen products and road stabilisation services. Tenders for the stabilisation services and the tender for supply of road surface sealing services have been requested for, **Option one; partial service with the shire works crew carrying out a portion of the works and Option 2; full service where the shire works crew will not be involved in the works.** Comparisons between the two options will be assessed and recommended accordingly, considering best value for money for Council.

Option comparisons.

- | | |
|--|-------------|
| • Stabilisation services <u>Option one</u> including shire participation | \$1,445,299 |
| • Stabilisation services <u>Option two</u> full service no shire participation | \$1,461,240 |
| • Bitumen services <u>Option one</u> including shire participation | \$1,323,972 |
| • Bitumen services <u>Option two</u> full service no shire participation | \$1,354,968 |

To assist with the tender process, the WALGA Proforma tender document is used to simplify tenderers understanding of council requirements. Within the Request for tender document under Appendix D there is a reference to a Regional Price Preference Policy.

Councils Regional Price Preference for locally produced goods and services will apply to all goods and services for which tenders are let, unless the Shire of Moora determines otherwise, and is to be:

Up to 10% when the contract is for goods and services, up to a maximum price reduction of \$50,000.

Up to 5% when the contract is for construction (building) services, up to a maximum price reduction of \$50,000.

Up to 10% when the contract is for goods and services, including construction (building) services, up to a maximum price reduction of \$500,000 if the local government is seeking tenders from the private sector for the provision of those goods and services for the first time. That is when a function is being outsourced by the Shire.

To undertake Councils Road sealing and road works programme, it is necessary to call tenders for the supply of aggregate (blue metal), bitumen and stabilisation services.

COMMENT

In summary, tenders were called for the following quantities across the following roads;

	<u>Stabilising</u>	<u>Bitumen Sealing</u>
• Watheroo West Road	35,616 m ²	29,680 m ²
• Carot Well Road	76,800 m ²	64,800 m ²
• Dalwallinu West Road	32,544 m ²	29,200 m ²
• Bindi Bindi Toodyay Road	35,040 m ²	24,800 m ²

Supply of Road Stabilisation Services

Council will require approximately 180,000 m² of stabilisation services for the 2022-2023 road programme.

Supply and Spray of Bitumen Products

Council will require approximately 330,000 litres of bitumen (150,000m² two coat) for the 2022-2023 road programme.

Road Sealing Aggregate

Council will require approximately 5,400 tonne of road sealing aggregate for the 2022-2023 road programme.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Section 3.57 of the Local Government Act 1995

Regulations 11 (1) & 18 of the Local Government (Functions & General) Regulations 1996

STRATEGIC IMPLICATIONS:

Outcome 3.3: A safe and reliable transport system.

Strategy 3.3.1: Enhance the transport infrastructure in the Shire. Council needs to continue with the upgrading and maintenance of their road network.

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 purchase of various products and services as per this item are within the budgeted allocations for the Shire's 2022-2023 Roadworks Programme, adopted on 20 July 2022.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

76/22 Moved Cr Hamilton, seconded Cr Errington that Council

- 1. accepts Tender RFT 02/2022 - received from Western Stabilisers Pty Ltd (option 2) for the supply of road surface stabilisation services, as per the attached rate of \$8.25m².*
- 2. accepts Tender RFT 03/2022 - received from Bitutek (option 2) for the supply and spray of bitumen products, inclusive of supply and delivery of road sealing aggregate to nominated dumpsites, as per the attached rate of \$9.18m².*

and

- 3. rejects the submission received for Tender RFT 04/2022 for the supply and delivery of road sealing aggregate to nominated dumpsites.*

CARRIED 5/0

10. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE OF MEETING

There being no further business, the Shire President declared the meeting closed at 5.55pm.

CONFIRMED

PRESIDING MEMBER