



A G E N D A

OF THE

SPECIAL MEETING OF COUNCIL

7 April 2020

6.00pm

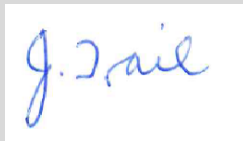
Kambalda

SHIRE OF COOLGARDIE

NOTICE OF SPECIAL MEETING OF COUNCIL

Dear Elected Member

The next Special Meeting of the Shire of Coolgardie will be held on Tuesday 7 April 2020 in the Recreation Centre, Barnes Drive, Kambalda commencing at 6:00pm.



JAMES TRAIL
CHIEF EXECUTIVE OFFICER

DISCLAIMER

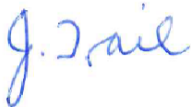
INFORMATION FOR PUBLIC ATTENDING COUNCIL MEETINGS

PLEASE NOTE:

THE RECOMMENDATIONS CONTAINED IN THIS AGENDA ARE OFFICERS RECOMMENDATIONS ONLY AND SHOULD NOT BE ACTED UPON UNTIL COUNCIL HAS RESOLVED TO ADOPT THOSE RECOMMENDATIONS.

THE RESOLUTIONS OF COUNCIL SHOULD BE CONFIRMED BY PERUSING THE MINUTES OF THE COUNCIL MEETING AT WHICH THESE RECOMMENDATIONS WERE CONSIDERED.

MEMBERS OF THE PUBLIC SHOULD ALSO NOTE THAT THEY ACT AT THEIR OWN RISK IF THEY ENACT ANY RESOLUTION PRIOR TO RECEIVING OFFICIAL WRITTEN NOTIFICATION OF COUNCILS DECISION.



James Trail
CHIEF EXECUTIVE OFFICER

COUNCIL MEETING INFORMATION NOTES

1. Your Council generally handles all business at Ordinary or Special Council Meetings.
2. From time to time Council may form a Committee to examine subjects and then report to Council.
3. Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters. On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.
4. Public Question Time. It is a requirement of the Local Government Act 1995 to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the Chairman.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and response is included in the Minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next meeting of Council.

5. **Councillors** may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter **trivial, insignificant or in common with a significant number of electors or ratepayers**. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the Chairman of the meeting will advise the Officer if he/she is to leave the meeting.

6. Agendas including an Information Bulletin are delivered to Councillors within the requirements of the Local Government Act 1995, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by staff. An Agenda item including a recommendation will then be submitted to Council for consideration.

The Agenda closes the Monday week prior to the Council Meeting (i.e. ten (10) days prior to the meeting).

The Information Bulletin produced as part of the Agenda includes items of interest and information, which does not require a decision of Council.

7. Agendas for Ordinary Meetings are available in the Coolgardie and Kambalda Offices/Libraries seventy-two (72) hours prior to the meeting and the public are invited to secure a copy.
8. Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).
9. Public Question Time – Statutory Provisions – Local Government Act 1995

Time is to be allocated for questions to be raised by members of the public and responded to at:

- (a) Every ordinary meeting of a council; and
- (b) Such other meetings of councils or committees as may be prescribed

Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

- 9A. Question Time for the Public at Certain Meetings – s5.24 (1) (b)

Local Government (Administration) Regulations 1996

Reg 5 For the purpose of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are:

- (a) every special meeting of a council; and
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Minimum Question Time for the Public – s5.24 (2)

- Reg 6 (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is fifteen (15) minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Procedures for Question Time for the Public – s5.24 (2)

Local Government (Administration) Regulations 1996

Reg 7 (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6 (1) are to be determined:

- (a) by the person presiding at the meeting; or
- (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of members,

having regard to the requirements of sub regulations (2) and (3).

- (2) The time allocated to the asking and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in sub regulation (3) requires:
 - (a) A council to answer a question that does not relate to a matter affecting the local government;
 - (b) A council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) A committee to answer a question that does not relate to a function of the committee.

10. Public Inspection of Unconfirmed Minutes (Reg 13)

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection in the Coolgardie and Kambalda Offices/Libraries within ten (10) working days after the Meeting.

NOTE:

10.3 Unopposed Business

- (1) Upon a motion being moved and seconded, the person presiding may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the person presiding may declare the motion in sub clause (1) carried without debate and without taking a vote on it,
- (3) A motion carried under sub clause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.
- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

QUESTION TIME FOR THE PUBLIC

(Please Write Clearly)

DATE: _____

NAME: _____

TELEPHONE: _____

ADDRESS: _____

QUESTIONS TO THE PRESIDENT:-

- **GENERAL QUESTION / QUESTION RELATED TO THE AGENDA)**
(Strike out unnecessary words)

ITEM NO: _____ PAGE NO: _____

[illegible]

PLEASE PASS TO THE CHIEF EXECUTIVE OFFICER FOR REFERRAL TO THE PRESIDENT BY 5.45PM AT THE MEETING, OR BY 12.30PM ON THE DAY OF THE MEETING AT THE KAMBALDA OFFICE, IRISH MULGA DRIVE, KAMBALDA.

SHIRE OF COOLGARDIE

DISCLOSURE OF INTERESTS

TO THE CHIEF EXECUTIVE OFFICER:

Under the Provisions of Division 6 of Part 5 of the Local Government Act 1995, I hereby disclose a Financial Interest/s in the matter/s listed on this form, which is/are scheduled for consideration at the meeting of Council to be held on:

TUESDAY _____ **2018**

Where indicated by the word 'YES' in column 6, I will be seeking a determination (under Section 5.68) by the meeting, for reasons I will expand on.

(Print Name) _____ (Signature) _____ (Date)

NOTE: Members of Council are asked to deliver this completed form to the Chief Executive Officer on the day of the Council Meeting as required by the Act. Where this is not practicable the Disclosure/s may be telephoned to the Council Office on 9080 2111 and/or the form subsequently passed to the Chief Executive Officer prior to the meeting.

ITEM	PAGE No.	TYPE	REASON

For inclusion for interest declaration

Interests Affecting Impartiality: Disclosing Statement

"With regard to....(the matter in item)... I disclose that I have an association with the applicant. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."



APPLICATION FOR LEAVE OF ABSENCE

I Cr, _____ hereby request leave of absence for the following

Dates, From _____ to _____

Signed Cr: _____

Date _____

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- 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS
- 2 RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE
- 3 DECLARATIONS OF INTEREST
 - 3.1 *Declarations of Financial Interests – Local Government Act Section 5.60A*
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 - 3.3 *Declarations of Impartiality Interests – Administration Regulation 34C*
- 4 PUBLIC QUESTION TIME
- 5 APPLICATIONS FOR LEAVE OF ABSENCE
- 6 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS
- 7 REPORTS OF OFFICERS

7.1 Chief Executive Officer

7.1.1 Response to Hon David Templeman MLA

Location: N/A

Applicant: N/A

File Reference:

Disclosure of Interest: None Required

Date: 2nd April 2020

Author: Chief Executive Officer, James Trail

Summary:

That Council, note and receive the Shire Presidents response to the letter from the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts dated 31st March 2020.

Background:

On the 31st March 2020, the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts wrote to all Presidents and Mayors strongly encouraging local governments to look at their capacity, be innovative and consider what measures and workplace arrangements can be put in place to provide security to Shire staff as the State Government has done. The Hon Minister asked all local governments to outline what measures they have put in place to date to assist their communities and staff and provide a response by close of business, Thursday 2 April 2020.

Comment:

The Shire Presidents letter to the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts is detailed below;

*Honourable Minister David Templeman,
Minister for Local Government, Heritage, Culture and the Arts
Level 7, Dumas House,
2 Havelock Street, West Perth, Western Australia 6005*

Via email: Minister.Templeman@dpc.wa.gov.au

Dear Honourable Minister Templeman,

Thank you for your letter dated 31 March 2020 regarding the role local government should play during the COVID-19 pandemic to support our employees, communities, stakeholders and businesses.

Over the last three weeks, the Shire has implemented a significant number of initiatives to make this happen; many of which be deemed “new to our region”. Next week the Shire will launch a website to provide the virtual delivery of services to our community to support their health and mental wellbeing.

The Shire has put in place flexible working conditions for staff including a COVID-19 relief package to assist their families during this time. As the second largest employer in the Shire of Coolgardie, it is paramount that our staff are supported and remain employed.

As per your request, the Shire of Coolgardie has provided an overview of ways it is “stepping up” and leading our community through the ever-changing regulations placed on their everyday lives.

These include:

Bringing forward several capital works programs - especially ones that have a “cocktail of funding” from several funding bodies.

Implementing community support and care packages - All non-profit service providers have now withdrawn from our towns and no longer are supporting our residents.

Being the lone provider left, this has become a significant issue for the Shire who has had to deploy staff to fill the gap and develop innovative ways to do this despite the regulations (social distancing etc).

The Shire recently attempted to access the COVID-19 Relief funds (\$159M) administered through Lotterywest for the purpose of on-ground delivery of support from service providers.

Lotterywest articulated that the purpose of the fund, in addition to event support etc, is to support on ground service providers. I was told that whilst the innovative initiatives the Shire is undertaking are admirable, they are only a bonus to the work service providers are delivering to our communities.

Community groups and sporting clubs

The Shire is pursuing rent relief for these groups and clubs. There is also a \$20,000 funding package available to support these groups.

Support for Small Business

The Shire is supporting small businesses by organising virtual appointments with Business Local, investigating rent relief in Shire facilities, and expediting payments for services rendered.

Medical Services

The Shire is in a unique position to have partnered with St John WA in 2018 to develop and implement a Country Primary Health Model (a first for regional WA). This financial year, the Shire committed \$300,000 to continue the program which has now proven to be an extremely proactive decision given the COVID-19 pandemic.

This service also provides the capacity to service other residents in the Shire including the Coolgardie townsite. In the last three weeks, St John has increased its telehealth numbers by double what was achieved in the last quarter. As this demand increases, there is a continued shortfall to maintain this model of which the Shire will need to financial support as an additional cost.

Attachments:

1. Ministers Letter 02-04-2020 [7.1.1.1 - 2 pages]

Consultation:

President
Shire Staff
Council

Statutory Environment:

This report does have any statutory implications.

Policy Implications:

There are no policy implications resulting from the recommendations of this report.

Financial Implications:

There are no financial implications resulting from the recommendations of this report

Strategic Implications:

Accountable and Effective Leaders

Ensuring a well-informed Council makes good decisions for the community
Ensuring the Shire of Coolgardie is well positioned to meet future needs
High quality corporate governance, accountability and compliance

Voting Requirement: Simple Majority

Officer Recommendation:

That Council, receive the Shire Presidents response to the letter from the Hon David Templeman MLA, Minister for Local Government; Heritage; Culture and the Arts dated 31st March 2020.

7.1.2 Electronic Meetings of Council and Committee

Location: Nil

Applicant: Nil

File Reference:

Disclosure of Interest: The author holds a contract to provide governance advice (on request) having been engaged by the CEO.

If the recommendations are carried and implemented, the author may benefit from the exercise of the new procurement policies and delegations, by being engaged under the new processes. Any such decisions to engage will be at the sole discretion of the CEO.

Date: 2 April 2020

Author: Governance Consultant, Steven Tweedie

Summary:

The purpose of this report is to advise Council of new Amendments to the Local Government (Administration) Regulations which commenced Mar 27 2020 and:

- which will allow a Council or Committee to meet electronically, including Special Council and Audit Committee meetings) and
- make a recommendation to Council on an appropriate Policy and Procedures regarding Public Question Time in Council and Committee meetings, conducted electronically,

Background:

The Amendments apply when:

- a public health state of emergency has been declared under the Public Health Act 2016 section 167 or
- a state of emergency has been declared under the Emergency Management Act 2005 section 56.

On the 16th March the Premier of Western Australia, Hon Mark McGowan declared a state of emergency - www.police.wa.gov.au/State-of-Emergency-COVID19-Pandemic

Comment:

Many Councils will struggle to be able to convene in person Council and Committee meetings, given council members' other priorities, self-isolation requirements, distancing requirements etc.

The State Government has responded to calls from the sector for Amendments to the Regulations to provide greater flexibility for such meetings to be able to occur.

The key points of the Amendments are:

- a public health state of emergency or a state of emergency must exist
- if a public health state of emergency or a state of emergency exist the Shire President may authorise the meeting to be held by electronic means
- the electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by the Shire President, who MUST consult the CEO before a determination is made
- the local government must give notice that the meeting will be conducted by electronic means (this could be at the Shire website)
- the electronic meeting is taken to be open to the public if:
 - the council or committee complies with the requirement to make the unconfirmed minutes of the meeting available for public inspection or
 - the council or committee publicly broadcasts the meeting on a website
 - the meeting or a broadcast of the meeting is otherwise accessible to the public
- IF the council or committee provides a means for a member of the public to submit a question prior to the meeting:
 - the council or committee may determine to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee or
 - given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.
- If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be:
 - tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means
 - made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means

In addition to noting the provisions and the related requirements there are some matters to determine:

- how the meeting is to be “open” to the public
- how Public Question Time is to be managed

Attachments:

1. Draft Policy Electronic Council and Committee Meetings [7.1.2.1 - 3 pages]

Consultation:

James Trail, Chief Executive Officer

Statutory Environment:

Local Government Act 1995 and Regulations

Policy Implications:

Policy Number 10 Public Question Time

Financial Implications:

None, unless there are costs associated with streaming Council and Committee meetings.

Strategic Implications:**Accountable and Effective Leaders**

Ensuring a well-informed Council makes good decisions for the community

Ensuring the Shire of Coolgardie is well positioned to meet future needs

High quality corporate governance, accountability and compliance

Voting Requirement: Simple Majority

Officer Recommendation:

That in relation to electronic meetings of Council and Committees that Council:

1. Note that given the declaration of a State of Emergency that it is open for Council and Committee meetings to be held by electronic means:
2. Note the electronic means by which meetings are to be held include by telephone, video conference or other instantaneous communication, as determined by the Shire President, who MUST consult the CEO before a determination is made.
3. Directs the CEO to ensure, so far as is practical and possible, to give notice of an electronic meeting on the local government website, as the first preference, and any other means of communicating with members of the public that are available and appropriate.
4. Determine that the Council or Committees will comply with the requirement to make the unconfirmed minutes of the meeting available for public inspection to satisfy the requirement for meetings to be open (where required to do so), as a first preference and that the CEO be authorised to make arrangements, where possible and practicable for the council or committee meetings to be publicly broadcast on a website (using either audio only or video/audio) or otherwise be accessible to the public.
5. Determine that where Council or Committee meetings are to be conducted electronically that questions by members of the public may be submitted by email, lodged in writing at the local government offices or via website interaction in person (where such opportunity exists and is available). Questions may be asked in person, at the local government offices, only by arrangement with the CEO prior to the meeting and where website interaction is available.
6. The Presiding Member of the Council or Committee meeting has absolute discretion to determine whether at all, and in what form, a question from a member of the public is to be answered. If the Presiding Member declines to answer the question from a member of the public, the CEO will use best possible endeavours to provide an answer in writing within 5 business days of the meetings and such answer shall be incorporated in to the

minutes of the meeting, as though it were asked at an ordinary meeting which was not conducted by electronic means.

- 7. Determine that a notice paper, agenda, report or other document may be tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means and made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.**
- 8. Adopt these provisions as amendments to Council Policy 10 and retitle the Policy – Council and Committee Meetings and Electronic Meetings**

7.1.3 Procurement Delegations and Policies - Covid-19

Location: Nil

Applicant: Nil

File Reference:

Disclosure of Interest: The author holds a contract to provide governance advice (on request) having been engaged by the CEO.

If the recommendations are carried and implemented, the author may benefit from the exercise of the new procurement policies and delegations, by being engaged under the new processes. Any such decisions to engage will be at the sole discretion of the CEO.

Date: 2 April 2020

Author: Governance Consultant, Steven Tweedie

Summary:

That Council revoke, by absolute majority, Council Policy 03 Procurement Policy and adopt, by absolute majority, the revised Council Policy 03 Procurement Policy as described at Attachment 1

Background:

In the current COVID 19 pandemic environment the Shire of Coolgardie needs the ability to be able to respond quickly, flexibly and creatively to emerging issues and scenarios within the local government district.

To that end, several measures have been identified, which if implemented, will assist Shire employees in being able to “get on with the job”, rather than bring some matters to Council for approval and implementation. In addition, some current requirements regarding sources quotes can be time consuming and delay decisions, which may be critical in the current pandemic context.

Council has been very supportive of the Shire administration in adopting progressive approaches to policies, procedures and delegations. This Report proposes further measures, to apply during the States of Emergency (general and health – as declared by the State Government in March 2020).

When the States of Emergency are lifted, the temporary measures will no longer apply, and the pre-existing policies and delegations will be restored.

The CEO and all employees are deeply aware and supportive of the importance of appropriate checks and balances and the need to identify and disclose conflicts of interest.

At the same time, the State Government, through the DLGSCI and Office of the Auditor General have regularly emphasised the need for stringent checks and balances in decision making and processes, especially around procurement matters.

The CEO and Directors have carefully considered the measures proposed in this Report and contend that they are reasonable, both in providing greater flexibility for administration to respond to CV 19 and also in providing a reasonable degree of checks, balances and oversight by Council, either directly or through the Shire President and CEO.

Comment:

The Report recommends that Council authorise the CEO (and the CEO authorise the Directors of Economic and Community Development and of Operations and Commercial Manager) to be able to override any, or all of the conditions in the Procurement Policy, during the States of Emergency – but with some conditions on reporting the exercise of same and mandatory consultation in proposing to do so.

The Report proposes:

- Amending the Council Policy Manual as it relates to Procurement (and CEO will amend the CEO Management Policy accordingly) to provide authority for the CEO and Directors of Economic and Community Development and of Operations and Commercial Manager to be able to override some of the provisions - but the CEO must consult the Shire President and the Directors must consult the CEO.
- Amending the Register of Delegations as it relates to Tenders for Goods and Services by increasing the delegations to the CEO (and the CEO by sub delegation to the Director of Economic and Community Development, Director of Operations and Commercial Manager), and only those employees
- Amending the Register of Delegations as it relates to Incurring Liabilities and making Payments from Municipal and Trust Funds by increasing the delegations to the CEO (and the CEO by sub delegation to the Director of Economic and Community Development, Director of Operations and Commercial Manager), and only those employees

In summary:

Recommendations 1 and 2 below:

- Propose amending Council Policy 03 (which is required to comply with Reg 11A of Local Government (Functions and General) Regulations 1996 by maintaining the current Policy monetary thresholds but providing authority for the CEO and Directors of Operations and Economic and Community Development and Commercial Manager to override the provisions where a State of Emergency has been declared.
- Provide a check and balance regarding proposals to override the Policy by requiring all such instances to be reported to Council, as part of a regular report on CV-19 actions.
- Provide a further check and balance regarding proposals to override the Policy by requiring all such instances where the Policy is proposed to be overridden by the CEO, for the latter to consult with the Shire President before doing so, and Directors of Operations and Economic and Community Development and Commercial Manager must consult the CEO.
- Provide a further check and balance regarding proposals to override the Policy by requiring all such instances where the Policy is proposed to be overridden by the CEO, or Directors of Operations and Economic and Community Development that they must apply reasonable endeavours to decide if the Policy can be complied with, in part, or whole.
- Apply the additional authority and conditions to procurements of \$30,000 - \$100,000 and \$100,000 to \$150,000

- The CEO will ensure that the CEO Management Policy regarding procurement reflects the Council Policy, where relevant.

Recommendations 3 and 4:

- Propose revoking, by absolute majority, Delegation 1.11 regarding Tenders for Goods and Services and making a new Delegation 1.11 which will delegate authority to the CEO to implement a tender process and determine the outcome up to an estimates value of \$249,999. This means lifting the current \$150,000 threshold (at which local government must call tenders) and at which Council would determine tenders, to \$250,000 (at which Council would determine tenders), with the CEO now able to do so.
- The CEO proposes that the Directors of Operations and Economic and Community Development and Commercial Manager will be sub delegated (by the CEO) with similar authority delegated to him but must consult with him before proposing to exercise the delegation.

Recommendations 5 and 6:

- Propose revoking, by absolute majority, Delegation 1.15 Incurring Liability and Payments

Recommendation 7:

- The CEO understands that there are imminent amendments to the relevant legislation to lift the current threshold requiring the local government to determine the procurement by tender, from the current \$150,000 to \$250,000. If, and when such amendments occur the CEO will review the decisions made by Council regarding this Report, and if appropriate bring back a further Report with recommendations, as necessary, for Council consideration. In such an event delegations will not need further amendment (having gone to \$250,000 under this Report, if so resolved) but procurement policies may need further review.

Attachments:

1. C V 19 Procurement Policy April OCM attachment [7.1.3.1 - 26 pages]
2. So C Procurement Matrix C V 19 V 1 Mar 2020 [7.1.3.2 - 10 pages]

Consultation:

James Trail, CEO
Martin Whitely, Finance Consultant

Statutory Environment:

Local Government Act 1995
Local Government (Functions and General) Regulations 1996

Policy Implications:

As described in Summary, Attachments and Recommendations

Financial Implications:

The recommendations of this report have no financial implications

Strategic Implications:**Accountable and Effective Leaders**

Ensuring a well-informed Council makes good decisions for the community

Ensuring the Shire of Coolgardie is well positioned to meet future needs

High quality corporate governance, accountability and compliance

Voting Requirement:

Absolute majority for Recommendations 1,3,5

Simple majority for Recommendations 2,4,6,7

Officer Recommendation:

1. That Council revoke, by absolute majority, Council Policy 03 Procurement Policy and adopt, by absolute majority, the revised Council Policy 03 Procurement Policy as described at Attachment 1
2. That Council note that the CEO will amend the CEO Management Policy 19 to reflect these changes.
3. That Council revoke, by absolute majority, Delegation 1.11 Tenders for Goods and Services and adopt, by absolute majority, the revised Delegation 1.11 Tenders for Goods and Services as described at Attachment 1
4. That Council note that the CEO will amend Sub Delegation 1.11a Tenders for Goods and Services to reflect the delegations made to the CEO, including relevant conditions and limits.
5. That Council revoke, by absolute majority, Delegation 1.15 Incurring Liability and Payments from Municipal and Trust Funds and adopt, by absolute majority, the revised Delegation 1.15 Incurring Liability and Payments from Municipal and Trust Funds
6. That Council note that the CEO will amend Sub Delegation 1.15a Incurring Liability and Payments from Municipal and Trust Funds to reflect the delegations made to the CEO, including relevant conditions and limits.
7. That Council note the CEO's advice that impending amendments to the Local Government (Functions and General) Regulations 1996 are likely to raise the threshold at which tenders must be called and determined (either by Council or the CEO under delegation) from \$150,000 to \$250,000. The CEO is directed to consider whether the Council Policies, Delegations and Sub Delegations, as reviewed and amended, may need to be further reviewed by Council and the CEO, and if so, to bring a further report to Council for consideration and determination.

7.2 Technical Services

Nil

7.3 Recreation and Community Services

7.3.1 Rent Free Period

Location:	Various
Applicant:	Nil
File Reference:	Nil
Disclosure of Interest:	Nil
Date:	3 April 2020
Author:	Francesca Lefante

Summary:

To consider approving rent-free periods and a waiver of outgoings and council rates/taxes for various council commercial tenants, community groups & sporting clubs.

Background:

As Council is aware there has been significant disruption to business and community activities by the Covid19 controls relating to social distancing and public gatherings.

The State Government has announced a range of financial relief and support measures to assist effected people.

These measures are far reaching, and all levels of government have requested to assist in financial relief actions to assist with the sustainability of our local business and community

Comment:

The Shire has been approached for rent relief as follows:-

- Oil and Spice Café:-
 - Seeking 6 months rent relief.
 - Outgoings are charged by the Shire at approximately \$92/month
- Kambalda Football Club
 - requested "indefinite pause"
 - outgoings are
 - Lighting on the oval,
 - the club rooms - sub-metered costs.

The tenants are not able to use the premises during this Covid-19 shut down period

The Shire is aware that there is a need to provide support to the community in different ways during this difficult time.

The closure of these clubs and businesses are considered to have a significant impact on the community well-being and morale.

The Oil and Spice Café is currently the only one in Kambalda and is considered an important focal point and meeting place for community members and offers a much-needed business. Complete loss of the café is considered to have significant negative impact on the ability to get the business reoperating quickly.

Kambalda Sporting Clubs assist in providing provide a range of benefits, not just the physical well-being of participating in sport In Regional areas they are also integral to fabric of the local community be assisting in providing social support, community cohesion and build community capacity and lasting friendships.

Most tenants of Shire facilities have leases lo arrangements with similar terms in relation to rent and outgoing.

With regard to outgoing, some organisations pay these direct o the service agencies, other are sub-metred and then invoiced by the Shire.

The Costs associate with rent free are considered minimal in terms of supporting the sustainability of clubs and businesses.

In terms of the costs associated with the Current requests

<i>Property</i>	<i>Tenant</i>	<i>Rent</i>	<i>Outgoings</i>	<i>Term of Waiver</i>	<i>Total Loss</i>
KCRF Function Room	Footy Club	\$416.67 pm	\$20 pm	6 months	\$2,500
KCRF Café	Oil and Spice	\$733.33 pm	\$92.72 pm	6 months	\$4,956
<i>Total Loss of Rent</i>					\$7,455.72

These facilities play such an important role in benefiting the sustainability and wellbeing of the community, the loss of these tenants far out-weights the small financial costs to the Shire in waiving the rent and outgoing during the Covid-19 period. Keeping them sustainable will enable these tenants to rapidly restart activities at the end of the Covid-19 shut down.

A current delegation existing to the Director Operations to waiver any amount under \$200 under sub delegation 1.19a.

In order to expediently deal with any further similar requests it is recommended that the Council delegate to the CEO the authority to waiver rent, fees and charges as part of the Shires financial contribution to minimising implications of Covid-19

Attachments:

Nil

Consultation:

Nil

Statutory Environment:

Local Government Act

Policy Implications:

Nil

Financial Implications:

Sufficient funds exist in the 2019/2020 Annual Budget

Strategic Implications:

- A thriving local economy
- An inclusive, safe and vibrant community
- Effective management of infrastructure, heritage and environment

Voting Requirement: Simple Majority

Officer Recommendation:

That Council,

1. **APPROVES** rent relief to various Shire commercial tenants and community groups for an initial period of 6 months, subject to:-
 - a. Further reviews be undertaken on a case by case basis.
 - b. The assessment including the restrictions on the operations of the business/group as a result of Covid-19
2. **GRANTING** delegating authority to the CEO and/or Directors to make regarding Waving Rent, fees and charges for leaseholders on Council properties effected by Covid-19

- 8 CONFIDENTIAL ITEMS**
- 9 CLOSURE OF MEETING**