

**MINUTES**  
**October 2020**  
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**MINUTES  
ORDINARY MEETING OF COUNCIL  
21 OCTOBER 2020**

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS**

The Chair Person, Shire President Cr Scott Crosby, declared the meeting opened at 5.31 pm.

**2 RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE**

**Members**

Cr SR Crosby	Shire President
Cr KV Johnston	Deputy Shire President
Cr BC Bamess	Member
Cr KR Stephens	Member
Cr AL Smith	Member
Cr TD Borgward	Member
Cr RA Jury	Member

**Staff**

RJ Miller	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
GD Mathewson	Works Manager

**Members of the Public**

Nil

**Leave of Absence Approved**

Cr JN Germain

Member

**Apologies**

Nil

**3 DECLARATION OF INTERESTS:**

• **Financial Interest:**

CEO Rick Miller - 12.1.2 CONFIDENTIAL - CEO Performance Review - Selection of Reviewer to Conduct Performance Review

CEO Rick Miller – 12.1.3 CONFIDENTIAL - CEO Performance Review - Annual

• **Members Impartiality Interest**

Nil

• **Proximity Interest:**

Nil

**4 PUBLIC QUESTION TIME**

Nil

**5 APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE**

Nil

**6 CONFIRMATION AND RECEIVING OF MINUTES/BUSINESS ARISING**

**6.1 Ordinary Meeting of Council held on Wednesday 16 September, 2020**

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 September, 2020 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

<b>OCM2021/033 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr BC Bamess / Cr KV Johnston**

**That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 September, 2020 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.**

**CARRIED 7/0  
By Simple Majority**

**7 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**8 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**9 OFFICERS REPORTS**

**9.1.1 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2020**

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>FILE NO:</b>	FIN30.20
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	<ul style="list-style-type: none"> <li>• Monthly Financial Reports to 30 September 2020</li> </ul>

**PURPOSE**

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

**BACKGROUND**

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

**COMMENT**

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

**POLICY IMPLICATIONS**

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.  
To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

**FINANCIAL IMPLICATIONS**

Ongoing management of Council funds

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council receive the following Monthly Financial Reports as presented:

- Monthly Financial Reports to 30 September 2020

**OCM2021/034 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr RA Jury / Cr TD Borgward**

**That Council receive the following Monthly Financial Reports as presented:**

- **Monthly Financial Reports to 30 September 2020**

**CARRIED 7/0  
By Simple Majority**

**9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2020**

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Michelle Bamess –Deputy Chief Executive Officer
<b>FILE NO:</b>	N/A
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Schedule of Accounts as at 30 September 2020

**PURPOSE**

Council endorsement of payment to Creditors under CEO Delegated Authority 2.1.2.

**BACKGROUND**

Details payments made to creditors since last Council Meeting.

**COMMENT**

The Schedule of Accounts Reports as presented, indicate that Council continues to be in a sound financial position.

**STATUTORY IMPLICATIONS**

Local Government Act 1995 – Section 6.4

Local Government (Financial Management) Regulations 1996 – Part 2 – Regulation 11 & 12

**POLICY IMPLICATIONS**

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines.

To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

**FINANCIAL IMPLICATIONS**

Ongoing management of Council funds

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That Council endorse the payments from the Municipal Fund and Trust Fund:

Municipal Fund	\$ 318,722.58
Trust Fund	\$ 572.00
Direct Debits	<u>\$ 179,319.83</u>
TOTAL	\$ 498,614.41

**OCM2021/035 - COUNCIL RESOLUTION (Officer Recommendation)**

**MOVED Cr KR Stephens / Cr BC Bamess**

**That Council endorse the payments from the Municipal Fund and Trust Fund:**

<b>Municipal Fund</b>	<b>\$ 318,722.58</b>
<b>Trust Fund</b>	<b>\$ 572.00</b>
<b>Direct Debits</b>	<b><u>\$ 179,319.83</u></b>
<b>TOTAL</b>	<b>\$ 498,614.41</b>

**CARRIED 7/0  
By Simple Majority**

**9.1.3 STATUS OF COUNCIL DECISIONS – SEPTEMBER 2020**

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller – Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	041.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	1. Council Resolution Register

**PURPOSE**

To inform Council of the actions taken in relation to Council decisions.

**BACKGROUND**

By providing this report to Council as an agenda item on a monthly basis will keep Council informed on the progress of decisions made.

**COMMENT**

The status of Council decisions/resolutions is included as an attachment and updated monthly.

It is requested that action items be reviewed at each Council meeting.

**STATUTORY IMPLICATIONS**

Local Government Act (1995), Section 5.41

The CEO's functions are to:-

c) Cause Council decisions to be implemented

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS****Community Strategic Plan 2017-2027**

**Civic Leadership Objective - Continually enhance the Shire's organisational capacity to service the needs our community**

Outcome 4.1 An efficient and effective organisation

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

**That Council receive the Council Resolutions Register for the month of September 2020.**

<b>OCM2021/036 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr AL Smith / Cr KV Johnston**

**That Council receive the Council Resolutions Register for the month of September 2020.**

**CARRIED 7/0  
By Simple Majority**

**9.1.4 COUNCIL MEETING DATES AND TIMES 2021**

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Michelle Bamess – Deputy Chief Executive Officer
<b>REPORTING OFFICER:</b>	Rick Miller - Chief Executive Officer
<b>FILE NO:</b>	041.8.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	Nil

**PURPOSE**

Council to consider and adopt Council Meeting dates and times for the year 2021.

**BACKGROUND**

In accordance with the Regulation 12 of the Local Government (Administration) Regulation 1996, Local Governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

**COMMENT**

Council meetings have historically been held on the third Wednesday of each month commencing at 5.30pm in Council Chambers, 24-26 Richmond Street Nyabing. In December 2017 it was resolved that Council hold its February Ordinary Meeting one week earlier to coincide with the Annual Electors Meeting and it is recommended that this practice continue. There is no Council meeting held during the month of January.

Given all of the above, the proposed meeting schedule for 2021 is as follows:

Wed 10 February 2021  
 Wed 17 March 2021  
 Wed 21 April 2021  
 Wed 19 May 2021  
 Wed 16 June 2021  
 Wed 21 July 2021  
 Wed 18 August 2021  
 Wed 15 September 2021  
 Wed 20 October 2021  
 Wed 17 November 2021  
 Wed 15 December 2021

**STATUTORY IMPLICATIONS**

Local Government Act 1995 - Section 5.25(1)(g). Regulations about council and committee meetings.

Local Government (Administration) Regulations 1996 - Section 12. Meetings, public notice of

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Minimal costs will be incurred for advertising meeting dates and these are allocated within the Budget.

Catering costs for all meetings are also allocated in the Budget, as are Councillor and President sitting, communication and travel allowances.

**STRATEGIC IMPLICATIONS**

Community Strategic Plan 2017-2027

Civic Leadership Objective – Continually enhance the Shire's organisational capacity to service the needs of our community.

Outcome 4.1 An efficient and effective organisation.

4.1.1 Continually improve operational efficiencies and provide effective services.

4.1.2 Continue to enhance communication and transparency.

4.1.3 Continue to search out advantageous resource sharing opportunities.

**RISK IMPLICATIONS**

N/A

**VOTING REQUIREMENT**

Simple Majority

**RECOMMENDATION**

That:

1. Ordinary Council Meetings be scheduled for the third Wednesday of each month for 2021 commencing at 5.30pm with the following exceptions:
  - No scheduled meeting to be held in January; and
  - The February meeting be held on the second Wednesday to make allowance for the Annual Electors Meeting to be held at 6:30pm 10 February 2021.
2. The following dates be approved for the 2021 year for Council Meetings:
  - Wed 10 February 2021
  - Wed 17 March 2021
  - Wed 21 April 2021
  - Wed 19 May 2021
  - Wed 16 June 2021
  - Wed 21 July 2021
  - Wed 18 August 2021
  - Wed 15 September 2021
  - Wed 20 October 2021
  - Wed 17 November 2021
  - Wed 15 December 2021
3. All meeting dates and times to be advertised pursuant to Regulation 12 of Local Government (Administration) Regulations 1996.

**OCM2021/037 - COUNCIL RESOLUTION (Officer Recommendation)****MOVED Cr KR Stephens / Cr TD Borgward**

That:

1. Ordinary Council Meetings be scheduled for the third Wednesday of each month for 2021 commencing at 5.30pm with the following exceptions:
  - No scheduled meeting to be held in January; and
  - The February meeting be held on the second Wednesday to make allowance for the Annual Electors Meeting to be held at 6:30pm 10 February 2021.
2. The following dates be approved for the 2021 year for Council Meetings:
  - Wed 10 February 2021
  - Wed 17 March 2021
  - Wed 21 April 2021
  - Wed 19 May 2021
  - Wed 16 June 2021
  - Wed 21 July 2021
  - Wed 18 August 2021
  - Wed 15 September 2021
  - Wed 20 October 2021
  - Wed 17 November 2021
  - Wed 15 December 2021
3. All meeting dates and times to be advertised pursuant to Regulation 12 of Local Government (Administration) Regulations 1996.

**CARRIED 7/0  
By Simple Majority**

10. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**  
Nil

11. **NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL**



Nil

## 12. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

### PROCEDURAL MOTION

That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.

<b>2021/038 - COUNCIL RESOLUTION</b>
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**MOVED Cr RA Jury / Cr TD Borgward**

**That Council closes the meeting to the public to consider matters of a confidential nature behind closed doors.**

**CARRIED 7/0  
By Simple Majority**

### 12.1.1 CONFIDENTIAL - TENDER VP201139 20-21 SUPPLY & SPRAY OF BITUMEN

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Gary Mathewson – Manager Works
<b>REPORTING OFFICER:</b>	Rick Miller – Chief Executive Officer
<b>FILE NO:</b>	046.1.1
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	With main report

#### **PURPOSE**

For Council to consider awarding or rejecting tenders for the Supply and Spray of Bitumen within the Shire for the delivery of the 2020/21 Annual Works Program.

#### **REASON FOR CONFIDENTIALITY**

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the which permits the meeting to be closed to members of the public for business relating to the following:

- (c) Commercial Confidentiality

<b>2021/039 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr TD Borgward / Cr KR Stephens**

**That the Council:**

- 1. Accepts the most advantageous tender, being that submitted by Bitutek Pty Ltd, to provide in accordance with tender VP2011389 Supply and Spray of bitumen works for a total of \$179,600.00 ex GST for Specified Programmed Works and submitted rates for Optional Additional Works for the contract period to 31 December 2021;**
- 2. Authorised the Chief Executive officer, in accordance with section 9.49A(4) of the Local Government Act 1995, to execute the contract Tender VP201139 Supply and Spray of Bitumen**

**CARRIED 7/0  
By Simple Majority**

**M Bamess and GD Mathewson left the meeting room at 5.42pm**

**12.1.2 CONFIDENTIAL - CEO Performance Review - Selection of Reviewer to Conduct Performance Review**

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller - Chief Executive Officer
<b>REPORTING OFFICER:</b>	Cr Scott Crosby – Shire President
<b>FILE NO:</b>	Personal
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	N/A

**PURPOSE**

For Council to consider that whole of Council will conduct the CEO's performance review for 2020/21 and to consider a mid year review facilitated by an independent consultant.

**REASON FOR CONFIDENTIALITY**

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the which permits the meeting to be closed to members of the public for business relating to the following:

- (b) the personal affairs of any person

<b>2021/040 - COUNCIL RESOLUTION (Officer Recommendation)</b>
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**MOVED Cr BC Bamess / Cr TD Borgward**

**That Council:**

- 1. As a whole, will conduct he performance review of the Chief Executive officer for 2020/21:**
- 2. Engage a suitable consultant to establish a new review process and facilitate an interim CEO Performance review before 30 June 2021.**

**CARRIED 7/0  
By Simple Majority**

RJ Miller left the meeting room at 5.55pm

### 12.1.3 CONFIDENTIAL - CEO Performance Review - Annual

<b>PROPOSED MEETING DATE:</b>	21 October 2020
<b>PROPONENT:</b>	N/A
<b>LOCATION:</b>	N/A
<b>AUTHOR:</b>	Rick Miller - Chief Executive Officer
<b>REPORTING OFFICER:</b>	Cr Scott Crosby – Shire President
<b>FILE NO:</b>	Personal
<b>ASSESSMENT NO:</b>	N/A
<b>ATTACHMENTS:</b>	With main report

#### **PURPOSE**

For Council to consider the CEO's performance over the past 12 months and to amend/set Key Performance Indicators for next 12 months/

#### **REASON FOR CONFIDENTIALITY**

That in accordance with Section 5.23 (2) of the *Local Government Act 1995* the which permits the meeting to be closed to members of the public for business relating to the following:

- (b) the personal affairs of any person

#### **2021/041 - COUNCIL RESOLUTION**

**MOVED Cr KV Johnston / Cr TD Borgward**

**That Council:**

1. **Accept the 2020/21 CEO Annual Performance Review with any recommendations in regards to amended or new performance criteria and any remuneration adjustment as agreed and detailed in the report;**
2. **Approve a 2% salary increase to the CEO's existing salary cash component from the 22 October 2020.**

**CARRIED 7/0  
By Simple Majority**

#### **PROCEDURAL MOTION**

That Council re-open the meeting to the general public

#### **2021/042 - COUNCIL RESOLUTION**

**MOVED Cr AL Smith / Cr KR Stephens**

**That Council re-open the meeting to the general public**

**CARRIED 7/0**

**RJ Miller, M Bamess and GD Mathewson returned to the meeting room at 6.09pm**

#### **13. MEETING CLOSED**

There being no further business the Shire President Cr Scott Crosby, closed the meeting at 6.09pm.