

Shire of Tammin
ORDINARY COUNCIL MEETING
Thursday August 24th, 2017

Minutes

NOTICE OF MEETING

Dear Elected Member

The ordinary meeting of the Shire of Tammin was held on **Thursday August 24th, 2017** in the Council Chambers, 1 Donnan St, Tammin, commencing at **5:23pm**.



Peter Naylor
Chief Executive Officer

MISSION STATEMENT

"Together with the people of Tammin we will provide leadership, vision and progress to achieve sustainability and growth"

Contents

AGENDA	3
1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	3
2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
4. PUBLIC QUESTION TIME.....	3
5. APPLICATIONS FOR LEAVE OF ABSENCE	3
6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS.....	3
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS.....	4
7.1 ORDINARY COUNCIL MEETING MINUTES- (22 nd June 2017)	4
8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	4
9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSION.....	4
10. AGENDA ITEMS	5
10.1 List of Payments for July 2017	5
10.2 Financial Management Report for the month of July 2017	8
10.3 Manager of Works and Services Report	10
10.4 Shire of Tammin Common Seal.....	13
10.5 Community Consultation – Major Review of the Strategic Community Plan.....	16
11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN	21
12 MATTERS FOR WHICH THE MEETING MAY BE CLOSED	21
12.1 Multi Purpose Courts	21
12.2 Chief Executive Officer – Notice of Resignation.....	26
13 CLOSURE OF MEETING	29
14 REFERENCES	30

AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5:23pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE

Attendance:

Cr S Uppill	Shire President
Cr C Crane	Deputy President
Cr G Batchelor	Member
Cr P Bell	Member
Cr M Greenwood	Member
Cr D Thomson	Member
Peter Naylor	Chief Executive Officer
Kelsey Pryer	Manager Finance & Administration
Greg Stephens	Manager Works & Services

Leave of Absence:

Apologies:

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 ORDINARY COUNCIL MEETING MINUTES- (22nd June 2017)

MIN 64/17 MOTION:

That the Minutes of the Ordinary Council meeting held on 27th July 2017 be confirmed as a true record of proceedings.

Moved: Cr Bell

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 6/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSION

Nil

10. AGENDA ITEMS

10.1 List of Payments for July 2017

Location:	Shire of Tammin
Applicant:	Manager of Finance and Administration
Date:	3th August 2017
Author:	Kelsey Pryer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachments (7 pages)

BACKGROUND

Accounts paid for July 2017 is listed totaling:

Cheque numbers	Nil	Nil
Direct debit payments	01/07/2017- 31/07/2017	\$5,648.74
Licensing transfers	01/07/2017- 31/07/2017	\$8,437.90
Bank fees	01/07/2017- 31/07/2017	\$227.76
VISA payments	01/07/2017- 31/07/2017	\$250.95
EFT payments	EFT 1566 - 1621	\$172,893.47
Salaries and Wages	01/07/2017- 31/07/2017	\$31,232.75
Total payments	01/07/2017- 31/07/2017	\$218,691.57

COMMENT

Nil

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Shire of Tammin 2017/2018 Operating Budget

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

(1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —

- a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and

- b) Petty cash systems.
- (1) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (2) Payments made by a local government —
 - a) Subject to sub-regulation (4), are not to be made in cash; and
 - b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (3) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - a) The payee's name;
 - b) The amount of the payment;
 - c) The date of the payment; and
 - d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction; and
 - b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —
 - a) Presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - b) Recorded in the minutes of that meeting.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

MIN 65/17 MOTION:

That Council notes that during the month of July 2017, the Chief Executive Officer has made the following payments.

- 1. Municipal Fund payments totaling \$218,691.57 on licensing transactions, bank fees, EFT, Visa, Direct Debit and salaries and wages payments.**

Moved: Cr Crane

Seconded: Cr Thomson

Simple Majority Required

Carried: 6/0

10.2 Financial Management Report for the month of July 2017

Location:	Shire of Tammin
Applicant:	Shire of Tammin
Date:	8 th August 2017
Author:	Kelsey Pryer, MFA
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	N/A
File Reference:	N/A
Attachment/s:	Attachments (19 Pages)

BACKGROUND

Enclosed is the Monthly Financial Report for the month of July 2017.

FINANCIAL IMPLICATIONS (ANNUAL BUDGET)

Financial Management of 2017/2018

STATUTORY IMPLICATIONS

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- b) budget estimates to the end of the month to which the statement relates;
- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
- e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing —

- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
- b) an explanation of each of the material variances referred to in sub regulation (1)(d); and
- c) such other supporting information as is considered relevant by the local government.

- (3) The information in a statement of financial activity December be shown —
- a) according to nature and type classification; or
 - b) by program; or
 - c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —
- a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b) recorded in the minutes of the meeting at which it is presented.

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

COMMENT

Nil

POLICY IMPLICATIONS

Council resolved that in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 a variance percentage of 10% or \$10,000, whichever is greater, be adopted for reporting material variances.

STRATEGIC PLAN IMPLICATIONS

Nil

FUTURE PLAN IMPLICATIONS

Nil

COMMUNITY CONSULTATION

Nil

MIN 66/17 MOTION:

(1) That the Financial Report for the month of July 2017 comprising;

- a) Statement of Financial Activity**
- b) Note 1 to Note 12**

Be adopted.

Moved: Cr Bell

Seconded: Cr Thomson

Simple Majority Required

Carried: 6/0

10.3 Manager of Works and Services Report

Location:	Shire of Tammin
Applicant:	Manager of Works and Services
Date:	17 th August 2017
Author:	Greg Stephens
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

PROPOSAL/SUMMARY

Tammin Shire Council	WORKS REPORT Thursday 17th August 2017	Works and Services Department
---------------------------------	--	--

ADMINISTRATION, MEETINGS AND INSPECTIONS DURING THIS REPORTING PERIOD	
<ul style="list-style-type: none"> ➤ Customer enquiries ➤ Capital Works Program ➤ Staff and Plant records ➤ Asset Management data ➤ Works and Services Agenda ➤ Ordering parts and materials ➤ Admin Meeting various – CEO, MFA ➤ Works Budget, Works Meetings, Depot Staff meetings ➤ Depot General Duties - phone, emails, design, and staff works program ➤ Site Inspections Road signage Bitumen Roads - Rural Roads Area 1 Area 2 and Area 3 inspections 	
URBAN - TAMMIN	
Various Streets	Routine Maintenance program <ul style="list-style-type: none"> ➤ Town street storm water drainage repairs and maintenance
UNSEALED ROADS NETWORK	
Unsealed Roads	General Inspections <ul style="list-style-type: none"> ➤ Tree removal - storm damage Maintenance Grading <ul style="list-style-type: none"> ➤ Leslie Road ➤ Clarke Road ➤ Dixon Road ➤ Kitto Rodgers Road ➤ Harris Road ➤ Rabbit Proof Fence Road ➤ Quartermaine Road ➤ Charles Gardener Reserve Road ➤ Cubbine Road
SEALED ROAD NETWORK	
Sealed Roads	General Inspections management Pot hole patching

	Install Guide Posts Ralston Road ➤ Slashing and vegetation management
PARKS AND OPEN SPACE AREAS - GARDENS, PARKS, OVALS AND VILLAGE.	
Fearson Park	General clean up
Memorial Park	General maintenance, Mowing Weed control ongoing
Heritage Park	General clean up General maintenance Weed control ongoing
Reserves, Open Areas	General clean up Repairs to drainage (car park rear of Hall) Weed control ongoing General maintenance, Mowing, Slashing
Tamma Village	General clean up Drainage - unblock pipes and repairs General maintenance, Mowing Weed control ongoing Purchase Fencing (pre-construction)
Kadjininy Kep	General clean up General maintenance, Mowing Weed control ongoing
Tammin Oval (Donnan Park)	General clean up General maintenance, Mowing Weed control ongoing Groundwork for Football and Hockey
Town Dam Dam levels are measured on the actual volume that can be held in the cells not the design volume.	Dam Levels 17 th August 2017 Rear dam 95% Front dam 95%
BUILDING MAINTENANCE	
All Buildings	General Maintenance as required
Tamma Village Units	General programmed Maintenance
Staff Housing	General Maintenance
Admin and Hall Buildings	General minor maintenance Repairs to main hall under floor water drainage system Issue with floor boards buckling - engaging contractors to quote for repairs
PUBLIC CONVENIENCES	
Public Ablution Block (Behind Admin)	Cleaned Mondays, Wednesdays and Fridays
Public Ablution Block (At Oval)	Cleaned Mondays, Wednesdays and Fridays
WASTE SITE TAMMIN	
General waste area's	Weekly - waste pushed up and covered
Surrounds	Vegetation control, site cleanup as per conditions of license
WATER AND SEWER	

Oval Water System	All O.K
Donnan Park - Change Room and Public Toilets	General repairs and maintenance Cleaned Mondays, Wednesdays and Fridays (and after events).
TOWN BLOCKS AND FIRE BREAKS AROUND TOWN	
Fire Control	Nil
VANDALISM	
	Nil
PLANT	
Plant and Vehicle repairs/maintenance	General Maintenance

MIN 67/17 MOTION:

That Council receives the Manager of Works and Services Report.

Moved: Cr Thomson

Seconded: Cr Batchelor

Vote – Simple majority

Carried: 6/0

10.4 Shire of Tammin Common Seal

Location:	Shires of Tammin
Applicant:	Chief Executive Officer
Date:	15 th August 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

PROPOSAL / SUMMARY

Seeking Council endorsement for the affixing of the Shire of Tammin Common Seal on various documents in accordance with Council Policy 1.19, adopted 19th February 2015.

BACKGROUND

Shire of Tammin Policy 1.19 states that the Common Seal may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the President and the CEO.

COMMENT

During the previous month the Shire President and / or Chief Executive Officer witnessed the affixing of the Shire of Tammin Common Seal to the following document(s):

1. 26th July 2017 – Honorary Freeman of the Shire of Tammin Award Ceremony Certificate

STATUTORY IMPLICATIONS

Local Government Act 1995.

9.49A. Execution of documents

- (1) *A document is duly executed by a local government if —*
 - (a) *the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or*
 - (b) *it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.*
- (2) *The common seal of a local government is not to be affixed to any document except as authorised by the local government.*
- (3) *The common seal of the local government is to be affixed to a document in the presence of —*
 - (a) *the mayor or president; and*
 - (b) *the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.*

- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.*
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.*
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.*
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.*

POLICY IMPLICATIONS

Policy 1.19

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Tammin Community Strategic Plan

The Tammin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.
- Position the area as a regional strategic location and transport hub.

COMMUNITY CONSULTATION

Nil

MIN 68/17 MOTION:

That Council endorses the affixing the Shire of Tammin Common Seal to the following documents(s):

- 1. 26th July 2017 – Honorary Freeman of the Shire of Tammin Award Ceremony Certificate**

Moved: Cr Greenwood

Seconded: Cr Crane

Vote: Simple Majority

Carried / Lost: 6/0

10.5 Community Consultation – Major Review of the Strategic Community Plan

Location:	Shires of Tammin
Applicant:	Chief Executive Officer
Date:	16 th August 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	8 pages

PROPOSAL / SUMMARY

Council to consider and receive the Outcomes Report on the community consultation undertaken as part of the four-year major review of the Strategic Community Plan 2017 – 2026, and consider the draft Major Review of the Community Strategic Plan 2017 – 2026 prepared in accordance with the Integrated Planning and Reporting Framework.

BACKGROUND

A Strategic Community Plan outlines a community's long term (10+ years) vision, values, aspirations and priorities for a Local Government and drives the development of local plans, resourcing strategies and service levels required to achieve the community vision.

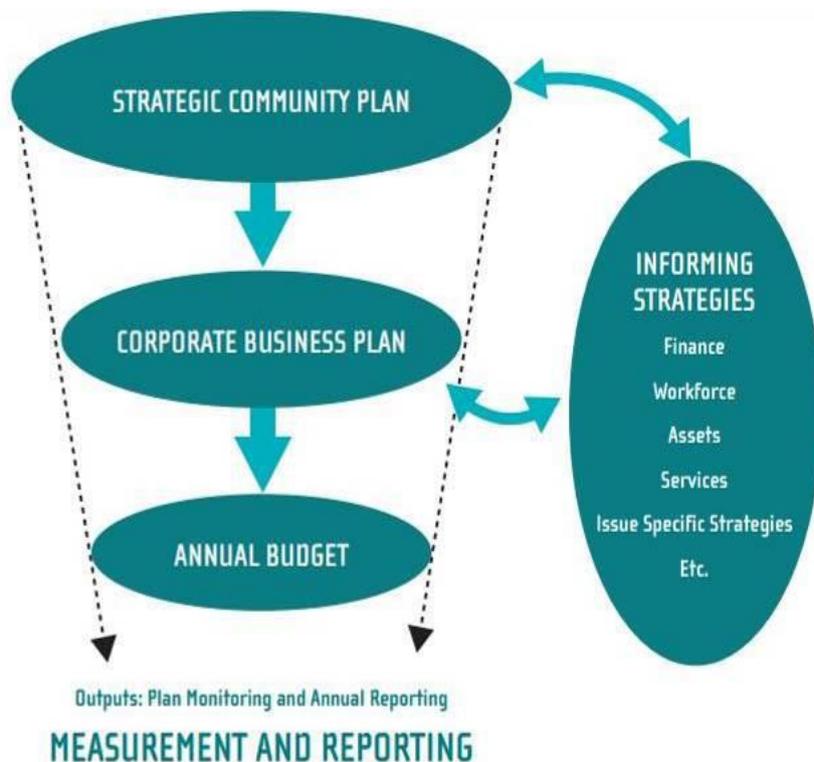
In accordance with the *Local Government Act 1995*, all Local Governments are required to plan for the future of their district. The Strategic Community Plan is Council's principal strategy and planning document that links community aspirations with the Council's vision and long term strategy. The Strategic Community Plan forms the basis of the Integrated Planning and Reporting Framework and provides the foundation to develop other strategic documents.

A successful Integrated Planning and Reporting process delivers the following outcomes:

- a Strategic Community Plan that clearly links the community's aspirations with the Council's vision and long term strategy;
- a Corporate Business Plan that integrates resourcing plans and specific Council plans with the Strategic Community Plan; and
- a clearly stated vision for the future viability of the Local Government area.

COMMENT

The Shire of Tammin Strategic Community Plan was first adopted by Council at the Ordinary Meeting held on 17 May 2012. At the Ordinary Meeting held on 20 February 2014, Council performed minor desktop reviews of the Strategic Community Plan. A major review of the Strategic Community Plan is due to be completed by 30 June 2017.



STATUTORY IMPLICATIONS

All local governments are currently required to produce a plan for the future under S5.56 (1) of the *Local Government Act 1995*. Regulations have been made under S5.56(2) of the Act to briefly outline the minimum requirements to achieve this.

The minimum requirement to meet the intent of the plan for the future is the development of a Strategic Community Plan and a Corporate Business Plan.

Local Government Act 1995 – Local Government (Administration) Amendment Regulations (No. 2) 2011–

Section 19C – Planning for the future: strategic community plans – s. 5.56:-

- (1) A local government is to ensure that a Strategic Community Plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A Strategic Community Plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A Strategic Community Plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current Strategic Community Plan for its district at least once every 4 years.

- (5) In making or reviewing a Strategic Community Plan, a local government is to have regard to –
- (a) the capacity of its current resources and the anticipated capacity of its future resources; and
 - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
- (6) Subject to sub regulation (9), a local government may modify its Strategic Community Plan; including extending the period the Plan is made in respect of.
- (7) A council is to consider a Strategic Community Plan, or modifications of such a Plan, submitted to it and is to determine* whether or not to adopt the Plan or the modifications.
- *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a Strategic Community Plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the Plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a Strategic Community Plan and when preparing modifications of a Strategic Community Plan.
- (10) A Strategic Community Plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the Plan or the preparation of modifications of the Plan.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Local advertising of the Major Review of the Community Strategic Plan is required. These costs are included in the current budget.

Legal Compliance

The four-yearly Major Strategic Review is a regulatory requirement under Section 5.56(4) (5) of the *Local Government Act 1995* which outlines the minimum requirements of this review:

- a) (4) A local government is to review the current strategic community plan for its district at least once every 4 years.*

The Shire has to comply with Regulation 19(C) of the Local Government (Administration)

Regulations 1996, so that the first major review of the Strategic Community Plan occurs before 1 July 2017.

STRATEGIC IMPLICATIONS

Tammin Community Strategic Plan

The Tammin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and sustain the population through planned provision of services.
- Maintain the sense of community, which is inclusive and welcoming for all.

Environmental

- Provide leadership and promote local and regional sustainability principles and practices.
- Enhance local natural areas and open spaces.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.

COMMUNITY CONSULTATION

Community engagement is central to the major strategic review process. The purpose of a major strategic review is to re-engage with the community to determine the vision, outcomes and priorities for the next ten year period. The community vision, values, aspirations and priorities will then inform the development of other strategic documents and plans, as well as targeted strategies, resourcing requirements and the levels of service required to achieve the community vision.

To ensure the community vision and aspirations are effectively captured, a comprehensive community engagement program has been undertaken by way of online surveys, several workshops, stakeholder focus groups and local schools facilitating youth surveys and a drawing competition.

In order to conduct a successful review and produce a community driven plan for the future, Council required genuine input from as many community members as possible. To be successful in reaching the Integrated Planning and Reporting 'Achieving' Advisory Standard, community engagement must involve at least 500 individuals or 10% of the Shire community members, whichever is fewer, and it should be conducted using at least two documented mechanisms.

MIN 69/17 MOTION:

That Council:

- 1. Receives the Outcome Report on the Community Consultation undertaken as part of the four-year major review of the Strategic Community Plan 2017-2026, and**
- 2. Advertises the Outcome Report for the purposes of seeking public submissions within a period of 28 days of the advertisement date.**

Moved: Cr Bell

Seconded: Cr Greenwood

Vote: Absolute Majority

Carried: 6/0

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

MIN 70/17 MOTION:

That Council move behind closed doors to consider Agenda Items 12.1 and 12.2.

Moved: Cr Uppill

Seconded: Cr Crane

Vote: Simple Majority

Carried: 6/0

12.1 Multi Purpose Courts

Location:	Shire of Tammin
Applicant:	Manager Works and Services
Date:	17 th August 2017
Author:	Greg Stephens
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	1. Response Evaluations for the Supply of (1) Construction of courts

PROPOSAL/SUMMARY

Council is requested to consider the tenders received in response to Request for Tender RFT 1-2017/2018 for the construction of two (2) multipurpose courts at the "old bowling green Precinct" corner Great Eastern Highway (Donnan Street) and Station Road, Tammin. The tender has now closed and tender submissions have been received and evaluated. This report recommends that Council selects the tender submitted by Sports and Recreation Surfaces as the preferred tenderer.

BACKGROUND

As per Councils 2016/2017 (carried over to 2017/18) adopted budget, \$150,000 has been allocated for the construction of Multipurpose Courts in Tammin.

The Shire of Tammin sought Tenders from suitably qualified Tenderers to build/construct two (2) multipurpose courts in the Shire of Tammin, tenderers were asked to provide the following scope of works:

- **All earth works;**
 - Removal of natural grass and soil to required depth and remove from site;
 - Supply lay and compact road base to the required fill;
 - Install sleeves for removable net posts; and
 - Supply and lay/apply required court finish

- **Surfacing**
 - Tenders are required from qualified companies for two surfaces, a synthetic grass (multi-purpose) option and a hard court (multi-purpose) option.

- **Other Requirements**
 - Supply of net posts and caps for the embedded net post sleeves.
 - Fencing
 - Power.
 - Lights and light towers.
 - Warranty and guarantee on material being purchased and the installation method.

The successful Tenderer will be reporting to the Manager of Works and Services (as Project Manager) to fulfill the requirements as described in this report.

COMMENTS AND DETAILS

The Tenders have been evaluated by the Chief Executive Officer and Manager Works & Services, and the Recommendation is as a result of that process.

Tender documents were issued to 17 potential tenderers, and the Shire of Tammin received two (2) Tenders by the closing date at 4pm on 11 August 2017.

The tender documentation provided for the evaluation process to include, among other considerations, the following methodology:

- Tenders were evaluated using the tendered prices, information provided by tenderers in response to the qualitative criteria specified in the tender documents and such other information the Shire considers necessary in order to evaluate the tenders against the selection criteria.

- A scoring and weighting system was used as part of the assessment of the tendered prices and qualitative criteria, with the objective to allocate points and weightings in accordance with the relative degree of importance that the Shire places on price and each of the qualitative criteria. The extent to which a tender demonstrated greater satisfaction of each of these qualitative criteria resulted in a greater score.

- The tendered prices were then assessed together with the weighted qualitative criteria and the tenders scored and ranked to determine the most advantageous outcome to the Shire of Tammin. The Shire has adopted a best value for money approach to this Request for Tender which means that, although price will be a consideration, the tender containing the lowest price will not necessarily be accepted, nor will the tender ranked the highest on the qualitative criteria.

- The tender required applicants to address specific selection criteria and complete a pricing schedule for the contract. The following weightings applied to the qualitative criteria and price:
 - *Project experience* 20%
 - *Quality product* 20%
 - *Quality service* 15%
 - *Quality Assurance* 10%
 - *Price* 35%

The tender evaluation was conducted in accordance with the requirements of the tender documents (including the above) and resulted in the tender from Sport and Recreation Surfaces being ranked as the preferred tender.

IMPLICATIONS TO CONSIDER

- **Consultative**

The Advertising of RFT 1-2017/2018 for the construction of two (2) multipurpose courts at the "old bowling green Precinct" corner Great Eastern Highway and Station Road Tammin was included in the West Australian Newspaper on Saturday 22nd July 2017, and the Shire's Website.

- **Policyrelated**

- The review process will, as a minimum, have regard for the following
 - Procurement
 - Community Engagement and Consultation Financial Planning and Sustainability
 - Asset Management
 - Risk Assessment and Management

- **Financial**

The Shire of Tammin has nominated a sum of \$150,000 for the construction of two (2) multipurpose courts at the "old bowling green Precinct" in its 2017/18 budget.

The recommended preferred tender has provided three (3) options, one of which is within budget allocation.

- **Outcomes Strategies**

Plan and implement improvements to Tammin Townsite image, entry statements -
 Encourage the community to develop its own sense of pride through activities that enhance the aesthetic appeal of the Townsite - Encourage local events for local residents -
 Encourage a collaborative approach with residents and special interest groups to identify projects, challenges and solutions.

Building Our Community Goal:

To maintain a balance between maintenance of our lifestyle and sense of community with population growth and accompanying development.

- **Legal and Statutory**

Section 3.57 of *Local Government Act 1995* requires "A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services".

Part 4 (Tenders) of the *Local Government (Functions and General) Regulations 1996* require that tenders be publicly invited for such contracts where the estimated cost of providing the total service exceeds \$150,000.

Compliance with the *Local Government Act 1995* section 3.57 is required in the issuing and tendering of contracts.

- **Risk related**

Outlined below are the identified risks related to the Officer recommendations contained in this report.

Identified Risk	Risk type	Level of Risk	Mitigation
Contractual variations	Budget	Low	Tender Documents are thorough, specification and administration of the contract will be undertaken in accordance with Local Government standards.
Material or installation failure	Contractual	Medium	The Contract documents and specification has requested all tenders provide a warranty on both the material used and the installation of the material. In the Preferred option the warranty on the installation is 5 years and the product material is 8 years
Maintenance of the material not done to standard voiding warranty	Contractual	Medium	The Shire has written into the contract that Tenderers will provide a 12 month inspection, training and maintenance program period This can be continued into further years if required. This will guarantee the contractors product is being maintained to the standard they recommend for their material.

- **Options**

Council may consider the following alternate options:

The Council chooses not to accept the Officer Recommendation and award the Tender to an alternative Tenderer. In the view of the Officers this could result in a Tender being awarded to a Tenderer that is not most advantageous to the Shire.

The Council may choose not to accept the Officer Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and to the Community.

MIN 71/17 MOTION:

That Council:

- 1. Adopts the outcome of the tender evaluation assessment in relation to Tender Award of RFT 1 2017/2018 for the construction of two (2) multipurpose courts at the "old bowling green Precinct" which recommends that the tender submitted by Sports and Recreation Surfaces be selected as the preferred tender; and**
- 2. Delegates authority to the Chief Executive Officer, to negotiate final contract for works with the preferred tenderer.**

Moved Cr Thomson

Seconded: Cr Batchelor

Voting: Absolute majority

Carried: 6/0

12.2 Chief Executive Officer – Notice of Resignation

Location:	Shire of Tammin
Applicant:	Chief Executive Officer
Date:	22 nd August 2017
Author:	Peter Naylor
Item Approved by:	Chief Executive Officer Nil
Disclosure of Interest:	PERS
File Reference:	1 Page
Attachment/s:	

Proposal/Summary

Council to consider, formally, the Chief Executive Officer Notice of Resignation and consider the future of the Shared Service Arrangement with the Shire of Cunderdin and recruitment of a new CEO.

Background

The Chief Executive Officer, Mr Peter Naylor, tendered his resignation from the position of Shared Chief Executive Officer with the Shires of Cunderdin and Tammin on Thursday 17th August 2017.

Mr Naylor has provided three (3) months written notice in accordance with the requirements of his contract of employment, clause 11.5, and will officially terminate his services on Friday 17th November 2017.

Comment

Council entered into the Shared CEO Position with the Shire of Cunderdin in an official capacity on 1st January 2016, prior to this Mr Naylor was appointed in the shared role for a three (3) month trial period on 1st October 2015.

Matters for Council consideration are:

1. Is the Shared CEO Role performing satisfactorily and does Council wish to continue?
2. Council to meet with the Shire of Cunderdin as soon as practicable to discuss the shared CEO role and subsequent CEO recruitment process.
3. The engagement of a recruitment agency.
4. Forming a CEO Selection Panel to work with the Shire of Cunderdin and recruitment agency to formally investigate the appointment of a new CEO.
5. Appointment of a acting CEO for the interim period between 17th November 2017 and when a new CEO appointment will be made.

The Chief Executive Officer is currently obtaining quotations from Recruitments Agencies that will be made available to Council when received.

Statutory Implications

Local Government Act 1995

5.36 Local government employees

(1) A local government is to employ —

(a) a person to be the CEO of the local government; and

(b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

(2) A person is not to be employed in the position of CEO unless the council —

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied with the provisions of the proposed employment contract.*

** Absolute majority required.*

(3) A person is not to be employed by a local government in any other position unless the CEO —

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied with the proposed arrangements relating to the person's employment.

(4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

(5A) Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.

(5) For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.

Policy Implications

Chief Executive Officer Contract of Employment

11.5 Termination by You (CEO) at will

1. You may, for many reason, terminate Your employment on a date specified by You at any time by giving 3 months' notice in writing to the President.
2. The period of notice may be varied by mutual agreement between the Council and You.

Financial Implications

There will some financial implications in the recruitment process.

Strategic Implications

Nil

MIN 72/17 MOTION:

That Council:

- 1. Formally receives the Chief Executive Officer resignation.**
- 2. Informs the Shire of Cunderdin that it is very supportive of continuing the Resource Sharing Arrangements and Shared Chief Executive Officer position with the Cunderdin Shire.**
- 3. Requests an urgent joint meeting with the Shire of Cunderdin to ascertain the future of the Shire of Tammin and Shire of Cunderdin Shared Chief Executive Officer Position, and suggests that Darren Long Consulting be invited to facilitate the meeting.**
- 4. Works with the Shire of Cunderdin to engage the services of a suitable recruitment agency for the Shared Chief Executive Officer Position.**
- 5. Forms a CEO Selection Panel consisting of the Shire President or Deputy Shire President, depending upon individual availability, and Councillors Batchelor, Greenwood & Thomson.**
- 6. Works with the Shire of Cunderdin to engage the services of an acting Chief Executive Officer in the interim period between the 17th November 2017 and when a newly appointed CEO may commence.**

Moved: Cr Uppill

Seconded: Cr Bell

Vote – Simple majority

Carried: 6/0

MIN 73/17 MOTION:

That Council move from behind closed doors.

Moved: Cr Uppill

Seconded: Cr Crane

Vote: Simple Majority

Carried: 6/0

13 CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 6:11pm

14 REFERENCES

6 DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

The Local Government Act (Section 5.60 – 5.62) provides that it is the Councillor's obligation to declare an interest if they believe that they have a financial interest, proximity interest, closely associated persons interest or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the interest may be declared in writing to the CEO prior to the meeting or declared prior to discussion of the agenda item at the meeting. Forms for this purpose are available to Councillors.

The Act further provides that the extent of the interest needs to be declared if the Councillor seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

7.1 STATUTORY ENVIRONMENT

Section 5.22(2) of the Local Government Act provides that minutes of all meetings to be kept and submitted to the next full Council meeting for confirmation.

11.1 List of Financial Payments Reference -STATUTORY ENVIRONMENT

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that:

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the Council to which the list is to be presented.*
 - (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the Council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

11.2 Financial Report Reference - STATUTORY ENVIRONMENT

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a Statement of Financial Activity to be prepared each month, which is to contain the following details:

- (a) *annual budget estimates;*
- (b) *budget estimates to the end of the month;*
- (c) *actual amount of expenditure and revenue;*
- (d) *material variances between comparable amounts in (b) and (c) above; and*
- (e) *the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).*

The Statement is to be accompanied by:

- (a) *explanation of the composition of net current assets, less committed assets and restricted assets;*
- (b) *explanation of the material variances; and*
- (c) *such other information considered relevant by the local government.*