



MINUTES

Special Council Meeting

19 December 2018

Council Chambers,
Cavell Street, Calingiri

Commencing – 5.32 pm

DISCLAIMER:

Any recommendations contained in this document are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations or made an alternative resolution.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered. Resolutions are not considered final until the minutes of the meeting are confirmed or advised in writing by the CEO or authorised person.

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 Council's decision.

Please note that meetings are recorded for minute taking purposes.

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Minutes

Special Meeting of the Victoria Plains Shire Council

Held in the Council Chambers, Cavell Street, Calingiri
on 19 December 2018 commencing at 5.32 pm.

1. DECLARATION OF OPENING

1.1 Opening

The President declared the meeting open at 5.32 pm.

1.2 Announcements by presiding member

None

1.3 Announcement of visitors and presentations

The President noted the attendance of Mr Dave McKenna.

2. RECORD OF ATTENDANCE

Members present	Cr D Lovelock, President Cr P Bantock, Deputy President Cr J Corless-Crowther Cr A Broadhurst Cr J King
Staff attending	Ms G Teede, Chief Executive Officer Mr R Edwards, Manager Works & Services Mr N Mitchell, Governance Officer
Apologies	Cr S Penn Cr N Clarke
Approved leave of absence	None

Visitors Mr Dave McKenna

Members of the public None

3. DISCLOSURES OF INTEREST

Refer – Local Government Act, Regulations, Code of Conduct, and Declaration Forms in Councillor folders.

Type	Item	Person / Details
3.1	Financial	None
3.2	Proximity	None
3.3	Impartiality	6.1 Cr D Lovelock Tenderer known to him

4. PUBLIC QUESTION TIME

Refer – Local Government Act, Regulations, Local Law and Submission Form & Guidelines circulated.

Public Question Time commenced at 5.32 pm.

4.1 Response to previous public questions taken on notice

None

Public Question Time was opened to the floor at 5.32 pm.

4.2 Public questions without notice

Where written questions are not submitted, a summary of the questions and responses are given, as per the Local Government (Administration) Regulations 1996 r.11(e).

None

Public question time closed at 5.32 pm.

5. PRESENTATIONS AND DEPUTATIONS

5.1 Presentations

None

5.2 Deputations

None

6. REPORTS REQUIRING DECISION

Closure of meeting to the public

VOTING REQUIREMENT

Absolute majority required: No

Officer Recommendation

Moved Cr Bantock

Seconded Cr Broadhurst

That the meeting be closed to the public to consider the following matters, the time being 5.37 pm –

- 6.1 – Tenders Agricultural Lime Route
- 6.2 – CEO Annual Performance Appraisal

CARRIED For 5 / Against 0

*Remaining in the meeting – All councillors
CEO, Works & Services Manager, Governance Officer
Mr Dave McKenna*

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Cr Lovelock declared an impartiality interest in the following item.

6.1 Tenders – Agricultural Lime Route

File reference		
Report date		6 December 2018
Applicant/proponent		Shire of Victoria Plains
Officer disclosure of interest		Nil
Previous meeting references		Nil
Prepared by		Niel Mitchell, Governance Officer
Authorised by		Glenda Teede, CEO
Attachments		
Attachment 1	Page	CONFIDENTIAL – will be circulated as soon as available

Reason for confidentiality

This Report is **CONFIDENTIAL** in accordance with Section 5.23 of the *Local Government Act 1995* which permits the meeting to be closed to the public for business relating to the following –

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting*

PURPOSE

To consider the award of tenders for Agricultural Lime Route works –

- RFT 1 18/19 – Roadworks
- RFT 2 18/19 – Culverts and Drainage

BACKGROUND

The tenders are for various works on –

- Calingiri-New Norcia Road
- Goomalling-Calingiri Road
- Mogumber West Road

COMMENT

The tender process has been coordinated by Roadwest Engineering Group Pty Ltd on behalf of Council, and is in compliance with the Local Government (Functions and General) Regulations 1996 relating to tenders.

A further assessment of the tenders has been completed by Talis Consulting.

It is noted that the tender is on the basis of unit rates for the estimated requirements and is not a fixed price tender.

Council's Regional Price Preference Policy is not applicable to this tender.

CONSULTATION

Glenda Teede, CEO

Bob Edwards, Works & Services Manager

Tony Sarullo, Dave McKenna, Roadwest Engineering Group Pty Ltd

John King, Talis Consulting

STATUTORY CONTEXT*Local Government (Functions and General) Regulations 1996 –*

- Part 4, Division 2 – Tenders for goods and services

CORPORATE CONTEXT

Policy Manual –

- 3.1 – Purchasing Framework
- 3.2 – Regional Price Preference

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

2.	Economic – to improve and add to local economic development and activity
2.3	Improve community connectivity
4.	Infrastructure – to maintain / add to infrastructure used by the community
4.2	Improve utilities (power, water, etc.)
4.5	Improve facilities for trucks and drivers

FINANCIAL IMPLICATIONS

Estimated cost of works is as per Budget, and is partially funded by grants etc.

VOTING REQUIREMENTS

Absolute Majority Required: No

Officer Recommendation

That the following tenders be accepted –

- a) RFT 1 18/19 – Agricultural Lime Routes – _____ ; for an estimated \$ _____ ex GST; and
- b) RFT 2 18/19 – Agricultural Lime Routes – _____ for an estimated \$ _____ ex GST.

1812-14 Council Resolution

Moved Cr Broadhurst

Seconded Cr Bantock

That the following tender be accepted –

- RFT 1 18/19 – Agricultural Lime Routes – Roadworks from Vernice Pty Ltd for an estimated \$1,309,953.00 ex GST.

CARRIED For 5 / Against 0*Reason for variation – Name of successful tenderer and estimated amount specified.*

1812-15 Council Resolution

Moved Cr King

Seconded Cr Corless-Crowther

That the following tender be accepted –

- RFT 2 18/19 – Agricultural Lime Sands Project –.Culverts and Drainage from Avon Concrete for an estimated \$502,338.68 ex GST.

CARRIED For 5 / Against 0*Reason for variation – Name of successful tenderer and estimated amount specified.*

Commonly-used abbreviations	
CEO	Chief Executive Officer

*Mr McKenna left the meeting at 6.07 pm.**The Works & Service Manager and Governance Officer left the meeting at 6.09 pm.**The CEO left the meeting at 6.26 pm.*

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6.2 Chief Executive Officer – Annual Performance Appraisal

File reference			
Report date			6 December 2018
Applicant/proponent			Shire of Victoria Plains
Officer disclosure of interest			None
Previous meeting references			Attached
Prepared by			Niel Mitchell, Governance Officer
Authorised by			Cr David Lovelock, Shire President
Attachment 1	Page	n/a	CONFIDENTIAL attachments under separate cover

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- (a) *a matter affecting an employee or employees*

VOTING REQUIREMENT

Absolute majority required: No

1812-16 Council Resolution

Moved Cr Broadhurst

Seconded Cr Bantock

That Council –

- has assessed the CEO's overall performance of the agreed Key Performance Indicators as at December 2018 as very good; and
- schedules the next appraisal be completed at or before the December 2019 ordinary meeting of Council.

CARRIED For 5 / Against 0

VOTING REQUIREMENT

Absolute majority required: No

1812-17 Officer Recommendation / Council Resolution

Moved Cr Bantock

Seconded Cr Corless-Crowther

That the meeting be opened to the public, the time being 7.38 pm.

CARRIED For 5 / Against 0

Returning to the meeting – CEO, Works and Services Manager, Governance Officer

Reading of Council resolution – There being no members of the public present, Resolutions 1812-14, -15 and -16 were taken as read.

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6.3 Managing Unreasonable Conduct by Members of the Public

File reference				
Report date				19 December 2018
Applicant/proponent				Shire of Victoria Plains
Officer disclosure of interest				Nil
Previous meeting references				Nil
Prepared by				Niel Mitchell, Governance Officer
Authorised by				Glenda Teede, CEO
Attachments				
Attachment 1	Page	3	Draft Policy for adoption – - 2.5 – Managing Unreasonable Conduct by Members of the Public	

PURPOSE

To consider adoption of a policy to manage unreasonable conduct by members of the public.

BACKGROUND

There has been several versions of a complaints management policy in development going back more than 12 months, so it is not a new set of circumstances. It is unfortunate that staff do have very difficult situations to deal with on occasion.

COMMENT

Many Shires have similar policies to guide staff and to protect them. By having it as an adopted policy of Council, it constitutes the highest internal level of permissions and endorsement.

In preparing the document, Ms Geraldine O'Reilly of Civic Legal has advised that she had regard to some very high level guidelines and practices, including –

- WA Ombudsman – Guidelines and Practice Manual
- NSW Ombudsman – Policy Model
- Commonwealth Ombudsman – Fact Sheet
- WA local governments – South Perth, Stirling, Wanneroo, Melville, Cambridge, York

There is no current policy in place.

CONSULTATION

Glenda Teede, CEO

Geraldine O'Reilly, Senior Associate, Civic Legal

STATUTORY CONTEXT

Local Government Act 1995 –

- s.2.7(2)(b) – role of Council to determine the local government's policies

Occupational Safety and Health Act 1984 –

- s.19 – duty of employer to provide and maintain a working environment where employees are not exposed to hazards, so far as is practicable.

CORPORATE CONTEXT

None

STRATEGIC IMPLICATIONS

Strategic Community Plan adopted 28 March 2018 –

5.	Civic leadership – to better allocate scarce resources and effectively interact with the community
5.1	Measures to improve relationship and communication between Council and community
5.4	Measures to improve organisational efficiency

FINANCIAL IMPLICATIONS

None

VOTING REQUIREMENTS

Absolute Majority Required: No

1812-18 Officer Recommendation / Council Resolution

Moved Cr Lovelock

Seconded Cr Bantock

That the following policy be adopted as presented –

- 2.5 – Managing Unreasonable Conduct by Members of the Public

CARRIED For 5 / Against 0

Commonly-used abbreviations	
CEO	Chief Executive Officer

7. CLOSURE OF MEETING

There being no further business, the presiding member declared the meeting closed at 7.52 pm.

CERTIFICATION

These minutes were confirmed at the Ordinary Council Meeting held on 27 February 2019.

Signed 
(Presiding member at the meeting which confirmed the minutes)

Date 27-2-19

Council Minutes are unconfirmed until they have been adopted at the following meeting of Council.

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