



CONFIRMED MINUTES

Ordinary Council Meeting Tuesday, 28 July 2020

Date: Tuesday, 28 July 2020

Time: 5.00pm

Location: Council Chambers, York Town Hall, York

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**MINUTES OF SHIRE OF YORK
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, YORK TOWN HALL, YORK
ON TUESDAY, 28 JULY 2020 AT 5.00PM**

The York Shire Council acknowledges the traditional owners of the land on which this meeting is held.

1 OPENING

1.1 Declaration of Opening

Cr Denese Smythe, Shire President, declared the meeting open at 5.00pm.

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declaration of Financial Interests

Nil

1.7 Disclosure of Interests that May Affect Impartiality

Cr Kevin Trent – SY110-07/20 – 2020 York Motor Show – Request for Sponsorship

2 ATTENDANCE

2.1 Members

Cr Denese Smythe, Shire President; Cr Denis Warnick, Deputy Shire President; Cr Ashley Garratt; Cr Pam Heaton; Cr Stephen Muhleisen; Cr Kevin Trent

2.2 Staff

Chris Linnell, Chief Executive Officer; Darren Wallace, Executive Manager, Infrastructure & Development Services; Jo Bryant, Acting Manager Community; Tabitha Bateman, Finance Manager; Helen D'Arcy-Walker, Council & Executive Support Officer

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in the Gallery at Commencement of Meeting

There was one person in the Gallery at the commencement of the meeting.

3 QUESTIONS FROM PREVIOUS MEETINGS

3.1 Response to Previous Public Questions Taken on Notice

Nil

3.2 Response to Unasked Questions from the Previous Meeting

Nil

4 PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

- (1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where—

- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.
- (11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at: 5.03pm.

4.1 Written Questions – Current Agenda

Nil

4.2 Public Question Time

Michael Gill
B Eng. Civil Hons
MIE Aust CP Eng. NER 860131
Avon Civil Engineering

Question 1:

My question is to the Shire President

I refer to the 25th June 2020 Auditor General's Report 26 2019-20 - Western Australian Public Sector Audit Committees – Better Practice Guide

The report states: "Maintaining a strong ethical organisational culture is important in promoting excellence and efficiency in public service delivery, as well as minimising the risk of fraud and corruption. Failures in governance and integrity are all too common across sectors and jurisdictions, and recent inquiries into the finance sector have highlighted the important role that audit committees play in challenging management and holding them accountable. Poorly governed entities often have common characteristics, including a lack of an accountability culture that can be evident in such areas as long overdue internal and external audit recommendations. By ensuring that management promptly address weaknesses identified in internal and external audits, and by rigorously overseeing internal audit, risk management and compliance functions, audit committees can help to establish the right tone and culture within entities."

"Audit committees will need a level of evidence for assertions made by management, particularly around implementation of audit and review recommendations. They should be prepared to request from management all documentary information that the committee reasonably requires to satisfy themselves that key risks have been appropriately managed. The rigour and openness around evidencing management actions provides the audit committee insight into organisational culture and the commitment to accountability and transparency."

I refer to the Minutes of the June 2020 Finance Risk and Audit Committee Meeting, which lasted for 9 minutes, and note that there appeared to be no discussion regarding the matters relevant to the Audit Committee raised in public question time at the May 2020 OCM.

I refer specifically to the admission by the SOY Senior Executive that they had not acted upon the December 2018 Audit Committee Meeting recommendation to seek legal advice regarding a large road construction project.

This recommendation was endorsed by Council Resolution 161218, point 7. with an absolute majority at the December 2018 OCM. Resolution 161218 directed the CEO to obtain legal advice.

My question is, does the Audit Committee have a Recommendation Register and does it regularly review the progress of recommendations, and does Council have a Resolution Register that is regularly reviewed?

Response provided by the Shire President:

This question is to be Taken on Notice

Question 2:

My question is to the Shire President

I refer to the Auditor General's Report 26 and quote: "State and local government entities in Western Australia are required to establish an audit committee that is independent from management influence, a fundamental element of effective audit committees. If they are not independent, objectivity may be compromised, making it difficult for them to perform their oversight roles."

Is our Audit committee independent from management influence and does it contain members who are independent of both Council and Management?

Response provided by the Shire President:

This question is to be Taken on Notice

As there were no further questions – Public Question Time concluded at: 5.08pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations

Nil

6.3 Deputations

Nil

9 OFFICER'S REPORTS

SY107-07/20 MINUTES OF THE ACCESS & INCLUSION ADVISORY COMMITTEE MEETING HELD 24 JUNE 2020

File Number:	OR.CMA.9.1
Author:	Joanna Bryant, Acting Manager Community
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not Applicable
Appendices:	1. AIAC Minutes 24 June 2020

NATURE OF COUNCIL'S ROLE IN THE MATTER

Legislative

PURPOSE OF REPORT

To receive the minutes and adopt the recommendations of the Access and Inclusion Advisory Committee meeting held Wednesday 24 June 2020.

BACKGROUND

The minutes of the Access and Inclusion Advisory Committee (AIAC) meetings are provided for Council and community information.

COMMENTS AND DETAILS

At the meeting held 24 June 2020, the AIAC was presented with information regarding the following:

1. Socially Inclusive Communities WA (SICWA) - Update on program
2. Disability Access and Inclusion Plan - Progress Report
3. Access & Inclusion Audit - Progress Report

1. Socially Inclusive Communities WA (SICWA) - Update on program

The program consists of 3 public workshops and 4 mentoring opportunities (plus free resources and Shire staff support).

The first workshop of the program - *Attracting Talent & Time to your Community Group or Club* – was delivered in December 2019 at the YRCC.

Workshop 2: *Building Stronger, Better Connected* - was delivered on Saturday 14 March at the YRCC.

Workshop 3: *Inclusive Events Training* was scheduled for Thursday 28 May 2020 and was cancelled due to the pandemic. Officers are proposing this event is rescheduled for August 2020.

The York Agricultural Society and the York Community Resource Centre have expressed an interest in taking up the mentoring opportunity.

2. Disability Access and Inclusion Plan - Progress Report

A review of the Shire's Disability Access and Inclusion Plan (DAIP) has been conducted by officers and the draft 2019/20 Progress Report is presented for the Committee's recommendation to Council before submission to the Department of Communities Disability Services team.

3. Access & Inclusion Audit - Progress Report

This report gives an update on priorities for action identified in the Shire's Access and Inclusion Audit and at the subsequent, facilitated workshop with Councillors, Shire staff and members of the Access and Inclusion Advisory Committee (AIAC).

IMPLICATIONS TO CONSIDER

Consultative

Inclusion Solutions

Community

Strategic

THE PLACE TO LIVE

1.1 Children and young people feel valued

1.2 Older citizens feel safe and valued

1.7 Positive, active and involved community

STRONG AND EFFECTIVE LEADERSHIP

5.9 Community networks supported to increase civic involvement

Policy Related

Nil

Financial

The cost of the SICWA initiative is \$3,200 + GST.

The 2019/20 budget adopted 3 July 2019 allocates \$87,000 specifically to Access and Inclusion improvements, with an additional \$50,000 for Footpath Construction.

Legal and Statutory

Local Government Act 1995, Part 5

Risk Related

There is a high reputational risk to the Shire should the actions recommended in the Access and Inclusion audit not be implemented in a structured and timely manner.

Workforce

The Shire assists with the delivery of the Social Inclusion project by providing space for workshops in the York Recreation and Convention Centre. The Shire has a Project Officer whose role includes elements of community engagement and who is supporting this project.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**080720****Moved: Cr Ashley Garratt****Seconded: Cr Pam Heaton**

That Council receives the minutes of the Access & Inclusion Advisory Committee meeting held 24 June 2020 and adopts the following recommendations of the Committee:

That Council:

- 1. Welcomes the following as new members of the Access & Inclusion Advisory Committee**
 - a. Ms Sarah Sloss**
 - b. Ms Marjorie Kerkhoff**
- 2. Notes the information regarding the Socially Inclusive Communities WA initiative.**
- 3. Requests the Chief Executive Officer to report back to the Access and Inclusion Advisory Committee on the ongoing progress of the initiative.**
- 4. Adopts the 2019/20 DAIP Progress Report noting the progress made to date.**
- 5. Requests the Chief Executive Officer to submit the 2019/20 DAIP Progress Report to the Department of Communities by 31 July 2020.**
- 6. That Council notes the status and progress to date on the actions from the Access and Inclusion Audit and congratulates the Council on work done to date.**

CARRIED: 6/0

SY108-07/20 HENRIETTA ST, FORREST ST BIKE PATH

File Number:	WK.FTP
Author:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Authoriser:	Darren Wallace, Executive Manager, Infrastructure & Development Services
Previously before Council:	Not Applicable
Appendices:	1. Grant Agreement Contract (GAC) for the Henrietta & Forrest Streets project

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report considers and recommends the acceptance of an offer for a grant from the Department of Transport for the feasibility study/detailed design and construction of a shared use path in Henrietta and Forrest streets from Avon Terrace to South Streets.

BACKGROUND

The Shire has been successful in obtaining a grant for a feasibility study/detailed design and construction of a shared use (bike and pedestrian) path in Henrietta and Forrest Streets from Avon Terrace to South Streets from the Department of Transport.

The project links the Town Centre, Forrest Oval complex and the York District High School.

The funding is 50/50 between the Department of Transport and the Shire. It is split over two years. The first year being \$20,000 for the feasibility and detailed design (including approval to cross the railway line along Henrietta Street). The second year being \$210,000 for the construction.

The Department of Transport have presented the Shire with a Grant Agreement Contract (GAC) for the Henrietta & Forrest Streets project, to be signed and returned. A copy of the agreement is included as Appendix 1.

COMMENTS AND DETAILS

The project is identified on the Shires Transport Asset Management Plan.

The splitting of the feasibility and design and construction over different years allows for the planning of the path on the best alignment (north or south side of Henrietta St), including community consultation and for the negotiation with the PTA and ARC Infrastructure regarding the railway crossing well in advance of the calling for tenders for the construction.

The GAC has a detailed Milestone Table, which is linked to the payment of the grant. The milestones and timetable have been developed in consultation between the Department of Transport and Shire Officers.

The 50% funding of the project results in a significant savings in the Shires forward plan for footpath/bikepath construction/replacement. This will allow other projects to be brought forward in the future.

Given the above it is therefore recommended that the Shire accept the grant and that the GAC be signed and returned.

OPTIONS

The Shire can accept the grant and sign and return the GAC or;

The Shire can decline the grant and notify the Department of Transport.

IMPLICATIONS TO CONSIDER**Consultative**

There has been no consultation to date, but the feasibility and design will include community consultation.

Strategic

Theme 4: Built for Resilience

4.6 The town of York has a network of well-maintained and well-integrated, safe and reliable, roads, footpaths and cycle paths.

Policy Related

The Shire Procurement Policy will apply to both the engagement of a consultant to do the feasibility and design and the engagement of a contractor to construct the path.

Financial

The Shires portion of stage 1 of the project, \$10,000 is allowed for in Account 122403, Municipal Footpath Construction Projects.

Council will need to include \$105,000 of its own funds in next year's budget for the construction, stage 2, of the project.

Legal and Statutory

Stage two works will require procurement in accordance with Section 3.57 of the Local Government Act 1995, which 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 are to be publicly invited for such contracts where the estimated costs of providing the total service exceeds \$150,000.

Risk Related

There is a significant risk involved with the approval and cost of the rail crossing. By undertaking the feasibility and design in year one and construction in year two, the risk is significantly reduced.

If Council does not accept the grant there is a risk to our reputation with the Department of Transport and we may not be offered future grants.

Workforce

Both stages of the project will be supervised by existing staff.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**090720****Moved: Cr Kevin Trent****Seconded: Cr Ashley Garratt**

That the Council, acknowledging the benefit to the community of the proposed shared use path in Henrietta and Forrest Streets,

- 1. Accept the grant as offered for the feasibility study/detailed design and construction of a shared use (bike and pedestrian) path in Henrietta and Forrest Streets from Avon Terrace to South Streets from the Department of Transport.**
- 2. Authorise the Chief Executive Officer to sign the Grant Agreement Contract (appendix 1, attached) on behalf of the Shire.**

CARRIED: 6/0

SY109-07/20 COVID-19 BUSINESS REIGNITE GRANT PROGRAM

File Number: FI.DON / RS.FES.5.3

Author: Esmeralda Harmer, Events and Economic Development Officer

Authoriser: Chris Linnell, Chief Executive Officer

Previously before Council: SY086-06/20

Appendices:

1. **Business Survey Results**
2. **COVID-19 Business Reignite Grant Program Guidelines**
3. **COVID-19 Business Reignite Grant Program - Application Form**
4. **COVID-19 Business Reignite Grant Program - Evaluation Form**

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents the COVID-19 Business Reignite Grant Program Guidelines for Councils approval.

BACKGROUND

At Council's June Ordinary Council meeting, Council considered item SY086-06/20 COVID-19 Response Strategy and Recovery Action Plan where it resolved:

That in consideration of its response of the COVID-19 pandemic, Council resolves to;

1. *Adopt the COVID-19 Response Strategy, Appendix 1*
2. *Note the results of the York Business Survey, Appendix 2*
3. *Note the COVID-19 Event Recovery Calendar, Appendix 3*
4. *Request that the Chief Executive Officer reports on the COVID Response Strategy to Council as part of the quarterly Finance and Costing Review (FACR) process.*

Included as an appendix to Item SY086-06/20 was the draft Business Reignite Grant Program for Councils consideration. Since this time the Business Reignite Grant Program guidelines and its associated documentation has been workshopped with Council at its July Concept forum.

Feedback received through this process has been integrated into the documents and are now presented back to Council as **Appendix 2** for approval prior to opening the round for application.

COMMENTS AND DETAILSIdentifying Need

The Shire released a Business Survey in May seeking input from York businesses to help determine what recovery could look like in the medium and long term.

The Survey was promoted for a period of four weeks through the Shire's website, social media, email circular and in the Community newspaper. Twenty-seven businesses participated in the survey with the results attached as **Appendix 2**.

The data collected suggests;

- 60% of respondents were significantly impacted by the coronavirus pandemic
- 70% of respondents were unable to access or attract visitors or customers

- 50% of respondents were from the Food, Beverage & Accommodation Business sectors
- There is a strong desire to see events and initiatives continue to assist with economic rebound and attracting visitors back to town
- There is interest in a collaborative approach to marketing York through social media partnerships

Focusing Support

Officers propose the Business Reignite Grant Program (BRGP) program be considered to assist York businesses affected by the coronavirus pandemic with localised medium to long term recovery support.

The BRGP could target proposals that:

- Encourage day and night trade economy
- Support staff training and skills development for tourism specific businesses
- Support assistance to participate in paid tourism advertising and marketing campaigns

Immediate needs relief is available from the State Government through its utilities, job keeper and rent waiver initiatives and as such, funding to support these claims would not be considered under the BRGP.

The program could open for application in July for a period of four weeks and advertised via the following mediums:

- Shire website/s and social media
- Community Matters newspaper – Shire Community Update
- Drop in sessions with Officers to assist determine eligible projects and best avenues
- Media release to email database and networks
- Face to face communications with businesses
- York Business Association promotion

Financial Implications

As part of the 2020/21 budgeting process, an allocation of \$30,000 has been identified from GL041105 Sponsorships to support BRGP applications. Officers are proposing a cap of \$2,500 per application and the requirement to provide matched funding be omitted, to ensure as many eligible applications as possible can be considered.

Officers propose that businesses with outstanding Shire debts (no payment arrangements or hardship policy measures entered) be deemed ineligible in an effort to reduce the Shire's financial and reputational risk.

Further to this, BRGP is proposed as a one-off grant round and as such funding received by businesses through the BRGP should not impact the business applying for future funding offered through other funding streams throughout the year.

In accordance with the Shire's *C1.3 Community Funding: Grants & Sponsorship Policy*, all eligible applications and subsequent financial acquittals will be presented to Council as a separate report at a later time.

OPTIONS

Council could choose to:

1. Not support the Event Recovery Strategy and Implementation Plan and repurpose the funds to other priority projects. This option does not consider the recovery needs of the business and community sectors of the Shire as detailed in this report.

2. Prioritise and support one of the focus areas for support of the three proposed. This option would require a piece meal approach and impact the medium and long-term stimulus benefits the BRGP is designed to provide.
3. Support the BRGP as presented in this report.

Officers are recommending Option 3.

IMPLICATIONS TO CONSIDER

Consultative

In preparation of this report and consideration of limited face to face communications due to COVID-19 gathering restrictions, Officers have utilised the following consultative methods:

- Email
- Media Release
- Zoom online meeting platform
- Phone
- Local Newspaper
- Postal mail
- Online Survey

The BRGP once endorsed by Council will be advertised via the following;

- Media release
- Shire website
- Shire noticeboards
- Social media
- Information included in the Shire's Community Matters page

Strategic

Strong and Effective Leadership

5.1 Effective and informed governance and decision - making

5.6 High levels of community engagement

5.7 Shire and community exhibit a positive, can do philosophy

Theme 3; Driving the Economy Forward

To have a vibrant, diverse and prosperous local economy which is sustainable in the long term, makes sustainable use of its natural and built heritage and community assets and delivers benefit in the form of local jobs, business opportunity and a positive image for the Shire

Policy Related

C1.3 Community Funding; Grants & Sponsorship

G2.2 Community Access to Information

G2.9 Community Engagement and Consultation

Financial

The BRGP could be considered from GL041105 Sponsorships which has an allocated budget of \$30,000 to support COVID-19 Business Recovery in accordance with the adopted COVID-19 Response Strategy.

Legal and Statutory

Nil.

Risk Related

Reputational (Social and Community): Shire's credibility / loss of trust with community and local businesses.

Risk Rating and Acceptance: Considered a low risk rating due to the ongoing relationship likely to occur between the Shires and its community, with minimal service disruption anticipated. The reputational risk has adequate controls that can be managed by routine procedures and periodic reviews.

Workforce

Can be managed in house within existing resources.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**100720****Moved: Cr Pam Heaton****Seconded: Cr Stephen Muhleisen****That Council**

- 1. Endorses the COVID-19 Business Reignite Grant Program (BRGP) Guidelines as attached to this report.**

CARRIED: 6/0

Disclosure of Interest – Cr Kevin Trent – Impartial – I am a member of the York Veteran Club
Cr Trent read the Impartiality Declaration - ... With regard to 2020 York Motor Show – Request for Sponsorship the matter in Item SY110-07/20 I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the York Veteran Car Club who are making the request. 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.

SY110-07/20 2020 YORK MOTOR SHOW - REQUEST FOR SPONSORSHIP

File Number: FI.DON
Author: Esmeralda Harmer, Events and Economic Development Officer
Authoriser: Chris Linnell, Chief Executive Officer
Previously before Council: Not Applicable
Appendices: 1. 2020 York Motor Show Funding Request

NATURE OF COUNCIL’S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report details the 2020 York Motor Show planned in September and requests Council to consider the sponsorship request received to support the event.

BACKGROUND

For many years the York Veteran Car Club (YVCC) has delivered the annual York Motor Show event. The event is valued by the community and has gradually increased in popularity over time to attract visitors and tourism to York.

Historically, Council has provided a mixture of in kind and cash sponsorship to the YVCC including traffic management assistance, additional rubbish bins and cleaning and in recent years cash sponsorship of \$6,000 through its Community Funding; Grants & Sponsorship round.

In May 2019, Council considered item SY066-05/19 Community Funding Applications where Council resolved:

That Council:

1. Approves the following funding requests as cash contributions as part of the 2019/20 financial year:

York Veteran Car Club	\$6,000
York True Country Scooters	\$500
Talbot Brook Community Group	\$948
York Christmas Festival	\$12,000
York Friendship Club	\$5,000
Triumph Riders Group	\$1,500
York Boot Scooters	\$1,500
Wheatbelt Endurance Riders	\$1,000

2. Notes all activities funded will be delivered after July 1, 2019;

3. *Requests the Chief Executive Officer to negotiate the terms of the cash & in-kind balances with applicants where required.*

In April 2020 the COVID pandemic impacted the Shires ability to open the April funding round for application. Event organisers and the Shire were uncertain when restrictions regarding mass gatherings and events would be lifted.

Since this time restrictions have eased and the YVCC have sought funding assistance to deliver the annual York Motor Show in September. With the next round of Community Funding not due to open until September, YVCC are seeking Councils consider funding for the event outside the usual funding round application period.

COMMENTS AND DETAILS

The York Motor Show is a one-day event that encourages car enthusiasts to York to display their vehicles along Avon Terrace, Lowe Street, Christies Retreat and South Street. Vehicles are usually displayed for approximately six hours with roads closed to moving traffic throughout this time.

The 2020 York Motor Show program of events includes:

- Guided tours of the town onboard restored Buses provided by the Bus Preservation Society
- Family friendly activities including radio control cars, transformer cars and live music
- Several car clubs and static car displays throughout the town centre
- Industry stallholders & additional food trucks to meet visitor volumes

Officers note York Racing will be hosting a race meet on the same day as the York Motor Show. Both event organisers are in early consultation to work through traffic management detours and appropriate signage to ensure visitors to both events can be managed safely.

Event organisers are seeking cash sponsorship from the Shire to support the event as in previous years and have provided a funding request and breakdown of anticipated costs at **Appendix 1** for Council's consideration.

This request could be considered under the Shire's adopted COVID response strategy which has an available budget of \$6,000 to support recovery events such as the 2020 York Motor Show. Officers are recommending this option be considered favourably by Council as it meets the intentions of the COVID response strategy.

The York Motor Show and its successful history hosting car events has made York a popular selection for these types of car shows. Informal club rides and gatherings are now increasingly common throughout the calendar year. Many of these rides occur with little or no Shire intervention required. The town's ability to display vehicles along its main street, its heritage precinct atmosphere and the alfresco dining opportunities available are seen as contributing factors to making these types of events successful.

OPTIONS

1. Council could choose not to fund the event. Officers are not recommending this option in consideration of its adopted COVID response strategy and its aims to support the community to re-engage in civic life.
2. Could choose to support the event for a lesser or higher amount than recommended. This approach would require further investigation into budgets available to consider the differing amount proposed.
3. Could fund the York Veteran Car Club the amount of \$6,000 as a cash contribution from GL132150 Festivals Assistance to support the 2020 York Motor Show

Officers are recommending option 3.

IMPLICATIONS TO CONSIDER

Consultative

YVCC have detailed in appendix 1 a list of stakeholders they have liaised with in relation to the event and its traffic management implications anticipated. Should Council support the request received, further consultation to include a public notice of road closure for community and business awareness will be prepared and advertised prior to the event occurring.

Strategic

Strategic Community Plan 2018 – 2028

The Council's strategic priorities over the next ten years are:

- *Advancing selected community partnership-based projects*

- *Achieving change via strong community networks and action*

Policy Related

C1.3 Community Funding; Grants & Sponsorship Policy

Clause 3.1 *The Council will consider applications made under the following general headings for projects which:*

- *encourage general involvement in local activities including sport.*
- *assist a community group to expand their ability to provide support for community and individual health and wellbeing.*
- *events which have been developed for local community enjoyment. Note: these are events not developed to leverage tourism or economic development benefit but having more of a purely community enjoyment focus*

Financial

This request could be considered under the Shire's adopted COVID response strategy from GL132150 which has an available budget of \$6,000 to support recovery events such as the 2020 York Motor Show

Legal and Statutory

All Council supported events would still need to comply with and be assessed against any statutory policies and legislations.

Risk Related

Should Council decide not to support the officer recommendation, there is a potential reputational risk to the Shire and its strategic intentions to be a place which assists events which have been developed for local community enjoyment. Officers rate this risk as low due to the number of events and ongoing support the Shire provides to its community.

Workforce

This request can be managed in house utilising existing resources.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

110720

Moved: Cr Stephen Muhleisen

Seconded: Cr Ashley Garratt

That Council

- 1. Approves a cash sponsorship of \$6,000 (excluding GST) from GL132150 Festivals Assistance to support the delivery of the 2020 York Motor Show coordinated by the York Veteran Car Club**
- 2. Requests the applicant to provide an acquittal in accordance with the C1.3 Community Funding Policy, within three months of the event taking place.**

CARRIED: 6/0

SY111-07/20 CHANGES TO PLAQUE ON GRANITE MONUMENT, MT. BROWN/WONGBOREL

File Number: OR.GEN.1
Author: Carol Littlefair, Arts and Cultural Heritage Officer
Authoriser: Chris Linnell, Chief Executive Officer
Previously before Council: Not applicable
Appendices: Nil

This item has been withdrawn as further engagement is required before the item is presented back to Council at a later date.

SY112-07/20 PHYTHOPTERA (DIEBACK) SURVEY REPORT ON WONGBOREL/MT. BROWN

File Number: CCP.13

Author: Carol Littlefair, Arts and Cultural Heritage Officer

Authoriser: Chris Linnell, Chief Executive Officer

Previously before Council: 24 June 2019

Appendices:

1. **Phytophthora [Dieback] Survey of Wongborel/Mt. Brown by Terratree**
2. **Community Engagement Plan Phytophthora [Dieback] Survey**
3. **Meet consultant facebook post & email invitation**

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

To inform Council of the results of the Phytophthora [Dieback] Survey on Wongborel/Mt. Brown and seek approval for its adoption as a guiding document for the ongoing management of this reserve.

BACKGROUND

The Mt Brown Trails Network was selected as the preferred short-term high priority major project as defined by the Trails Master Plan adopted by Council at the June 2019 meeting.

Mt Brown offers very substantial economic and tourism benefits plus lifestyle benefits to a wide range of local residents and as the trails development would be governed by the results of an environmental survey, enhancement of the environment in York. As part of actioning this process and prior to applying for a Change of Use to the Vesting Order on this Crown Reserve from 'Parklands' to 'Parklands and Recreation', Council resolved to commission a Phytophthora [Dieback] Survey, as recommended in the Trails Master Plan.

COMMENTS AND DETAILS

Quotations were sought from qualified Dieback Interpreters. The successful quotation was from DBCA Registered Dieback Interpreter Joseph Grehan B.Sc. of Terratree, est. 2012. Joe has over 15 years' experience undertaking Dieback assessments in the Jarrah forest, on the Swan Coastal Plain and in Southern Kwongan vegetation in the Northern Sandplains region of WA. He has also been assessed by the Disease Standards Officer from DBCA against the criteria for undertaking work in 'low Interpretability' areas (less than 600 mm annual rainfall) and Dieback Impact Assessment.

The full Terratree report is attached as Appendix 1.

The Executive Summary states:

The Dieback assessment of Mt Brown Reserve was conducted by a DBCA registered Dieback Interpreter, Joe Grehan of Terratree, on November 4th, 2019 in accordance with the FEM047 Phytophthora Dieback Interpreter's Manual for lands managed by the Department (FEMD, 2015).

Three soil samples were collected during the Dieback assessment, all of which returned negative results for *P. cinnamomi* through diagnostic baiting. However, one sample tested positive for another Phytophthora species, *P. rosacearum* (MBS01) and two samples tested positive for *Pythium mercuriale* (MBS02 and MBS03).

Because the mean annual rainfall in the area is in the range of 300 to 400 mm, if Dieback were present it would be confined to drainage lines and water gaining sites.

No areas of native vegetation could be observed as definitively infested with Dieback during the assessment. Mapping categorised 118.3 ha (81.5%) of the assessment area as Uninterpretable due to the absence of susceptible vegetation and no positive sample results. 26.6 ha (18.5%) was categorised as Excluded due to the Degraded or Completely Degraded vegetation condition, therefore these areas could not be assessed for the presence of Dieback.

Terratree makes the following recommendations to minimise the risk of introducing Dieback into the assessment area:

- As it is not possible to restrict access to dry soil conditions only, install 'green bridges' of compacted crushed limestone in wet areas along tracks of tracks and trails, which will act to reduce the spread of Phytophthora through its antagonistic properties and by keeping vehicles and bike tyres and footwear out of wet soil
- Install signage to raise public awareness and control public access within the reserve.
- Control access within the reserve through trail consolidation and signage.
- Ensure if rehabilitation is undertaken in the reserve that it does not introduce Dieback by utilising only NIASA-accredited nurseries and appropriate hygiene measures.
- If soil disturbing works such as trail construction or rehabilitation are to be carried out within the reserve, ensure all vehicles and equipment are clean of soil and vegetative materials before entering the reserve and cleaned before commencing work elsewhere.
- Aim to undertake any soil disturbing works during dry soil conditions only.
- Have relevant employees at the Shire of York undertake Green Card Training <https://www.dwg.org.au/green-card-training>.

OPTIONS

1. To accept the report as a guiding document for the ongoing management of Wongborel/Mt. Brown.
2. Not to accept the report as a guiding document for the ongoing management of Wongborel/Mt. Brown.

Officers are recommending Option 1.

IMPLICATIONS TO CONSIDER

Consultative

A Community Engagement Plan [attached as Appendix 2] was created to define the community engagement process in this project.

A Shire of York Facebook post and direct email to interested individuals, organisations and groups including DBCA, Wildflower Society, River Conservation Society, Avon Valley Tracks & Trails offered an opportunity to meet Joe Grehan and ask questions about the survey [attached as Appendix 3]

When approved by Council the full document will be placed on the Shire of York website under the Parks and Gardens section.

Strategic

Strategic Community Plan: Theme 2: A Leader in Cultural heritage and the Environment

2.6 The Shire's wildflower and at risk habitats are protected.

Policy Related

Shire of York Community Engagement and Consultation Policy G2.9.

Financial

An allowance of \$15,000 was made in the 2019/20 budget for this project, the Survey actual costs were \$6,042.90 [\$6647.20 inc gst]

Legal and Statutory

N/A.

Risk Related

The Phythoptera Survey is intrinsically linked to the actioning of the Trails Masterplan. Not going ahead with the Masterplan poses a moderate environmental risk due to ongoing unsanctioned use of Mt Brown which if left unaddressed poses the risk of degrading areas of sensitive environment. Conversely there is a possible moderate reputational risk and consequent economic effect upon tourism if the already proven demand for trails goes unfulfilled and all use of the site has to be curtailed.

It will be essential for a Change of Use application to define how the current environment of Mt Brown, which is somewhat degraded environmentally, will be enhanced following the development of trails due to an understanding and protection of sensitive areas.

This understanding, gained through a professional environmental survey will ensure better management and channelling of recreational use into official, sanctioned and waymarked trails rather than the current unofficial use which is increasing rapidly. (Rottnest Island is an example of a well-managed A-Class Reserve for recreation and conservation).

For these reasons it was required to be carried out prior to any Change of Use application and to a high standard.

By rigorous analysis of environmental considerations, the Trails Masterplan priority project will be able to demonstrate and communicate exactly how the environment of the area selected will be enhanced, or remain unharmed, by trails development which is planned around avoidance of sensitive areas and provides the opportunity to improve degraded areas.

Should a Change of Use be refused for any reason, such surveys will inform the future environmental care of the sites in line with their existing classifications, something which should be considered in the light of the Shire's aim to be 'A Leader in Heritage and the Environment'.

Workforce

Project administration and community liaison was carried out by the Arts & Cultural Heritage Officer as part of normal workload.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION**120720****Moved: Cr Kevin Trent****Seconded: Cr Denis Warnick****That Council:**

- 1. Receive the Phythoptera [Dieback] Survey on Wongborel/Mt. Brown and approve its adoption as a guiding document for the ongoing management of this Reserve.**

CARRIED: 6/0

Note: Item SY113-07/20 Appendix 2 – Rebranding – Community Feedback – was updated following the Ordinary Council Meeting as individuals who responded to the call for feedback and submitted a preference on the concepts were given the option to have their name made public against their comments, or to opt out of having their name made public. In addition, a group submission was recognised as a single submission only from the source submitter.

SY113-07/20 COMMUNITY FEEDBACK ON DRAFT BRANDING CONCEPTS

File Number:	OR.CIM.2
Author:	Joanna Bryant, Acting Manager Community
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	26 May 2020
Appendices:	1. Brand Concepts for Public Comment 2. Rebranding - Community Feedback

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

This report presents feedback from the community on the draft concepts for rebranding of the Shire of York following the 4-week community engagement period.

BACKGROUND

At the May 2020 Ordinary Council Meeting, Council:

1. Endorsed the draft brand concepts attached at **Appendix 1** to this report for public advertising and feedback.
2. Requested the Chief Executive Officer to present the feedback received and final brand concept design to the July Ordinary Council Meeting for Council's consideration.

COMMENTS AND DETAILS

Four draft concepts were presented to Council at a Concept Forum in early May. Following this and based on the feedback provided, three of the refined concepts were put out for consideration by the community for a period of 4 weeks from 29 May 2020.

The concepts are based on the following priorities identified during the community consultation for the Strategic Community Plan:

- Heritage
- Environment
- Community

The concepts were promoted via the Shire's website as the lead item on the home page for 4 weeks. They were also mentioned in the June issue of Community Matters (Shire Update) and several posts were made on Facebook. In addition, a hardcopy of the concepts was available for public viewing at the front counter of the Administration building.

To date, 22 comments have been received and the collated feedback can be viewed at **Appendix 2: Rebranding - Community Feedback.**

The response to the community consultation has been less than anticipated. This is likely due to a lack of awareness, and competition with the large number of news items passing through the Shire media channels related to the COVID-19 pandemic period. Responses received indicate a preference for Concept 2, with some suggestions that Concept 3 could also be used to replace the existing crest.

Officers are sensitive to the fact that stakeholder and community buy-in is important for any project, in particular one that is relatable to so many in the community.

Based on the above, Officers recommend that the feedback received to date is given to the Graphic Designer with a request for a further refining of concept 2 and 3 and a more extensive portfolio of in-situ examples being created that can then be shared with the community for a further period of engagement.

OPTIONS

Option 1

Accept the limited feedback showing a preference for concept 2 and progress the design for adoption at the August Ordinary Council Meeting.

This option is not recommended.

Option 2

Request further refinement of concept 2 and 3 to be presented to the community for further engagement with the feedback being presented to Council at the October Ordinary Council Meeting.

This is the recommended option.

Timeline for option 2

- **28 July OCM:** Option 2 accepted
- **14 August:** Designer returns refined concepts
- **17 August:** 4-week community engagement period commences to include:
 - Shire website
 - Community Matters (September Issue)
 - Social media
 - Radio
 - Targeted discussion with community groups
 - Informal face to face engagement
 - A3 advertising on noticeboards:
 - IGA
 - YRCC
- **14 September:** Engagement period closes
- **29 September OCM:** community feedback presented to Council

IMPLICATIONS TO CONSIDER

Consultative

The draft concepts were advertised via the following during the recent engagement period;

- Media release
- Information included in the Shire's Community Matters page
- Shire website
- Shire Administration - front counter
- Social media
- Radio – Voice of the Avon

Strategic

Strong and Effective Leadership

5.6 High levels of community engagement

Policy Related

CP1.2 *Use of the Shire of York Crest and Logo*

Financial

An allocation of \$25,000 was adopted as part of the 2019/20 budget for this project (GL 42169).

Legal and Statutory

Nil.

Risk Related

Risk that low levels of community engagement causes lack of community support and disconnection from the new brand.

Workforce

Nil.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
130720**

Moved: Cr Ashley Garratt Seconded: Cr Kevin Trent

That Council:

- 1. Notes the community feedback to date.**
- 2. Requests the Chief Executive Officer obtain further refinement of concept 2 and 3 to be presented to the community for further engagement with the feedback being presented to Council at the September 2020 Ordinary Council Meeting.**

CARRIED: 6/0

SY114-07/20 FINANCIAL REPORT FOR JUNE 2020**File Number:** FI.FRP**Author:** Tabitha Bateman, Finance Manager**Authoriser:** Chris Linnell, Chief Executive Officer**Previously before Council:** Not Applicable**Appendices:**

1. Monthly Financial Report - June 2020
2. Creditors' Payments Listing - June 2020
3. Business Card Transaction Statement and Summary - May 2020

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Legislative
- Review

PURPOSE OF REPORT

The purpose of financial reporting and the preparation of monthly financial statements is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitors the local government's performance against budgets.

BACKGROUND

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity summarises the Shire's operating activities and non-operating activities.

It should be noted that the figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments for the 2018/19 Annual Financial Report.

COMMENTS AND DETAILS

The Financial Report for the period ending 30 June 2020 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 30 June 2020
- List of Creditor Payments
- Business Card Statement and Transaction Summary

The following information provides balances for key financial areas for the Shire of York's financial position as at 30 June 2020;

Outstanding Rates and Services

The total outstanding rates balance at the end of June was \$1,162,428 compared to \$1,235,534 as at 31 May 2020.

Current Year	Properties	30/06/2020	%	Properties	30/06/2019	%
3 years and over	84	\$ 404,629.35	35%	65	\$ 374,216.73	32%
2 years and over	87	\$ 167,033.22	14%	92	\$ 191,445.97	17%
1 year and over	120	\$ 239,798.15	21%	122	\$ 225,735.81	20%
Total Prior Years outstanding		<u>\$ 811,460.72</u>	70%		<u>\$ 791,398.51</u>	68%
Current Rates	709	<u>\$ 350,967.63</u>	30%	659	<u>\$ 365,999.09</u>	32%
Total Rates Outstanding		<u>\$ 1,162,428.35</u>			<u>\$ 1,157,397.60</u>	

Whilst the level of outstanding rates is significant, the variation between financial years is not. Considering the additional financial difficulties experienced in the community as a result of COVID-19, a reduction in payments could be expected. Further, in an effort to alleviate additional financial stress, a new hardship policy was adopted by Council and debt collection processes have been relaxed, potentially contributing to the level of outstanding rates. Payment arrangements outside of the ordinary payment options can be requested and are presented to Council from time to time. It is anticipated that debt collection will resume during the 2020/21 financial year to attend to overdue balances.

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 30 June 2020 were \$265,4608 compared to \$273,427 reported at 31 May 2020. During the month of April, the first milestone payment was claimed for the Skate Park Project totalling \$200,000. As at 30 June 2020, this amount remains outstanding due to pending acquittal requirements.

Current Year	30/06/2020	%	30/06/2019	%
90 days and over	\$23,937.81	9%	\$21,916.12	9%
60 days and over	\$200,254.94	75%	\$3,090.18	1%
30 days and over	\$2,387.37	1%	\$270.10	0%
Current	<u>\$39,027.94</u>	15%	<u>\$209,105.58</u>	89%
Total Debtors Outstanding	<u>\$265,608.06</u>		<u>\$234,381.98</u>	

OPTIONS

Not applicable.

IMPLICATIONS TO CONSIDER

Consultative

Not applicable.

Strategic

Theme 5: Strong and Effective Leadership

5.1 Effective and informed governance and decision-making

5.3 A financially sustainable Shire

5.4 Open and accountable systems

Policy Related

Policy F1.2 Procurement

Policy F1.6 Credit Cards

Policy F1.5 Authority to make payments from Trust and Municipal Funds

DE 3.1 Authority to make Payments from Trust and Municipal Funds

Financial

This report and its appendices provide a summary of the financial position of the Shire at the end of the reporting period.

Legal and Statutory

Local Government Act 1995

6.10. *Financial Management Regulations may provide for —*

- (a) *the security and banking of money received by a local government; and*
- (b) *the keeping of financial records by a local government; and*
- (c) *the management by a local government of its assets, liabilities and revenue; and*
- (d) *the general management of, and the authorisation of payments out of —*
 - (i) *the municipal fund; and*
 - (ii) *the trust fund, of a local government.*

Local Government (Financial Management) Regulations 1996

13. *Payments from municipal fund or trust fund by CEO (Act s. 6.10)*

- (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; and*
 - (b) *the amount of the payment; and*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*

34. *Financial activity statement required each month (Act 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); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

- (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; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (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 may 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 subregulation (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.*
- (5) *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.*

Risk Related

It is a requirement of the *Local Government (Financial Management) Regulations 1996* that local governments prepare a Statement of Financial Activity within two months after the end of the reporting period. This report mitigates the risk of non-compliance with the regulations.

Workforce

Not applicable.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
140720**

Moved: Cr Pam Heaton

Seconded: Cr Kevin Trent

That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 30 June 2020 as summarised below:

Jun-20

MUNICIPAL FUND	AMOUNT
Cheque Payments	50,831.93
Payroll Debits	281,147.82
Electronic Funds Payments	505,987.97
Payroll Debits - Superannuation	60,232.49
Bank Fees	546.39
Corporate Cards	826.00
Exetel NBN Fees	496.00
Fuji Xerox Equipment Rental	236.62
Fire Messaging Service	471.68
Sub total - Municipal	900,776.90
TRUST FUND	
Electronic Funds Payments	701.06
Direct Debits Licensing	96,764.60
Sub total - Trust	97,465.66
TOTAL DISBURSEMENTS	998,242.56

CARRIED: 6/0

SY115-07/20 INVESTMENTS - JUNE 2020

File Number:	FI.FRP
Author:	Tabitha Bateman, Finance Manager
Authoriser:	Chris Linnell, Chief Executive Officer
Previously before Council:	Not applicable
Appendices:	1. Investments Register - June 2020

NATURE OF COUNCIL'S ROLE IN THE MATTER

- Legislative
- Review

PURPOSE OF REPORT

To report to Council the balance and distribution of investments held by the Shire of York as at 30 June 2020.

BACKGROUND

Council's policy F1.4 - *Investment* requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

COMMENTS AND DETAILS

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 30 June 2020
- b) Application of Investment Funds
- c) Investment Performance

OPTIONS

Not applicable.

IMPLICATIONS TO CONSIDER**Consultative**

Standard and Poor's Australia - Global ratings
Financial institutions

Strategic

Not applicable.

Policy Related

Policy F1.4 *Investment*
DE 3-2 Invest Money Held in Municipal and Trust Funds

Financial

Revenue from investments is a funding source for the Shire and assists in maintaining the value of reserve funds. Policies and procedures are in place to ensure appropriate, responsible and accountable measures are in place to protect the Shire's funds.

Legal and Statutory

Local Government Act 1995

6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b) deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) *In this regulation —*

authorised institution means —

 - (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
 - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*

foreign currency means a currency except the currency of Australia.
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 3 years;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*

- (d) *invest in bonds with a term to maturity of more than 3 years;*
- (e) *invest in a foreign currency.*

Risk Related

Funds are invested with various financial institutions in accordance with the global credit framework outlined in the Shire's investment policy to reduce risk.

Workforce

Not applicable.

VOTING REQUIREMENTS

Absolute Majority: No

**RESOLUTION
150720**

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

That Council receives and notes the Shire of York Investment Portfolio attached to this report.

CARRIED: 6/0

SY116-07/20 OUTSTANDING RATES AND SUNDRY DEBTS 2019/20

File Number: FI.DRS.1, FI.DRS.3, FI.DRS.4, FI.DRS.5

Author: Anneke Birleson, Finance Officer (Rates & Debtors)

Authoriser: Tabitha Bateman, Finance Manager

Previously before Council: 28 October 2019

Appendices:

1. Outstanding Rates and Charges - Non-Pensioners - Confidential
2. Outstanding Rates and Charges - Pensioners - Confidential
3. Outstanding Sundry Debts - Confidential

NATURE OF COUNCIL'S ROLE IN THE MATTER

Executive

PURPOSE OF REPORT

To provide Council with an overview of the outstanding rates and charges and outstanding sundry debts as at 30 June 2020.

BACKGROUND

On 18 September 2017, Council awarded the tender for debt collection services to CLI Lawyers Pty Ltd (CLI Lawyers).

On 23 September 2019, Council considered officer recommendations for action to be taken on outstanding rates and sundry debts.

On 23 October 2019, the Shire was informed that the CLI Lawyers would be closing their WA office as of 31 October 2019. Cases still remained active but, were to be passed on to the CLI Lawyers' office in Victoria. Pre-legal collection action continued with Milton Graham and officers sought updates from CLI Lawyers regarding the active legal cases. An update was provided on 27 February 2020.

On or around 25 March, the Shire ceased all debt recovery action as a response to the Covid-19 global pandemic.

On 12 May 2020, CLI Lawyers informed the Shire that they would be ceasing their WA operations by the end of May 2020.

COMMENTS AND DETAILS

Officers believe it is an appropriate time, prior to 2020/21 billing, to provide Councillors with an overview of the outstanding debts that remained as at 30 June 2020 following the Covid-19 response and the cessation of the debt contract with CLI Lawyers.

The original expiry date for the contract with CLI Lawyers was 30 September 2020. Officers had planned to initiate a tender process for selecting a new debt recovery firm in May 2020. However, in light of the global pandemic and ceasing of debt recovery action, this process has been placed on hold.

OPTIONS

Not Applicable.

IMPLICATIONS TO CONSIDER**Consultative**

Not Applicable.

Strategic

Goal 5: Strong Leadership and Governance

- The Council supported by the administration is strategic, effective and informed in its decision-making.
- The Shire's public finances are sustainable in the short and long-term.

Policy Related

Policy F1.1 Revenue Collection

Financial

The total outstanding rates and charges as at 30 June was \$1,162,428.35.

The total outstanding sundry debtor charges as at 30 June 2020 were \$300,279.40, not including any credit balances.

Legal and Statutory

Not Applicable.

Risk Related

The overall financial impact around outstanding rates and charges is Extreme (5) with a likelihood of recurrence as Likely (4). Giving the outstanding rates and charges an overall Risk rating of Extreme (20).

These risks are mitigated when considering:

- Allowances for doubtful debts.
- New rates payment incentive scheme for 2020/21
- No penalty interest to be charged until 1 January 2021.

The payment incentives have been defined with the aim of encouraging payment, including those with existing debts.

In addition, once debt recovery can resume and a new collection firm appointed, the outstanding amount should reduce over time, assuming there are no major incidents that impact on people's financial circumstances.

The Financial Impact for outstanding sundry debts is Major (4) with the likelihood of recurrence being unlikely (2). This gives the outstanding sundry debts an overall risk rating of Moderate (8).

It is further noted that the balance of outstanding sundry debts includes \$235,386.34 of grant income, expected to be received within coming weeks, reducing the total to 64,893.06. Officers have reasonable belief that the majority of these outstanding sundry amounts will be paid or are recoverable through the Shire's revenue collection process.

Workforce

Not Applicable.

VOTING REQUIREMENTS

Absolute Majority: No

RESOLUTION

160720

Moved: Cr Kevin Trent

Seconded: Cr Pam Heaton

That Council;

- 1. Notes the balance of outstanding rates and charges as at 30 June 2020 being \$1,162,428 as detailed within Appendices 1 and 2 and;**
- 2. Notes the balance of outstanding sundry debts as at 30 June 2020 being \$300,279 as detailed within Appendix 3.**

CARRIED: 6/0

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Cr Trent – has the Corporate Business Plan been revised and is it due to be placed on the Website.

Response by the Chief Executive Officer – The Corporate Business Plan is to be presented to Council at the August Ordinary Council Meeting for adoption

Cr Trent – A request has been presented to the community for 150 chairs to be placed in the Town Hall on Saturday, 1 August. Has then been any community groups interested?

Response by the Chief Executive Officer – The chairs are for the Black Swan Production and are now being put in place in-house. The Acting Manager Community is still waiting to see if any community groups wish to take up the fundraising opportunity.

12 BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

13 MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the Meeting may be closed

RESOLUTION**170720****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 5.23(2) of the Local Government Act 1995:

SY117-07/20 - Confidential - Outstanding Sundry Debt - Sundry Debtor 1072

This matter is considered to be confidential under Section 5.23(2) - d and e(iii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting and a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

CARRIED: 6/0

The Gallery left the meeting at 5.22pm and the doors were closed.

SY117-07/20 - CONFIDENTIAL - OUTSTANDING SUNDRY DEBT - SUNDRY DEBTOR 1072**RESOLUTION****180720****Moved: Cr Kevin Trent****Seconded: Cr Stephen Muhleisen****That Council:**

- 1. Approve the Sundry Debtor write off of \$322.00 for Sundry Debtor 1072, relating to impound and sustenance fees.**
- 2. Authorises the Chief Executive Officer to refer the outstanding court imposed fines and costs totalling \$7,700.00, to the Fines Enforcement Registry.**

CARRIED: 6/0

RESOLUTION**190720****Moved: Cr Kevin Trent****Seconded: Cr Pam Heaton****That Council opens the meeting to the public 5.24pm.****CARRIED: 6/0**

13.2 Public Reading of resolutions to be made public

No-one from the Gallery returned to the meeting. Resolution was therefore not read.

14 CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 5.25pm.

The minutes were confirmed by the Council as a true and accurate record at the Council Meeting held on 25 August 2020 with the below Note –

Note – Item SY113-07/20 Appendix 2 – Rebranding – Community Feedback – was updated following the 28 July 2020 Ordinary Council Meeting as individuals who responded to the call for feedback and submitted a preference on the concepts were given the option to have their name made public against their comments, or to opt out of having their name made public. In addition, a group submission was recognised as a single submission only from the source submitter.

SHIRE PRESIDENT