

MINUTES

Special Council Meeting

Thursday, 2 April 2020

Commencing at 12.00 noon

**Shire of Ravensthorpe
Council Chambers**

SHIRE OF RAVENSTHORPE

Minutes for the Special Meeting of Council to be held in Shire of Ravensthorpe Council Chambers on Thursday, 2 April 2020 – commencing at 12.00 noon

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EXTRACT FROM LOCAL GOVERNMENT ACT 1995

5.5. CONVENING COUNCIL MEETINGS

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) **The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.**

1. Declaration of Opening / Announcements of Visitors

Prior to commencement of this electronic meeting Council Members and other attendees who connected by electronic means were tested and confirmed.

The Presiding Member to declare the meeting open at 12.07pm.

The Presiding Member welcomed Council Members and staff receiving the broadcast of this electronic meeting, which is conducted in accordance with Section 14D of the *Local Government Act 1996*.

2. Attendance / Apologies / Approved Leave of Absence

The Presiding Member ask Council Members and staff to confirm that they are all connected and in attendance, with the following attendees confirmed:

COUNCILLOR'S: Cr Keith Dunlop - (e-connection) (Shire President)
Cr Julianne Belli - (e-connection) (Deputy Shire President)
Cr Ian Goldfinch - (e-connection)
Cr Thomas Major - (in person)
Cr Mark Mudie - (e-connection)
Cr Graham Richardson - (e-connection)

STAFF: Gavin Pollock - (in person) (Chief Executive Officer)
Les Mainwaring - (in person) (Director Corporate and Community Services)
Graham Steel - (e-connection) (Director Technical Services)
Kim Bransby - (in person) (Acting Executive Assistant)

APOLOGIES: Nil.

ON LEAVE OF ABSENCE: Nil.

ABSENT: Nil.

MEMBER OF THE PUBLIC: Nil.

3. Announcements by the Presiding Member

Nil.

4. Disclosures of Interest

Nil.

5. Special Business

5.1. Resignation and Vacant Elected Members Position

File Reference: GV.CC1 & GV.EL.11
Location: Shire of Ravensthorpe
Applicant: Shire of Ravensthorpe
Author: Chief Executive Officer
Authorising Officer: Chief Executive Officer
Date: 1 April 2020
Disclosure of Interest: Nil
Attachments: Email Resignation 24 March 2020 and Signed Letter of Resignation 31 March 2020 (Attachment Red)
Previous Reference: Nil

Summary:

Following the resignation of Cr Ken Norman the Council needs to notify the Electoral Commissioner of its intention to hold an extraordinary election for the vacated position and engage the electoral commission to administer and run the election process.

Background:

On the 24 March 2020 Cr Norman forwarded an email of resignation (attached) to the Chief Executive Officer stating the resignation was effective immediately. The Chief Executive Officer notified the Shire President followed by all Councillors of Cr Norman's resignation. On the 31 March 2020 Cr Norman provided a formal signed letter of resignation (attached) to the Chief Executive Officer.

Comment:

Cr Norman's resignation was effective immediately on the 24 March 2020.

Council are required to nominate a suitable date to hold the extraordinary election for the vacated position and engage the electoral commission to administer and run the election process. The extraordinary election date can't be more than 4 months from the resignation date.

Given the current situation regarding COVID-19 (Coronavirus) it would be recommended to hold the extraordinary election in July 2020.

Consultation:

Shire President
Western Australian Local Government Association (WALGA)
Executive Team

Statutory Environment:

Local Government Act 1995 - Division 4 — Extraordinary elections

4.8. Extraordinary elections

- (1) *If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.*
- (2) *An election is also to be held under this section if section 4.57 or 4.58 so requires. **(4.57 Less candidates than vacancies or 4.58 death)***
- (3) *An election under this section is called an **extraordinary election**.*

[Section 4.8 amended: No. 2 of 2012 s. 10.]

4.9. Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
 - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) *advise the CEO of the day fixed.*

4.10. Extraordinary election can be held before resignation has taken effect

If a member resigns —

- (a) *the vacancy is to be regarded for the purposes of sections 4.8(1) and 4.9 as occurring when the CEO receives the notice of resignation even if the resignation takes effect on a later day; but*
- (b) *the election day fixed for the extraordinary election cannot be earlier than one month before the resignation actually takes effect.*

Policy Implications:

Nil.

Financial Implications:

That an allowance be made in the 2020/21 annual budget to engage the Electoral Commission to conduct the required extraordinary election in July 2020.

Strategic Implications:

It is important to note during this time Council will be operating with 6 councillors until the extraordinary election is conducted.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority.

Moved: Cr Richardson

Seconded: Cr Mudie

Res: 31/20

Decision:**That Council:**

1. thank Cr Ken Norman for his service as a Councillor since October 2019.
2. approve the Chief Executive Officer advising the Electoral Commissioner of Cr Ken Norman's resignation and to request approval to conduct an extraordinary election on the 14 July 2020.
3. request the Chief Executive Officer to engage the electoral commission to administer and run the extraordinary election process via a postal vote only.
4. request the Chief Executive Officer to include an allocation in the 2020/21 annual budget for expenditure to engage the electoral commission to administer and run the extraordinary election process.

Voting Requirements: Absolute Majority

Carried: 6/0

5.2 Purchasing Policy F6 – Emergency Purchases

File Reference:	PE.AC.1
Location:	Shire of Ravensthorpe
Applicant:	Chief Executive Officer
Author:	Chief Executive Officer
Authorising Officer	Chief Executive Officer
Date:	1 April 2020
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

Council to consider revising the definition of section 3.10 Emergency Purchases within the current policy F6 Purchasing Policy.

Background:

Currently section 3.10 Emergency Purchases of policy F6 only relates to Section 6.8(1)(c) of the *Local Government Act 1995* allowing the Shire President to approve unanticipated and unbudgeted Emergency Purchases.

Due to the current State of Emergency surrounding the COVID-19 Coronavirus a number of items have become short on supply and become very hard to source.

It is for this reason Council is requested to revise the definition of section 3.10 Emergency Purchases within the current policy F6 Purchasing Policy.

Comment:

Current wording of section 3.10 Emergency Purchases:

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided for in the Local Government Act 1995. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

An emergency purchase dose not relate to purchases not planned for due to time constraints. Every effort must be made to anticipate purchases required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

Proposed NEW wording of section 3.10 Emergency Purchases:

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided under section 6.8(1)(c) of the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

If the Shire is experiencing a shortage or difficulties in obtaining supplies, resources or services due to an emergency situation the Chief Executive Officer can exercise discretion to suspend section 3.5 Purchasing Thresholds. The Chief Executive Officer can only exercise discretion to suspend section 3.5 Purchasing Thresholds up to the value of \$75,000 as any expenditure above this amount can only be actioned under section 6.8(1)(c) of the *Local Government Act 1995*.

An emergency purchase or shortage or difficulty in obtaining supplies, resources or services does not relate to supplies, resources or services that have not been planned for and are just effected by time constraints. Every effort must be made to anticipate purchases relating to supplies, resources or services required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

Consultation:

Shire President
Executive Team

Statutory Environment:

To provide compliance with the *Local Government Act 1995* and the *Local Government Act (Functions and General) Regulations 1996*.

Policy Implications:

The existing Policy F6 Purchasing Policy will be updated to reflect the new wording for section 3.10 Emergency Purchases as stated above.

Financial Implications:

Nil.

Strategic Implications:

To deliver a best practice approach and procedures to emergency purchasing and ensure consistency for all purchasing activities that integrates within all the Shire of Ravensthorpe operational areas.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social considerations.

Risk Implications:

Risk	Low (2)
Risk Likelihood (based on history and with existing controls)	Low (2)
Risk Impact / Consequence	Low (2)
Risk Rating (Prior to Treatment or Control)	Low (2)
Principal Risk Theme	Low (2)
Risk Action Plan (Controls or Treatment Proposed)	Low (2)

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority.

Moved: Cr Major

Seconded: Cr Goldfinch

Res: 32/20

Decision

That Council:

endorse the Chief Executive Officer updating Policy - F6 Purchasing Policy section 3.10 Emergency Purchases as follows;

3.10 Emergency Purchases;

An emergency purchase is defined as an unanticipated and unbudgeted purchase which is required in response to an emergency situation as provided under section 6.8(1)(c) of the *Local Government Act 1995*. In such instances, quotes and tenders are not required to be obtained prior to the purchase being undertaken.

If the Shire is experiencing a shortage or difficulties in obtaining supplies, resources or services due to an emergency situation the Chief Executive Officer can exercise discretion to suspend section 3.5 Purchasing Thresholds. The Chief Executive Officer can only exercise discretion to suspend section 3.5 Purchasing Thresholds up to the value of \$75,000 as any expenditure above this amount can only be actioned under section 6.8(1)(c) of the *Local Government Act 1995*.

An emergency purchase or shortage or difficulty in obtaining supplies, resources or services dose not relate to supplies, resources or services that have not been planned for and are just effected by time constraints. Every effort must be made to anticipate purchases relating to supplies, resources or services required by the Shire in advance and to allow sufficient time to obtain quotes and tenders, whichever may apply.

Voting Requirements: Absolute Majority

Carried: 6/0

5.3 Budget Amendments 2019/2020 as at 2 April 2020

File Reference:	GR.RE.2
Location:	Shire of Ravensthorpe
Applicant:	N/A
Author:	Director Corporate and Communities
Authorising Officer	Chief Executive Officer
Date:	02 April 2020
Disclosure of Interest:	Nil
Attachments:	Nil
Previous Reference:	Nil

Summary:

Approval is sought for the purchase of a compliant Grave Shoring system that can be used now and in the future if we unfortunately have a larger than usual number of funerals. The new unit will allow for larger coffins that currently cannot be accommodated.

Background:

Recent experience has found that we do not have a Grave Shoring system that can accommodate a wide range in coffin sizes. This situation has led to a situation of inconvenience, delay and further stress on grieving loved ones.

Comment:

In the event that we have an increase in the number of burials, the Shire would not be in a position to handle all burials efficiently and effectively if there is a variation in coffin sizes. The purchase of a compliant Grave Shoring system would provide the capacity for Shire to manage all coffin sizes in a timely manner for the benefit of the community.

The multi component Grave Shoring system consists of a base unit, variable stacking units, aluminium decking and a tread plate safety lid, plus freight to the value of \$14,000 plus GST.

No previous Capital Budget has been provided therefore it is recommended that an allocation of \$14,000 be approved to capital account 10703.

Consultation:

Nil.

Statutory Environment:

Local Government Act 1995

Section 6.8. Expenditure from municipal fund not included in annual budget.

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

** Absolute majority required.*

Policy Implications:

Nil.

Financial Implications:

The proposed addition of \$14,000 capital expenditure will reduce the current end of year forecast surplus to \$136,035.

Strategic Implications:

Nil.

Sustainability Implications:

- **Environmental:** There are no known significant environmental considerations.
- **Economic:** There are no known significant economic considerations.
- **Social:** There are no known significant social implications.

Risk Implications:

Risk	
Risk Likelihood (based on history and with existing controls)	Likely (4)
Risk Impact / Consequence	Moderate (3)
Risk Rating (Prior to Treatment or Control)	High (12)
Principal Risk Theme	
Risk Action Plan (Controls or Treatment Proposed)	Purchase suitable system

Risk Matrix:

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Catastrophic
		1	2	3	4	5
Almost Certain	5	Medium (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Medium (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Medium (6)	Medium (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Medium (6)	Medium (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Medium (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives; occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating of 2 has been determined for this item. Any items with a risk rating over 10 (considered to be high or extreme risk) will be added to the Risk Register, and any item with a risk rating over 17 will require a specific risk treatment plan to be developed.

Voting Requirements:

Absolute Majority.

Moved: Cr Goldfinch

Seconded: Cr Richardson

Res: 33/20

Decision

That Council:

Approve Capital Expenditure of \$14,000 against account 10703 for the purchase of a compliant Grave Shoring system.

Voting Requirements: Absolute Majority

Carried: 6/0

6. Matters Behind Closed Doors

Nil.

7. Closure of Meeting


The Presiding Member undertook a final roll call of attendees of Elected Members.

COUNCILLOR'S: Cr Keith Dunlop - (e-connection) (Shire President)
Cr Julianne Belli - (e-connection) (Deputy Shire President)
Cr Ian Goldfinch - (e-connection)
Cr Thomas Major - (in person)
Cr Mark Mudie - (e-connection)
Cr Graham Richardson - (e-connection)

STAFF: Gavin Pollock - (in person) (Chief Executive Officer)
Les Mainwaring - (in person) (Director Corporate and Community Services)
Graham Steel - (e-connection) (Director Technical Services)
Kim Bransby - (in person) (Acting Executive Assistant)

The Presiding Member to declare the meeting closed at 12.17pm.

These minutes were confirmed at the meeting of the 21 April 2020.

Signed: 
(Presiding Person at the meeting of which the minutes were confirmed.)

Date: 21 April 2020

ATTACHMENT

From: [Gavin Pollock](#)
To: [Cr Ken Norman](#)
Cc: [Cr Graham Richardson](#); [Cr Ian Goldfinch](#); [Cr Jules Belli](#); [Cr Keith Dunlop](#); [Cr Mark Mudie](#); [Cr Tom Major](#); [Les Mainwaring](#); [Graham Steel](#); [Kim Bransby](#)
Subject: Resignation - Cr Norman
Date: Tuesday, 24 March 2020 2:32:00 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.gif](#)
Importance: High

Dear Cr Norman

Please accept this email as receipt of your resignation. It is noted that your resignation is effective immediately (*Tuesday, 24 March 2020 12:35 PM*) from the position of Councillor for the Shire of Ravensthorpe.

-----Original Message-----

From: Cr Ken Norman
Sent: Tuesday, 24 March 2020 12:35 PM
To: Gavin Pollock <ceo@ravensthorpe.wa.gov.au>
Subject: Resignation

Hi Gavin, I think things have gone far enough.
Please accept my resignation, effective immediately.
Best regards
Ken

Sent from my iPhone

I have notified Cr Keith Dunlop our Shire President of your resignation. At the next meeting of Council your resignation will be tabled for endorsement.

On behalf of the Shire of Ravensthorpe I would like to thank you for all your efforts and wish you and your family all the very best during this trying time.

Regards

Gavin Pollock
Chief Executive Officer



65 Morgans Street, Ravensthorpe WA 6346 | PO Box 43, Ravensthorpe WA 6346

T: 08 9839 0000 | **F:** 08 9838 1282 | **E:** ceo@ravensthorpe.wa.gov.au

W: www.ravensthorpe.wa.gov.au



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-----Original Message-----

From: Cr Ken Norman

Sent: Tuesday, 24 March 2020 12:35 PM

To: Gavin Pollock <ceo@ravensthorpe.wa.gov.au>

Subject: Resignation

Hi Gavin, I think things have gone far enough.

Please accept my resignation, effective immediately.

Best regards

Ken

Sent from my iPhone

K & M Norman
"Enaweena "
PO Box 231
RAVENSTHORPE WA 6346
kandmnorman@bournet.com.au
Tel: 08 98 396055, Mobile 0428 396055

ABN 95 002 580 765

Mr Gavin Pollock
CEO Shire of Ravensthorpe
PO Box 43
Ravensthorpe WA 6346

March 31, 2020

Dear Gavin,

Thank you for your telephone call today.

I hadn't realised that my values and aspirations were so out of line with those of Council.

Regarding the Maurice Walsh/ Wavecrest issue, regardless of whether or not there is any inquiry, whatever the outcome, the issue has been personally devastating to me. I did not expect that responding to a cry for help from members of the public could be so damaging.

Given these set of circumstances I can see no real advantage in my remaining on Council. Please take this letter as official notification of my resignation,

Also, given the current Corona circumstances I can confirm that I will not be in a position to attend any shire functions in the foreseeable future.

Goodbye,



Ken Norman