



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

HELD:	Wednesday 20 May 2020
LOCATION:	Edenhope Council Chamber & Video Link
COMMENCEMENT:	2.15pm
PUBLIC ACCESS:	Live Streaming from Council’s website www.westwimmera.vic.gov.au

IN ATTENDANCE:	
Councillors	Senior Management Group
Bruce Meyer, Mayor	David Leahy Chief Executive Officer (CEO)
Jodie Pretlove, Deputy Mayor	
Trevor Domaschenz	Ashley Roberts Director Corporate & Community Services (DCCS)
Richard Hicks	
Tom Houlihan	Mark Marziale Director Infrastructure Development & Works (DIDW)
	Officers Elizabeth Matuschka, Governance Manager

Vision Statement:

*Our Wimmera Shire communities are healthy, thriving, diverse, harmonious,
prosperous and self-sustaining, with regional and global connectivity*



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1.0 WELCOME

The Mayor welcomed everyone to the meeting

OFFICER RECOMMENDATION:

That in view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian and Victorian State Governments, public access to this meeting be limited to live streaming via Council’s website.

The Mayor made a statement:

In view of the current COVID-19 Pandemic and the social distancing restrictions put in place by the Australian and Victorian State Governments, public access to this meeting be limited to live streaming via Council’s website.

2.0 OPENING PRAYER

The CEO read the opening prayer

3.0 APOLOGIES, LEAVE OF ABSENCE, DECLARATION OF CONFLICT OF INTEREST

3.1 APOLOGIES

Nil

3.2 LEAVE OF ABSENCE

Nil

3.3 DECLARATION OF CONFLICT OF INTEREST

All Councillors have a personal responsibility to ensure they are aware of the provisions mandated in the Local Government Act 2020 with regard to Conflict of Interest disclosures.

None declared



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4.0 QUESTIONS FROM THE GALLERY (maximum of 30 minutes)

4.1 WRITTEN QUESTIONS ON NOTICE

Questions on Notice are to be submitted to Council no later than the Monday nine days prior to the relevant Council Meeting. The template for Questions on Notice is available from the Edenhope and Kaniva Council offices, and from the Shire's website.

No written questions on notice were received

RECOMMENDATION:

That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council suspend Standing Orders for the purpose of receiving questions without notice from members of the Gallery.

Carried (5/0)

4.2 VERBAL QUESTIONS WITHOUT NOTICE

Time permitting, this section of the Agenda allows members of gallery to ask verbal questions of Councillors, through the Mayor. At all other times during the meeting, members of the gallery are required to be silent, pursuant to West Wimmera Shire Council Local Law No.7, 2017.

No questions were received



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RECOMMENDATION:

That Council resume Standing Orders.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council resume Standing Orders.

Carried (5/0)

5.0 DELEGATES REPORTS (FOR INFORMATION ONLY) AS PROVIDED BY COUNCILLORS TO GOVERNANCE SUPPORT OFFICER PRIOR TO AGENDA BEING ISSUED

5.1 COUNCILLOR BRUCE MEYER (MAYOR)

17/04/2020 CEO David Leahy
17/04/2020 Wimmera Regional Library Corporation Board Meeting
17/04/2020 Wimmera Southern Mallee Media & Council Liaison Group
22/04/2020 CEO David Leahy
24/04/2020 CEO David Leahy
24/04/2020 CEO David Leahy & Federation University (Dr Geoffrey Lord)
24/04/2020 Mayoral Gathering
24/04/2020 Wimmera Southern Mallee Media & Council Liaison Group
28/04/2020 CEO David Leahy
30/04/2020 Second Budget Workshop
01/05/2020 CEO David Leahy
06/05/2020 Councillor Forum
08/05/2020 CEO David Leahy
08/05/2020 Mayoral Gathering
08/05/2020 Wimmera Southern Mallee Media & Council Liaison Group
11/05/2020 Third Budget Workshop
15/05/2020 CEO David Leahy
15/05/2020 Library Board Meeting
15/05/2020 Wimmera Southern Mallee Media & Council Liaison Group
19/05/2020 Council Agenda Review
20/05/2020 Council Meeting



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5.2 COUNCILLOR JODIE PRETLOVE (DEPUTY MAYOR)

22/04/2020	CEO David Leahy
28/04/2020	CEO David Leahy
30/04/2020	Second Budget Workshop
30/04/2020	Edenhope Community Centre Meeting
06/05/2020	Councillor Forum
08/05/2020	Wimmera Primary Care Partnership (PCP) Executive Meeting
11/05/2020	Third Budget Workshop
19/05/2020	Council Agenda Review
20/05/2020	Council Meeting

5.3 COUNCILLOR TREVOR DOMASCHENZ

21/04/2020	Wimmera Mallee Regional Tourism Association Meeting
22/04/2020	CEO David Leahy
25/04/2020	Anzac Day Wreath Laying, Edenhope
28/04/2020	CEO David Leahy
30/04/2020	Second Budget Workshop
06/05/2020	Councillor Forum
11/05/2020	Third Budget Workshop
12/05/2020	Wimmera Development Association Board Meeting
19/05/2020	Wimmera Mallee Regional Tourism Association Meeting
19/05/2020	Council Agenda Review
20/05/2020	Council Meeting

5.4 COUNCILLOR RICHARD HICKS

22/04/2020	CEO David Leahy
23/04/2020	Western Highway Action Committee Meeting
28/04/2020	CEO David Leahy
30/04/2020	Second Budget Workshop
06/05/2020	Councillor Forum
11/05/2020	Third Budget Workshop
15/05/2020	Rail Freight Alliance Meeting
19/05/2020	Council Agenda Review
20/05/2020	Council Meeting



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At 2.35pm:

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That Council suspend Standing Orders.

Carried (5/0)

At 2.40pm:

Moved: Cr Jodie Pretlove

Seconded: Cr Richard Hicks

That Council resume Standing Orders.

Carried (5/0)

5.5 COUNCILLOR TOM HOULIHAN

22/04/2020 CEO David Leahy
28/04/2020 CEO David Leahy
30/04/2020 Second Budget Workshop
06/05/2020 Councillor Forum
11/05/2020 Third Budget Workshop
19/05/2020 Council Agenda Review
20/05/2020 Council Meeting

5.6 GENERAL DELEGATES' REPORTS

Councillors to provide delegates reports to Council meeting in relation to meetings attended in last month for which they have been appointed as Council representative. Verbal or written delegates' reports.

Nil



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6.0 CONDOLENCES

6.1 MR CLARENCE CHASTON, EMPLOYEE OF FORMER SHIRE OF KOWREE

Cr Pretlove: Mr Chaston worked as part of the former Shire of Kowree's outdoor team for approximately 30 years. He continued to have quite a strong connection with the Shire, and two of his children currently work for West Wimmera Shire Council. We extend our sincere condolences to his family.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council send a letter of condolence to the family of Mr Clarence Chaston, and express our gratitude for his contribution to the Shire over many years.

Carried (5/0)

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 15 APR 2020

RECOMMENDATION:

That the Minutes of the Council Meeting held on Wednesday 15 April 2020 be taken as an accurate record and confirmed.

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That the Minutes of the Council Meeting held on Wednesday 15 April 2020 be taken as an accurate record and confirmed.

Motion Carried

(For: 4 / Against: 0 / Abstention: 1)



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8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

9.0 NOTICES OF MOTION

Nil

10.0 COUNCILLOR FORUM RECORD – 6 MAY 2020

RECOMMENDATION:

That the Record for the Councillor Forum held Wednesday 6 May 2020 be received and noted.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That the Record for the Councillor Forum held Wednesday 6 May 2020 be received and noted.

Carried (5/0)

11.0 DEPUTATIONS AND PETITIONS

Nil



12.0 CHIEF EXECUTIVE OFFICER AND GOVERNANCE

12.1 COMMUNITY CONTRIBUTIONS POLICY

FILE NUMBER: AD0186

REPORT AUTHOR: ELIZABETH MATUSCHKA, GOVERNANCE MANAGER

FOR DECISION

Introduction

West Wimmera Shire Council (Council) regularly undertakes development projects within its local communities.

The draft Community Contributions Policy seeks to clearly articulate the steps required for the effective management of community contributions to these development projects.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

West Wimmera Shire Council regularly undertakes development projects within its local communities, including:

- development or redevelopment of Council assets.
- coordinating the redevelopment of existing community infrastructure which is owned by the Victorian Government or one of its entities, where Council is legally required to be the project coordinator.
- acting as the auspice agency (under direction from state government) for funds from state government to facilitate the development or redevelopment of community assets managed by others.

These projects are undertaken for the benefit of ratepayers and residents, as well as visitors to the Shire. They also serve to attract new businesses and residents to this region, to stem the flow of population decline and improve liveability for everyone.



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Recent examples of major development projects within the Shire include:

- The Kaniva Community Hub
- The Lake Charlegrark Amenities Upgrade
- The Harrow & District Recreation Reserve Facilities Upgrade Project
- The Goroke Playspace
- The Edenhope Community Centre (on the site of the Edenhope Mechanics' Hall)

Council applies for suitable grants from the Victorian and Australian Governments to fund these projects, for the benefit and enjoyment of all Shire residents.

Grant applications often include these mandatory requirements:

- A financial contribution from Council
- A financial contribution from the local community, known as community contributions

To date there has been no documented Policy in place for the effective management of community contributions by Council. This has at times resulted in a detrimental and delaying effect on the completion of some projects. It has also damaged Council's reputation in the community, as Council is required to pursue the funds from community groups.

The Community Contributions Policy seeks to put a series of steps in place, which will take place prior to Council applying for project funding from the relevant State and Commonwealth Government funding entities. These steps are:

- a. Obtain written community contribution pledges from individuals or groups wishing to make a financial contribution to a planned development project.
- b. Obtain written evidence of financial capacity to honour these pledges, within seven days of receiving the written pledge.
- c. Collect and hold in trust 50% of the pledged financial community contribution, within seven days of receiving written evidence of financial capacity to honour the pledge.
- d. Enter into individual written agreements with each pledger, which will include a payment schedule matching milestones of the project's progress.

The Policy also includes a clause allowing the Chief Executive Officer discretion to alter some of the community contribution conditions on a case by case basis, provided that this is backed by a matching resolution of Council. Also included in this section, is a commitment to not pursue any final funds from community groups, should the project be completed within the budgeted value.



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It is proposed to review the new Community Contributions Policy after two years. This will allow enough time to assess its workability and identify any issues that need to be addressed, especially during the current COVID-19 pandemic.

Risk Management Implications

Continuing without a clearly defined Community Contributions Policy leaves Council open to further unwarranted reputational damage, as well as potential financial implications, if Council is required to end up providing funding where a promised community contribution has been withdrawn or withheld.

Legislative Implications

Not commented on.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

Pledged financial community contributions will be held in trust until:

- a. The funds are required by the project, or
- b. Notification of an external funding application rejection is received.

The Policy seeks to better protect Council's exposure to unforeseen additional project costs, should a community contribution be withdrawn or withheld.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Asset Management Policy
Asset Management Strategy
Communications Policy
Community Engagement Policy
Investment Policy
Recreation Policy
Risk Management Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.



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- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.
- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

Once adopted, the Community Contributions Policy will be made available to the public on Council's website, and will be emailed to all staff.

Conclusion

West Wimmera Shire Council (Council) regularly undertakes important development projects within its local communities.

The draft Community Contributions Policy seeks to clearly articulate the steps required for the effective management of community contributions to these development projects.

OFFICER RECOMMENDATION:

That Council adopts the draft Community Contributions Policy.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council adopts the draft Community Contributions Policy.

Motion Carried (For: 3 / Against: 2)

Attachments:

No.	Name	RecFind Ref
12.1.1	Draft Community Contributions Policy – 11 May 2020	AD0186



13.0 INFRASTRUCTURE DEVELOPMENT AND WORKS

13.1 MUNICIPAL FLOOD EMERGENCY PLAN - V1.0 FEB 2020

FILE NUMBER: AD0183

**REPORT AUTHOR: MARK MARZIALE – DIRECTOR INFRASTRUCTURE
DEVELOPMENT & WORKS**

FOR DECISION

Introduction

The West Wimmera Municipal Flood Emergency Plan was prepared by the VIC SES in consultation with the West Wimmera Municipal Emergency Planning Committee (hereafter referred to as “the MEMPC” or “the Committee”), and is now required to be considered for endorsement by Council.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

This Municipal Flood Emergency Plan (MFEP) has been prepared by VICSES, Glenelg Hopkins CMA, Wimmera CMA and West Wimmera Shire Council staff and with the authority of the West Wimmera Municipal Emergency Management Planning Committee (West Wimmera MEMPC) pursuant to Section 20 of the Emergency Management Act 1986 (as amended).

VICSES staff has undertaken consultation with the West Wimmera staff, Glenelg Hopkins CMA staff, Wimmera CMA staff and Edenhope, Goroke and Kaniva VICSES Unit members regarding the arrangements contained within this plan.

This MFEP is a sub plan to the West Wimmera Shire Emergency Management Plan (MEMP), is consistent with the Emergency Management Manual Victoria (EMMV) and the Victorian Floodplain Management Strategy (2016), and takes into account the outcomes of the Community Emergency Risk Assessment (CERA) process undertaken by the Municipal Emergency Management Planning Committee (MEMPC). The MFEP is consistent with the Mid West Regional Flood Emergency Plan (RFEP) and the State Emergency Response Plan (SERP) – Flood sub-plan.



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This MFEP is a result of the cooperative efforts of the MFPC and its member agencies, it is approved by the VICSES Regional Manager, and has been endorsed by the West Wimmera MEMPC as a sub-plan to the MEMP.

Purpose and Scope of this Flood Emergency Plan

The purpose of this MFEP is to detail arrangements agreed for managing a flood emergency before, during and after it occurs or potentially occurs within the West Wimmera Shire.

As such, the scope of the Plan is to:

- Identify the local flood risk;
- Support the implementation of mitigation and planning measures to minimise the causes and impacts of flooding;
- Detail emergency management arrangements;
- Identify linkages with Local, Regional and State emergency and wider planning arrangements with a specific emphasis on those relevant to flood.

Risk Management Implications

Integrity - Ensuring that all documentation, opinions and materials presented are researched, referenced and factual, reduces the risk of inappropriate information being provided to Council and supports evidence based decision making.

Relevance & Currency - that the responsible staff establish and maintain familiarity with the objectives and procedures within the Plan, in preparation of a Flood Emergency Incident.

The MFEP be reviewed annually by the MEMPC.

Legislative Implications

Local Government Act 1989

The new Local Government Act will require a number of policies to be developed or adjusted to provide community engagement strategies along with a transparency requirements.

Emergency Management Act 1986 and 2013

Public Health and Wellbeing Act 2008

Occupational Health and Safety Act 1994

Council is responsible to ensure, as far as practicable, the health and safety of its staff, the public and contractors, in the workplace, including during the course of the provision of services during and following an emergency event.



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Planning and Environment Act 1987 – Flood and Land Subject to Inundation Overlays

Environmental Implications

The information and details in the Municipal Flood Emergency Plan 2020 will support and inform Council's future planning scheme amendments to map and include Flood Overlays (FO) and Land Subject to Inundation Overlays (LSIO), as flood and inundation prevention measures.

Business continuity arrangements are in place for all Emergency resource response provisions and relief services, within exemptions under the Planning & Environment Act 1987.

Financial and Budgetary Implications

The review of the policy has no financial implications.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Business Assistance Scheme Policy
Communications Policy
Community Engagement Policy
Economic Development Policy
Media Relations Policy
Support to Community Events Policy
Tourism Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 2: Meaningful partnerships to support advocacy priorities and service provision.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.



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- Strategic Objective 7: Providing access to and promoting the natural environment.

Communication Implications

In accordance with Council's Media Relations Policy.

Conclusion

The West Wimmera Municipal Flood Emergency Plan has been prepared and supported by the West Wimmera Municipal Emergency Management Planning Committee MEMPC, and will be tabled at its next Meeting for the Council to consider to endorse and adopt the Plan.

OFFICER RECOMMENDATION:

That Council endorses and adopts the Municipal Flood Emergency Plan V1.0 Feb 2020.

Moved: Cr Richard Hicks

Seconded: Cr Tom Houlihan

That Council endorses and adopts the Municipal Flood Emergency Plan V1.0 Feb 2020, subject to some minor changes and spelling corrections being made.

Carried (5/0)

Attachments:

No.	Name	RecFind Ref
13.1.1	West Wimmera Municipal Flood Emergency Plan MFEP Feb 2020	AD0183



14.0 CORPORATE AND COMMUNITY SERVICES

14.1 COVID-19 HARDSHIP POLICY

FILE NUMBER: FM0002

REPORT AUTHOR: LEILANI DAWES, RATES COORDINATOR

FOR DECISION

Introduction

West Wimmera Shire Council (Council) anticipates receiving a number of requests for rate and charges relief as a result of hardship originating from the Covid-19 pandemic and resultant lockdown. A Covid-19 Hardship Policy (the Policy) has been drafted to provide a framework for reviewing those requests and providing relief where appropriate.

A draft copy of the Policy is attached for Councillors information. After considering feedback received at the Councillor Forum, a final draft form of the Policy is provided to seek formal adoption by Council.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

The Covid-19 pandemic has caused government both State and Commonwealth to institute a series of 'lockdowns' and social restrictions affecting the gathering and activities of people in an attempt to reduce the spread and medical impact of the Covid-19 virus.

Whilst the medical and human benefits of these lock down appears to have had a significantly positive impact upon the infection rate and medical impact of the virus, there has also been a significant negative economic impact as side effect from these measures.

This has seen the shuttering of a number of businesses and widespread unemployment. Notwithstanding some significant priming and support from the Commonwealth and State Governments, there have been and is likely to be a number of ratepayers and residents within the Shire adversely affected by this economic decline.



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Council has developed the Covid-19 Hardship Policy to address any difficulty our ratepayers are having in meeting their rate charge payments.

It is suggested that this Policy applies only to parties affected by the impact of the Covid-19 economic shutdown. To this extent anyone applying for assistance under this Policy will be required to show a link between the Covid-19 shutdown and their diminished financial position.

It is not suggested that this be an onerous task – a demonstration that a business has lost income in accordance with the requirements of the Commonwealth Job Keeper program, or for an individual employment has been lost would suffice.

Whilst Council does have an existing Rate Recovery and Financial Hardship Policy there are some limitations to the application of this to the current Covid-19 situation, including:

- The current Policy (S.1.5) allows for assistance to be considered only for an applicant's principle place of residence. This prevents any business from receiving assistance. It is probable that as a result of the Covid-19 lockdown businesses that rely on physical traffic to generate sales will be adversely affected. Council is aware of the importance to the local economy of the shire in maintaining existing businesses. Providing hardship assistance to these businesses may see them maintain their existence during the lockdown.
- The current policy also only allows for assistance where the Capital Improved Value (CIV) of a property where the ratepayer is seeking assistance be less than or equal to the average CIV. This may prevent some business or farming applicants from being eligible for support.

The draft Covid-19 Hardship policy allows for applications for assistance for rates from non-residential properties, and removes the clause around average CIVs.

The draft Covid-19 policy has an effective date for applications to 30 September 2020 where upon it will be reviewed by Council. At this review Council may elect to extend the conclusion date of the policy or conclude its operation.

It is considered that this would be sufficient time for applications for assistance for both the current and next financial year, given that lockdown conditions may be relieved before then and 2020-21 rate notices will have been issued. September 2020 is considered sufficient time for flow effects from the lockdown to have impacted where they will. Council may consider renewing the Policy from that date.

It is important to note that this Policy only applies to those ratepayers negatively affected by the Covid-19 pandemic and lockdown. Council's existing Rate Recovery and Financial Hardship Policy will continue to apply in all cases where ratepayers claiming hardship relief cannot show that the effects of the Covid-19 pandemic have impacted their hardship.



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Risk Management Implications

There are considerable risk implications for Council treated by the Policy.

The effect of the Covid-19 pandemic and lockdown on the economic situation of Council and the shire may be significant and long lasting. Businesses particularly within the shire may be significantly negatively affected to the point that they may cease to trade.

This of course will impact with significant flow on damage to Council from lower employment, reduced growth, reduction in rate base and rate payers and ultimately rate income to Council. Providing temporary rate relief and assistance may aid in the mitigation of this risk.

Council is also at serious reputational risk arising from its response to Covid-19. Council may lose public support if it continues to enforce rate charges on ratepayers who have been significantly affected by the economic downturn arising from Covid-19.

Legislative Implications

Any relief or assistance Council provides must be in accordance with the *Local Government Act 2020*. The draft Covid -19 Financial Hardship Policy complies with that Act.

Environmental Implications

Not commented on.

Financial and Budgetary Implications

At this stage there is insufficient information available to Council to be able to accurately forecast a financial cost to the amount of rate and charges relief to be given by Council. As a potential indication, Council raised approximately \$7.7million in rates and charges for the 2019-20 financial year. One percent of this amount equates to \$77,000 dollars. At the 30 June 2019 there was \$155,416 in outstanding rates (approx. 2% of total raised).

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Rate Recovery & Financial Hardship Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:



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- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 5: Thriving, safe and diverse local communities.
- Strategic Objective 6: Participating in activities that address health and wellbeing issues.

Communication Implications

The draft Covid-19 Financial Hardship Policy if adopted will be available for all ratepayers. As such it must be advertised widely and communicated to the public clearly.

Conclusion

The Covid-19 Hardship Policy provides for the unique economic situation that has arisen from the Covid-19 pandemic and resultant lockdown. It expands the provisions of our existing Rate Recovery & Financial Hardship Policy by expanding the criteria for assistance to cover those who may have been uniquely affected by the effects of the pandemic.

After receiving feedback the draft Covid-19 Hardship Policy will be presented to the May 20 Ordinary Council Meeting for formal adoption.

OFFICER RECOMMENDATION:

That Council:

- 1. Adopts the Covid-19 Hardship Policy; and**
- 2. Commits to review the Covid-19 Hardship Policy at the September 2020 Council Meeting with the potential to extend the operation of the policy.**

3.04pm: The Mayor's video connection failed

Moved: Cr Trevor Domaschenz

Seconded: Cr Jodie Pretlove

That Council suspend Standing Orders to fix a technology issue.

Carried (4/0)



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3.07pm: The Mayor's video connection resumed

At 3.07pm:

Moved: Cr Jodie Pretlove

Seconded: Cr Richard Hicks

That Council resume Standing Orders.

Carried (5/0)

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council:

1. Adopts the Covid-19 Hardship Policy; and
2. Commits to review the Covid-19 Hardship Policy at the August 2020 Council Meeting with the potential to extend the operation of the policy.

No vote taken

Cr Domaschenz requested that an amendment be inserted into Cr Hicks' motion, if Cr Hicks approved, as follows:

That Council:

1. Removes this sentence from the two places it appears on the second page of the draft Covid-19 Hardship Policy:
"If any debt is still outstanding at 1 October 2020 or an approved reviewed end date, the existing Rate Recovery & Financial Hardship Policy will apply."
2. Inserts this sentence in those same two places on the second page of the draft Covid-19 Hardship Policy:
"That all commercial ratepayers are deemed to meet this eligibility criteria upon application until 30 September 2020".
3. Adopts the amended Covid-19 Hardship Policy; and
4. Commits to review the Covid-19 Hardship Policy at the August 2020 Council Meeting with the potential to extend the operation of the policy.

Cr Hicks did not agree to this amendment to his motion



**COUNCIL MEETING MINUTES – 20 MAY 2020
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Cr Domaschenz moved an amendment:

Moved: Cr Trevor Domaschenz

Seconded: Cr Tom Houlihan

That Council:

- 1. Removes this sentence from the two places it appears on the second page of the draft Covid-19 Hardship Policy:
“If any debt is still outstanding at 1 October 2020 or an approved reviewed end date, the existing Rate Recovery & Financial Hardship Policy will apply.”**
- 2. Inserts this sentence in those same two places on the second page of the draft Covid-19 Hardship Policy:
“That all commercial ratepayers are deemed to meet this eligibility criteria upon application until 30 September 2020”.**
- 3. Adopts the amended Covid-19 Hardship Policy; and**
- 4. Commits to review the Covid-19 Hardship Policy at the August 2020 Council Meeting with the potential to extend the operation of the policy.**

Motion Lost (For: 2 / Against: 3)

The meeting returned to the substantive motion

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council:

- 1. Adopts the Covid-19 Hardship Policy; and**
- 2. Commits to review the Covid-19 Hardship Policy at the August 2020 Council Meeting with the potential to extend the operation of the policy.**

Carried (5/0)



**COUNCIL MEETING MINUTES – 20 MAY 2020
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Attachments:

No.	Name	RecFind Ref
14.1.1	Draft Covid-19 Financial Hardship Policy	C20/003165



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

14.2 NOTICE OF PUBLIC SUBMISSION PERIOD FOR 2020/21 DRAFT BUDGET

FILE NUMBER: FM0055

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

Under the *Local Government Act 1989* (the Act), Council is required to prepare and adopt an annual budget for each financial year. The budget is required to include certain information about the rates and charges that Council intends to levy as well as a range of other information required by the *Local Government (Planning and Reporting) Regulation 2014* (the Regulations) which support the Act.

The Act also requires that Council update and adopt a Strategic Resource Plan with the budget annually. The Strategic Resource Plan provides forecasts and guidelines for the Council's financial performance and position for a further three year period following the budget. Council has provided summary information relating to the Strategic Resource Plan in its draft 2020/21 Budget, as per the requirements of the Regulations.

The processes to be undertaken for 2020/21 will reflect legislative requirements in accordance with the *Local Government Act 1989* (the Act) and *Local Government (Planning and Reporting) Regulations 2014* (the Regulations).

Council is required to advertise that public consultation to its draft Annual Budget for a minimum period of 28 days be held. During that time, members of the public may make a submission relating to the draft budget under S.223 of the Act.

This report seeks Council to resolve to advertise the draft 2020/21 Budget for public consultation and to accept public submissions on the draft 2020/21 Budget for a period of 28 days ending 5:00pm Friday 19 June 2020.

Declaration of Interests

No officer declared an interest under the *Local Government Act 1989* and *Local Government Act 2020* in the preparation of this report.



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

Background

The draft 2020/21 Budget includes the following highlights:

Income

Rates and charges revenue for 2020/21 is budgeted at \$7.95 million. This represents a 2.0% increase in accordance with the 'Fair Go Rates System.' This equates to an average increase of \$28.31 per assessment in rates and municipal charges.

2019/20 was the final year of the 3 year rate cap variation granted to Council by the Minister for Local Government under advice by the Essential Services Commission Victoria. Previous rate increases utilised under the rate cap variation allowed Council to raise an additional \$232,287 in rates and charges over the 3 year period over and above what would have been raised had the rate cap been applied. As this variation period has now ended, Council must adhere to the 2.0% rate cap as of the 2020/21 year.

Waste management charges are budgeted to increase by \$11 or 3.42% per tenement which is due to an increase in recycling costs.

Overall budgeted average rates and charges payable for 2020/21 will be \$1,675.52, including rates, municipal charge and waste management charge. This represents an increase of \$31.99 over the previous year.

Statutory fees show a small increase, largely in line with fee increases.

Reimbursements are budgeted to be \$1.21 million, a decrease of \$1.09 million from the forecasted 2019/20 amount. This is due to a significant decrease in VicRoads roadworks reimbursements.

Budgeted operating grants income has shown a decrease of \$0.36 million in the 2020/21 projection. This is largely a result of a decrease in grants received for non-Council owned community facility upgrades grant managed by Council, notably the Harrow Recreation Reserve upgrade. Additionally, the State and Federal budgets have been deferred this year, therefore there is uncertainty surrounding whether the Financial Assistance Grants will be increased by CPI in line with previous years. As such, no CPI has been assumed in the 2020/21 budget.

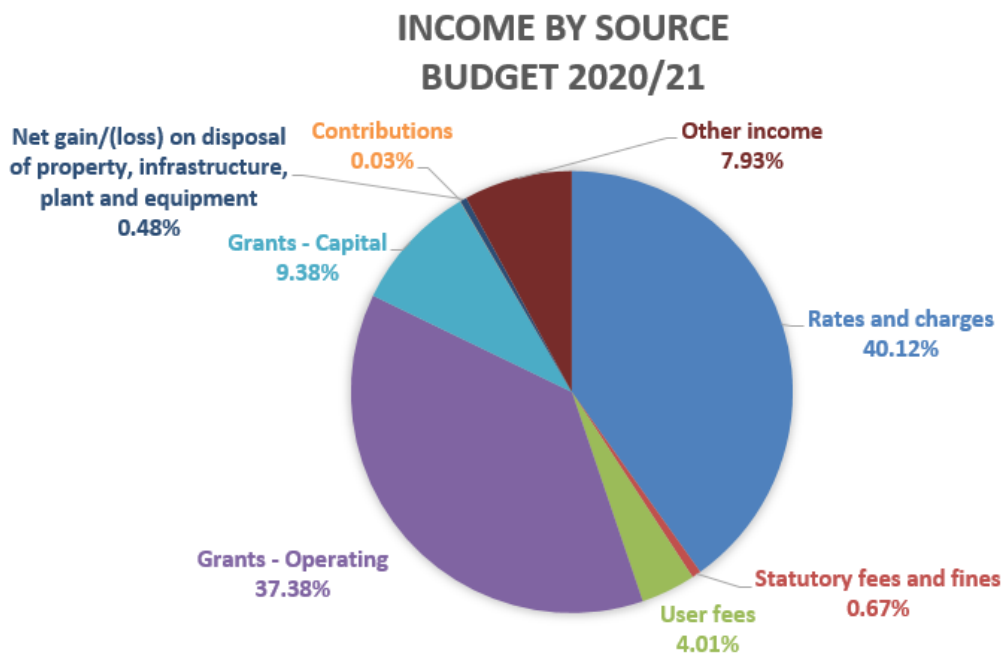
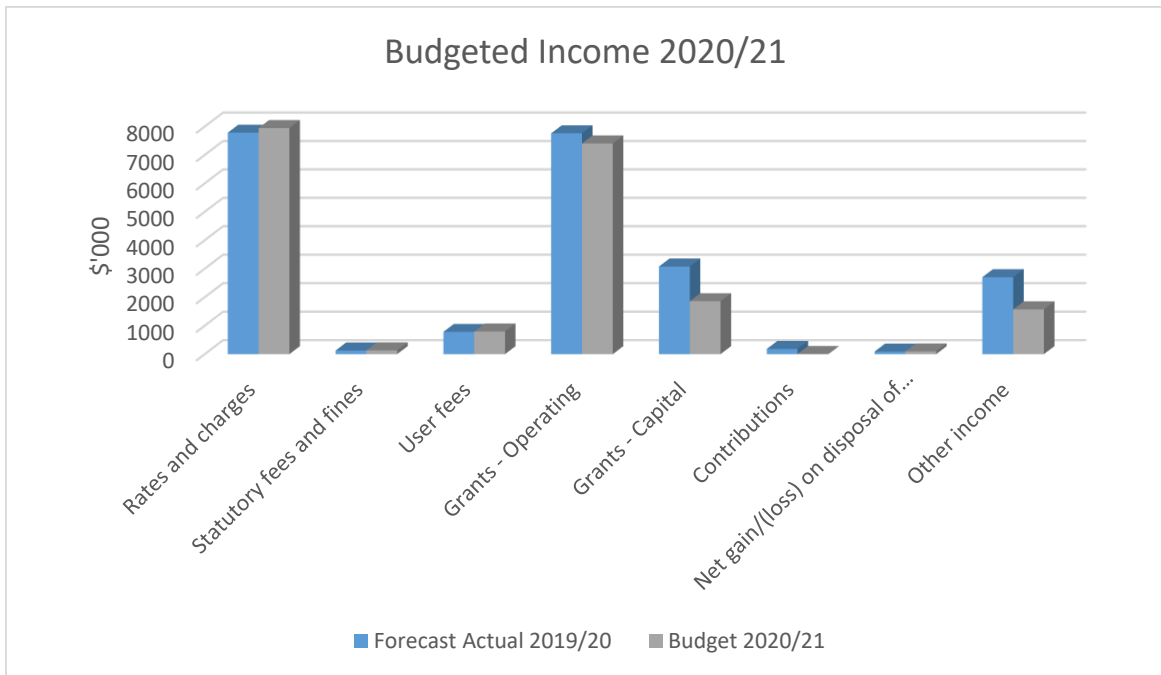
Capital grants budgeted show a significant decrease of \$1.22 million from 2019/20. This reduction is due to the Fixing Country Roads program funding ceasing.

Contributions received refers to monies received from other sources such as community groups as a contribution to projects managed by Council. Contributions are anticipated to decrease by \$0.18m for 2020/21 in line with a reduction in projects attracting contributions being undertaken.



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

Income sources and comparisons to the projected result for 2019/20 are summarised in the following charts and can be seen in the Comprehensive Income Statement in the attached budget document. Total revenue is \$19.8 million, a decrease of \$2.7 million on 2019/20 projections.





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Expenditure

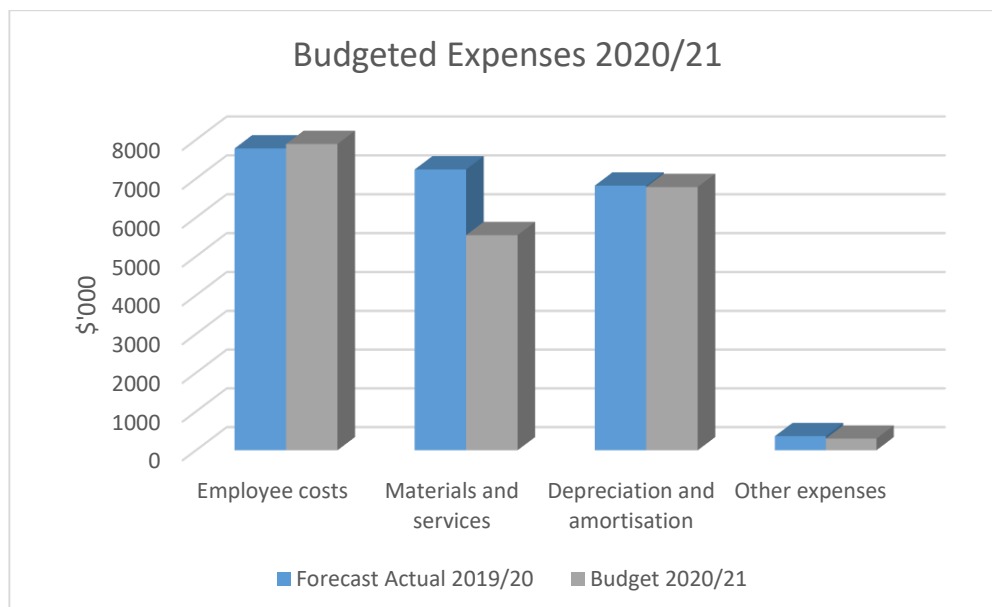
Employee costs for 2020/21 are budgeted to be \$7.89 million. This represents a \$0.11 million or 1.47% increase over the forecasted amount for 2019/20. The annual increase to wage rates is 2.1% per the Enterprise Bargain Agreement. This increase is somewhat offset by budgeted decreases in casual labour due to a reduced maintenance program in line with a significant reduction in VicRoads reimbursements.

Materials and services costs have decreased by \$1.69 million or 23.35%. This is predominately a result of a reduction in contractor costs arising from the conclusion of large projects, notably the Harrow Recreation Reserve project, and a decreased maintenance program in line with a significant reduction in VicRoads reimbursements. These decreases are somewhat offset by anticipated expenditure of around \$0.11 million in relation to the four-yearly election which will be conducted during the 2020/21 year.

Depreciation costs have remained reasonably steady at \$6.78 million. Other expenses have decreased slightly by \$0.064 million.

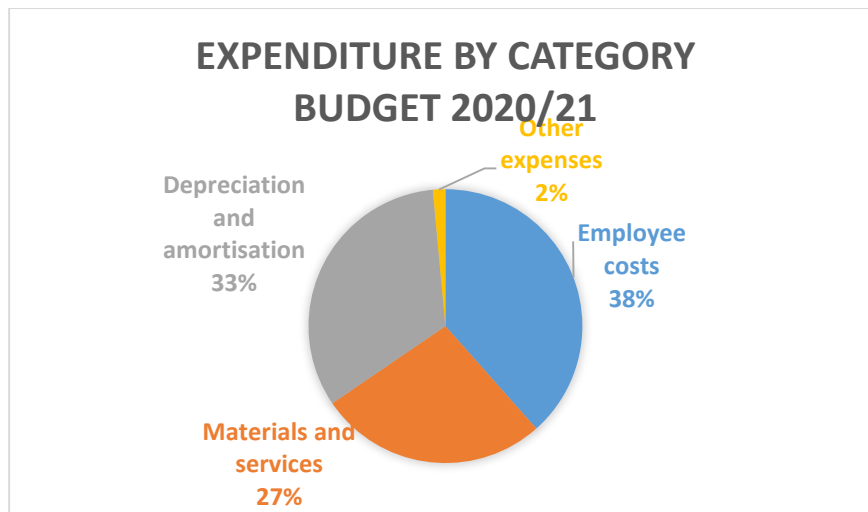
Council proposes no new borrowings for the 2020/21 year.

The following charts summarise Council expenditure with the total anticipated expenditure for 2020/21 being \$20.52 million, a decrease of \$1.68 million on projected expenditure for 2019/20.





COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL



Overall result

The expected operating result for 2020/21 is a deficit of \$0.71 million. The adjusted underlying result, when non-recurrent capital grants and capital contributions are excluded, is a \$1.05 million deficit. Council's cash position is anticipated to decline by \$0.29 million from 2019/20 to \$11.62 million at 30 June 2021. This is largely a result of drawing down on reserves set aside in prior years to fund election costs and capital expenditure.

Council's capital works program for the 2020/21 year is budgeted to be \$6.18 million. This amount will include \$5.86 million in renewal expenditure. The capital works program will be funded by capital grants of \$1.74 million, the sale of redundant or obsolete assets and community contributions of \$0.2 million, whilst \$4.24 million will be funded from Council operations. Included in the budget papers is a detailed schedule of capital works.

Risk Management Implications

There are significant risks in relation to not producing a relevant and accurate budget. The majority of these relate to the inability of Council to efficiently allocate resources to achieve its goals as set out in the Council Plan. The lack of an effective budget would also prevent Council from being able to measure its performance against the Council Plan, potentially leading to an inefficient use of resources.

Legislative Implications

Extracts Local Government Act 1989:

127. Council must prepare a budget

(1) A Council must prepare a budget for each financial year.



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

- (2) The Council must ensure that the budget contains—
 - (a) financial statements in the form and containing the information required by the regulations;
 - (b) a description of the services and initiatives to be funded in the budget;
 - (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
 - (d) Major Initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year;
 - (da) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
 - (db) the prescribed measures relating to those indicators;
 - (e) any other information required by the regulations.

- (3) The Council must ensure that the budget also contains—
 - (a) the information the Council is required to declare under section 158(1);
 - (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
 - (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

- (4) The Council must ensure that, if applicable, the budget also contains a statement—
 - (a) that the Council intends to apply for a special Order to increase the Council's average rate cap for the financial year under section 185E; or
 - (b) that the Council has made an application to the Essential Services Commission for a special Order under section 185E and is waiting for the outcome of the application; or
 - (c) that a special Order has been made in respect of the Council and a higher cap applies for the financial year.

129. Public notice

- (1) As soon as practicable after a Council has prepared a budget or revised budget, the Council must give public notice.

- (2) A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.

- (3) In addition to any other requirements specified by this Act, the notice referred to in subsection (1) must—
 - (a) contain any details required by the regulations; and
 - (b) advise that copies of the budget or revised budget are available for inspection for at least 28 days after the publication of the notice at—
 - (i) the Council office and any district offices; and
 - (ii) any other place required by the regulations.



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(c) advise that the proposed budget or revised budget is published on the Council's Internet website for at least 28 days after the publication of the notice.

(4) A copy of the budget or revised budget must be displayed at the places specified under sub-section (3)(b) and (c).

130. Adoption of budget or revised budget

(1) A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.

(2) The Council must give public notice of its decision under sub-section (1).

(3) The Council must adopt the budget by 30 June each year, or such other date fixed by the Minister by notice published in the Government Gazette.

(4) The Council must submit a copy of the budget or revised budget to the Minister within 28 days after adopting the budget under subsection (3) or adopting the revised budget under subsection (1).

(5) The Minister may extend the period within which a Council must comply with sub-section (4).

(6) If a Council fails to submit a copy of the budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the department.

(7) A Council must give the Minister any details concerning its budget or revised budget that the Minister requests.

(8) A Council must comply with sub-section (7)—

(a) within 14 days of receiving a request in writing for the details from the Minister; or

(b) within any longer period specified by the Minister in the request.

(9) A copy of the budget or revised budget must be available for inspection by the public at—

(a) the Council office and any district offices; and

(b) any other place required by the regulations.

223. Right to make submission

(1) The following provisions apply if a person is given a right to make a submission to the Council under this section (whether under this or any other Act)—

(a) the Council must publish a public notice—

(i) specifying the matter in respect of which the right to make a submission applies;

(ii) containing the prescribed details in respect of that matter;



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- (iii) specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published;
- (iv) stating that a person making a submission is entitled to request in the submission that the person wishes to appear in person, or to be represented by a person specified in the submission, at a meeting to be heard in support of the submission;
- (b) if a request has been made under paragraph (a)(iv), the Council must—
 - (i) provide the person with the opportunity to be heard in support of the submission in accordance with the request at a meeting of the Council or of a committee determined by the Council;
 - (ii) fix the day, time and place of the meeting;
 - (iii) give reasonable notice of the day, time and place of the meeting to each person who made a request;
- (c) if the committee determined under paragraph (b)(i) is not responsible for making the decision in respect of which the submissions have been made, the committee must provide a report on its proceedings, including a summary of hearings, to the Council or the special committee which is responsible for making the decision;
- (d) the Council or special committee responsible for making the decision must—
 - (i) consider all the submissions made under this section and any report made under paragraph (c);
 - (ii) notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

(2) If a proposal by the Council involves the exercise of powers at the same time under more than one section giving a right to make a submission and written submissions are received under more than 1 of those sections the submission procedure may be carried out in respect of all the written submissions at the same time.

(3) Despite section 98, a Council may authorise the appropriate members of Council staff to carry out administrative procedures necessary to enable the Council to carry out its functions under this section.

(4) A member of a committee specified in subsection (1)(b)(i) is subject to section 79 as if that member were a member of a special committee.

Extract Local Government (Planning and Reporting) Regulations 2014:

PART 3—BUDGETS

9 The financial statements

For the purposes of section 127(2)(a) of the Act, the financial statements included in a budget or revised budget must—

- (a) contain a statement of capital works for the financial years to which the financial statements relate; and



(b) be in the form set out in the Local Government Model Financial Report.

10 Other information to be included

(1) For the purposes of sections 127(2)(e) and 128(3) of the Act, a budget or revised budget must contain the following information in relation to the financial year to which the budget or revised budget relates—

(a) a detailed list of capital works expenditure—

(i) in relation to non-current assets classified in accordance with the model statement of capital works in the Local Government Model Financial Report; and

(ii) set out according to asset expenditure type;

(b) a summary of funding sources in relation to the capital works expenditure referred to in

paragraph (a), classified separately as—

(i) grants; and

(ii) contributions; and

(iii) Council cash; and

(iv) borrowings;

(c) a statement of human resources;

(d) a summary of expenditure in relation to the human resources referred to in the statement of human resources, categorised according to the organisational structure of the Council and classified separately as—

(i) permanent full time; or

(ii) permanent part time;

(e) a summary of the number of full time equivalent Council staff referred to in the statement of human resources, categorised according to the organisational structure of the Council and classified separately as—

(i) permanent full time; and

(ii) permanent part time;

(f) a list of grants by type and source, classified as—

(i) recurrent grants to be used to fund operating expenditure; or

(ii) recurrent grants to be used to fund capital expenditure; or

(iii) non-recurrent grants to be used to fund operating expenditure; or

(iv) non-recurrent grants to be used to fund capital expenditure;

(g) the total amount borrowed as at 30 June of the financial year compared with the previous financial year;

(h) the following information in relation to borrowings (other than borrowings to refinance existing loans)—

(i) in a budget that has not been revised, the total amount to be borrowed during the financial year compared with the previous financial year; or

(ii) in a revised budget, any additional amount to be borrowed compared with the budget or the most recent revised budget (as applicable);

(i) the total amount projected to be redeemed during the financial year compared with the previous financial year.

(2) For the purposes of sections 127(2)(e) and 128(3) of the Act, a budget or revised budget must contain the following information in relation to the financial year to which the budget or revised budget relates—



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

- (a) if Council declares general rates under section 158 of the Act, the rate in the dollar to be levied for each type or class of land;
- (b) the percentage change in the rate in the dollar to be levied for each type or class of land compared with the previous financial year;
- (c) the estimated amount to be raised by general rates in relation to each type or class of land compared with the previous financial year;
- (d) the estimated amount to be raised by general rates compared with the previous financial year;
- (e) the number of assessments in relation to each type or class of land compared with the previous financial year;
- (f) the number of assessments compared with the previous financial year;
- (g) the basis of valuation to be used under section 157 of the Act;
- (h) the estimated value of each type or class of land compared with the previous financial year;
- (i) the estimated total value of land rated under section 158 of the Act compared with the previous financial year;
- (j) the municipal charge under section 159 of the Act compared with the previous financial year;
- (k) the percentage change in the municipal charge compared with the previous financial year;
- (l) the estimated amount to be raised by municipal charges compared with the previous financial year;
- (m) the rate or unit amount to be levied for each type of service rate or charge under section 162 of the Act compared with the previous financial year;
- (n) the percentage change for each type of service rate or charge compared with the previous financial year;
- (o) the estimated amount to be raised by each type of service rate or charge compared with the previous financial year;
- (p) the estimated total amount to be raised by service rates and charges compared with the previous financial year;
- (q) the estimated total amount to be raised by all rates and charges compared with the previous financial year;
- (r) any significant changes that may affect the estimated amounts referred to in this subregulation to be raised.

(3) Subregulation (2) applies to a revised budget as if a reference in that subregulation to the previous financial year were a reference to the budget initially adopted under section 130 of the Act in the current financial year or the most recent revised budget (as applicable).

11 Public notice of proposed budget or revised budget

For the purposes of section 129(3)(a) of the Act, a public notice under section 129(1) of the Act must contain the following information—

- (a) the date on which Council will meet to adopt its budget or revised budget;
- (b) in the case of a revised budget, a summary of reasons for the preparation of the revised budget.



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

Environmental Implications

Not commented on

Financial and Budgetary Implications

As detailed in this report and the draft 2020/21 Budget.

Policy Implications

The draft 2020/21 Budget and draft 2020/21 – 2023/24 Strategic Resource Plan have effect on all Council policies.

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 3: Quality sustainable community services and infrastructure.
- Strategic Objective 4: Building on our agricultural and business strengths and supporting economic development.

Communication Implications

Council will undertake a public consultation period of 28 days under which members of the public are entitled to make formal submissions on the draft 2020/21 Budget.

The documents will be placed on Council's website and physical copies made available in Council Offices in Edenhope and Kaniva.

Council plans to hold at least one public workshop which will need to be conducted online via a live stream platform given the current social distancing restrictions in place due to COVID-19.

Council intends to invite members of the public to submit any questions prior to the session and will also respond to any questions which are received online during the live stream. Council will also provide a link to the draft budget on its Facebook site and will respond to questions lodged via that medium.



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

Conclusion

Council has prepared its draft 2020/21 Budget in accordance with the provisions of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*. The next step in the process is for Council to resolve to advertise the draft budget for public consultation and submissions.

OFFICER RECOMMENDATION:

1. That the 2020/21 draft budget be prepared by Council for the purposes of Section 127(1) of the *Local Government Act 1989*.

2. That the Chief Executive Officer be authorised to:

- a) Give public notice of the preparation of such budget, in accordance with Section 129 (1) of the *Local Government Act 1989*; and
- b) Make available for public inspection the information required to be made available in accordance with the *Local Government (Finance and Reporting) Regulations 2004*.

3. That Council:

- a) Seek public submissions on any proposal contained in such budget made in accordance with sections 129 and 223 of the Act, with such submission period closing 5.00pm Friday 19 June 2020; and
- b) Schedule any person wishing to be heard in support of their submission to the proposed budget, that they be heard by Council on Wednesday 24 June 2020 at Edenhope Council Chambers; and
- c) Consider a recommendation or notice of motion to adopt such budget at the Ordinary meeting of Council on Wednesday 15 July 2020 at Edenhope Council Chambers.



**COUNCIL MEETING MINUTES – 20 MAY 2020
WEST WIMMERA SHIRE COUNCIL**

Moved: Cr Jodie Pretlove

Seconded: Cr Richard Hicks

- 1. That the 2020/21 draft budget be prepared by Council for the purposes of Section 127(1) of the *Local Government Act 1989*.**
- 2. That the Chief Executive Officer be authorised to:**
 - a) Give public notice of the preparation of such budget, in accordance with Section 129 (1) of the *Local Government Act 1989*; and**
 - b) Make available for public inspection the information required to be made available in accordance with the Local Government (Finance and Reporting) Regulations 2004.**
- 3. That Council:**
 - a) Seek public submissions on any proposal contained in such budget made in accordance with sections 129 and 223 of the Act, with such submission period closing 5.00pm Friday 19 June 2020; and**
 - b) Schedule any person wishing to be heard in support of their submission to the proposed budget, that they be heard by Council on Wednesday 24 June 2020 at Edenhope Council Chambers; and**
 - c) Consider a recommendation or notice of motion to adopt such budget at the Ordinary Meeting of Council on Wednesday 15 July 2020 at Edenhope Council Chambers.**

Motion Carried (For: 4 / Against: 1)

Moved: Cr Trevor Domaschenz

Seconded:

That:

1. Now that West Wimmera Shire Council has approved to release a draft budget out to the public for 96.8 Equivalent Full Time Employees, that we receive public submissions and consider increased expenditure for roads, footpaths and other community proposals to the value of \$1.5 million out of cash reserves to keep our staff gainfully employed.
2. West Wimmera Shire Council endeavour to get matching grants to these projects.

The motion lapsed for want of a seconder



**COUNCIL MEETING MINUTES – 20 MAY 2020
WEST WIMMERA SHIRE COUNCIL**

Attachments:

No.	Name	RecFind Ref
14.2.1	Draft 2020/21 Budget	FM0055
14.2.2	Public Submission Form	FM0055



14.3 BORROWINGS POLICY

FILE NUMBER: FM0021

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) faces numerous community demands and desires for services and public asset provision which necessitates the management of a significant amount of funds. Council has a range of funding sources available to it in the provision of these services and community assets, one of which is making use of borrowings.

Basic financial management principles require that management and controls be placed upon the sourcing of funds via borrowings, and as such there are requirements around Council borrowings under the *Local Government Act 2020* and its predecessor the *Local Government Act 1989* (*the Act*). In accordance with the principals of sound financial management it is prudent for Council to institute its own policy around borrowings in addition to the requirements of the Act.

The draft updated Borrowings Policy is attached for Councillors information, seeking formal adoption by Council.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Borrowings can be an important source of funding for business activity. Council has the potential to investigate the use of borrowings to fund future capital works programs which have the potential to provide Council with additional or improved economic benefits.

The use of borrowings should provide a net benefit to any business undertaking them, and as such it is very important to have an effective control framework around borrowings to ensure that Council does indeed receive a net benefit from undertaking any such borrowings and that any debt servicing costs Council incurs do not negatively impact Council's service provision standards.



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The Borrowings Policy was last reviewed by Council at its May 2019 Ordinary Council Meeting. It is important to regularly review and update this policy so that Council can keep abreast of evolving business practices and circumstances placed upon Council.

No significant changes are proposed to the policy, other than some minor house-keeping amendments around position titles, along with some updated references to the new *Local Government Act 2020*.

It should be noted that the *Local Government Act 2020* does not mention borrowings in as much prescriptive detail as its predecessor, the *Local Government Act 1989*. This is in line with the direction of the new Act taking a more principle and conceptual based approach than its more prescriptive based antecedent legislation.

Put simply, the *Local Government Act 2020* proscribes the following regarding borrowings:

104 Borrowings

A Council cannot borrow money unless the proposed borrowings were included in the budget or a revised budget.

Both this and the more prescriptive principles from the *Local Government Act 1989* are outlined in the draft Borrowings Policy as attached.

The draft Borrowings Policy as attached maintains the basic principles that:

- Council should fund its own ongoing activities and ongoing maintenance of its public assets via rates and/or operating grants or contributions from government. This principle provides that future generations (i.e via deferred costs from future loan principle and interest payments) should not pay for current maintenance and consumption of assets or services.
- Council should consider borrowings as a manner of providing for long lived assets that provide inter-generational and longer term benefit to our community.
- There may be times when, despite its best efforts and intent, Council can be exposed to a financial obligation that is beyond its direct control, and it may be more beneficial to Council to utilise borrowings to extinguish that liability. A good example of this is where Council is made liable for a superannuation fund call.
- While recognising these principles, Council should consider the use of borrowings to fund these longer term projects and benefits at all stages when considering rate increases. This is especially so when Council considers applying for a variation to



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the published rate cap, where detail of the consideration of the use of borrowings shall be included in any application to vary the rate cap.

Risk Management Implications

Borrowings provide potential financial and reputational risks to Council. Borrowings have the potential to provide benefit and problems to Council.

However uncontrolled borrowings can have a catastrophic effect upon Council's financial sustainability, through cash flow issues with repayments, which in turn restricts the cash available for Council to use in delivering services to the community. Adhering to the Borrowings Policy mitigates these risks.

Legislative Implications

Council borrowings are controlled through the provisions of the *Local Government Act 2020*. Council may not enter into any borrowings during a financial year unless those borrowing are included in that financial year's Annual Budget. If Council wishes to enter into borrowings during a financial year where they are not included in the budget Council must prepare and release a Revised Budget for which another public consultation period is required.

Local Government Victoria, through the Loans Council, also monitor the sector's borrowing activity and must approve all new borrowings undertaken by Council. The draft Borrowings Policy addresses these compliance requirements.

Environmental Implications

Not Commented on.

Financial and Budgetary Implications

Failure to have effective guidelines around borrowings may lead Council to incur significant debt redemption and servicing costs. This may have a significant effect on Council's ongoing operational cash flow with a corresponding negative influence on service provision.

It is a requirement of the *Local Government Act 2020* that all proposed borrowings and debt redemption and servicing costs be included in Council's annual budget. If Council undertakes borrowings during a year where it has not included them in its adopted budget, then it must go through a full revised budget process.



COUNCIL MEETING MINUTES – 20 MAY 2020 WEST WIMMERA SHIRE COUNCIL

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:

Asset Management Policy
Asset Management Strategy
Borrowings Policy

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.
- Strategic Objective 3: Quality sustainable community services and infrastructure.

Communication Implications

The Borrowing Policy will be made available to all staff, for use as guidance when preparing strategic plans.

Any proposed new borrowings must be included in Council's Annual Budget.

Conclusion

The Borrowing Policy provides Council with clear guidelines to control future borrowings whilst promoting financial sustainability.

OFFICER RECOMMENDATION:

That Council adopt the draft Borrowings Policy

Moved: Cr Richard Hicks

Seconded: Cr Trevor Domaschenz

That Council adopt the draft Borrowings Policy.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
14.3.1	Draft 2020 Borrowings Policy	C20/002974



14.4 COUNCIL EXPENSES POLICY

FILE NUMBER: FM0021

**REPORT AUTHOR: ASHLEY ROBERTS, DIRECTOR CORPORATE AND
COMMUNITY SERVICES**

FOR DECISION

Introduction

West Wimmera Shire Council (Council) is required under section 41 of the *Local Government Act 2020* ('the Act') to adopt a Council Expenses Policy (the Policy). Under the timetable for implementation of the Act Council is required to adopt the Council Expenses Policy by 1 September 2020.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

Section 41 of the *Local Government Act 2020* states:

41 Council expenses policy

- (1) A Council must adopt and maintain an expenses policy in relation to the reimbursement of out of pocket expenses for Councillors and members of delegated committees.
- (2) A policy adopted by a Council under this section must—
 - (a) specify procedures to be followed in applying for reimbursement and in reimbursing expenses; and
 - (b) comply with any requirements prescribed by the regulations in relation to the reimbursement of expenses; and
 - (c) provide for the reimbursement of child care costs where the provision of child care is reasonably required for a Councillor or member of a delegated committee to perform their role; and
 - (d) have particular regard to expenses incurred by a Councillor who is a carer in a care relationship within the meaning of section 4 of the Carers Recognition Act 2012.
- (3) A Council must adopt the first expenses policy under this section on or before 1 September 2020.



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(4) Until a Council adopts a policy under this section, the policy adopted by the Council under section 75B of the Local Government Act 1989 applies as if it had been adopted under this Act.

The attached Council Expenses Policy fulfils these requirements.

The policy replaces the former Councillor Expense Entitlement and Support Policy, which was non-compliant with the new requirements of the Act as it did not specifically address the items listed in S.41(2) of the Act. The policy provides a process for the submission of expense claims and also for the approval or rejection of any claims submitted.

The policy also defines that an expense must be incurred directly as a result of undertaking Council business, and outlines what expenditure is ineligible for reimbursement under this Policy.

Risk Management Implications

The Council Expense Policy provides for oversight into the reimbursement of reasonable expenditure incurred by Councillors or Committee Members in the undertaking of Council business. As such it forms a foundation of Council's Anti-Fraud and Corruption Policy.

An effective Council Expense Policy can also mitigate reputational risk to Council.

Legislative Implications

The draft Council Expense Policy complies with the requirements of S.41 of the *Local Government Act 2020*.

Environmental Implications

Not commented on

Financial and Budgetary Implications

Councillors are entitled to be reimbursed for reasonable out of pocket expenses incurred in the undertaken of Council business. Council has allowed for an amount of \$28,000 for total Councillor Expenses other than Councillor Allowances in its 2019-20 budget.

Policy Implications

This report is supported by the following West Wimmera Shire Council Policy:
Councillor Code of Conduct Policy
Councillor Expense Entitlement & Support Policy
Human Rights Policy



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Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

Upon adoption the Council Expense Policy becomes a publicly accessible document and shall be published on Council's website.

Conclusion

The Council Allowance Policy ensures Council complies with S.41 of the *Local Government Act 2020*.

It recognises that from time to time Councillors and Committee Members may incur out of pocket expenses in the course of undertaking Council business, and provides for reasonable reimbursement of such expenses.

OFFICER RECOMMENDATION:

That Council adopts the Council Expenses Policy.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That Council adopts the Council Expenses Policy.

Carried (5/0)



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Attachments:

No.	Name	RecFind Ref
14.4.1	Draft Council Expenses Policy	FM0021
14.4.2	TD2019/11 ATO Reasonable Accommodation and Meal Expense Reimbursement Rates	FM0021



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14.5 FINANCIAL PERFORMANCE REPORT AS AT 31 MARCH 2020

FILE NUMBER: FM0068

REPORT AUTHOR: MELANIE JORDAN, FINANCE COORDINATOR

FOR DECISION

Introduction

This report presents West Wimmera Shire Council (Council) with the Financial Performance Report for the period ended 31 March 2020.

Declaration of Interests

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Background

The *Local Government Act 2020* ('the Act') requires Council to implement the principles of sound financial management (s.101 (1)). Section 97(1) of the Act requires that Council be presented with a statement comparing actual to budgeted revenue and expenditure for the financial year to date at least every three months.

The financial reports show an analysis of the actuals to budget forecasts at 31 March 2020. Where significant variances exist between actual amounts and budgeted figures, a note is included to provide an explanation for the variance. The financial reports include a Comprehensive Income Statement, Balance Sheet and Capital Works Statement to give a true indication of Council's operations, capital works program and financial position.

Risk Management Implications

Financial risks exist where officers are not adhering to budgets.

Legislative Implications

Section 97(1) of the *Local Government Act 2020* requires that Council is provided with financial reports a minimum of every three months comparing the budgeted revenue and expenditure with actual revenue and expenditure.

Environmental Implications

Nil



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Financial and Budgetary Implications

Financial and budgetary performance reporting and oversight form the fundamental building blocks of sound financial management. Without oversight of financial and budgetary performance Council may find itself unable to meet its obligations and desired community outcomes.

Policy Implications

Nil

Council Plan Implications

This report supports the following section/s of the West Wimmera Shire Council Plan 2017-2021:

- Strategic Objective 1: A proactive, well governed, professional and financially sustainable organisation that encourages community participation.

Communication Implications

The Finance Coordinator will continue to work with officers and managers to educate and enable financial management of their department.

Conclusion

Council's financial performance at 31 March 2020 is attached for Council's information, in accordance with the requirements of s.97(1) of the Act.

4.00pm: The Mayor's Zoom video link to the meeting failed

The Deputy Mayor assumed the chair

OFFICER RECOMMENDATION:

That the Financial Performance Report as at 31 March 2020 be received and noted.

Moved: Cr Richard Hicks

Seconded: Cr Jodie Pretlove

That the Financial Performance Report as at 31 March 2020 be received and noted.

Motion Carried (For: 3 / Against: 1 / Abstained: 1)



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Attachments:

No.	Name	RecFind Ref
14.5.1	Financial Performance Report as at 31 March 2020	E20/000082



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15.0 LATE ITEMS OF BUSINESS

Pursuant to Local Law No.7 (2017), Meeting Procedure and Common Seal Local Law 2017, West Wimmera Shire Council:

28. Urgent Business

Business must not be admitted as urgent business unless it:

- i. Relates to or arises out of a matter which has arisen since distribution of the agenda; and***
- ii. Cannot safely or conveniently be deferred until the next Ordinary Meeting.***

Nil

16.0 SEALING SCHEDULE

Nil

17.0 CONFIDENTIAL (PURSUANT TO LG ACT 2020 SECTION 66 (2)(a))

Nil

MEETING CONCLUDED: 4.05 PM

**NEXT MEETING: THURSDAY 18 JUNE 2020
KANIVA COUNCIL CHAMBER**