



AGENDA

COMMUNITY AND CORPORATE SERVICES COMMITTEE

12 February 2018

6.00pm

City of Albany Council Chambers

**CITY OF ALBANY
COMMUNITY STRATEGIC PLAN (ALBANY 2023)**

VISION

Western Australia's most sought after and unique regional city to live, work and visit.

VALUES

All Councillors, Staff and Volunteers at the City of Albany will be...

Focused: on community outcomes

This means we will listen and pay attention to our community. We will consult widely and set clear direction for action. We will do what we say we will do to ensure that if it's good for Albany, we get it done.

United: by working and learning together

This means we will work as a team, sharing knowledge and skills. We will build strong relationships internally and externally through effective communication. We will support people to help them reach their full potential by encouraging loyalty, trust, innovation and high performance.

Accountable: for our actions

This means we will act professionally using resources responsibly; (people, skills and physical assets as well as money). We will be fair and consistent when allocating these resources and look for opportunities to work jointly with other directorates and with our partners. We will commit to a culture of continuous improvement.

Proud: of our people and our community

This means we will earn respect and build trust between ourselves, and the residents of Albany through the honesty of what we say and do and in what we achieve together. We will be transparent in our decision making and committed to serving the diverse needs of the community while recognising we can't be all things to all people.

Community & Corporate Services Committee
Terms of Reference

Functions: The Committee is responsible for the following functions:

Community Services:

The delivery of "*Community Health & Participation Objectives*" contained in the City of Albany Strategic Plan:

- To build resilient and cohesive communities with a strong sense of community spirit.
- To create interesting places, spaces and events that reflect our community's identity, diversity and heritage.
- To develop and support a healthy inclusive and accessible community.

Corporate Services:

Monitoring and commenting on the financial health and strategies of Council.

The delivery of "*Leadership Objectives*" contained in the City of Albany Strategic Plan:

- To establish and maintain sound business and governance structures.
- To provide strong, accountable leadership supported by a skilled & professional workforce.
- To engage effectively with our community.

Economic Development:

Considering and recommending to Council ways to strengthen the local Albany economy.

The delivery of "*Smart, Prosperous and Growing Objectives*" contained in the City of Albany Strategic Plan:

- To strengthen and grow our region's economic base.
- To develop a smart city that supports economic growth.
- To develop and promote Albany as a unique and sought-after visitor location.

Governance:

- Review of Council's policies;
- Supporting Elected Members in their governance role;
- Developing amendments to existing, or new, local laws;
- Consideration of the Council's draft Strategic Plan;
- Consideration of the Council's draft Annual Report;
- Matters pertaining to the conduct of the Council's Annual General Meeting;
- Consideration of the proposed meeting schedule for Council and its Committees;
- Receiving reports from Council representatives on outside bodies, and from other bodies as determined by Council; and
- Considering matters not falling within the terms of reference of any other Council committee.

Service Complaint Internal Review:

- Responsible for reviewing unresolved service complaints, in accordance with the Service Complaints Policy.

It will achieve this by:

- Developing policies and strategies;
- Establishing ways to measure progress;
- Receiving progress reports;
- Considering officer advice;
- Debating topical issues;
- Providing advice on effective ways to engage and report progress to the Community; and
- Making recommendations to Council.

Membership: Open to all elected members

Meeting Schedule: Monthly

Meeting Location: Council Chambers

Directorates: Corporate & Community Services

Executive Officer(s): Executive Director Corporate Services,
Executive Director Community Services

Delegated Authority: None

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1. DECLARATION OF OPENING

The Chair declares the meeting of the Community and Corporate Services Committee open.

2. PRAYER AND ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS

“Heavenly Father, we thank you for the peace and beauty of this area. Direct and prosper the deliberations of this Council for the advancement of the City and the welfare of its people. Amen.”

“We would like to acknowledge the Noongar people who are the Traditional Custodians of the Land.

We would also like to pay respect to Elders both past and present”.

3. RECORD OF APOLOGIES AND LEAVE OF ABSENCE

Mayor	D Wellington
Councillors:	
Member	P Terry (Chair)
Member	R Hammond
Member	G Stocks
Member	R Stephens
Member	B Hollingworth
Member	E Doughty (Deputy Chair)
Member	J Shanhun
Member	T Sleeman
Member	S Smith
Member	A Goode JP
Member	A Moir
Member	R Sutton

Staff:	
Chief Executive Officer	A Sharpe
Executive Director Corporate Services	M Cole
Executive Director Community Services	S Kay
Executive Director Works & Services	M Thomson
Manager Finance	D Olde

Meeting Secretary	C Crane
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Apologies:

4. DISCLOSURES OF INTEREST

Name	Committee/Report Item Number	Nature of Interest

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE: Nil.

6. PUBLIC QUESTION TIME

7. PETITIONS AND DEPUTATIONS

8. CONFIRMATION OF MINUTES

DRAFT MOTION

THAT the minutes of the Commercial, Community and Corporate Services Committee held on 5 December 2017, as previously distributed, be CONFIRMED as a true and accurate record of proceedings.

9. PRESENTATIONS

10. UNRESOLVED BUSINESS FROM PREVIOUS MEETINGS

CCS024: FINANCIAL ACTIVITY STATEMENT – DECEMBER 2017

Proponent : City of Albany
Report Prepared by : Manager Finance (D Olde)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS024: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council RECEIVE the Financial Activity Statement for the period ending 31 December 2017.

BACKGROUND

1. The Statement of Financial Activity for the period ending 31 December 2017 has been prepared and is attached.
2. In addition to the statutory requirement to provide Council with a Statement of Financial Activity, the City provides Council with a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the Investment of Surplus Funds Policy.

DISCUSSION

3. In accordance with section 34(1) of the *Local Government (Financial Management) Regulations 1996*, the City of Albany is required to prepare each month a Statement of Financial Activity reporting on the revenue and expenditure of the local authority.
4. The requirement for local governments to produce a Statement of Financial Activity was gazetted in March 2005 to provide elected members with a greater insight in relation to the ongoing financial performance of the local government.
5. Additionally, each year a local government is to adopt a percentage or value to be used in Statements of Financial Activity for reporting material variances. Variations in excess of \$100,000 are reported to Council.
6. These financial statements are still subject to further yearend adjustments and have not been audited by the appointed auditor.

“Please note that rounding errors may occur when whole numbers are used, as they are in the reports that follow. The ‘errors’ may be \$1 or \$2 when adding sets of numbers. This does not mean that the underlying figures are incorrect.”

STATUTORY IMPLICATIONS

7. Section 34 of the *Local Government (Financial Management) Regulations 1996* provides:
- I. A local government is to prepare each month a statement of financial activity reporting on the source and application of funds, as set out in the annual budget under regulation 22 (1)(d), for that month in the following detail –
 - a. annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - b. budget estimates to the end of the month to which the statement relates;
 - c. actual amounts of expenditure, revenue and income to the end of the month to which the statement relate
 - d. material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - e. the net current assets at the end of the month to which the statement relates.
 - II. Each statement of financial activity is to be accompanied by documents containing –
 - a. an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - b. an explanation of each of the material variances referred to in sub regulation (1)(d); and
 - c. such other supporting information as is considered relevant by the local government.
 - III. The information in a statement of financial activity may be shown –
 - a. according to nature and type classification;
 - b. by program; or
 - c. by business unit.
 - IV. A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be –
 - a. presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and
 - b. recorded in the minutes of the meeting at which it is presented.

POLICY IMPLICATIONS

8. The City's 2017/18 Annual Budget provides a set of parameters that guides the City's financial practices.
9. The Investment of Surplus Funds Policy stipulates that the status and performance of the investment portfolio is to be reported monthly to Council.

FINANCIAL IMPLICATIONS

10. Expenditure for the period ending 31 December 2017 has been incurred in accordance with the 2017/18 proposed budget parameters.
11. Details of any budget variation in excess of \$100,000 (year to date) follow. There are no other known events which may result in a material non recoverable financial loss or financial loss arising from an uninsured event.

File Number (Name of Ward)	FM.FIR.7 - All Wards
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CCS025: LIST OF ACCOUNTS FOR PAYMENT – DECEMBER 2017

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Senior Accounting Officer (P Martin)
Responsible Officers: : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS025: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECIEVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 December 2017 totalling \$7,396,721.55.

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 December 2017. Please refer to the Attachment to this report.

Municipal Fund	
Trust	\$ 1,852.00
Credit Cards	\$ 27,741.93
Payroll	\$ 1,246,228.14
Cheques	\$ 84,455.97
Electronic Funds Transfer	\$ 6,036,443.51
TOTAL	<u>\$ 7,396,721.55</u>

As at 15 December 2017, the total outstanding creditors, stands at \$888,831.04 and made up as follows:-

Current	\$ 461,881.04
30 Days	\$ 427,127.05
60 Days	\$ 0.00
90 Days	-\$ 177.05
TOTAL	<u>\$ 888,831.04</u>

Cancelled cheques - Nil

STATUTORY IMPLICATIONS

3. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.

4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

6. Expenditure for the period to 15 December 2017 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 December 2017 has been incurred in accordance with the 2017/2018 budget parameters.

CONCLUSION

8. That list of accounts have been authorised for payment under delegated authority.
9. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS026: LIST OF ACCOUNTS FOR PAYMENT – JANUARY 2018

Business Entity Name : City of Albany
Attachments : List of Accounts for Payment
Report Prepared By : Senior Accounting Officer (P Martin)
Responsible Officers: : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS026: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the list of accounts authorised for payment under delegated authority to the Chief Executive Officer for the period ending 15 January 2018 totalling \$6,904,169.61.

BACKGROUND

1. Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's municipal and trust funds. In accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the Chief Executive Officer is to be provided to Council.

DISCUSSION

2. The table below summarises the payments drawn from the municipal fund for the period ending 15 January 2018. Please refer to the Attachment to this report.

Municipal Fund		
Trust		\$ 39,434.75
Credit Cards		\$ 18,754.48
Payroll		\$ 1,235,349.19
Cheques		\$ 82,537.36
Electronic Funds Transfer		\$ 5,528,093.83
TOTAL		<u>\$ 6,904,169.61</u>

As at 15 January 2018, the total outstanding creditors, stands at \$616,076.31 and made up as follows:-

Current	\$ 581,878.88
30 Days	\$ 36,004.25
60 Days	-\$ 1,094.15
90 Days	-\$ 712.67
TOTAL	<u>\$ 616,076.31</u>

Cancelled cheques - Nil

STATUTORY IMPLICATIONS

3. Regulation 12(1)(a) of the *Local Government (Financial Management) Regulations 1996*, provides that payment may only be made from the municipal fund or a trust fund if the Local Government has delegated this function to the Chief Executive Officer or alternatively authorises payment in advance.

4. The Chief Executive Officer has delegated authority to make payments from the municipal and trust fund.
5. Regulation 13 of the *Local Government (Financial Management) Regulations 1996* provides that if the function of authorising payments is delegated to the Chief Executive Officer, then a list of payments must be presented to Council and recorded in the minutes.

POLICY IMPLICATIONS

6. Expenditure for the period to 15 January 2018 has been incurred in accordance with the 2017/2018 budget parameters.

FINANCIAL IMPLICATIONS

7. Expenditure for the period to 15 January 2018 has been incurred in accordance with the 2017/2018 budget parameters.

CONCLUSION

8. That list of accounts have been authorised for payment under delegated authority.
9. It is requested that any questions on specific payments are submitted to the Executive Director Corporate Services by 4pm of the day prior to the scheduled meeting time. All answers to submitted questions will be provided at the Committee meeting. This allows a detailed response to be given to the Committee in a timely manner.

File Number (Name of Ward)	:	FM.FIR.2 - All Wards
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CCS027: DELEGATED AUTHORITY REPORTS

Proponent : City of Albany
Attachments : Executed Document and Common Seal Report
Report Prepared by : Personal Assistant to the ED Corporate Services (H Bell)
Responsible Officer : Chief Executive Officer (A Sharpe)

RECOMMENDATION

CCS027: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the Delegated Authority Reports 16 November 2017 to 15 January 2018.

**CCS028: ADOPTION OF THE BUDGET REVIEW FOR THE PERIOD
ENDING 31 DECEMBER 2017**

Proponent	: City of Albany
Attachments	: Budget Review for the period ending 31 December 2017
Report Prepared by	: Business Analyst/Management Accountant (D Harrison)
Responsible Officer	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan or Corporate Business Plan informing plans or strategies:
 - **Theme 1:** Leadership.
 - **Objective 1.1:** To establish and maintain sound business and governance structures.
 - **Community Priority1.1.1:** Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- Local governments are required to conduct a budget review between 1 January and 31 March each financial year under regulation 33A of the *Local Government (Financial Management) Regulations 1996*.
- This review is for the period ending 31 December 2017 and achieves a balanced Budget inclusive of the proposed Budget Review allocations.

RECOMMENDATION

**CCS028 RESPONSIBLE OFFICER RECOMMENDATION
VOTING REQUIREMENT: ABSOLUTE MAJORITY**

THAT Council ADOPT the Budget Review for the period ending 31 December 2017.

BACKGROUND

2. Local Governments are required to conduct a budget review between 1 January and 31 March each financial year which is a requirement covered by regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

DISCUSSION

3. Council adopted the 2017/2018 Budget on 25 July 2017. The total adopted budget of \$93.7 M comprised:
 - a. \$24.9 M capital works;
 - b. \$ 2.2 M debt reduction; and
 - c. \$66.6 M in operating expenditure.
4. This Budget Review identifies expenditure of \$4,351,848 for general works, variations and new projects of which \$1,707,427 is of a non cash nature.
5. The funding of \$2,644,421 inclusive of reduction in expenditures, adjustment of grant funding, additional revenue, reserve funding and the movement opening funds has been identified in this review to maintain a Balanced budget.
6. This budget review shows the 2017/2018 budget is in a balanced position.
7. A copy of the Budget Review for the period ending 31 December 2017 is attached.
8. Budget adjustments thereafter of an urgent nature will be brought to a Council Meeting as an item to be discussed when required and actioned outside of this review.

GOVERNMENT & PUBLIC CONSULTATION

9. Department of Local Government guidelines were followed in the preparation of this report.
10. City of Albany Executives, managers and officers with budget responsibility were consulted in the preparation of the Budget Review.

STATUTORY IMPLICATIONS

11. Under the *Local Government Act 1995*, section 6.8, 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
 - b. is authorised in advance by a resolution (absolute majority required) or;
 - c. is authorised in advance by the mayor in an emergency.
12. The voting requirement of Council is Absolute Majority.

POLICY IMPLICATIONS

13. There are no policy implications related to this report.

RISK IDENTIFICATION & MITIGATION

14. The risk identification and categorisation relies on the City’s Enterprise Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<p>Reputation & Organisation’s Operations. Non approval of the budget review, may result in significant delays to achieving deliverables.</p> <p>Opportunity: Provides Council with an additional opportunity to review the City’s current budget position.</p>	Unlikely	Moderate	Medium	<p>In the short term the existing Annual Budget would apply and proposed amendments would not apply.</p> <p>Adopt the Budget Review with amendments (as specified by Council).</p>

FINANCIAL IMPLICATIONS

BUDGET REVIEW FOR THE PERIOD ENDING 31 DECEMBER 2017

This Review Maintains Council's Budget in a Balanced Position

GENERAL WORKS/VARIATIONS. (Additional Funds Required)		\$ (2,644,421)
FUNDED BY		
- Reduction in Expenditure	1,547,612	
- Adjustment in Grant/Contributions Funding	522,063	
- Adjustment in Revenue	386,347	
- Restricted Cash Adjustments (Transfer To)/Transfer From	105,624	2,561,646
ADJUSTMENT IN DEPRECIATION & PROFIT/LOSS ON SALE (Non Cash Transactions)		(1,707,427)
Balance		<u>(1,790,202)</u>
- Current 17/18 Budgeted closing funds	79,212	
- Add back Depreciation/Loss on Sale (Non Cash)	1,707,427	
- Adjustment to opening funds from forecast to actual 30 June 2017 (Being adjustments at the conclusion of the annual Audit)	3,563	
- Amended 17/18 Budgeted closing funds		<u>-</u>

LEGAL IMPLICATIONS

15. Nil.

ENVIRONMENTAL CONSIDERATIONS

16. Nil.

ALTERNATE OPTIONS

17. For the period ending 31 December 2017, Council may consider to:
- a. Adopt the Budget Review as recommended; or
 - b. Adopt the Budget Review with amendments (as specified by Council)

SUMMARY CONCLUSION

18. That the Responsible Officer’s Recommendation to adopt the Budget Review for the period ending 31 December 2017 be supported.

Consulted References	:	Adopted Budget 2017/2018 <u>Local Government Act 1995</u>
File Number (Name of Ward)	:	FM.BUG.12
Previous Reference	:	Annual Budget – OCM 25/07/2017 Resolution CACS042

CCS029: QUARTERLY REPORT – TENDERS AWARDED – OCTOBER TO DECEMBER 2017

Proponent : City of Albany
Attachments : Quarterly Report – Tenders Awarded – October to December 2017
Report Prepared by : Procurement Officer (H Hutchinson)
Responsible Officer : Executive Director Corporate Services (M Cole)

RECOMMENDATION

CCS029: RESPONSIBLE OFFICER RECOMMENDATION

That Council RECEIVE the Quarterly Report – Tenders Awarded – October to December 2017.

CCS030: REGIONAL DESTINATION MARKETING ORGANISATION

Proponent	: City of Albany
Attachments	: Confidential Attachments
Report Prepared By	: Manager Business Development and Tourism (M Hammond)
Responsible Officer(s)	: Executive Director Corporate Services (M Cole)

CONFIDENTIAL REPORT

This Report will be considered behind closed doors in accordance with section 5.23 (2) (c) & (e) of the Local Government Act 1995, is a contract which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and would reveal information that has information about the business, professional, commercial or financial affairs of a person.

CCS031: LOCAL GOVERNMENT ACT REVIEW WALGA SUBMISSION

Proponent / Owner	: City of Albany
Attachments	: <ul style="list-style-type: none">• WALGA Information Paper – 22 January 2018 (including State Council Resolutions – December 2017).
Report Prepared By	: Manager Governance & Risk (S Jamieson)
Responsible Officer:	: Chief Executive Officer (A Sharpe)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Strategic Community Plan and Corporate Business Plan:
 - **Theme: 1.** Leadership.
 - **Objectives: 1.1** To establish and maintain sound business and governance structures.
 - **Community Priority: 1.1.2.** Provide informed and transparent decision making that is consistent with our strategic direction, meets our legal obligations, reflect the level of associated risk and are adequately explained to community.

In Brief:

- Consider the endorsement of the WALGA Response to the Local Government Act review.

CCS031: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council:

- (1) **ENDORSE** the Retention of the Current WALGA Policy Positions as detailed in this report, and
- (2) **ENDORSE** the amendment of the current WALGA Policy Position 'RATING EXEMPTIONS – CHARITABLE PURPOSES';
- (3) **ENDORSE** the amendment of the current WALGA Policy Position 'ELECTED MEMBER TRAINING'.
- (4) **ENDORSE** the ADOPTION of the following NEW WALGA Policy Positions.
- (5) **NOTE** the additional WALGA proposals for consideration as listed in the report following sector consultation.

BACKGROUND

2. WALGA prepared a discussion paper in July 2017 with the aim of obtaining the sectors issues for the Act review.
3. State Council endorsed positions following sector input and Zone consideration at the December 2017 State Council meeting.
4. Find attached the draft submissions which suggests numerous changes to the Local Government Act and Regulations prepared by WALGA and the LG Professionals. .
5. The LG Professionals WA document; seeks to broadly accord with positions which are being suggested by WALGA (refer to attached WALGA's position) in its submission and adds a few other proposals which have been suggested by Members.

DISCUSSION

6. The purpose of this report is to formally:
- a. Present the WALGA and draft LG professionals on the LG Act review; and
 - b. Advise that both Council and/or individual elected members can provide additional feedback to the Department.
7. The WALGA State Council resolved:

(1) ENDORSE THE RETENTION OF CURRENT WALGA POLICY POSITIONS AS LISTED:

(a) Method of Election of Mayor/President: Section 2.11

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

(b) Notification of Affected Owners: Section 3.51

Section 3.51 of the Local Government Act 1995 concerning “Affected owners to be notified of certain proposals” should be amended to achieve the following effects:

1. to limit definition of “person having an interest” to those persons immediately adjoining the proposed road works (i.e. similar principle to town planning consultation); and
2. to specify that only significant, defined categories of proposed road works require local public notice under Section 3.51 (3) (a).

(c) Regional Local Governments: Part 3, Division 4

The compliance obligations of Regional Local Governments should be reviewed.

(d) Council Controlled Organisations: Part 3, Division 4

The Local Government Act 1995 should be amended to enable Local Governments to establish Council Controlled Organisations (CCO).

(e) Tender Threshold: Local Government (Functions and General) Regulation 11(1)

WALGA supports an increase in the tender threshold to align with the State Government tender threshold (\$250 000).

(f) Regional Subsidiaries

That WALGA advocate for legislative and regulatory amendments to enable Regional Subsidiaries to:

- Borrow in their own right;
- Enter into land transactions; and
- Undertake commercial activities

(g) Conduct of Postal Elections: Sections 4.20 and 4.61

The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and or any other third party provider to conduct postal elections.

(h) Voluntary Voting: Section 4.65

Voting in Local Government elections should remain voluntary.

(i) Electors' General Meeting: Section 5.27

Section 5.27 of the Local Government Act 1995 should be amended so that Electors' General Meetings are not compulsory.

(j) Local Government (Rules of Conduct) Regulations 2007

WALGA supports:

1. Official Conduct legislation to govern the behaviour of Elected Members;
2. An efficient and effective independent Standards Panel process;
3. An ability for the Standards Panel to dismiss vexatious and frivolous complaints; and,
4. Confidentiality for all parties being a key component of the entire process.

(k) Imposition of Fees and Charges: Section 6.16

That a review be undertaken to remove fees and charges from legislation and Councils be empowered to set fees and charges for Local Government services.

(l) Rating Exemptions – Rate Equivalency Payments

Legislation should be amended so rate equivalency payments made by LandCorp and other Government Trading Entities are made to the relevant Local Governments instead of the State Government.

(m) Rating Restrictions – State Agreement Acts

Resource projects covered by State Agreement Acts should be liable for Local Government rates.

(n) Poll Provisions

Schedule 2.1 of the Local Government Act 1995 should be amended so that the electors of a Local Government affected by any boundary change or amalgamation proposal are entitled to petition the Minister for a binding poll.

(o) Stand Down Provision

WALGA supports, in principle, a proposal for an individual elected member to be 'stood down' from their role when they are under investigation; have been charged; or when their continued presence prevents Council from properly discharging its functions or affects the Council's reputation, subject to further policy development work being undertaken.

Further policy development of the Stand Down Provisions must involve specific consideration of the following issues of concern to the Sector:

1. That ... the established principles of natural justice and procedural fairness are embodied in all aspects of the proposed Stand Down Provisions; and
2. That activities associated with the term 'disruptive behaviour', presented as reason to stand down a defined Elected Member on the basis their continued presence may make a Council unworkable, are thoroughly examined and clearly identified to ensure there is awareness, consistency and opportunity for avoidance.

(p) Method of Voting - Schedule 4.1

Elections should be conducted utilising the first-past-the- post (FPTP) method of voting.

(2) AMEND THE CURRENT WALGA POLICY POSITION 'RATING EXEMPTIONS – CHARITABLE PURPOSES: SECTION 6.26(2)(G)' BY ADDING ITEM 3:

1. Amend the Local Government Act to clarify that Independent Living Units should only be exempt from rates where they qualify under the Commonwealth Aged Care Act 1997;
2. Either:
 - a. amend the charitable organisations section of the Local Government Act 1995 to eliminate exemptions for commercial (non-charitable) business activities of charitable organisations; or
 - b. establish a compensatory fund for Local Governments, similar to the pensioner discount provisions, if the State Government believes charitable organisations remain exempt from payment of Local Government rates; and
3. Request that a broad review be conducted into the justification and fairness of all rating exemption categories currently prescribed under Section 6.26 of the Local Government Act.

(3) AMEND THE CURRENT WALGA POLICY POSITION 'ELECTED MEMBER TRAINING' TO READ:

That WALGA:

1. Supports and encourages all Elected Members to carry out the Elected Member Skillset, as a minimum, that comprises;
 - i. Understanding Local Government;
 - ii. Serving on Council;
 - iii. Understanding Financial Reports and Budgets;
 - iv. Conflicts of Interest; and,
 - v. Meeting Procedures and Debating.
2. Requests the State Government through the Minister for Local Government to provide funding assistance to Local Governments to enable all Elected Members to receive training;
3. Supports Local Governments being required to establish an Elected Member Training Policy to encourage training and include budgetary provision of funding for Elected Members; and,
4. Supports Local Government election candidates being required to attend a Candidates information session, either in person or on-line, as an eligibility criteria for nomination as an Elected Member.

(4) ADOPT AS WALGA POLICY POSITIONS THE FOLLOWING ITEMS AS LISTED:

(a) Local and Statewide Public Notice: Sections 1.7 and 1.8

That Sections 1.7 and 1.8 of the Local Government Act be amended to remove the statutory requirements for state-wide and local public notice to be placed in a newspaper circulating state-wide or locally, to be replaced with the requirement for a Local Government to place public notices on their website.

(b) Leave of Absence when Contesting State or Federal Election

Amend the Act to require an Elected Member to take leave of absence when contesting a State or Federal election, applying from the issue of Writs. The options to consider include:

- (a) that an Elected Member remove themselves from any decision making role and not attend Council and Committee meetings; or
- (b) that an Elected Member take leave of absence from all aspects of their role as a Councillor and not be able to perform the role as specified in Section 2.10 of the Local Government Act.

(c) Control of Certain Unvested Facilities: Section 3.53

That Section 3.53 be repealed and that responsibility for facilities located on Crown Land return to the State as the appropriate land manager.

(d) Dispositions of Property: Local Government (Functions and General) Regulation 30(3)

That Regulation 30(3) be amended to delete any financial threshold limitation (currently \$75,000) on a disposition where it is used exclusively to purchase other property in the course of acquiring goods and services, commonly applied to a trade-in activity.

(e) On-Line Voting

That WALGA continue to investigate online voting and other opportunities to increase voter turnout.

(f) Special Electors' Meeting: Section 5. 28

That Section 5.28(1)(a) be amended:

- (a) so that the prescribed number of electors required to request a meeting increase from 100 (or 5% of electors) to 500 (or 5% of electors), whichever is fewer; and
- (b) to preclude the calling of Electors' Special Meeting on the same issue within a 12 month period, unless Council determines otherwise.

(g) Senior Employees: Section 5.37(2)

That Section 5.37(2) of the Local Government Act be deleted.

(h) Annual Review of Certain Employees Performance: Section 5.38

That Section 5.38 either be deleted, or amended so that there is only a specific statutory requirement for Council to conduct the Chief Executive Officer's annual performance review.

(i) Gifts and Contributions to Travel: Sections 5.82 and 5.83

That the Local Government Act 1995 and Regulations be amended so that:

- There be one section for declaring gifts. Delete declarations for Travel.
- No requirement to declare gifts received in a genuinely personal capacity, as gifts only to be declared in respect to an Elected Member or CEO carrying out their role.
- Gift provisions only for Elected Members and CEO's.
- Other staff fall under Codes of Conduct from the CEO to the staff.
- Gifts only to be declared if above \$500.00.
- There will not be any category of notifiable gifts or prohibited gifts.
- Exemptions for ALGA, WALGA and LG Professionals (already achieved).
- Exemption for electoral gifts received that relate to the State and Commonwealth Electoral Acts, so Elected Members who are standing for State or Federal Parliament will only need to comply with the State or Federal electoral act and not declare it as a Local Government gift.

(j) Vexatious and Frivolous Complainants: New Provision

That a statutory provision be developed, permitting a Local Government to declare a member of the public a vexatious or frivolous complainant.

(k) Revoking or Changing Decisions: Regulation 10

That Regulation 10 be amended to clarify that a revocation or change to a previous decision does not apply to Council decisions that have already been implemented.

(l) Minutes, contents of: Regulation 11

That Regulation 11 be amended to require that information presented in a Council or Committee Agenda also be included in the Minutes to that meeting.

(m) Repayment of Advance Annual Payments: New Regulation

That regulations be drafted as matter of priority in relation to Section 5.102AB of the Local Government Act.

(n) Power to Borrow: Section 6.20

That Section 6.20(2) of the Local Government Act, requiring one month's public notice of the intent to borrow, be deleted.

(o) Basis of Rates: Section 6.28

That Section 6.28 be reviewed to examine the limitations of the current methods of valuation of land, Gross Rental Value or Unimproved Value, and explore other alternatives including simplifying and providing consistency in the rating of mining activities.

(p) Differential General Rates: Section 6.33

That Section 6.33 of the Local Government Act be reviewed in contemplation of time-based differential rating, to encourage development of vacant land.

(q) Service of Rates Notice: Section 6.41 That Section 6.41 be amended to:

- (a) permit the rates notice to be issued electronically; and
- (b) introduce flexibility to offer regular rate payments (i.e. fortnightly, monthly etc.) without requirement to issue individual instalment notices.

(r) Rates or Service Charges Recoverable in Court: Section 6.56

That Section 6.56 be amended to clarify that all debt recovery action costs incurred by a Local Government in pursuing recovery of unpaid rates and services charges be recoverable and not be limited by reference to the 'cost of proceedings'.

(s) Exemption from AASB 124: Regulation 4

That Regulation 4 of the Local Government (Financial Management) Regulations be amended to provide an exemption from the application of AASB 124 'Related Party Transactions' of the Australian Accounting Standards (AAS).

(t) Onus of Proof in Vehicle Offences may be Shifted: Section 9.13(6)

That Section 9.13 of the Local Government Act be amended by introducing the definition of 'responsible person' to enable Local Governments to administer and apply effective provisions associated with vehicle related offences

(u) Schedule 2.1 – Proposal to the Advisory Board, Number of Electors clause 2(1)(d).

That Schedule 2.1 Clause 2(1)(d) be amended so that the prescribed number of electors required to put forward a proposal for change increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

(v) Schedule 2.2 – Proposal to amend names, wards and representation, Number of Electors clause 3(1)

That Schedule 2.2 Clause 3(1) be amended so that the prescribed number of electors required to put forward a submission increase from 250 (or 10% of electors) to 500 (or 10% of electors) whichever is fewer.

(5) NOTE ADDITIONAL PROPOSALS AS LISTED FOR FUTURE CONSIDERATION FOLLOWING SECTOR CONSULTATION:

(a) New Proposal - Differentiating between Local Governments/Tiered Compliance

- o Insert a new provision to differentiate between Local Governments based on capacity. This will reduce the compliance burden on smaller Local Governments with limited capacity and provide additional opportunities for local governments with capacity.
- o Tiered application of legal framework and support a review of this approach.

(b) New Proposal – Regional Capitals Recognition

The Regional Capitals Alliance would welcome legislative change to enable regional capitals to be designated within the Act under Section 2.4 (District to be designated city, town or shire) and also that the Regional Capitals Alliance WA (RCAWA) be established as a recognised statutory body not dissimilar to the establishment of a regional local government currently provided for in the Act under Division 4 Section 3.61.

(c) New Proposal Section 2.21 – Disqualification because of Convictions

Add a disqualification criteria which disqualifies a person from being an Elected Member if they have been convicted of an offence against the Planning and Development Act, or the Building Act, in the preceding five years.

A planning or building system conviction is potentially more serious than a Local Government Act conviction because of Local Government's prominent role in planning and building control and the significant personal benefits which can be illegally gained through these systems.

(d) New Proposal – Local Laws

- Procedure for making local laws – Local Governments' local laws generally affect those persons within its district. The requirement to give state-wide notice under subsection (3) should be reviewed and consideration being given to Local Governments only being required to advertise the proposed local law by way of local public notice;
- Eliminate the requirement to consult on Local Laws when a model is used;
- Periodic review of local laws – consideration might be given to review of this section and whether it could be deleted. Local Governments through administering local laws will determine when it is necessary to amend or revoke a local law in terms of meeting its needs for its inhabitants of its district. Other State legislation is not bound by such periodic reviews, albeit recognising such matters in subsidiary legislation are not as complex as matters prescribed in statute.

(e) New Proposal – Closure of Bridges for Repairs

Allow a bridge to be closed for urgent repairs and maintenance without notice, even if it will have significant adverse effects on users. The closure of a bridge will often have significant adverse effects on users. However, bridges may need to be closed for urgent repairs if there is a sign of weakness and, currently, the Act does not provide capacity to take this action without giving local public notice if the closure will be greater than four weeks.

(f) New Proposal Section 6.14 – Power to Invest

Allow Local Governments with capacity to invest in accordance with the Trustees Act in the manner that existed prior to the Global Financial Crisis. The Global Financial Crisis was a once in a generation experience (1987 and 1929 were the two previous financial crashes of extreme magnitude). Legislation should not be based on a worst case scenario but on a routine and general operating environment. Prior to the Global Financial Crisis, the previous legislation was adequately controlling Local Government investments.

(g) New Proposal – Financial Management Provisions

Conduct a complete review of the Financial Management provisions under Part 6 of the Local Government Act and associated Regulations;

(h) New Proposal – Standards Panel

Review of Standards Panel Legislative content and practices.

- (i) New Proposal – Local Government Election Provisions**
Review of Local Government election provisions under Part 4 of the Local Government Act and associated Regulations with a focus on lessons learnt in the conduct of the 2017 elections including currently non-legislated matters such as candidate conduct and campaigning behaviours.
- (j) New Proposal – CEO Employment**
Investigate and Development a policy on an approach whereby Local Government be encouraged to seek third party assistance in the recruitment, performance management and, if necessary, dismissal of a CEO, with any necessary legislation.
- (k) New Proposal – Section 3.58 and 3.59: Disposal of Property and Commercial Enterprises**
That WALGA include in the Local Government Act 1995 Review submission, the review of section 3.58 Disposing of Property and section 3.59 Commercial Enterprises to be redrafted to reflect current commercial and contractual practices in Western Australia.
- (l) New Proposal – Simple / Absolute Majority Decisions**
That WALGA support a review of those decisions requiring simple / absolute majority.

GOVERNMENT & PUBLIC CONSULTATION

8. The Mayor and Deputy Mayor represented the City of Albany Council at the WALGA Zone meeting in Tambellup, providing input to the WALGA submission on the 18 September 2017.
9. Public Consultation was held on the 21 November 2017, supported by the City of Albany and facilitated by the Department of Local Government.
10. Invitations to participate in the public forums were advertised in local print media, online and through email.
11. City of Albany Staff participated in a regional LG Professional (Great Southern Branch) meeting in November.

STATUTORY IMPLICATIONS

12. Feedback provided in regards to the review of the LG Act will have statutory implications if implemented.
13. The voting requirement of Council is Simple Majority.

POLICY IMPLICATIONS

14. There are no policy implications related to this item

RISK IDENTIFICATION & MITIGATION

15. The risk identification and categorisation relies on the City’s Enterprise Risk and Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
<i>Reputation. Perception of lack of community engagement.</i>	<i>Possible</i>	<i>Insignificant</i>	<i>Low</i>	<i>City of Albany actively promoted the review of the LG Act regionally and locally.</i>
<i>Opportunity: The provision of this report may provide additional public awareness and promote engagement in the review process.</i>				

FINANCIAL IMPLICATIONS

16. There are no budget financial implications related to this report.

LEGAL IMPLICATIONS

17. No applicable to this report.

ENVIRONMENTAL CONSIDERATIONS

18. There are no direct environmental considerations related to this item.

ALTERNATE OPTIONS

19. The report provides Council with the opportunity to:
- a. Indicated support for the proposals contained in the WALGA draft document
 - b. Amend or delete proposals; or
 - c. Add NEW proposals.

CONCLUSION

20. It is recommended that the Responsible Officer’s Recommendation be adopted.

Consulted References	:	• <i>Local Government Act 1995 (the Act)</i>
File Number (Name of Ward)	:	• All Wards
Previous Reference	:	• Nil

**CCS032: CORPORATE SCORECARD (CITY UPDATE) - DECEMBER
QUARTER 2017/18**

Proponent	: City of Albany
Attachments	: City Update-Dec Quarter 2017
Report Prepared by	: Facilitator-Strategy and Improvement (S Grimmer)
Responsible Officer(s)	: Executive Director Corporate Services (M Cole)

STRATEGIC IMPLICATIONS

1. This item relates to the following elements of the City of Albany Community Strategic Plan and Corporate Business Plan:
 - **Key Theme:** 1 Leadership
 - **Objective:** 1.1 To establish and maintain sound business and governance structures
 - **Community Priority:** 1.1.1 Implement systems and controls that ensure the prudent use of rates and ensure value for money in all aspects of Council operations.

In Brief:

- The City's Corporate Scorecard reports progress against the City's integrated planning framework.

RECOMMENDATION

CCS032: RESPONSIBLE OFFICER RECOMMENDATION

THAT Council NOTE the Corporate Scorecard Report for the December 2017 quarter.

BACKGROUND

2. The Corporate Scorecard (City Update) provides a quarterly snapshot on how the City is performing in the areas of Service Delivery, Finance, People, Asset Management and summarises progress on strategic priorities (CEO KPI's) and strategic projects.
3. A simple traffic light system is used to report on the progress made against set performance targets.

SUMMARY OF FINDINGS

4. The format has been rebranded in the December quarter using the Our City brand and updated to include a summary of progress against the strategic projects scheduled for delivery.
5. The December 2017 report indicates that the City continues to meet its budget and asset management commitments and is making good progress against the deliverables outlined in Business Unit Plans, Strategic Projects and the 2017/18 Key Performance Indicators (KPI's) as established by Council.

GOVERNMENT CONSULTATION

6. The City of Albany Scorecard is modelled on similar approaches from across the Local Government sector.

STATUTORY IMPLICATIONS

7. **Section 5.56(1) and (2) of the *Local Government Act 1995*** requires that each local government is ‘to plan for the future of the district’, by developing plans in accordance with the regulations. The advisory standard, framework and supporting guidelines stress the importance of measuring progress and outcomes.

RISK IDENTIFICATION & MITIGATION

8. The risk identification and categorisation references the City’s Risk & Opportunity Management Framework.

Risk	Likelihood	Consequence	Risk Analysis	Mitigation
Reputation. Council fails to deliver against it's commitments.	Unlikely	Moderate	Medium	Monitor & report performance quarterly and take appropriate action
Opportunity: To improve communication with the community on how the City is performing against it's commitments.				
Communication will be complimented by quarterly reporting to Council and social media video updates.				

FINANCIAL IMPLICATIONS

9. While there are no direct financial implications in relation to this item, failure to meet our statutory obligations in regards to integrated planning and reporting could affect our ability to attract future State Government funding.

CONCLUSION

10. The corporate scorecard (City update) provides a snapshot on how the City of Albany is performing against it's integrated planning framework.

Consulted References	:	<ul style="list-style-type: none"> Local Government Act 1995 Western Australian - Integrated Planning and Reporting Framework
File Number (Name of Ward)	:	CM.RVW.3 (All Wards)
Previous Reference	:	<ul style="list-style-type: none"> November 2017 OCM- CCS005 Councillor Strategic Workshop November 2017

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. MEETING CLOSED TO THE PUBLIC

CCS030: REGIONAL DESTINATION MARKETING ORGANISATION

13. CLOSURE