AGENDA

Special Council Meeting
Tuesday, 18 February 2020

I hereby give notice that a Special Meeting of Council will be held on:

Date:       Tuesday, 18 February 2020
Time:       7.00pm
Location:   Council Chambers, Kimba

Debra Larwood
Chief Executive Officer
Order Of Business

1 Welcome ........................................................................................................................... 3
2 Apologies .......................................................................................................................... 3
3 Conflict of Interest ........................................................................................................... 3
4 Officers’ Reports ............................................................................................................. 4
   4.1 Drought Communities Extension Programme .......................................................... 4
5 Late/Other Business ......................................................................................................... 7
6 Upcoming Meetings/Events ............................................................................................ 7
7 Next Meeting .................................................................................................................... 7
8 Closure .............................................................................................................................. 7
1 WELCOME

2 APOLOGIES

3 CONFLICT OF INTEREST

Conflict of Interest Declarations

In accordance with s74 of the Local Government Act 1999:

1. A member of Council who has an interest in a matter before the Council must disclose the interest to the Council;

2. A member in making a disclosure under subsection (1) must provide full and accurate details of the relevant interest;

3. A disclosure made under subsection (1) must be recorded in the minutes of the Council (including details of the relevant interest).
4 OFFICERS’ REPORTS

4.1 DROUGHT COMMUNITIES EXTENSION PROGRAMME

File Number: 9.41.01
Author: Debra Larwood, Chief Executive Officer
Authoriser: Kate Francis, Governance Coordinator

Strategic Objectives:

1.7 Community buildings maintained in excellent condition and well utilised.
1.11 Quality playground equipment installed in all playgrounds
1.12 Quality public toilets & visitor facilities constructed & maintained
5.3 Maximise Council engagement with community.

RECOMMENDATION

That the Council takes into account both section 49(2)(d) of the Local Government Act 1999 and Clause 8 of its Contracts, Tenders and Purchasing Policy in relation to its discretionary power to enter into contracts other than those resulting from a tender process provided that it records its reasons for doing so.

That the Council approves a waiver under clause 8.6 of its Contracts, Tenders and Purchasing Policy, in favour of a direct purchasing approach for the completion of the projects approved for funding through the Commonwealth Drought Communities Programme Extension, which, in the opinion of the elected members, is in the best interests of the Council in all the circumstances and brings the best outcomes for the Council and its community, for the following reasons:

- eligibility criteria are limited and strict;
- the stipulated projects’ completion date is 31 December 2020 and all projects must also be paid for by this same date;
- information received from the Australian Government is that the stipulated completion/payment date will not be extended;
- the objectives of the Programme include local employment and work opportunities, local community spending stimulation, use and retention of local resources/businesses/suppliers and local community benefits including in the nature of economic activities, all of which the Council believes it can achieve in its proposed approach in this matter;
- the Council is in possession of single costings in respect of some of the proposed projects;
- in the opinion of the Council, the costings received are considered to be fair and reasonable and the supplier from whom the costings have been obtained where possible is local, however Council understands that some external suppliers will be required for specific projects; and
• the Council has had regard to the time constraints imposed by the Programme, that it will require final approvals from the Australian Government following its application for funding; its need to proceed with a degree of expediency in the event that approvals are received; and the fact that a procurement process in accordance with its Contracts, Tenders and Purchasing Policy is not feasible in the timeframes available to it under the Programme.

That for all of the above reasons, the Council is of the view that it is justified in waiving the application of its Contracts, Tenders and Purchasing Policy for the proposed procurement activities within the scope of the expenditure for the projects approved for funding through the Commonwealth Drought Communities Programme Extension, and authorises the Chief Executive Officer to proceed accordingly in all procurement activities within the scope of such projects and this resolution.

INTRODUCTION

On 7 November 2019, the Australian Government committed to provide an additional $1 million each to 128 drought-affected councils and shires under the Drought Community Programme - Extension. The funding was designed to provide an immediate economic stimulus to drought-affected communities by investing in projects that support jobs and business income. The district Council of Kimba was identified as one of these drought-affected Council and has until 31st December 2020 to expend the funds and complete the projects.

PREVIOUS COUNCIL CONSIDERATION

Council has carefully considered potential projects over the course of the last four meetings and has identified the following projects:

• Recreation Reserve Toilet Upgrade
• Kimba Soldiers Memorial Institute Building and Toilet Upgrades
• Casual Labour Paving Project
• Emergency Services Facilities generator
• Men’s Shed Pavilion Upgrade
• Sand Drift Removal/Roadworks
• Community Bus Replacement
• Kimba A.H. & F. Society Funding
• Subsidised Training Package

In addition two potential additional projects identified subject to available funding as follows:

• Pony Club Toilet Upgrade
• Outdoor Cinema
OFFICER’S REPORT

At the meeting of Council held on 12th February 2020 Council finalised projects to be submitted to the Drought Communities Extension Programme. Given the timeframes for completion only extends to 31st December 2020 and the subsequent application and assessment process is yet to be undertaken Council’s ability to complete the projects within the required timelines will be impacted. For all projects outlined above for which applications will be lodged, it is Councils intent to obtain at least one quote for the required works to be undertaken. Given the ever decreasing timelines and the restrictions pertaining to guideline objectives and requirements including local community spending stimulation and local employment it may be prudent for Council to consider proceeding on the basis of quotes available as opposed to obtaining a second quote or going to tender as required by Council’s Contracts, Tenders and Purchasing policy. The recommendation included in this report has been prepared on that basis.

RISK/LIABILITY

The risk to Council is in not being able to meet the Programme Guidelines or being unable to complete the projects in the required timeframes.

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Insignificant 1</th>
<th>Minor 2</th>
<th>Moderate 3</th>
<th>Major 4</th>
<th>Catastrophic 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (almost certain)</td>
<td>H</td>
<td>H</td>
<td>E</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>B (likely)</td>
<td>M</td>
<td>H</td>
<td>H</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>C (moderate)</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>D (unlikely)</td>
<td>L</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>E</td>
</tr>
<tr>
<td>E (rare)</td>
<td>L</td>
<td>L</td>
<td>M</td>
<td>H</td>
<td>H</td>
</tr>
</tbody>
</table>

Legend:  E: Extreme risk; immediate action required  
         H: High risk; senior management attention needed  
         M: Moderate risk; management responsibility must be specified  
         L: low risk; manage by routine procedures  

Extreme and High Risk Issues require a Risk Assessment to be undertaken

ATTACHMENTS

Nil
5 LATE/OFFER BUSINESS

6 UPCOMING MEETINGS/EVENTS

7 NEXT MEETING

   Wednesday, 11 March 2020 at 2.00pm in the Council Chambers, Kimba.

8 CLOSURE