



Meander Valley Council
Working Together

SPECIAL COUNCIL MEETING AGENDA

SPECIAL COUNCIL MEETING

Tuesday 7 April 2020

MEETING CONDUCT

This meeting is conducted under arrangements cognisant of the prevailing COVID-19 emergency and the provisions of the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.

An audio recording of this Council Meeting, except for any part held in Closed Session, will be made and made available to the public.

Council is conscious of social distancing measures and health advice received from the Department of Health and Human Services Tasmania to slow the spread of COVID-19. Interested members of the community are encouraged to read the minutes of the meeting and listen to the meeting with a recording being published to Council's website. Public attendance will not be permitted.

SECURITY PROCEDURES

At the commencement of the meeting the Mayor will advise that:

- Evacuation details and information are located on the wall to his right.
- In the unlikelyhood of an emergency evacuation an alarm will sound and evacuation wardens will assist with the evacuation.
- When directed, everyone will be required to exit in an orderly fashion through the front doors and go directly to the evacuation point which is in the car park at the side of the Town Hall.



Meander Valley Council
Working Together

PO Box 102, Westbury,
Tasmania, 7303

Notice is hereby given that a Special Council Meeting of the Meander Valley Council will be held at the Westbury Council Chambers, 26 Lyall Street, Westbury, on **Tuesday 7 April 2020, commencing at 4.00pm**. Videoconferencing facilities will be available for elected members that are unable to attend in person.

In accordance with Section 65 of the *Local Government Act 1993*, I certify that with respect to all advice, information or recommendations provided to Council with this agenda:

1. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
2. where any advice is given directly to Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.

John Jordan
GENERAL MANAGER

Table of Contents

PRESENT	5
APOLOGIES.....	5
IN ATTENDANCE	5
DECLARATIONS OF INTEREST	5
PUBLIC QUESTION TIME.....	6
COUNCILLOR QUESTION TIME.....	6
GOVERNANCE 1	
COMMUNITY CARE AND RECOVERY PACKAGE - COVID-19 PANDEMIC.....	7
GOVERNANCE 2	
INTERIM RATES AND CHARGES HARDSHIP DELEGATION	16
GOVERNANCE 3	
APPOINTMENT OF ACTING GENERAL MANAGER.....	21

Agenda for a Special Council Meeting of the Meander Valley Council to be held at the Council Chambers Meeting Room, 26 Lyall Street, Westbury, on Tuesday 7 April 2020 at 4.00pm.

Business is to be conducted at this meeting in the order in which it is set out in this agenda, unless the Council by Absolute Majority determines otherwise.

PRESENT

APOLOGIES

IN ATTENDANCE

DECLARATIONS OF INTEREST

PUBLIC QUESTION TIME

(suspended under the COVID-19 emergency procedures)

General Rules for Question Time:

Public question time will continue for no more than thirty minutes for 'questions on notice' and 'questions without notice'.

At the beginning of public question time, the Chairperson will firstly refer to the questions on notice. The Chairperson will note any questions on notice asked and answered in the Council Meeting Agenda.

The Chairperson will then ask a Council officer to read questions without notice.

If accepted by the Chairperson, the question will be responded to, or, it may be taken on notice as a 'question on notice' for the next Council meeting. Questions will usually be taken on notice in cases where the questions raised at the meeting require further research or clarification. These questions will need to be submitted as a written copy to the Chairperson prior to the end of public question time.

The Chairperson may request a Councillor or Council officer to provide a response. A Councillor or Council officer who is asked a question without notice at a meeting may decline to answer the question.

All questions and answers must be kept as brief as possible. There will be no debate on any questions or answers.

In the event that the same or similar question is raised by more than one person, an answer may be given as a combined response.

If the Chairperson refuses to accept a question from a member of the public, they will provide reasons for doing so.

Questions on notice and their responses will be minuted. Questions without notice raised during public question time and the responses to them will be minuted, with exception to those questions taken on notice for the next Council meeting.

Once the allocated time period of thirty minutes has ended, the Chairperson will declare public question time ended. At this time, any person who has not had the opportunity to put forward a question will be invited to submit their question in writing for the next meeting.

Notes

- The Chairperson may allocate a maximum time for each question, or maximum number of questions per visitor, depending on the complexity of the issue, and on how many questions are anticipated to be asked at the meeting. The Chairperson may also indicate when sufficient response to a question has been provided.
- Limited Privilege: Members of the public should be reminded that the protection of parliamentary privilege does not apply to Local Government, and any statements or discussion in the Council Chamber or any document, produced are subject to the laws of defamation.

PUBLIC QUESTION TIME

1. PUBLIC QUESTIONS WITH NOTICE

To be tabled at meeting due to closure on Monday 6 April.

2. PUBLIC QUESTIONS WITHOUT NOTICE

Nil due to COVID-19 Provisions

COUNCILLOR QUESTION TIME

1. COUNCILLOR QUESTIONS WITH NOTICE

Nil

1. COUNCILLOR QUESTIONS WITHOUT NOTICE

GOVERNANCE 1

Reference No. 60/2020

COMMUNITY CARE AND RECOVERY PACKAGE - COVID-19 PANDEMIC

AUTHOR: John Jordan
General Manager

1) Recommendation

It is recommended that Council approve the delivery of the following actions as part of a 'Community Care and Recovery Package' to assist our community to both manage and recover from the impacts of the COVID-19 Pandemic:

- 1. Provide a remission of the General Rates charge for a period of six (6) months for the Commercial and Sport & Recreation rates categories, with the exclusion of the following groups:***
 - a) Supermarkets***
 - b) Shopping Centres***
 - c) Private Carparks***
 - d) Petrol service stations***
 - e) Banks***
 - f) Doctors Surgeries***
 - g) Chemists***
- 2. Deliver Budget Estimates for the 2020-21 financial year based on a zero per cent increase in General Rates for all properties;***
- 3. Development of a Financial Hardship Assistance Policy to be consistent with other Tasmanian Councils, for the duration of the COVID-19 Pandemic.***
- 4. Deliver Budget Estimates for the 2020-21 financial year based on a 0% increase in Fees and Charges revenue;***
- 5. Waive fees for Food Business Registrations, Temporary Food Stall Registrations and Food Vendors (mobile food vehicles) for the 2020-21 financial year;***
- 6. Waive fees for Sport & Recreation Fees and Charges for ground and building hire from the closure until three (3) months after***

facilities are reopened following the COVID-19 emergency;

7. Introduce three new community grants programs:

a) Event Recovery

Additional community grant round to assist not for profit community groups to recover losses from expenses incurred for advertised events cancelled due to Government orders and not require the return of any event sponsorship funds;

b) Lifestyle Recovery

Additional community grant round to assist not for profit community groups in developing community events that engage the community when emergency orders are lifted;

c) Small Business

Additional community grant round to assist small business owners who have incurred losses to recommence operations after being closed due to emergency orders;

8. Implement additional one-off Council building maintenance and infrastructure design programs, utilising local resources, for the 2020-21 financial year; and

9. Re-direct existing services to deliver a range of community assistance initiatives within the Meander Valley area.

2) Officers Report

The Community Care and Recovery Package (CCRP) is Meander Valley Council's response to the significant economic impacts of the COVID-19 pandemic on residents and businesses.

The response addresses the short term needs of the Meander Valley community with a longer term eye on recovery.

A key factor in determining the CCRP has been Council's financial position. Council is not immune to the impacts of the COVID-19 pandemic and prevailing economic climate. The COVID-19 impacts, on the back of reduced investment and general revenue already being experienced require careful management and limit the capacity of Council.

It is also important to note that Meander Valley has the lowest general rates in Northern Tasmania; the proposed CCRP will place financial pressure on Council's financial resources that will need to be addressed in the future budgets to realign with the Council's Long Term Financial Plan (LTFP).

That said, Council's current financial position allows for assistance to be provided to residents and businesses when they need it most.

The measures in the CCRP are intended to *complement* assistance from other levels of Government. The measures are aligned to Meander Valley Council's role and offset some impacts of the COVID-19 pandemic; providing for the health, safety and welfare of our community.

Specific measures which form part of the CCRP include:

1. Provision of immediate rates relief for the 'Commercial' and 'Sport & Recreation' property owners impacted by closures as a result of the pandemic.

It is a challenging to identify all businesses that have been impacted by closure as a result of the pandemic. It is proposed to focus on a general rates remission to small-medium business, tourism businesses and community-based organisations negatively affected by the COVID-19 pandemic.

It is proposed to provide a remission of the general rates for a period of six (6) months, from 1 April 2020 to 30 September 2020. This remission will apply for the Commercial and Sport and Recreation rates categories. Council will write to those property owners eligible for a six month rates remission.

However, not all businesses within these categories have been as severely impacted by the pandemic as others. To maximise assistance across other CCRP measures; it is proposed to exclude the following groups from the remission:

- Supermarkets;
- Shopping centres;
- Private carparks;
- Petrol service stations;
- Banks;
- Doctors surgeries; and
- Chemists.

While it has been necessary to target the rate remission package to those rate classes which are considered most in need of support, all other ratepayers (including residential and excluded commercial businesses) who may be in financial distress may apply for relief under Financial Hardship Assistance provisions to be addressed in Governance 2 and the proposed Financial Hardship Policy developed by the Local Government Association of Tasmania

(LGAT) and to be presented to Council at the Ordinary Meeting to be held on 21 April 2020.

The total amount of the remission is estimated to be \$300,300 as described in the following table:

Land Use Class	2019-20 Rates Budget	6 Months Relief
Commercial (exclusions removed)	\$577,500	\$288,800
Sport & Recreation	\$23,100	\$11,500
Total	\$600,600	\$300,300

It should be noted that Council is not able to mandate that landlords, who will receive rate relief, pass the remission on to their tenants in the form of rental relief. In deciding to remit these rate charges, it is the clear intention of the Council that savings are to be passed along to business tenants to ease the pressure on small business and assist in their recovery.

2. Development of a Rates Hardship Policy.

Council acknowledges that there are many community members that have had their income reduce, financial position change or been affected by business closure as a result of illness or government response measures which has placed them under financial stress. Council will develop a common rates hardship policy with the LGAT for use in all councils. This will provide guidance for the circumstances that define genuine hardship when community members are unable to provide the following for themselves and their dependants: food, accommodation, clothing, medical treatment, education and basic goods. The policy will state the evidence required to be provided and how Council can help in these situations.

3. Provision of no increase to General Rates for the 2020-21 financial year.

Council has committed to establishing its budget estimates in accordance with its LTFP and Financial Management Strategy (FMS) which provide for Council to increase general rates annually at least in line with inflation. Based on initial forecasts it is expected that an increase over 3% would be required for the 2020-21 financial year to maintain the LTFP moving forward. Given the current emergency situation the Council has now proposed that the organisation deliver a budget for the 2020-21 financial year based on a 0% rate increase for all properties. The cost of this action is \$316,000 based on CPI Hobart value of 2.7% for the year to December 2019.

4. Provision of no increase to Fees and Charges for the 2020-21 financial year.

Given the current emergency situation the Council has proposed that the organisation deliver a budget for the 2020-21 financial year based on a 0% increase for all Council Fees and Charges. These include property development, health fees, animal licences, cemetery fees, tip fees, recreation grounds and buildings. The cost of this action is \$33,900 based on CPI Hobart value of 2.7% for the year to December 2019.

5. Provision of Fees and Charges relief for businesses, community groups, sporting clubs that operate as a food business for the 2020-21 financial year.

It is proposed to provide fee relief to aid in the recovery of food businesses and to provide a stimulus for economic growth in the short term. Fee relief will provide Food Business Registrations, Temporary Food Stall Registrations and Food Vendors (mobile food vehicles) licences at no charge. This may be of assistance for those hospitality businesses that have been impacted by social distancing measures and the closure of in house dining options. The cost of this action is \$31,100 based on the budgeted revenue from Health Fees in 2019-20.

6. Provision of immediate Fees and Charges relief for Sport & Recreation users of Council recreation ground and building facilities.

It is proposed to provide fee relief to aid in the recovery of sporting groups and clubs that utilise Council's recreation facilities. Sports clubs have been affected by grounds and buildings being closed but also the direction for social distancing eliminating their ability to conduct sport. This assistance provides no charge to user groups from the point facilities were closed until three months after the COVID-19 emergency is declared over in Tasmania. The cost of this action is estimated at \$70,000 based on half of the budgeted revenue from Sport & Recreation Fees in 2019-20.

7. Introduction of three additional community grants programs for the 2020-21 financial year.

Council operates a Community Incentive Grants program that provides a range of financial grants for not-for-profit community organisations and individuals in support of projects and activities that build community capacity. These include Community Grants, Community Organisation Regulatory Fee Refund Scheme, Townscape Incentive Grants Scheme, Sport and Recreation Individual Sponsorships. It is proposed to provide an additional three grants programs as follows:

Event Recovery

Additional community grant round to assist not for profit community groups to recover losses from expenses incurred for advertised events cancelled due to Government orders and not require the return of any event sponsorship funds. The cost of the competitive grant program is estimated to be \$20,000.

Lifestyle Recovery

Additional community grant round to assist not for profit community groups in developing community events that engage the community when emergency orders are lifted. The cost of the competitive grant program is estimated to be \$20,000.

Small Business

Additional community grant round to assist small business owners who have incurred losses to maintain or recommence operations after being closed due to emergency orders. The cost of the competitive grant program is estimated to be \$100,000.

8. Implement additional one-off Council building maintenance and infrastructure design programs, utilising local resources, for the 2020-21 financial year.

It is proposed to provide a one-off additional building maintenance program for the 2020-21 financial year up to \$300,000. The program would utilise local trades to deliver building maintenance, painting, plumbing, roofing for Council facilities.

It is proposed to provide a one-off additional capital expenditure planning and design program for the 2020-21 financial year up to \$200,000. The program would utilise local engineers and drafts people to deliver planning and design work for Council infrastructure upgrades in the areas of Stormwater, Roads and

Buildings. This will inform works to be completed in the 2021-22 capital works construction program.

9. Re-direct existing services to deliver a range of community assistance initiatives, support the more vulnerable members of our community.

Council officers continue to respond to changing needs in the community resulting from the COVID-19 Pandemic. We are operating within Council's approved operating expenditure budget; however the areas and functions of work are changing. Council has relieved many volunteers within our community and in some circumstances deployed Council officers to fill those roles. Council will consider additional resources in the business recovery area as we assess the impact on the number of industries that operate in our municipality. Retaining existing businesses and attracting new businesses will be crucial when the emergency orders are lifted. We continue to support community members with our range of customer services and meeting all requested supplier payment terms on a weekly basis.

Cost Summary

The overall cost of the Community Care and Recovery Package is summarised in the following table:

Action	Estimated Cost
1. General rates remission for Commercial and Sport Rec property classes for a period of 6 months	\$300,300
3. No increase to general rates for the 2020-21 financial year	\$316,000
4. No increase to Fees and Charges for the 2020-21 financial year	\$33,900
5. No charge for Food business licences for the 2020-21 financial year	\$31,100
6. No charge for closed sport grounds and buildings until 3 months after facilities are reopened following the COVID-19 emergency	\$70,000
7. Additional community grants programs for not-for-profit organisations and small business operators	\$140,000
8. Additional building maintenance and infrastructure design programs for the 2020-21 financial years	\$500,000
9. Additional community assistance initiatives to be delivered for the 2020-21 financial year	\$263,000
Total	\$1,654,300

3) Council Strategy and Policy

Furtheres the objectives of the Council's Community Strategic Plan 2014 to 2024:

- Future direction (2) - A thriving local economy
- Future direction (3) - Vibrant and engaged communities
- Future direction (5) - Innovative leadership and community governance
- Future direction (6) - Planned infrastructure services

4) Legislation

Local Government Act 1993

5) Risk Management

In preparing the Community Care and Recovery Plan, Council acknowledges that there are a number of risks to vulnerable people in our community, these are currently broader than usual. This Pandemic has created new vulnerabilities among our community. The package includes a range of initiatives to assist in the social recovery and management of our community.

6) Government and Agency Consultation

Council continues to monitor and act on Government advice.

7) Community Consultation

Council has received much feedback from community members which has influenced the development of the Community Care and Recovery Package.

8) Financial Consideration

Council's budget estimates process is guided by Council's Long Term Financial Plan (LTFP). This plan forecasts Council's required expenditures and incomes over the next 10 years as directed by inputs such as the Council's Strategic Asset Management Plan and the Annual Plan. However, the LTFP does not contemplate the financial impacts associated with the management and recovery of an emergency situation such as the Covid-19 Pandemic.

While the current LTFP does not factor in the social and financial impact of such a pandemic, over time it will be adjusted to cope with the effects of the current pandemic.

Council is currently being, and will continue to be impacted by losses in revenue from 'shocks' such as the closure of the recreation grounds and buildings, public halls, the Great Western Tiers Visitor Centre and reduced fees and charges associated with property development. Reduction in the reserve bank cash rate due to the current economic climate has significantly reduced Council's investment returns which underpin our comparatively low general rates. At this stage it is difficult to quantify these impacts, however for the purposes of considering the Community Care and Recovery Plan, professional estimates have been made. Equally, the Council is incurring additional costs associated with the management of the pandemic.

While there is no doubt that the cost of the Care and Recovery Package of approximately \$1,654,300 will be challenging, through sound financial management and the use of existing cash reserves, the modelling completed within the Council's LTFP indicates that Package can be accommodated if rates rises in future financial years following the recovery are provided for. It is anticipated that an additional general rates increase of at least \$366,500 will be required to be factored in over the next five financial years. Through prudent planning Council has positioned itself to not have any significant debt and current cash flow reserves will support the pressures which will inevitably occur as a result of this pandemic.

9) Alternative Recommendations

Council can elect to approve the Community Care and Recovery Package with amendment.

10) Voting Requirements

Simple majority

DECISION:

GOVERNANCE 2

Reference No. 61/2020

INTERIM RATES AND CHARGES HARDSHIP DELEGATION

AUTHOR: John Jordan
General Manager

1) Recommendation

It recommended that Council pursuant to the powers of the Local Government Act 1993, delegates the exercise and performance of the following functions and powers to the General Manager and Director Corporate Services, effective 30 March 2020:

- 1. Section 126, "conditions of postponement", the ability to defer the payment of rates for a specified period of time;***
- 2. Section 128, "late payments", the ability to not apply a daily interest on deferred rates payments; and***
- 3. Be in place until such time as a common Financial Hardship Assistance Policy is approved by Council and be applied where the property owner can provide evidence of genuine financial hardship (monthly expenses being greater than monthly income) caused by:***
 - a. Loss, reduction or change of income***
 - b. Inability due to illness***
 - c. Death of immediate family member***
 - d. Other factors resulting from the COVID-19 pandemic emergency***

2) Officers Report

Council recognises that some ratepayers may experience significant financial hardships during and as a result of the COVID-19 pandemic where income has reduced, financial position changed or they have been affected by business closure as a result of illness or government response measures.

This delegation seeks to provide for ratepayers to apply to council for consideration of deferral of rates and charges or suspension of interest. In confirmed cases of financial hardship, Council may choose to defer rates payments for a property owner within a defined period, in whole or in part, to be paid back at a later date, subject to any appropriate conditions. Respecting confidentiality, information provided by applicants will be treated as private confidential information that can only be used for the purposes of the assessing hardship application and not be made available to third parties.

The existing delegation to the General Manager for Sections 126 (conditions of postponement) and 128 (late payments) do not provide the ability for the delegation to be sub delegated. This means that any hardship consideration must be undertaken by the General Manager. These delegations also provide that the delegation be subject to Council Policy 77 (Rates and Charges) which includes the provision that if a ratepayer does not pay the rates on his or her property, Council will commence legal action against the ratepayer to recover the outstanding amount. The policy also states to apply a daily interest charge.

Council has been contacted by a number of community members that have declared they are experiencing financial hardship caused by the COVID-19 pandemic. It is considered appropriated to provide the General Manager and Director Corporate Services the ability to provide a ratepayer with a deferment of a rates instalment; this would apply to all debts established from 30 March 2020 onwards. As the fourth rates instalment for the 2020-21 financial year was due on 31 March 2020, this would be the first debt able to be deferred by the delegated officers. The change would effectively "stop the clock", suspend debt recovery and legal action for the period determined. The change would also provide the ability to not apply the daily interest charge to the deferred amounts, for the period determined. The changes to the delegation are not intended to apply to accumulated property debts outstanding prior to instalment four 2020-21.

There are a number of provisions in the Local Government Act 1993 (Tas) that allow Council to consider measures that may provide financial relief to ratepayers:

22. Delegation by council

(2) A council, in writing, may delegate any of the following powers only to the general manager or a council committee and only on condition that the council has determined appropriate policies and procedures to be followed in relation to those powers:

- (a) the collection of rates and charges under Part 9 ;*
- (ab) the postponement of rates and charges;*

- (b) the remission or rebate of rates and charges;
- (ba) the writing off of any debts owed to the council;
- (c) the making of grants or the provision of benefits.

125. Postponement of payment

- (1) A ratepayer may apply to the council for a postponement of payment of rates on the ground of hardship.
- (2) An application is to be –
 - (a) made in writing; and
 - (b) lodged with the general manager.

126. Conditions of postponement

- (1) A council may grant a postponement of the payment of rates for a specified period if satisfied that such payment would cause hardship.
- (2) A council may grant a postponement of payment of rates –
 - (a) on the condition that the ratepayer pay interest on the amount of rates postponed at a rate fixed by the council; and
 - (b) on any other condition the council determines.
- (3) Interest fixed under subsection (2) (a) is not to exceed the prescribed percentage as calculated in section 128 (2) .

128. Late payments

- (1) If any rates or instalments are not paid on or before the date they fall due, a council may –
 - (a) impose a penalty not exceeding 10% of the unpaid rate or instalment; or
 - (b) charge a daily interest not exceeding the prescribed percentage in respect of the unpaid rate or instalment for the period during which it is unpaid; or
 - (c) impose a penalty and charge interest as specified in paragraphs (a) and (b).
- (2) For the purposes of subsection (1), **prescribed percentage** is to be calculated in accordance with the following formula:

$$P = \frac{LTB + 6\%}{365}$$

where –

P is the prescribed percentage;

***LTB** is the official ten-year long term bond rate as determined by the Reserve Bank as at the close of business on the last day of business preceding 1 March.*

129. Remission of rates

- (1) A ratepayer may apply to the council for remission of all or part of any rates paid or payable by the ratepayer or any penalty imposed or interest charged under section 128 .*
- (2) An application is to be –
 - (a) made in writing; and*
 - (b) lodged with the general manager.**
- (3) A council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.*
- (4) A council, by absolute majority, may grant a remission of any rates, penalty or interest paid or payable by a class of ratepayers.*
- (5) The general manager is to keep a record of the details of any remission granted under this section.*

3) Council Strategy and Policy

Furthers the objectives of the Council's Community Strategic Plan 2014 to 2024:

- Future direction (5) - Innovative leadership and community governance

4) Legislation

Local Government Act 1993.

The provisions contained within this motion that constitute Policy of Council are to be read in conjunction with Council's existing 'Rates and Charges Policy' Number 77. The policy provisions included in this motion prevail to the extent of any inconsistency with a provision in Policy 77.

5) Risk Management

There is a financial risk that applicants will not fulfil their payment obligations and Council will be required to seek additional collection methods in the future if deferred payments are not met.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Not applicable.

8) Financial Consideration

The financial implication of the proposed delegation are unknown however not anticipated to be a substantial impact on Council's budget estimates.

9) Alternative Recommendations

Council can elect to approve the delegation with amendment or not approve the delegation.

10) Voting Requirements

Simple majority

DECISION:

GOVERNANCE 3

Reference No. 62/2020

APPOINTMENT OF ACTING GENERAL MANAGER

AUTHOR: John Jordan
General Manager

1) Recommendation

It is recommended that Council:

1. ***Establishes*** temporary succession arrangements for the conduct of Council business during the period of the declared COVID-19 Disease Emergency.
2. ***Approves***, in circumstances where, under Section 61B(1) of the Local Government Act 1993 (the Act), the General Manager is absent from duty, the appointment under 61B(4) of the Act the following Council officers in order of succession:
 - 1) *Mr Jonathon Harmey, Director of Corporate Services.*
 - 2) *Mr Dino De Paoli, Director of Infrastructure Services.*
3. ***Approves*** the term of the above acting appointments to be for the period of any absence of the General Manager from duty or for a period otherwise determined by the Council or Mayor under Section 61B of the Act.
4. ***Notes*** that any succession or acting arrangements consequential to the COVID-19 Disease Emergency will end when the declared COVID-19 Disease Emergency is declared.

2) Officers Report

The COVID-19 Disease Emergency has increased the risk that key Council officers, the Mayor and Councillors may be absent and unable to perform their duties.

Council's succession management and business continuity planning has to the extent reasonably possible factored in the continuation of key roles and delegated authority in circumstances where officers are absent.

The position of the General Manager is a key role that must be filled to ensure the proper function of Council.

Normally, when the position is vacant or the appointed General Manager is absent (to the meaning given under Section 61B of the Act), the Council or the Mayor would appoint an acting General Manager.

However, in light of COVID-19 pandemic it is considered prudent to ensure a mechanism exists to address the scenario where the General Manager, Mayor and Councillors are unavailable to appoint an acting General Manager.

As a contingency, where the impacts of COVID-19 prevent Council or the Mayor from making an appointment of an acting General Manager it is proposed to invoke a pre-approved authority for certain Council officers to act as General Manager, these officers are:

- 1) *Mr Jonathon Harmey, Director of Corporate Services.*
- 2) *Mr Dino De Paoli, Director of Infrastructure Services.*

Mr Dino De Paoli would provide succession coverage in the event that Mr Harmey was absent. Providing a depth of two officers is an acknowledgement of the unpredictable nature of the COVID-19 impact.

Council can make a standing appointment of an acting General Manager for up to five years. However, the term of the above acting arrangements is limited to the declared period of the COVID-19 Disease Emergency for the period of absence of the General Manager from duty or as otherwise determined by the Council or Mayor under Section 61B of the Act.

Relevant Provisions of the Local Government Act (1993)

The Act provides the following in relation to the appointment of an Acting General Manager:

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –
 - (a) he or she is absent from duty for any reason; or
 - (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or
 - (c) the position of general manager is vacant.

(2) The mayor may appoint a person to act in the office of general manager if –

(a) the general manager is absent and no person holds an appointment under subsection (4) ; or

(b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.

(3) An appointment under subsection (2) ends when the first of the following occurs:

(a) the general manager returns to duty;

(b) the term of the appointment expires;

(c) the mayor or the council revokes the appointment;

(d) a person is appointed as general manager under section 61.

(4) The council may appoint a person to act in the office of general manager during every absence of the general manager.

(5) An appointment under subsection (4) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:

(a) the term of the appointment expires;

(b) the council revokes the appointment;

(c) if the appointment is to the holder of an office, the person ceases to hold that office.

(6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

3) Council Strategy and Policy

Further the objectives of the Council's Community Strategic Plan 2014 to 2024:

- Future direction (5) - Innovative leadership and community governance

4) Legislation

Local Government Act 1993

5) Risk Management

The appointment of an Acting General Manager by Council ensures that there is business continuity. It also ensures that there is an officer who has the power to undertake the legislative functions of the General Manager.

6) Government and Agency Consultation

Not applicable.

7) Community Consultation

Not applicable.

8) Financial Consideration

There is no additional cost to Council.

9) Alternative Recommendations

Council can elect to appoint another person to the position or make no appointment at this time.

10) Voting Requirements

Simple majority

DECISION:

The meeting closed at

.....
Wayne Johnston
MAYR