



MINUTES FOR THE ORDINARY COUNCIL MEETING

15 MAY 2019



Ordinary Council Meeting Notice Paper

15 May 2019

An Ordinary Meeting of Council is called for Wednesday, 15 May 2019, in the Council Chambers, Victoria Street, Mingenew, commencing at 4.30 pm. Members of the public are most welcome to attend.

Nils Hay
Chief Executive Officer
11 April 2019

DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Mingenew expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

PROCEDURE FOR PUBLIC QUESTION TIME, DEPUTATIONS, PRESENTATIONS AND PETITIONS AT COUNCIL MEETINGS

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p>Petitions A formal process where members of the community present a written request to the Council.</p>	<p>Deputations A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p>Presentations An occasion where awards/gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government</p>
-----------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

PROCEDURE FOR DEPUTATIONS

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business. Any person or group wishing to be received as a deputation by the Council shall send to the CEO an application:

- I. Setting out the agenda item to which the deputation relates;
- II. Whether the deputation is supporting or opposing the officer's or Committee's recommendation; and
- III. Include sufficient detail to enable a general understanding of the purpose of the deputation.

Notice of deputations need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281192 or email governance@mingenew.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- I. is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- II. is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- III. additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

PROCEDURE FOR PRESENTATION

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by 5pm on the day before the meeting and agreed to by the Presiding Member. Please contact the Shire via telephone on 99281102 or email governance@mingenew.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received / awarded by the Shire President or an appropriate Councillor.

PROCEDURE FOR PETITIONS

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

PROCEDURE FOR PUBLIC QUESTION TIME

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision-making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the Local Government Act 1995) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the Shire of Mingenew Standing Orders Local Law 2017:

1. Public Questions Time will be limited to fifteen (15) minutes.
 2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
 3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
 4. Questions will be limited to two (2) per person.
 5. Please state your name and address, and then ask your question.
 6. Questions should be submitted to the Chief Executive Officer in writing by 5pm on the day before the meeting and be signed by the author. This allows for an informed response to be given at the meeting.
 7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
 8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
 9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
 10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.
- **During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.**
 - **Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.**
 - **Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council is not permitted without the permission of the Presiding Member.**

TABLE OF CONTENTS

1.0	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS.....	6
2.0	RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE	6
3.0	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4.0	PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS	6
5.0	APPLICATIONS FOR LEAVE OF ABSENCE	6
6.0	DECLARATIONS OF INTEREST	6
7.0	CONFIRMATION OF PREVIOUS MEETING MINUTES.....	7
7.1	ORDINARY MEETING HELD 20 MARCH 2019	7
7.2	SPECIAL MEETING HELD 01 MAY 2019	7
8.0	ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION	7
9.0	REPORTS/MINUTES OF COMMITTEES.....	7
9.1	SHIRE OF MINGENEW AUDIT AND RISK COMMITTEE MEETING HELD 01 MAY 2019	7
10	REPORTS BY THE CHIEF EXECUTIVE OFFICER.....	9
11.0	REPORTS OF ADMINISTRATION.....	9
11.1	FINANCIAL REPORT FOR THE PERIOD ENDED 30 APRIL 2019.....	9
11.2	LIST OF PAYMENTS FOR THE PERIOD ENDING 30 APRIL 2019	12
12.0	ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	14
12.1	CLEARING OF BLOCKS FOR FIRE SAFETY	14
13.0	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	15
13.1	ELECTED MEMBERS	15
13.2	STAFF	15
14.0	CONFIDENTIAL ITEMS.....	15
15.0	TIME AND DATE OF NEXT MEETING	15
16.0	CLOSURE.....	15



**MINUTES FOR THE ORDINARY MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS ON
15 MAY 2019 COMMENCING AT 4.30pm**

1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President HM Newton declared the meeting open at 4:30pm and welcomed all in attendance.

**2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
COUNCILLORS**

HM Newton	President	Town Ward
RW Newton	Deputy President	Rural Ward
JD Bagley	Councillor	Rural Ward
GJ Cosgrove	Councillor	Rural Ward
LM Eardley	Councillor	Town Ward

APOLOGIES

KJ McGlinn	Councillor	Town Ward
------------	------------	-----------

STAFF

N Hay	Chief Executive Officer
J Clapham	Finance Manager
E Greaves	Governance Officer

VISITORS

Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4.0 PUBLIC QUESTION TIME/PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

5.0 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6.0 DECLARATIONS OF INTEREST

Nil

7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES

7.1 ORDINARY MEETING HELD 17 APRIL 2019

OFFICER RECOMMENDATION- ITEM 7.1

That the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 April 2019 be confirmed as a true and accurate record of proceedings.

COUNCIL DECISION - ITEM 7.1 - Resolution 15051901

Moved: Cr RW Newton Seconded: Cr LM Eardley

That Council resolves to lay on the table, Item 7.1 Confirmation of the minutes of the Ordinary Meeting of the Shire of Mingenew held in the Council Chambers on 17 April 2019, in order for Councillors to be provided a copy of the Minutes for review.

VOTING DETAILS:

CARRIED: 5/0

7.2 SPECIAL MEETING HELD 01 MAY 2019

OFFICER RECOMMENDATION AND COUNCIL DECISION – ITEM 7.2 - Resolution 15051902

Moved: Cr JD Bagley Seconded: Cr RW Newton

That the minutes of the Special Meeting of the Shire of Mingenew held in the Council Chambers on 01 May 2019 be confirmed as a true and accurate record of proceedings.

VOTING DETAILS:

CARRIED: 5/0

8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

9.0 REPORTS/MINUTES OF COMMITTEES

9.1 SHIRE OF MINGENEW AUDIT AND RISK COMMITTEE MEETING HELD 01 MAY 2019

COUNCIL DECISION – ITEM 9.1 - Resolution 15051903

Moved: Cr GJ Cosgrove Seconded: Cr LM Eardley

That Council resolves to lay on the table, Item 9.1 Shire of Mingenew Audit and Risk Committee Minutes and associated recommendations, in order to review and amend the minutes to reflect the sound challenges associated with the oral presentation made by the Office of the Auditor General via teleconference during the meeting.

VOTING DETAILS:

CARRIED: 5/0

OFFICER RECOMMENDATION – ITEM 9.1

That Council receives the minutes of the Shire of Mingenew Audit and Risk Committee Meeting held in Council Chambers on 01 May 2019.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council and the Audit and Risk Committee receive and note the update provided in regards to the 2017/18 Financial Year Interim and End of Year Financial Year Audits.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council and the Audit and Risk Committee:

1. Note the updated Shire of Mingenew Risk Register as presented in attachment
2. Endorse the Strategic Risk Register for incorporation with the Shire of Mingenew Risk Register.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council and the Audit and Risk Committee:

1. Note the proposed Audit Plan for the financial years 2019/20, 2020/21 & 2021/22.
2. Recommend that Council endorse the Audit Plan as presented in attachment 2.

COMMITTEE RECOMMENDATION TO COUNCIL

That Council and the Audit and Risk Committee receives the Regulation 17 Progress Report 1.

10 REPORTS BY THE CHIEF EXECUTIVE OFFICER
Nil.

11.0 REPORTS OF ADMINISTRATION

11.1 FINANCIAL REPORT FOR THE PERIOD ENDED 30 APRIL 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0304
Date: 8 May 2019
Author: Jeremy Clapham – Finance Manager

Summary

This report recommends that the Monthly Financial Report for the period ending 30 April 2019 as presented to the Council be received.

COUNCIL DECISION - ITEM 11.1 and ITEM 11.2 MOVED ENBLOC - Resolution 15051904

Moved Enbloc: Cr GJ Cosgrove Seconded: Cr JD Bagley

That Council:

- A) Receives the Monthly Financial Report for the period 1 July 2018 to 30 April 2019, and
- B) Receives the attached list of payments for the month of April 2019 as follows:
 - \$14,825.25 Municipal Cheques 8597 to 8601;
 - \$439,629.07 Municipal EFT12303 to EFT12331 and EFT12333 to EFT12444;
 - \$11,798.17 Municipal Direct Debit Superannuation & Payroll Deduction Payments;
 - \$67,968.30 Municipal Direct Debit Department of Transport (Licencing) Payments;
 - \$253.54 Municipal Direct Debit National Australia Bank Fees; and
 - \$2,239.92 Municipal Direct Debit Other.

Totalling \$536,714.25 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$70,967.90

Total of all payments - \$607,682.15.

VOTING DETAILS:

CARRIED: 5/0

OFFICER RECOMMENDATION AND COUNCIL DECISION - ITEM 11.1

That the Monthly Financial Report for the period 1 July 2018 to 30 April 2019 be received.

Attachment

Monthly Financial Report for period ending 30 April 2019

Background

The Monthly Financial Report to 30 April 2019 is prepared in accordance with the requirements of the Local Government Act and the Local Government (Financial Management) Regulations and includes the following:

- Statement of Financial Activity by Nature & Type
- Statement of Financial Activity by Program
- Statement of Capital Acquisitions and Capital Funding
- Explanation of Material Variances

- Net Current Funding Position
- Cash and Investments
- Budget Amendments
- Receivables
- Cash Backed Reserves
- Capital Disposals
- Rating Information
- Information on Borrowings
- Grants & Contributions
- Trust

Comment

SUMMARY OF FUNDS – SHIRE OF MINGENEW as at 30 April 2019	
Municipal Fund	\$1,082,228
Cash on Hand	\$300
Restricted Funds – 3 Month Term Deposit @ 2.50%	\$548,563
Trust Fund	\$20,459
Reserve fund (3 Month Term Deposit) @ 2.50%	\$413,855

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered.

The Statement of Financial Activities Report contains explanations of Councils adopted variances for the 2018/2019 financial year.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

34. Financial activity statement required each month (Act s. 6.4)

(1A) In this regulation —

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
- annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and
 - budget estimates to the end of the month to which the statement relates; and
 - actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - 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.
- (2) 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; and
 - (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.
- (3) The information in a statement of financial activity may be shown —
- (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) 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.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Policy Implications

Nil

Financial Implications

No financial implications are indicated in this report.

Strategic Implications

Nil

Voting Requirements

Simple Majority

11.2 LIST OF PAYMENTS FOR THE PERIOD ENDING 30 APRIL 2019

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0042
Attachment/s: List of Payments – April 2019
Disclosure of Interest: Nil
Date: 6 May 2019
Author: Helen Sternick – Finance Officer
Authorising Officer: Jeremy Clapham, Finance Manager

Summary

This report recommends that Council receive the list of payments for period ending 30 April 2019 in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

ITEM 11.1 and 11.2 MOVED ENBLOC - Resolution 15051904

OFFICER RECOMMENDATION – ITEM 11.2

That Council receive the attached list of payments for the month of April 2019 as follows:

\$14,825.25	Municipal Cheques 8597 to 8601;
\$439,629.07	Municipal EFT12303 to EFT12331 and EFT12333 to EFT12444;
\$11,798.17	Municipal Direct Debit Superannuation & Payroll Deduction Payments;
\$67,968.30	Municipal Direct Debit Department of Transport (Licencing) Payments;
\$253.54	Municipal Direct Debit National Australia Bank Fees; and
\$2,239.92	Municipal Direct Debit Other.

Totalling \$536,714.25 as per attached list of payments.

Net Salaries not included in the attached list of payments - \$70,967.90

Total of all payments - \$607,682.15.

Background

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

Comment

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1996, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 15

Policy Implications

Payments have been made under delegation.

Financial Implications

Funds available to meet expenditure.

Strategic Implications

Nil

Voting Requirements

Simple Majority

12.0 ELECTED MEMBERS/MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12.1 CLEARING OF BLOCKS FOR FIRE SAFETY

The CEO received written notice on the 06 May 2019 from Councillor Newton, in accordance with the Shire of Mingenew Standing Orders 2017, that at the May Ordinary Council Meeting he would move the following motion:

COUNCILLOR MOTION AND COUNCIL DECISION – Item 12.1 - Resolution 15051905

Moved: Cr RW Newton Seconded: Cr LM Eardley

In the interest of public safety, the Mingenew Shire will arrange for all townsite blocks, noncompliant under the Bushfires Act after the 14th October, to be made compliant at the ratepayer's expense. A notice of same is to be sent out with the rate notices.

VOTING DETAILS:

CARRIED 5/0

Reasons for the Motion

There are currently several overgrown lots within the townsite which present a potential fire hazard.

CEO Comment

This motion is certainly achievable. It's acknowledged that management of overgrown blocks is an area that has not been managed as effectively as would be desirable over the past fire season. Whilst Fire Break notices were distributed as required, enforcement has been limited. This has been due, in part, to lack of staff experience with regards to this matter as well as some lack of clarity regarding staff roles and responsibilities within this area. This was somewhat exacerbated by a relative lack of internal processes and document templates for the management of fire breaks (beyond the standard fire break notice).

Whilst there has only been piecemeal enforcement this year, a process and document suite has been developed which should allow for the foreshadowed motion to be achieved in the new Financial Year.

In terms of timing, the following schedule is proposed in line with our internal Fire Management Notice Inspection Procedures:

Action	Timing
Rate Notices Issued with Fire Break Notices	August 2019 (following budget adoption)
Initial Property Inspections	Early September
Letter of Non-Compliance (14 days to comply)	Early September
Second Inspection	Mid-September
Infringement Notice to Non-Compliant Properties (14 days to comply)	Mid-September
Follow-Up Inspections	Late September
Arrangements Made for Clearing Works (to be billed to non-compliant property owners)	By 14 October
Further Inspections	Over fire season, as required

The above schedule can be advertised within the 2019/20 Fire Break Notice (to be distributed with Rates Notices in August) to ensure that all property owners are reasonably notified of expectations and process. As per usual, the Fire Break Notice will also be distributed through the Mingenew Matters, Shire Website and Shire Facebook Page.

As far as current non-compliant properties are concerned, non-compliance letters have recently been issued.

13.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

13.1 ELECTED MEMBERS

Nil.

13.2 STAFF

Nil.

14.0 CONFIDENTIAL ITEMS

Nil

15.0 TIME AND DATE OF NEXT MEETING

The next Ordinary Council Meeting is to be held on Wednesday 19 June 2019 commencing at 4.30pm.

16.0 CLOSURE

The Presiding Member closed the meeting at 4:40pm.

These minutes were confirmed at an Ordinary Council meeting on 19 June 2019.

Signed _____
Presiding Officer

Date: _____