



AGENDA FOR THE SPECIAL COUNCIL MEETING

25 JUNE 2020



Ordinary Council Meeting Notice Paper

25 June 2020

A Special Meeting of Council is called for Thursday, 25 June 2020, in the Council Chambers, Victoria Street, Mingenew, commencing at 5.00 pm. Members of the public are most welcome to attend.

Nils Hay
Chief Executive Officer
22 June 2020

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>
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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

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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.**

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**AGENDA FOR THE SPECIAL MEETING OF COUNCIL TO BE HELD IN COUNCIL CHAMBERS ON
25 JUNE 2020 COMMENCING AT 5.00PM**

- 1.0 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
- 2.0 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE
- 3.0 PUBLIC QUESTION TIME/PUBLIC STATEMENT TIME
- 4.0 APPLICATIONS FOR LEAVE OF ABSENCE
- 5.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS
- 6.0 DECLARATIONS OF INTEREST
- 7.0 REPORTS BY THE CHIEF EXECUTIVE OFFICER
Nil.

8.0 REPORTS BY THE FINANCE AND ADMINISTRATION MANAGER

8.1 BUDGET AMENDMENT – JUNE 2020

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
File Reference: ADM0130
Disclosure of Interest: Nil
Date: 10 June 2020
Author: Jeremy Clapham – Finance & Administration Manager
Approved by: Nils Hay – Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

Consideration is requested to increase a budget allocation for the purchase of a new water tanker.

Key Points

- There is a need for additional funding to replace the water tanker, which can be offset by other expenditure which has not occurred in the current financial year
- Given the 5-6 week lead time required for the item, it would be preferable to commence the purchase process this financial year

OFFICER RECOMMENDATION - ITEM 12.4

That Council, by Absolute Majority, authorises the reallocation of funds between accounts as listed below to amend the Budget for 2019/20:

<u>Details</u>	<u>A/C #</u>	<u>Amount</u>
Extra costs to be incurred:		
Water tanker replacement - costs above estimated - Capital account	PE255	-\$30,000
Water tanker replacement - costs above estimated - Proceeds on asset disposal	5120350	-\$10,000
Total		\$40,000
To be funded by:		
WIFI project	OC005	\$10,000
Road layout feasibility study	2040152	\$30,000
Total		\$40,000

Background

As raised at the 17 June 2020 Ordinary Council Meeting, there is a need to replace the water tanker.

Comment

Over the course of FY19/20 the Works Supervisor has been looking for a fit-for-purpose water tanker that falls within the budget parameters that were set. The vast majority of those within the price range that we were searching had existing defects and required work. It is felt that, given the extra cost, a new tanker would provide the benefits of a significantly longer life, far less risk of latent defects, and a warranty. Extra funds are required in order for a new tanker to be purchased. The extra funds required can be offset by savings on some projects that are not going ahead (see table above).

There is a lead time from the order of the tanker of approximately 5-6 weeks; hence a preference to make the request now, rather than waiting for 2020/21 budget approval which will likely add a further month to the timeline.

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It is noted that the projects from which we are seeking to take funds are generally intended to be funded differently, or not at all, in FY20/21:

- The public WiFi project will be reassessed following completion of the fixed wireless link for Mingenew to be delivered through the Drought Communities Project (DCP)
- The road feasibility study will likely have to go on hold until Council has more information regarding CBH's traffic flow plans for their new site

Consultation

Works Supervisor

CEO

Statutory Environment

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil

Financial Implications

Funds will be reallocated between general ledger accounts, as outlined above, with the net effect on the budget bottom line being nil.

Strategic Implications

Community Strategic Plan

Strategy 1.2.1 Manage organisation in a financially sustainable manner

Strategy 1.2.4 Seek innovating ways to improve organisational efficiency and effectiveness.

8.2 SUNDRY DEBTOR WRITE OFF

Location/Address: Shire of Mingenew
Name of Applicant: Shire of Mingenew
Disclosure of Interest: Nil
File Reference: ADM0041
Date: 18 June 2020
Author: Jeremy Clapham - Finance & Administration Manager
Authorising Officer: Nils Hay - Chief Executive Officer
Voting Requirements: Absolute Majority

Summary

Council is requested to approve the following Sundry Debtor write off:

- DM49 – Main Roads Western Australia

Key points

- The Shire raised an invoice for labour costs incurred to clean and clear roads in order to reopen them to the public after the WANDRRA event of January 2017.
- It was not clear at the time whether these costs would be covered under the WANDRRA rules.
- MRWA declined to pay the invoice, as the rules, as interpreted, did not cover Shire labour costs incurred before the event was declared.
- The Shire has been advised by the auditors, that in accordance with the Australian Accounting Standards, this amount should be written off as this debt is now considered impaired.

OFFICER RECOMMENDATION – ITEM 8.2

That Council, by Absolute Majority, authorises the amount of \$66,889.17 to be written off debtor account DM49.

Background

An invoice was raised in June 2019 for Claim 13 for the WANDRRA event which occurred in January 2017. MRWA has declined to pay this invoice, as the expense is considered ineligible.

Comment

A number of Shire roads were flooded in January 2017. In order to reopen these roads to the public, the Shire Works crew were engaged to clean, clear and repair these roads. This was done before the event was declared a disaster by WANDRRA.

A record of these costs was kept by the Shire but not submitted as a claim to WANDRRA. When the current Finance & Admin Manager started reconciling the claims made to WANDRRA, these unclaimed costs were discovered. A query was sent to GHD, who had been appointed to manage the WANDRRA claims on behalf of the Shire, to find out if these costs could be claimed. GHD responded, that after speaking with MRWA, it seemed that these costs would be claimable and that the Shire should submit a claim.

A claim was submitted in June 2019 on the understanding that it would be successful. After much correspondence between July 2019 and May 2020, eventually MRWA confirmed that the claim would not be paid out. The reason was that the costs were incurred by the Shire before the event had been declared a disaster, using staff time that was to be paid anyway, as it fell during working hours.

Consultation

Butler Settineri – Shire auditors

CEO

Statutory Environment

Local Government (Financial Management) Regulations 1996.

Policy Implications

Policy 2.3.2 – Debt Collection Policy – Appropriate reports detailing outstanding debts and collection action will be provided to Council on a monthly basis.

Financial Implications

There will be a reduction in income of \$66,889.17, however, this will be balanced by savings in other areas.

Strategic Implications

Nil

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9.0 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN/FOR CONSIDERATION AT FOLLOWING MEETING

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

11.0 CONFIDENTIAL ITEMS
Nil

12.0 TIME AND DATE OF NEXT MEETING
Next Ordinary Council Meeting to be held on Wednesday 15 July 2020 commencing at 4.30pm.

13.0 CLOSURE

These minutes were confirmed at an Ordinary Council meeting on 15 July 2020.

Signed _____
Presiding Officer

Date: _____