

SHIRE OF KOJONUP



Council Minutes

15th September 2009

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 15th September 2009****TABLE OF CONTENTS**

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SHIRE OF KOJONUP**MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting opened at 3:01pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup 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 advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jill Mathwin	Shire President
Cr Jane Trethowan	Deputy Shire President
Cr Michael Baulch	<i>(Entered Meeting at 3:04pm)</i>
Cr John Benn	
Cr Frank Pritchard	
Cr Ernie Graham	
Cr Rosie Hewson	
Cr Ian Pedler	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Miss Jacinta Radcliffe	Finance Officer

APOLOGIES

Cr Greg Marsh	Applying for Leave of Absence
Cr Will Carrington-Jones	Applying for Leave of Absence

3 PUBLIC QUESTION TIME

Nil

4 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**4.1 SUMMARY OF RESPONSE – QUESTIONS TAKEN ON NOTICE – MR KEITH ASHTON**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, September 10, 2009
 FILE NO:
 ATTACHMENT:

DECLARATION OF INTEREST

Nil

SUMMARY

To clearly record the summary of response to written questions tabled by Mr Keith Ashton at the meeting of Council held 27th August 2009.

BACKGROUND

At the Council meeting held on 27th August 2009 the following written questions were put to Council. Whilst the offer was made for the questions to be dealt with at the meeting Mr Ashton stated that his preference was that the written questions be taken on notice and a formal written response be given:

Mr Keith Ashton

1. Is it true that Cr Mathwin in her capacity as Shire President of Kojonup has signed an agreement with four other Councils to a willingness to consider amalgamation and have indicated their intention to prepare a joint submission to the Minister for Local Government.
2. Has Council through a motion of Council given the CEO an opportunity to prepare a report to Council (5.41B of the Local Government Act) to "ensure that advice and information is available to the council so that informed decisions can be made". This I presume would show the financial implications and structural reform that would take place.
3. Can Council supply references e.g. minute number date of agenda of the following:
 - a) The CEO report on amalgamation
 - b) The CEO reports recommendation
 - c) The Council decision instructing the Shire President to sign an agreement with four other Councils to a willingness to consider amalgamation and have indicated their intention to prepare a joint submission to the Minister for Local Government.
4. Is it normal practice for The Shire of Kojonup to advertise the dates of its ordinary Council Meetings and then not have them as is the case with August eighteenth 2009.

COMMENTS

The following written response was issued to Mr Keith Ashton:

"Dear Mr Ashton

In response to your questions tabled at the Council Meeting of 27th August 2009 regarding Local Government amalgamation, please find below our response:

1. No.

The Shire President, as a delegate for the Shire of Kojonup, on the Southern Link VROC signed a media statement regarding a decision of the VROC to recommend to member Councils to pursue an amalgamation of the four councils.

Any decision of the VROC needs subsequent consideration by each Council.

There has been no motion from Council supporting the amalgamation and the Council publicised in the Koji News that this would be considered late September.

2. *The report to Council will be late September. The submission prepared by the CEO on behalf of the Council will be a significant part of the report.*
3. *a) Nil – see above.
b) Nil – see above.
c) Nil – No agreement signed. See above.*
4. *No it is not normal to change meeting dates. The Minister required submissions to be endorsed and made by the end of August initially. Shire officers advised that with the illness of the CEO and focus on submissions that they were unable to prepare an agenda for the Scheduled meeting and formally liaised with Council such that appropriate notice of change of meeting was provided.*

The meeting was rescheduled from Tuesday 18th August 2009 to Thursday 27th August 2009 as there were no agenda items for the meeting of 18th August 2009 and at the time of the decision the later date of 27th August would have been more appropriate to consider the submission. After giving

notice to move the meeting the Minister subsequently advised an extension to the submission deadline until 30th September 2009.

Should you have any queries, please do not hesitate to contact me.

Yours sincerely

*Stephen Gash
Chief Executive Officer*

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Not Applicable.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Summary of Response to Mr Ashton's questions be noted.

COUNCIL DECISION

90/09 MOVED Cr Hewson seconded Cr Pritchard that the Summary of Response to Mr Ashton's questions be noted.

CARRIED 7/0

3:04pm Cr Baulch entered the Chamber

5 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

91/09 MOVED Cr Benn seconded Cr Pedler that Cr Marsh and Cr Carrington-Jones be granted Leave of Absence for the Council meeting held 15th September 2009.

CARRIED 8/0

6 CONFIRMATION OF MINUTES

ORDINARY MEETING 27th August 2009

Corrections: Nil

COUNCIL DECISION

92/09 MOVED Cr Hewson seconded Cr Baulch that the Minutes of the Ordinary Meeting of Council held on 27th August 2009 be confirmed as a true record.

CARRIED 8/0

7 ANNOUNCEMENTS by the Presiding Member without discussion

The Presiding member thanked those Councillors renominating for the Local Government Election to be held on the 17th October 2009 and wished them all the best.

The Presiding member also noted the two meetings of 3rd September 2009 the first with Shadow Minister for Local Government; Corrective Services, Paul Papalia and the second Community Public meeting concerning Structural Reform issues.

8 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

9 DECLARATIONS OF INTEREST

Nil

10 FINANCE REPORTS

10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, September 10, 2009
 FILE NO: 06.15.01
 ATTACHMENT: 10.1.1 Monthly Statement of Financial Activity 1st July to 31st July 2009 &
 10.1.2 Monthly Statement of Financial Activity 1st July to 31st August 2009

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July 2009 to 31st July 2009 and 1st July 2009 to 31st August 2009.

BACKGROUND

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1st July 2005.

COMMENTS

The attached Statements of Financial Activity for the period 1 July 2009 to 30 July 2009 and 1st July 2009 to 31st August 2009 show a solid position with 76.65% of rates collected to 31st August 2009 and a total amount of cash holdings of \$5,458,664 of which \$2,052,229 is held in fully cash backed Reserves.

It must be noted that depreciation has not been run for the current financial year and will not be until after the Annual Audit which is scheduled for the week commencing Monday 28th September 2009. Depreciation is a non cash item which does not impact on Councils Rate Setting Statement or Cash surplus position.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

STRATEGIC IMPLICATIONS

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Monthly Statement of Financial Activity, as attached, be accepted.

COUNCIL DECISION

93/09 MOVED Cr Pedler seconded Cr Pritchard that the Monthly Statement of Financial Activity, as attached, be accepted.

CARRIED 8/0

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Wednesday 9th September, 2009
 FILE NO: 06.15.01
 ATTACHMENT: Monthly Payment Listing

DECLARATION OF INTEREST

Nil

SUMMARY

To receive a list of payments made since the last similar list was received.

BACKGROUND

Not applicable.

COMMENT

The attached list of payments is submitted for receipt by the Council.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Regulations 13 (2) of the Local Government (Financial Management Regulations) 1996 requires such a list to be "presented" whenever payments have been made under a delegated authority. (Reference Delegation #18).

POLICY IMPLICATIONS

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

FINANCIAL IMPLICATIONS

All payments made are for items where Council has provided a budget authority.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the list of payments.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Payment Listing from 01/08/2009 to 31/08/2009 comprising of Municipal Cheques 10557 to 10604, EFTs 4717 to 4786 and Internal Payment Vouchers 1931 to 1966 totaling \$560,827.60 and as attached to this agenda, be received.

COUNCIL DECISION

94/09 MOVED Cr Benn seconded Cr Graham that the Payment Listing from 01/08/2009 to 31/08/2009 comprising of Municipal Cheques 10557 to 10604, EFTs 4717 to 4786 and Internal Payment Vouchers 1931 to 1966 totaling \$560,827.60 and as attached to this agenda, be received.

CARRIED

8/0

10.3 FINANCIAL MANAGEMENT – PROPOSED WRITE OFF OF SUNDRY DEBTOR

AUTHOR: Kim Dolzadelli – Manager of Corporate Services
 DATE: Thursday, September 10, 2009
 FILE NO 06.15.01
 ATTACHMENTS: Nil

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to consider the write-off of Debtor 70359 being the Estate of the Late Phyllis N Bilney in the amount of \$561.65.

BACKGROUND

Mrs P Bilney entered Councils Springhaven Lodge Aged Care Facility in 2001 where she remained until her passing in June 2009.

COMMENT

The outstanding balance of \$561.65 has come about through a culmination of increases in fortnightly rental amounts not being matched by increased payments – essentially there was lag between the Rental amount being increased and the payment amounts being increased.

There has been correspondence and a meeting between Council officers and the Executor of the Estate, Mr Neil Bilney, who as Executor maintains that there were/are no assets or cash in Estate to make payment. No other offer to settle the amount has been made.

CONSULTATION

None necessary.

STATUTORY ENVIRONMENT

Local Government Act 1995 section 6.12 - Power to defer, grant discounts, waive or write off debts

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

The writing off of debts is covered in Councils Income Statement contained in the 2009/10 Annual Budget.

STRATEGIC IMPLICATIONS

There are no strategic implications from the adoption of this recommendation.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

That Debtor account 70359, being the Estate of the Late Phyllis N Bilney in the amount of \$561.65.be written off.

COUNCIL DECISION

95/09 MOVED Cr Hewson seconded Cr Pedler that Debtor account 70359, being the Estate of the Late Phyllis N Bilney in the amount of \$561.65.be written off.

CARRIED

8/0

3:31pm Miss Jacinta Radcliffe left the Chamber

11 ENGINEERING & WORKS REPORTS

Nil

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

Nil

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 INFORMATION STATEMENT**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 10th September 2009
 FILE NO: 01.07.01
 ATTACHMENT: Information Statement 2009/10

DECLARATION OF INTEREST

Nil

SUMMARY

To adopt the Shire of Kojonup's Information Statement for 2009/10.

BACKGROUND

Section 96(1) of the Freedom of Information Act (1992) requires each government agency, including local governments, to prepare and publish annually an Information Statement.

The Information Statement must set out:-

- The Agency's Mission Statement
- Details of legislation administered.
- Details of the agency structure.
- Details of decision-making functions.
- Opportunities for public participation in the formulation of policy and performance of agency functions
- Documents held by the agency.
- The operation of FOI in the agency.

COMMENT

The Shire of Kojonup's Information Statement 2009/10 is attached to this agenda. The document complies with the requirements of the Freedom of Information Act, as outlined above.

A copy of the Information Statement will be forwarded to the Commissioner as required. The Shire advised in its annual return that its information statement would be reviewed in September and forwarded to the Commissioner by 30 September 2009.

The previous version was adopted 16 September 2008.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Freedom of Information Act 1992

POLICY IMPLICATIONS

The Information Statement is the Policy for access to information under the Freedom of Information Act, and is linked to the Records Management Policy and Record Keeping Plan.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with strategic objective 1.1.6 to "Improve recordkeeping practices".

VOTING REQUIREMENTS – Simple Majority

OFFICER RECOMMENDATION

That Council adopts the Information Statement 2009/10 as attached to the agenda

COUNCIL DECISION

96/09 MOVED Cr Pritchard seconded Cr Trethowan that Council adopts the Information Statement 2009/10 as attached to the agenda

CARRIED

8/0

13.2 DELEGATIONS REGISTER REVIEW

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: 10th September 2009
 FILE NO: 01.03.03
 ATTACHMENT: Delegations Register

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to review the Delegations Register.

BACKGROUND

The Council of the Shire of Kojonup has resolved to adopt and delegate the functions referred to within this Delegations Manual to the Chief Executive Officer.

Section 5.42, Local Government Act 1995 provides for the delegation of some powers and duties to CEO as follows:

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*
 *Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

The Council has delegated various functions to the Chief Executive Officer. In turn some of those delegations have been sub delegated to senior officers and these are shown in each delegation.

In addition certain functions empowered to the Chief Executive Officer by the Act have been also been sub delegated to senior officers.

COMMENTS

The Delegations Register is required to be periodically reviewed and the Register, approved by resolution 91/07 on 21 August 2007, and reviewed by resolution 248/08 16 September 2008, is attached to the agenda.

At the previous review the delegations were adopted with an expiry date of 30 September 2009. The register does not yet include the Town Planning delegations adopted by Council resolutions 56/09 and 89/09 in May and August 2009, however, these do not require review, and will remain valid until next years review.

The expiry of the proposed delegations is nominated as 30 September 2010.

CONSULTATION

Nil required

STATUTORY ENVIRONMENT

The Local Government Act 1995, sections 5.42, 5.43, 5.44, 5.45 and 5.46 and Regulation 19 of the of the Local Government (Administration) Regulations.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with the strategic objective of ensuring governance and capability.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY

OFFICER RECOMMENDATION

That the Delegations Register, as attached to the agenda, be adopted to expire 30 September 2010.

That the Shire President be authorised to sign the instruments of delegation.

COUNCIL DECISION

97/09 MOVED Cr Hewson seconded Cr Pedler that the Delegations Register, as attached to the agenda, be adopted to expire 30 September 2010.

That the Shire President be authorised to sign the instruments of delegation.

CARRIED BY ABSOLUTE MAJORITY

8/0

13.3 POLICY REVIEW

AUTHOR: Stephen Gash – Chief Executive Officer
DATE: 10th September 2009
FILE NO: 01.09.14
ATTACHMENT: SoK Policies

DECLARATION OF INTEREST

Nil

SUMMARY

Council is being asked to review the Administration, Council, Finance, and Springhaven Policies.

BACKGROUND

The Council reviews policies when appropriate. Following a recent workshop the administration, finance, Council, and Springhaven policies have been presented for adoption by the Council.

The policy manual is a living document and should be kept current to reflect changes in structure, operations, strategic direction or legislation. Council reviews policies at least every 3 years.

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. Council may adopt, amend, waive policies under s2.7(2)(b) of the Local Government Act 1995.

COMMENTS

The recent review of policies by management has recommended separating the Corporate and Community Services Policies under the headings of:

- Council
- Administration
- Human Resources
- Community Services and Safety

These categories will support the existing categories of

- Health, Building, and Planning
- Engineering and Works
- Finance

There are several policy categories that require significant Council and community consultation. The policies proposed for adoption are more of a technical and administrative nature, and link with many of the delegations required to be reviewed prior to 30 September 2009.

Officers will present a schedule for consultation and review of the remaining policies to the next briefing session.

The final format of the policy manual will be refined to support posting on intra and internets and linking to relevant delegations and management practices.

CONSULTATION

Nil required on these technical based policies.

STATUTORY ENVIRONMENT

Policies have no legal status but are guidelines for staff to act on various matters without the need for continual referral to the Council. Council may adopt, amend, waive policies under s2.7(2)(b) of the Local Government Act 1995.

POLICY IMPLICATIONS

None applicable.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Aligns with the strategic objective of ensuring governance and capability.

VOTING REQUIREMENTS – ABSOLUTE MAJORITY**OFFICER RECOMMENDATION**

That the policies Council 1 to 8, Admin 1 to 5, Finance 1 to 14, and SH 1&2 as attached to the agenda be adopted.

COUNCIL DECISION

98/09 MOVED Cr Benn seconded Cr Baulch that the policies Council 1 to 8, Admin 1 to 5, Finance 1 to 14, and SH 1&2 as attached to the agenda be adopted.

CARRIED BY ABSOLUTE MAJORITY 8/0

14 COMMITTEES OF COUNCIL

Nil

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 NEW BUSINESS

of an urgent nature, introduced by a decision of the meeting

Nil

17 CONFIDENTIAL REPORTS

Nil

18 NEXT MEETING

Tuesday, 20th October 2009 commencing at 3:00pm.

19 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3:47pm.

20 APPENDICES AND TABLED DOCUMENTS

Nil

21 ATTACHMENTS

- 10.1.1 Monthly Statement of Financial Activity 1st July to 31st July 2009
- 10.1.2 Monthly Statement of Financial Activity 1st July to 31st August 2009
- 10.2 Monthly Payment Listing
- 13.1 Information Statement 2009/10
- 13.2 Delegations Register 2009
- 13.3 Admin, Council, Finance and Springhaven policies.

Presiding Member

Date