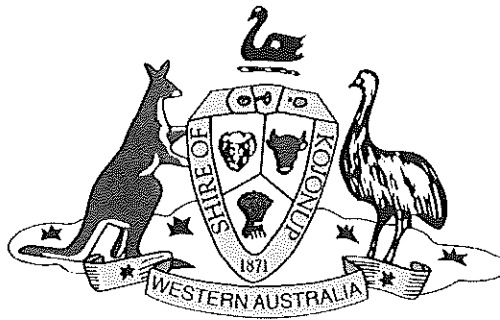


SHIRE OF KOJONUP



Council Agenda

16th March 2010

SHIRE OF KOJONUP**AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 16th March 2010****TABLE OF CONTENTS**

1	DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS	3
2	ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE	3
3	PUBLIC QUESTION TIME	4
4	SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	CONFIRMATION OF MINUTES	4
7	ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION	4
8	PETITIONS, DEPUTATIONS & PRESENTATIONS	4
9	DECLARATIONS OF INTEREST	4
10	FINANCE REPORTS	5
10.1	FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY	5
10.2	MONTHLY PAYMENTS LISTING	6
11	ENGINEERING & WORKS REPORTS	6
12	ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS	6
13	CORPORATE & COMMUNITY SERVICES REPORTS	7
13.1	DRAFT AMENDED RECORD KEEPING PLAN RKP FEB. 2010	7
13.2	CONSIDERATION OF REGIONAL TRANSITION GROUP	8
14	COMMITTEES OF COUNCIL	11
15	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	11
16	NEW BUSINESS	11
17	CONFIDENTIAL REPORTS	11
18	NEXT MEETING	11
19	CLOSURE	11
20	APPENDICES AND TABLED DOCUMENTS	11
21	ATTACHMENTS	11

SHIRE OF KOJONUP

MEETING NOTICE AND AGENDA – 16th March 2010

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 16th March 2010 commencing at 3:00pm.

Your attendance is respectfully requested.



STEPHEN GASH
CHIEF EXECUTIVE OFFICER
March 2010

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open and alert 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
Cr Jane Trethowan
Cr John Benn
Cr Ian Pedler
Cr Michael Baulch
Cr Rosemary Hewson
Cr Frank Pritchard
Cr Greg Marsh

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer

APOLOGIES

3 **PUBLIC QUESTION TIME**

4 **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 16th February 2010

Corrections:

COUNCIL DECISION

/10 MOVED Cr seconded Cr that the Minutes of the Ordinary Meeting of Council held on 16th February 2010 be confirmed as a true record.

CARRIED/LOST /

7 **ANNOUNCEMENTS** by the Presiding Member without discussion

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

10 FINANCE REPORTS**10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
 DATE: Thursday, March 11, 2010
 FILE NO: FM.FNR.2
 ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1st July to 28th February 2010

DECLARATION OF INTEREST

Nil

SUMMARY

To accept the Monthly Statement's of Financial Activity for the period of 1st July to 28th February 2010.

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 1st July to 28th February 2010 show a solid position with 91.65% of rates collected to 28th February 2010 and a total amount of cash holdings of \$4,800,786 of which \$2,019,788 is held in fully cash backed Reserves.

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

/10 MOVED Cr seconded Cr

CARRIED/LOST

/

10.2 MONTHLY PAYMENTS LISTING

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, March 10, 2010
FILE NO: FM.AUT.1
ATTACHMENT: 10.2 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 01/02/2010 to 28/02/2010 comprising of Municipal Cheques 10903 to 10955, EFT's 5277 to 5356 and Internal Payment Vouchers 2141 to 2172 totaling \$451,735.62 and as attached to this agenda, be received.

COUNCIL DECISION

/10 MOVED Cr

seconded Cr

CARRIED/LOST

/

11 ENGINEERING & WORKS REPORTS

12 ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS

13 CORPORATE & COMMUNITY SERVICES REPORTS**13.1 DRAFT AMENDED RECORD KEEPING PLAN RKP FEB. 2010**

AUTHOR: Kim Dolzadelli – Manager Corporate Services
DATE: Wednesday, March 10, 2010
FILE NO: FM.AUT.1
ATTACHMENT: Shire of Kojonup Amended Recordkeeping Plan RKP Feb. 2010

DECLARATION OF INTEREST

Nil

SUMMARY

To receive the Shire of Kojonup Draft Amended Recordkeeping Plan RKP Feb. 2010.

BACKGROUND

Section 28 (5) of the *State Records Act 2000* (the Act) requires that no more than 5 years must elapse between approval of a government organisation's Recordkeeping Plan and a review of it.

Council's original Recordkeeping Plan RKP 2004217 was endorsed by the State Records Commission in 2004 making it due for review in 2009. Given the extensive changes in systems such as the introduction of the SynergySoft Records Management module and the introduction of the Keywords for Councils thesaurus structure an extension was sought and granted by the Commission and a complete review has now been undertaken

The attached Amended Recordkeeping Plan RKP Feb. 2010 was originally submitted to the State Records Commission in accordance with Section 28 of the Act on Friday 26th February 2010 and then again on 11th February 2010 following minor amendments incorporated into the document as suggested by the Commission.

COMMENT

The exercise of reviewing the Shire of Kojonup's Recordkeeping Plan has proven to be of great value, the Shire of Kojonup now has a well documented plan that addresses all requirements of the State Records Act 2000. Furthermore the document provides a clear picture of where areas have been identified for improvement and timelines in which these are to be achieved.

Feedback on the Amended Recordkeeping Plan, from the Commission, has been very positive and it is this Officers opinion that the attached Plan will be endorsed without requirement for any further amendment.

The attached Amended Recordkeeping Plan RKP Feb. 2010, once endorsed by the Commission, will supersede the Shire's former Recordkeeping Plan RKP 2004217.

CONSULTATION

No consultation was required.

STATUTORY ENVIRONMENT

Section 28 of the *State Records Act 2000*.

POLICY IMPLICATIONS

The Amended Recordkeeping Plan includes current Council Policies relating to Records Management practices.

FINANCIAL IMPLICATIONS

There are no financial implications.

STRATEGIC IMPLICATIONS

There are no strategic implications involved with presentation of the Draft Amended Recordkeeping Plan.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

1. That the Shire of Kojonup Draft Amended Recordkeeping Plan RKP Feb. 2010 as attached to this agenda be received, and
2. That when the Amended Recordkeeping Plan RKP Feb. 2010 has been endorsed by the State Records Commission, the endorsed document will be put before Council for its endorsement.

COUNCIL DECISION

/10 MOVED Cr

seconded Cr

CARRIED/LOST

/

13.2 **CONSIDERATION OF REGIONAL TRANSITION GROUP**

AUTHOR: Stephen Gash – Chief Executive Officer
 DATE: Wednesday, March 10, 2010
 FILE NO:

DECLARATION OF INTEREST

Nil

SUMMARY

Council to advise the Minister for Local Government of its decision on whether or not it will participate in a Regional Transition Group (RTG).

BACKGROUND

In early February 2010 Council received correspondence from the Minister for Local Government, the Hon John Castrilli, asking Council to consider participating in a Regional Transition Group. A draft of an agreement was included with the Ministers letter which advised that the core elements of the agreement were

- The State will provide funding to assist each group develop a regional business plan.
- The amount to be provided will be advised following Cabinet consideration of the Ministers funding proposal.
- The content of the regional business plan is outlined in the schedule to the agreement. A detailed template will be developed by the Department of Local Government to assist Councils in the preparation of their plan.
- Any participant can withdraw from the group once the regional business plan is finalised. The Minister stated that he believes this is reasonable as development of the plan requires input from all participants in each group. He anticipates up to nine months would be required to prepare the plan.
- Even after local governments have resolved to participate, the RTG can be terminated if the majority of the group decides that this is the best course of action. The Minister anticipates efforts will be made to resolve concerns before such a decision is made.
- The Local Government Advisory Board statutory processes, including the poll provision, apply once the RTG proposal to amalgamate is received by the Board.

Kojonup representatives attended a briefing session in Kojonup on 19 February 2010 presented by representatives from the Department of Local Government. The following further information was provided.

- Regional Collaborative Groups are applicable to those geographically large areas of the state (Councils in the north west and northern parts of the goldfields)

- Regional Transition Groups apply to the remainder of the state. We cannot form a regional collaborative group.
- Changes to the draft agreement can be requested, however the Department of Local Government will also have to agree and sign off on any changes before they can be effected.
- Funds are available to an RTG to prepare a regional business plan. The business plan is to be developed within 9 months after the agreement has been signed. It is unknown the extent of the funds as it will require a Cabinet submission.
- The RTG SHALL make any amendments to the regional business plan as suggested by the Department of Local Government.
- Half the administrative costs of the RTG would have to be met by the member Councils
- State Government funding is available to implement the regional business plan
- One Council will be required to act as the secretariat and banker

COMMENT

In reading the Draft agreement, Councils that sign up and enter into a Regional Transition Group are agreeing to implement common service arrangements and move towards amalgamation. The amalgamation date as per the draft agreement is to be 1 July 2013. The agreement also includes the structure of the RTG, financial contributions and the development and content of a regional business plan.

In discussing what options it should pursue Council may wish to consider the following

- Council has previously advised the Minister for Local Government in its Reform Submission that after consultation with the Kojonup community, it did not wish to pursue a further amalgamation at this time
- The Minister was advised in our submission that our preferred regional partners were the members of the Southern Link VROC – Broomehill-Tambellup, Cranbrook, Kojonup and Plantagenet Shires

The key objection the community and Council raised previously was that there was not enough information to assess the value of the proposal or potential costs.

The proposal of Regional Transition Groups by the Minister is an attempt to allow Councils to commit to the business plan to assess the cost/benefit analysis and have an opportunity to withdraw if it doesn't identify value. However:

- The business plan must be to the satisfaction of the Department of Local Government (DLG), and the Shire of Kojonup is concerned about the capability of the DLG to carry out the required economic and community value assessment;
- The Councils in the RTG must commit to matching funding under the agreement, yet the amount provided by the DLG has not been confirmed and may not be adequate to undertake a sufficiently detailed due diligence;

The following concerns are also expressed regarding the draft RTG agreements:

- There may be governance/liability issues if an individual Shire that is nominated banker takes on the risk of expenditure and decisions made by the RTG board;
- There is uncertainty regarding the DLG role under the agreement;
- DLG Officers advised that the RTG agreements can be further negotiated between individual RTG's, which will incur added expense and will not meet the proposed timeframes;
- The agreement binds (without a cap) having to match the State costs to administer the transition, without knowing what these costs will be;
- While requests for further funding may be made to the State for implementation, this is AFTER the business plan is endorsed. At this point we interpret that the exit opportunity may have passed and if there is no agreement that these implementation costs will be covered by the State then the burden could rest with ratepayers.

The Minister requires a response from all Councils by 26th March 2010. It is understood from the briefing session on 19 February 2010 that the Minister will be briefing Cabinet in early April with the feedback and findings. It is expected that Cabinet will then give further guidance on the next steps in Local Government Reform.

The key point arising from the 19 February 2010 briefing was that if the Minister is convinced that an RTG would add value then the business plan should be funded by the State to enable the communities to assess the value of possible amalgamations BEFORE Councils had to commit to legally binding agreements.

The Shire of Kojonup has spent \$52,000 in that last twelve months following the Ministers requests. This constitutes 2% of rates, however, the bigger issue is the opportunity cost of issues, tasks, and projects deferred due to the process requiring key personnel resources. The result of the previous submission process was a proforma style letter regarding the requirement to progress a RTG, and to this date there has been no further feedback on the extensive submission undertaken by the Shire.

The Shire of Kojonup wrote to the Minister to request feedback regarding the legislative barriers relating to appointment of Chief Fire Control Officers critical to our community safety, and we were advised that they had not considered the matter, or approached FESA, and this would be done by the RTG.

Based on the information regarding the RTG process the Shire is being asked to commit to a legally binding arrangement to amalgamate, with little control over the business plan (as it SHALL include any amendments suggested by the DLG), and uncertain ongoing costs for ratepayers. Considering the resources spent on the previous submission and apparent disregard of the community views, there is concern that this next process could be undertaken and disregarded again by the DLG or Minister if it does not reach the conclusions that they want.

CONSULTATION

Various meetings and briefings

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY IMPLICATIONS

Nii

FINANCIAL IMPLICATIONS

The State Government is making funding available to Councils who form an RTG. There is a legally binding requirement that Councils will contribute equally with the state towards the cost of administration of the RTG. State Government funding may also be available for the creation of the Regional Business Plan and the implementation of the Regional Business Plan.

STRATEGIC IMPLICATIONS

Nii

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION

That the Minister for Local Government be advised that the Shire of Kojonup elects not to participate in a Regional Transition Group on the basis of the information provided and will continue to work regionally within the Southern Link VROC.

COUNCIL DECISION

/10 MOVED Cr

seconded Cr

CARRIED/LOST

/

14 COMMITTEES OF COUNCIL

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice has been given, signed by the required number of Councillors:

That Council revoke Decision 03/10 "to approve the issue of a stallholders permit to set down and operate their "Mr Whippy" van in the APEX Park precinct, located at the Southern end of Honner Street, and Eastern side of the footbridge, and also other Shire land with event organizer permission and approval of the Environmental Health Officer", in order to reconsider the original application and any further conditions that may be relevant to the decision following consultation with representatives from affected local businesses.

COUNCIL DECISION

/10 **MOVED Cr**

seconded Cr

CARRIED/LOST

/

16 NEW BUSINESS

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

17 CONFIDENTIAL REPORTS

18 NEXT MEETING

Tuesday, 20th April 2010 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 pm.

20 APPENDICES AND TABLED DOCUMENTS

21 ATTACHMENTS

- Item 10.1 Monthly Statement of Financial Activity 01 July 2009 to 28th February 2010
- Item 10.2 Monthly Payment Listing 1 February 2010 to 28 February 2010
- Item 13.1 Draft Amended Recordkeeping Plan RKP Feb. 2010