MINUTES DECEMBER 2016

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chair Person, Shire President Cr Megan Tuffley, declared the meeting opened at 9.11am.

2. RECORD OF ATTENDANCE/APOLOGIES & APPROVED LEAVE OF ABSENCE

Members

Cr M Tuffley Cr R Jury Cr T Borgward Cr A Smith Cr G Browne Cr S Crosby Member Member Member Member Member

<u>Staff</u> JP Bentley M Bamess DW Long

Chief Executive Officer Deputy Chief Executive Officer

Members of the Public

Apologies Cr G Collins DW Long

Member Works Manager

<u>Members on Leave of</u> <u>Absence</u> Cr M Stephens

Member

3. DECLARATION OF INTERESTS:

- Financial Interest: Nil
- Members Impartiality Interest Nil
- Proximity Interest: Nil
- 4. PUBLIC QUESTION TIME:
- 5. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:
- 6. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:
 - 6.1 Ordinary Meeting of Council held on Wednesday 16 November 2016

4740 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr T Borgward

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 16 November, 2016 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

> CARRIED 6/0 By Simple Majority

7. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

8. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

9. OFFICERS REPORTS:

4741 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr T Borgward / Cr G Browne

That Council resolves to receive and adopt Officer Reports 9.1.1 to 9.1.9 en bloc by the majority required for each Officer Report.

CARRIED 6/0

1.1.1 MONTHLY FINANCIAL REPORTS TO 30 NOVEMBER 2016		
DATE:	14 December 2016	
SUBJECT:	Monthly Financial Reports to 30 November 2016	
PROPONENT:	N/A	
LOCATION:	Whole of the Shire	
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer	
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer	
FILE NO:	FIN30.20	
ASSESSMENT NO:	N/A	

MONTHLY EINANCIAL DEDORTS TO 20 NOVEMBER 2014

PURPOSE

In accordance with the Local Government (Financial Management) Regulations 1996, to follow is the presentation of the Monthly Financial Reports to Council.

BACKGROUND

Monthly Financial Reports are to be presented to Council and are to be received by Council resolution.

STATUTORY IMPLICATIONS

Local Government Act 1995 – Section 6.4 Local Government (Financial Management) Regulations 1996 – Clause 34 and 35

POLICY IMPLICATIONS

Policy 4.1 Accounting Policies

Objective: To provide the basis for Council's accounting concepts and reporting guidelines. To maintain accounting reporting procedures which comply with Statutory Requirements and to demonstrate Council's financial position.

FINANCIAL IMPLICATIONS

Ongoing management of Council funds

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The Monthly Financial Reports as presented indicate that Council continues to be in a sound financial position.

ATTACHMENTS

• Monthly Financial Reports to 30 November 2016 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 November 2016)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

• Monthly Financial Reports to 30 November 2016

9.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 NOVEMBER 2016

DATE:	5 December 2016
SUBJECT:	Schedule of Accounts Paid
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Jill Kent – Senior Administration Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$ 319,841.96
Trust Fund	\$640.00
Direct Debits	\$ 133,177.57

Spoiled Cheques Cancelled Cheques

ATTACHMENTS

Schedule of Accounts submitted 21 December 2016.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That vouchers from the Municipal Fund and Trust Fund as detailed, be approved by Council:

Municipal Fund		\$ 319,841.96
Trust Fund		\$640.00
Direct Debits		\$ 133,177.57
	TOTAL	\$453,660.43

9.1.3 REQUEST TO COLLECT NATIVE PLANT SEEDS

DATE:	13 December 2016
PROPONENT:	Lake Bryde Recovery Catchment
LOCATION:	Whole of Shire
SUBJECT:	Permission to collect Native Plant Seed
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

Council to consider an application from the Lake Bryde Recovery Catchment to collect Native plant seed in the vicinity of Lake Bryde, East Lake Bryde and Lakelands Nature Reserves within the Shire of Kent.

BACKGROUND

The Lake Bryde Recovery Catchment is required by legislation to seek the permission of the authority which holds control of land prior to collecting seed.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

There are no specific financial implications.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

Permission has been granted in the past for such organisations to collect seed from native species for programs such as this and further detail is provided within the letter of request.

ATTACHMENTS

Letter – Lake Bryde Recovery Catchment.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Advise Lake Bryde Recovery Catchment that permission is granted to collect native plant seed within the Shire of Kent subject to the following conditions:

- All persons collecting native seed are licensed according to the Wildlife and Conservation Act (1950) and will abide by the conditions of the licence.
- This approval is for the period December 2016 to November 2017.
- This approval applies to collection by Lake Bryde Recovery Catchment staff or contractors only.
- Appropriate hygiene measures will be followed at all times to prevent the spread of plant disease and weeds.
- All care is to be taken to avoid the disturbance of fauna habitat.
- All care be taken to avoid any disturbance that may lead to soil degradation.

9.1.4 REVIEW RISK MANAGEMENT POLICY

DATE:	18 November 2016
PROPONENT:	N/A
LOCATION:	Whole of Shire
SUBJECT:	Review of Risk Policy
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	FIN30.15
ASSESSMENT NO:	N/A

PURPOSE

Council to review and consider any changes to the current Risk Policy Framework and procedures.

BACKGROUND

On 8th February 2013 Audit Regulation 17 was introduced by the State and requires a local government to undertake a review of risk management, internal control and legislative compliance at least every two years. This was implemented on 19 November 2014.

STATUTORY IMPLICATIONS

Local Government Act (1995)

17. CEO to review certain systems and procedures.

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance
- (2) the review may relate to any or all of the matters referred to in sub-regulations (1) (a),
 (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

POLICY IMPLICATIONS

In implementing this in 2014 a Risk Management Policy was formally adopted by Council.

FINANCIAL IMPLICATIONS

No financial implications will occur by reviewing the policy.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

The review is designed to ensure that Council is managing its obligations in terms of legislative compliance, risk management and the internal controls of its organisation. The format that we have provided to deal with these requirements meets the standards expected for these three areas.

ATTACHMENTS

Risk Management Policy & Governance Framework

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Review and adopt the Risk Management Policy and Risk Management Procedures.

DATE:	18 November 2016
PROPONENT:	N/A
LOCATION:	Whole of Shire
SUBJECT:	Review of Risk Report
AUTHOR:	Christie Smith – Executive Assistant
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	FIN30.5
ASSESSMENT NO:	N/A

7

PURPOSE

Council are to consider the review undertaken of the Risk Report.

BACKGROUND

On 8th February 2013 Audit Regulation 17 was introduced by the State and requires a local government to undertake a review of risk management, internal control and legislative compliance at least every two years. This was implemented in November 2014.

The Legislation also requires that the CEO present the Risk Report to the Audit Committee which would then make recommendations to the Council from there. The Risk Report has been presented to the Audit Committee and any recommendations will be provided at the Council Meeting.

STATUTORY IMPLICATIONS

Local Government Act (1995)

17. CEO to review certain systems and procedures.

- (4) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to
 - (d) risk management; and
 - (e) internal control; and
 - (f) legislative compliance
- (5) the review may relate to any or all of the matters referred to in sub-regulations (1) (a),
 (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.
- (6) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]

POLICY IMPLICATIONS

In implementing this in 2014 a Risk Management Policy was formally adopted by Council.

FINANCIAL IMPLICATIONS

There will be no financial implications with the undertaking of the risk report review.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

The review is designed to ensure that Council is managing its obligations in terms of legislative compliance, risk management and the internal controls of its organisation. The format that we have provided to deal with these requirements meets the standards expected for these three areas.

ATTACHMENTS

Review of Risk Report

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Receive the attached Risk Report and discuss and make recommendation to the CEO regarding any issues highlighted by the Audit Committee.

9.1.6 2017 LOCAL GOVERNMENT ORDINARY ELECTIONS

DATE:	8 December 2016
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Local Government Ordinary Election 2017
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	COU25.15
ASSESSMENT NO:	

PURPOSE

To consider an estimated costing from the WA Electoral Commission (WAEC) to conduct the 2017 Local Government Ordinary Election on our behalf as a postal election.

BACKGROUND

Local Government Ordinary Elections are held every two years and the next election is due on 21 October 2017. There will be four (4) vacancies contested at that election. The positions of Councillors Tuffley, Jury, Stephens and Browne will be up for election in that year. The WAEC has written to Council advising of an estimated cost of \$12,500 inc GST for the 2017 election if

conducted as a postal ballot. The Previous election was conducted by post and saw a response rate similar to that experienced for voting in person elections in the past.

STATUTORY IMPLICATIONS

The Council must decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the election will be as a postal election or voting in person election.

POLICY IMPLICATIONS

Council has no set policy on this matter.

FINANCIAL IMPLICATIONS

Costs associated will be budgeted for in the 2017/2018 Budget.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan

COMMENT

The WAEC has provided an estimation to undertake the entire process on the Councils behalf of \$12,500, inc GST, however this does not include the costs any non-statutory advertising, legal expenses other than those that are determined to be borne by WAEC in a Court of Disputed Returns, a local government staff member to work in the polling place on election day or additional postage rate increases. An additional amount of \$110 will be incurred should Council opt for the Australia Post Priority Service for lodgement of election packages.

In order for Council to undertake a postal ballot the following motions must be passed:

- The Council declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may also be required;
- In accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the 21 October 2017 election will be as a postal election.

ATTACHMENTS

• Estimation to conduct the election from the WAEC.

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That The Council:

- 1. declares, in accordance with section 4.20(4) of the *Local Government Act* 1995, the WA Electoral Commissioner to be responsible for the conduct of the 2017 ordinary elections together with any other elections or polls which may also be required;
- 2. In accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the 21 October 2017 election will be as a postal election.

DATE	
DATE:	13 December 2016
SUBJECT:	Management Report and Annual Financial
	Statements – Year Ended 30 June 2016
PROPONENT:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess - Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley - Chief Executive Officer
FILE NO:	FIN30.5
ASSESSMENT NO:	N/A

9.1.7 MANAGEMENT REPORT AND ANNUAL FINANCIAL STATEMENTS - YEAR ENDED 30 JUNE 2015

PURPOSE

Council to formally receive and accept the Management Report and Annual Financial Statements for the year ended 30 June 2016.

BACKGROUND

Council's appointed Auditor, Leanne Oliver, from Byfields, has completed the audit for the Shire of Kent for the year ended 30 June 2016; the management report is included as an attachment. The audit has been completed and a copy of the Financial Statements is attached.

STATUTORY IMPLICATIONS

Local Government Act 1995 Local Government (Audit) Regulations 1996

LGA Section 7.12A (3) & (4) Duties of local government with respect to audits

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister,

POLICY IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC IMPLICATIONS

Not applicable

<u>COMMENT</u>

No material issues were raised by auditors within the Management Report.

ATTACHMENTS

Management Report – year ended 30 June 2016 Annual Financial Statements 30 June 2016

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

- 1. Receives and acknowledges the Management Report for the year ended 30 June 2016 prepared by Leanne Oliver, of Byfields Accountants and Financial Advisors and notes the comments contained within.
- 2. Receives and adopts the Annual Financial Statements for the year ended 30 June 2016.
- 3. Hold the Shire of Kent Annual Electors Meeting at Nyabing on Monday, 13/02/2017 at 7.00pm in the Nyabing Pavilion.

DATE:	14 December 2016
PROPONENT:	LGMA WA
LOCATION:	N/A
SUBJECT:	Request for Sponsorship
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	COU10.30
ASSESSMENT NO:	

9.1.9 LGMA PARTNERSHIP REQUEST FOR 2017 CONFERENCE

<u>PURPOSE</u>

To consider a partnership request from the State office of the Local Government Managers Australia (LGMA) for the 2017 Professional Development Conference to be held in March.

BACKGROUND

Council has received a written request from the LGMA for consideration of a partnership request for its 2017 Professional Development Conference being held at the Quality Inn, Margaret River, on 30 - 31 March.

To become a Local Government Support Partner, LGMA are requesting a contribution of \$1,500, including GST, and in return Council will receive two full conference registrations for two officers to attend the conference and all networking functions. In addition Council will also be acknowledged as a support partner throughout the conference and on all conference promotional material.

The full conference registration fees for 2017 are \$865 for LGMA members and \$990 for non members.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Council has not made provision in the 2016/2017 Budget for these fees.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

The LGMA has written to Council for a number of years requesting support prior to each of its events – Council has not provided support for any of the past events.

ATTACHMENTS

Letter from LGMA

VOTING REQUIREMENT Simple Majority

RECOMMENDATION

That the Council:

Will not provide partnership support for the 2017 Professional Development Conference in Margaret River on 30 – 31 March 2017.

10. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL

4742 - COUNCIL RESOLUTION

MOVED Cr R Jury / Cr T Borgward

That the council:

Consider the new business of urgent nature as presented.

CARRIED 6/0

11.1.1	Deputy	Chief Executive	Officer's Vehicle	Replacement
	Depoi			Replacement

DATE:	20 December 2016
PROPONENT:	
LOCATION:	Whole of Shire
SUBJECT:	Chief Executive Officer's Vehicle Replacement
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Peter Bentley – Chief Executive Officer
FILE NO:	,
ASSESSMENT NO:	

<u>PURPOSE</u>

Council to consider a proposal for the future replacement of the Deputy Chief Executive Officer's (DCEO) Vehicle.

BACKGROUND

At the February 2016 Council meeting the following recommendation was adopted:

4549- COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr S Crosby / Cr G Browne

That the Council:

Endorse the purchase of the Deputy Chief Executive Officer's replacement vehicle at 9,000kms for a net GST free price of with a preference for:

Option 1 \$2,300, includes swapping light bar from old vehicle to new vehicle, subject to there being no model/grille changes

If this option is not available then the preference is

Option 2 \$2,900, includes a new light bar fitted on each new RAV4

CARRIED 8/0 By Absolute Majority

Great Southern Toyota Katanning advised via email on 5 April 2016 advised that in order to be compliant with Toyota Fleet & Local Govt Fleet deals the offer would need to be \$1,750 changeover after 15,000km.

The current DCEO vehicle, a Toyota Rav4, was due to be replaced at 15,000kms and now has an odometer reading in excess of 19,000 kms.

Great Southern Toyota Katanning have now advised that due to the difficulties with obtaining a new Toyota Rav4 they would like to offer a deal to purchase of new Toyota Fortuner for a one-off fee of \$5,000 and then replace this vehicle at \$500 per vehicle for the next two vehicles.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

Council has made provision of \$2,000 in the 2016/17 Budget for the replacement of the DCEO vehicle. A further provision of \$3,000 would be required and could be considered in the Budget Review.

STRATEGIC IMPLICATIONS

This matter is not dealt with in the Shire of Kent Community Strategic Plan.

COMMENT

If Council chose to replace the current vehicle with a Toyota Fortuner for a replacement cost of \$5,000 and then at 15,000km for the next two at \$500 each Council would be in the same financial position over the same period of time.

ATTACHMENTS

Proposal from Great Southern Toyota

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION

That the Council:

- 1. Accept the offer provided by Great Southern Toyota to replace the Deputy Chief Executive Officer's vehicle for a replacement cost of \$5,000 and then \$500 for the next two vehicles.
- 2. Make further provision of \$3,000 in the Budget review for this purchase.

4743 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr G Browne / Cr S Crosby

That the Council:

- 1. Accept the offer provided by Great Southern Toyota to replace the Deputy Chief Executive Officer's vehicle for a replacement cost of \$5,000 and then \$500 for the next two vehicles.
- 2. Make further provision of \$3,000 in the Budget review for this purchase.

CARRIED 6/0 By Absolute Majority

12. INFORMATION BULLETIN

4744 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr A Smith / Cr R Jury

That the Information Bulletin be received by Council.

CARRIED 6/0

13. MATTERS BEHIND CLOSED DOORS

That the meeting be closed to the public in accordance with section 5.23 Local Government Act 1995, 5.5.23(2))

- Matters affecting employee(s)
- Personal affairs of any person(s), including financial and/or commercial Contracts
- Commercial Confidentiality
- Legal advice/matters
- Public safety/security matters where public knowledge may be prejudicial.

14. MEETING CLOSED

There being no further business the Shire President Cr Megan Tuffley, closed the meeting at 9.33am