

OCTOBER MINUTES 2017

1. DECLARATION OF OPENING & ANNOUNCEMENT OF VISITORS

The Chief Executive Officer, Mr Peter Bentley, declared the meeting opened at 5.59pm.

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

Members

Cr GM Collins	Member
Cr AL Smith	Member
Cr SR Crosby	Member
Cr BC Bamess	Member
Cr KV Johnston	Member
Cr KR Stephens	Member

Staff

JP Bentley	Chief Executive Officer
M Bamess	Deputy Chief Executive Officer
DW Long	Works Manager

Members of the Public

Mrs Megan Tuffley
Mr Mark Stephens
Mrs Samantha Stephens
Mrs Renae Jury
Mr Joshua Jury
Mr Gordon Browne
Mrs Sheryle Browne

Apologies

Cr Elect JN Germain	Member
Cr TD Borgward	Member

Members on Leave of Absence

3. SWEARING IN OF COUNCILLORS

3.1 – Swearing in of Councillors

Section 2.29 (1) of the Local Government Act 1995 (as amended) prescribes as follows:

2.29. Oath or affirmation of allegiance and declaration

(1) A person elected as an elected mayor or president or as a councillor has to make a declaration in the prescribed form before acting in the office.

- (2) A person elected by the council as mayor, president, deputy mayor or deputy president has to make a declaration in the prescribed form before acting in the office.
- (3) A declaration required by this section is to be taken or made before a prescribed person.
- (4) A person who acts in an office contrary to this section commits an offence.

Penalty: \$5 000 or imprisonment for one year.

[Section 2.29 amended by No. 24 of 2005 s. 57.]

The following Councillors require swearing in, in accordance with Section 2.29(1) of the Local Government Act 1995, as amended:

Cr Benjamin Craig Bamess
Cr Kate Vivienne Johnston
Cr Kerry Robert Stephens

The above members signed declarations.

3.2. ELECTION OF PRESIDENT

Schedule 2.3 - When and how mayors, presidents, deputy mayors and deputy presidents are elected by the council [Sections 2.11(1)(b) and 2.15]
Division 1 - Mayors and presidents

1. Definitions

In this Division -

"Extraordinary vacancy" means a vacancy that occurs under section 2.34(1);

"The office" means the office of councillor mayor or president.

2. When the council elects the mayor or president

- (1) The office is to be filled as the first matter dealt with –
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How the mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.

- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
 - (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
 - (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.
 - (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
 - (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.
- [Clause 4 amended by No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

The Chief Executive Officer called for nominations for the position of Shire President.

A written nomination was received from Cr Alan Lewis Smith. There being no further nominations Cr AL Smith was appointed Shire President for a period of two (2) years expiring 2019.

Cr AL Smith signed a declaration.

3.3. ELECTION OF DEPUTY PRESIDENT

Division 2 - Deputy Mayors and deputy presidents

6. Definitions

In this Division -

"Extraordinary vacancy" means a vacancy that occurs under section 2.34(1);

"the office" means the office of deputy mayor or deputy president.

7. When the council elects the deputy mayor or deputy president

- (1) If the local government has an elected mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with -
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled -
 - (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (3) If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.

8. How the deputy mayor or deputy president is elected

- (1) The council is to elect a councillor (other than the mayor or president) to fill the office.
- (2) The election is to be conducted in accordance with the procedure prescribed, by the mayor or president, or if he or she is not present, by the CEO.
- (3) Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
 - (3a) Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
- (6) Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.

[Clause 8 amended by No. 64 of 1998 s. 54(2)-(4); No. 49 of 2004 s. 69(6)-(9).]

9. Votes may be cast a second time

- (1) If, when the votes cast under clause 8(5) are counted, there is an equality of votes between 2 or more candidates who are the only candidates in, or

remaining in, the count, the count is to be discontinued and, not more than 7 days later, a special meeting of the council is to be held.

- (2) *Any nomination for the office may be withdrawn, and further nominations may be made, before or when the special meeting is held.*
- (3) *When the special meeting is held the council members are to vote again on the matter by secret ballot as if they were voting at an election.*
- (4) *The votes cast under subclause (3) are to be counted, and the successful candidate determined, under Schedule 4.1 as if those votes were votes cast at an election.*

[Clause 9 amended by No. 49 of 2004 s. 69(10).]

The Shire President called for nominations for the position of Deputy Shire President.

A written nomination was received from Cr Grantham Maurice Collins. There being no further nominations Cr GM Collins was appointed Deputy Shire President for a period of two (2) years expiring 2019.

Cr GM Collins signed the declaration.

4. DECLARATION OF INTERESTS:

- **Financial Interest:**
Nil
- **Members Impartiality Interest**
Nil
- **Proximity Interest – Interest in Common:**
Nil

5. PUBLIC QUESTION TIME:

6. APPLICATION FOR MEMBERS FOR LEAVE OF ABSENCE:

4842 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr SR Crosby / Cr GM Collins

That Leave of Absence be granted to Cr BC Bamess for the 15 November 2017 Council Meeting.

**CARRIED 5/0
By Simple Majority**

7. CONFIRMATION and RECEIVING OF MINUTES/BUSINESS ARISING:

7.1 Ordinary Meeting of Council held on Wednesday 20 September 2017

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 20 September, 2017 in the Shire of Kent Council Chambers be confirmed as a true and accurate record of proceedings and duly signed.

4843 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr GM Collins / Cr SR Crosby

That the minutes of the Ordinary Meeting of the Shire of Kent held on Wednesday 20 September, 2017 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**

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS:

10. OFFICERS REPORTS:

10.1.1 MONTHLY FINANCIAL REPORTS TO 30 SEPTEMBER 2017

DATE:	9 October 2017
SUBJECT:	Monthly Financial Reports to 30 September 2017
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

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 September 2017 (including Statement of Financial Activities, Notes 3-11 and Budget Variances to 30 September 2017)

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the following Monthly Financial Reports be received by Council:

- Monthly Financial Reports to 30 September 2017

4844 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr SR Crosby / Cr KV Johnston

That the following Monthly Financial Reports be received by Council:

- **Monthly Financial Reports to 30 September 2017**

CARRIED 6/0
By Simple Majority

10.1.2 SCHEDULE OF ACCOUNTS PAID TO 30 SEPTEMBER 2017

DATE:	9 October 2017
SUBJECT:	Schedule of Accounts Paid
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:	N/A
ASSESSMENT NO:	N/A

FUND VOUCHERS AMOUNT

Municipal Fund	\$214,979.81
Trust Fund	\$260.00
Direct Debits	\$112,782.70
Spoiled Cheques	
Cancelled Cheques	

ATTACHMENTS

Schedule of Accounts submitted 25 October 2017.

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

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

Municipal Fund	\$214,979.81
Trust Fund	\$260.00
Direct Debits	\$112,782.70
TOTAL	\$328,022.51

4845 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr GM Collins

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

Municipal Fund	\$214,979.81
Trust Fund	\$260.00
Direct Debits	\$112,782.70
TOTAL	\$328,022.51

CARRIED 6/0
By Simple Majority

10.1.3 APPOINTMENT OF DUAL FIRE CONTROL OFFICERS FOR 2017/18 FOR SHIRE OF KENT

DATE:	4 October 2017
SUBJECT:	Appointment of Dual Fire Control Officers
PROPOSER:	N/A
LOCATION:	Whole of the Shire
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	FIR 15.5
ASSESSMENT NO:	N/A

PURPOSE

Council is to appoint the various Dual Fire Control Officers to the Shire of Kent for the 2017/18 year.

BACKGROUND

A letter has been received from Matthew Gilfellon, Chief Executive Officer Shire of Dumbleyung, advising the endorsement of the appointment of the dual fire control officer for the Shire of Kent as well as dual fire control officers for neighbouring Shires.

STATUTORY IMPLICATIONS

Local Government Act 1995
Bush Fires Act 1954

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

COMMENT

The following appointment to the Shire of Kent have been received from the Council as shown

Shire of Dumbleyung

Donald O'Donnell
Chris Ramm
Damien Leo

ATTACHMENTS

Letter from Matthew Gilfellon, Chief Executive Officer Shire of Dumbleyung

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council :

Endorse the appointment of the Dual Fire Control Officers to the Shire of Kent for 2017/18 as listed below:

Shire of Dumbleyung – Donald O'Donnell, Chris Ramm and Damien Leo

4846 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr SR Crosby / Cr GM Collins

That the Council :

Endorse the appointment of the Dual Fire Control Officers to the Shire of Kent for 2017/18 as listed below:

Shire of Dumbleyung – Donald O'Donnell, Chris Ramm and Damien Leo

**CARRIED 6/0
By Simple Majority**

10.1.4 REQUEST FROM KATANNING SPEEDWAY CLUB FOR SPONSORSHIP

DATE:	9 October 2017
PROPONENT:	Katanning Speedway Club
LOCATION:	N/A
SUBJECT:	Request for sponsorship Michelle Bamess – Deputy Chief Executive Officer Michelle Bamess – Deputy Chief Executive Officer
AUTHOR:	
REPORTING OFFICER:	
FILE NO:	N/A
ASSESSMENT NO:	

PURPOSE

To consider a request from the Katanning Speedway Club for sponsorship.

BACKGROUND

A letter has been received from Di Stone, Secretary of the Katanning Speedway Club, requesting sponsorship in the form of financial support from the Shire of Kent to assist with ongoing costs for events preparations and planned improvements to their track and venue.

The Katanning Speedway Club believe that the re-opening of the venue has the opportunity for all surrounding shire residences and businesses to not only benefit from visitors passing through and bringing business to towns, but also by providing an interest for the whole family to be involved and participate in.

There are major plans for improvements to the track and venue with the goal of becoming one of the top tracks outside of the metro area and ask for Council's consideration of their request.

STATUTORY IMPLICATIONS

No known statutory implications.

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Council has made provision of \$2,850 in the 2017-2018 Budget for other donations.

STRATEGIC IMPLICATIONS

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

COMMENT

Council to consider the request for financial support from Katanning Speedway Club to assist with fuel and machinery hire costs to prepare for events and to provide ongoing maintenance and improvements to the track and venue.

ATTACHMENTS

- Letter – Katanning Speedway Club

VOTING REQUIREMENT

Simple Majority

RECOMMENDATION

That the Council:

Does not provide financial support to the Katanning Speedway Club.

4847 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr SR Crosby / Cr KR Stephens

That the Council :

Does not provide financial support to the Katanning Speedway Club.

**CARRIED 6/0
By Simple Majority**

10.1.5 COMMITTEE MEMBERSHIP

DATE:	18 October 2017
PROPONENT:	N/A
LOCATION:	N/A
SUBJECT:	Committee Memberships
AUTHOR:	Michelle Bamess – Deputy Chief Executive Officer
REPORTING OFFICER:	Michelle Bamess – Deputy Chief Executive Officer
FILE NO:	
ASSESSMENT NO:	

PURPOSE

To allocate committee memberships for the period 2017 – 2018.

BACKGROUND

After each election the Council must elect new members for its standing committees and for each community committee that it has representation on. Council agreed to restrict the number of its own committees to one – the Audit Committee during the last electoral cycle.

STATUTORY IMPLICATIONS

Local Government Act (1995)

POLICY IMPLICATIONS

The Council has no specific policy regarding this matter.

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

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

COMMENT**Council Committees**

5.10. Appointment of committee members

- (1) A committee is to have as its members -
- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).
- * Absolute majority required.**
- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish-
- (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

The following Committees are Standing Committees of Council and in the past representation has been (4) Councillors with a fifth Council member as proxy:

Audit Committee

Works, Plant and Services Committee – currently in recess

Building, Health and Town Planning Committee – currently in recess

Council's Standing Committees do not have any Delegated Authority.

That the following Councillors be appointed to the following Committees:

Councillor Representation on Community/Other Committees

South Eastern Agricultural Road Group (Great Southern Road Group)

Great Southern Zone WALGA

Regional Recreation Planning Committee

Bushfire Advisory Committee

Pingrup Ground Improvement Committee, Nyabing Sports Club Committee

Pingrup CRC

Local Emergency Management Committee (LEMC)

Great Southern Development Assessment Panel

ATTACHMENTS

Nil

VOTING REQUIREMENT

Absolute Majority

RECOMMENDATION 1

That the following Committees remain in recess until the Council sees a need to reactivate those committees:

Works, Plant and Services Committee

Building, Health and Town Planning Committee

4848 - COUNCIL RESOLUTION (Officer Recommendation 1)

MOVED Cr SR Crosby / Cr GM Crosby

RECOMMENDATION 1

That the following Committees remain in recess until the Council sees a need to reactivate those committees:

Works, Plant and Services Committee

Building, Health and Town Planning Committee

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

RECOMMENDATION 2

That the following Councillors be endorsed as the members of the Audit Committee:

Audit Committee

Cr _____

Cr _____

Cr _____

Cr _____

Cr _____ (PROXY)

4849 - COUNCIL RESOLUTION (Officer Recommendation 2)

MOVED Cr SR Crosby / Cr GM Crosby

That Recommendation 2 lay on the table until the November Council Meeting

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

RECOMMENDATION 3

That the following Councillors be appointed to the Community Committees as Council representatives as follows:

South East Agricultural Road Group (Great Southern Regional Road Group)

Cr

Cr

Cr (PROXY)

Great Southern Zone WALGA

Cr

Cr

Cr (PROXY)

Great Southern Regional Recreation Committee

Cr

Cr

Cr (PROXY)

Bushfire Advisory Committee

Cr

Cr

Cr (PROXY)

Pingrup Ground Improvement Committee, Nyabing Sports Club Committee

Cr

Cr

Cr (PROXY)

Pingrup CRC

Cr

Cr

Cr (PROXY)

Local Emergency Management Committee

Cr

Cr

Cr (PROXY)

4850 - COUNCIL RESOLUTION (Officer Recommendation 3)

MOVED Cr SR Crosby / Cr GM Crosby

That the following Councillors be appointed to the South East Agricultural Road Group (Great Southern Regional Road Group) and the Great Southern Zone WALGA as follows and the balance of the Committees to lay on the table until the November Council Meeting:

South East Agricultural Road Group (Great Southern Regional Road Group)

Cr GM Collins

Cr SR Crosby

Cr BC Bamess (PROXY)

Great Southern Zone WALGA

Cr AL Smith

Cr SR Crosby

Cr KV Johnston (PROXY)

Great Southern Regional Recreation Committee

Cr

Cr

Cr (PROXY)

Bushfire Advisory Committee

Cr

Cr

Cr (PROXY)

Pingrup Ground Improvement Committee, Nyabing Sports Club Committee

Cr

Cr

Cr (PROXY)

Pingrup CRC

Cr

Cr

Cr (PROXY)

Local Emergency Management Committee

Cr

Cr

Cr (PROXY)

**CARRIED 6/0
BY ABSOLUTE MAJORITY**

11. ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
12. NEW BUSINESS OF AN URGENT NATURE AGREED TO BY RESOLUTION OF COUNCIL
13. INFORMATION BULLETIN

4851 - COUNCIL RESOLUTION (Officer Recommendation)

MOVED Cr KR Stephens / Cr KV Johnston

That the Information Bulletin be received by Council.

CARRIED 6/0

14. 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.

15. MEETING CLOSED

There being no further business the Shire President Cr , closed the meeting at 6.37pm.