



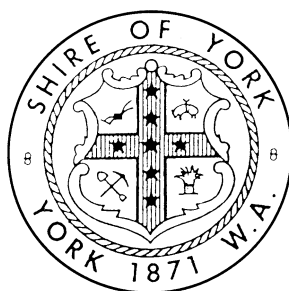
SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 24 APRIL 2017
COMMENCING AT 5.03PM
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

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SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL HELD ON MONDAY, 24 APRIL 2017, COMMENCING AT 5.03PM IN COUNCIL CHAMBERS, YORK TOWN HALL, YORK

The York Shire Council acknowledges the traditional owners of the land on which this meeting will be held.

1. OPENING

1.1 Declaration of Opening

Cr David Wallace, Shire President, declared the meeting open at 5.03pm

1.2 Disclaimer

The Shire President advised the following:

"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting today, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

1.3 Standing Orders

Nil

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Nil

1.6 Declarations of Financial Interest

Cr Randell – SY040-04/17 – Perth International Jazz Festival in York – Draft Funding Agreement

- 1.7 Declarations of Interest that May Affect Impartiality
Cr Smythe – SY042-04/17 – The York Society Multi-Year Funding Proposal

2. ATTENDANCE

- 2.1 Members
Cr David Wallace, Shire President; Cr Denese Smythe, Deputy Shire President; Cr Heather Saint; Cr Jane Ferro; Cr Trevor Randell; Cr Tricia Walters
- 2.2 Staff
Paul Martin, Chief Executive Officer; Paul Crewe, Executive Manager Infrastructure & Development Services; Suzie Haslehurst, Executive Manager Corporate and Community Services; Helen D'Arcy-Walker, Executive Support Officer
- 2.3 Apologies
Nil
- 2.4 Leave of Absence Previously Approved
Cr Pam Heaton – 18 to 24 April 2017 inclusive
- 2.5 Number of People in Gallery at Commencement of Meeting
There were 2 people in the Gallery at the commencement of the meeting

3. QUESTIONS FROM PREVIOUS MEETING

- 3.1 Response to previous public questions taken on notice

Mrs Tanya Richardson

Public Question Time - Annual Meeting Of Electors Held 22 March, 2017

Question 1:

Why has the Shire of York allowed for the outstanding rate debt to become disproportionately high?

Response provided by the Executive Manager Corporate and Community Services:

The outstanding debt includes \$186,627 in legal costs incurred whilst trying to recover outstanding rates. Therefore, outstanding rates represent approximately 14.9% of the Shire's annual rates revenue and include several large, complex debts that have been the subject of legal processes over a number of years.

Officers encourage outstanding debtors to enter into a payment arrangement and liaise with the Shire's solicitors and debt collection agency in order to recover rates and charges. Council and the current management have instigated a review of the Shire's financial management systems to ensure a best practice approach and prevent ad-hoc debt recovery proceedings.

Question 2:

What steps are being taken to recover the debts in the order they occur?

Response provided by the Executive Manager Corporate and Community Services:

Council has adopted Policy F1.1 Revenue Collection which outlines the Shire's process for the collection of outstanding debts. This includes reminders, followed by a letter of demand and an offer to enter into a payment arrangement, referral to the Fines Enforcement Registry and finally, legal debt collection.

The Shire will in the coming months, initiate a tender process for the supply of debt collection services to ensure the best outcomes for the Shire, debtors and other ratepayers.

Question 3:

Do these steps align with the new debt recovery policy?

Response provided by the Executive Manager Corporate and Community Services:

Council adopted the revenue collection policy in October 2016. Since then, processes have been developed to ensure debt collection is undertaken in accordance with the Shire's Policy F1.1 Revenue Collection which include but are not limited to;

- Review and monthly reporting of outstanding debtors to Council
- Reminders and letters of demand
- Offers to meet with debtors to resolve any issues
- Referral to the Fines Enforcement Registry
- Seeking legal advice and referral to a debt collection agency
- As a last resort, proceeding to legal proceedings which may result in Property Sale or Seizure Orders.

Question 4:

If reducing the level of rates debt is part of staff remit and KPI's, what are the set parameters?

Response provided by the Executive Manager Corporate and Community Services:

Council and the Executive Management Group review the outstanding debtors on a monthly basis and the steps that have been taken to recover the amounts owing with consideration for the following;

- the amount outstanding
- the period the debt has been outstanding
- the time spent by officers attempting to recover the debt
- legal costs incurred
- debt collection fees incurred
- legal advice received
- any extenuating circumstances involved

Question 5:

After what period does the Shire of York initiate legal action to recover unpaid rate debt?

Response provided by the Executive Manager Corporate and Community Services:

The debt recovery process does not start with legal action. As outlined above, the process begins with reminders, letters of demands and offers of arrangements to pay. Only when all efforts have failed, would an outstanding debt proceed to legal process. This could happen very soon after the debt becomes due (due date for rates) or some time later, depending on the circumstances.

Question 6:

One debtor has accrued debt consecutively over a 6 year period, what criteria does the Shire of York apply to allow this to happen?

Response provided by the Executive Manager Corporate and Community Services:

Without knowing which debtor is being referred to, it is not possible to be specific. However, debt collection is not always a straightforward process and as outlined above, circumstances may exist that have contributed to the delay in collecting a particular debt.

Question 7:

What does the \$157,989.00 rates write-off referred to on page 84 relate to?

Response provided by the Executive Manager Corporate and Community Services:

The majority of this amount is write-off of rates for Global Care Inc which is a not-for-profit organisation that operates Balladong Lodge. After seeking legal advice and a second legal opinion, the Commissioner at the time resolved that rates do not apply on the property under Section 6.26 (2) (g) of the Local Government Act 1995 as it is used for charitable purposes.

Question 8:

Do any of the rate debts relate to property leased from the Shire of York?

Response provided by the Executive Manager Corporate and Community Services:

One

- 3.2 Response to unasked questions from the previous meeting
Nil

4. PUBLIC QUESTION TIME

Public Question Time is conducted in accordance with the Act and Regulations. In addition to this the Shire's Council Meetings Local Law 2016 states –

6.7 Other procedures for question time for the public

(1) A member of the public who wishes to ask a question during question time must identify themselves and register with a Council Officer immediately prior to the meeting.

(2) A question may be taken on notice by the Council for later response.

(3) When a question is taken on notice the CEO is to ensure that—

(a) a response is given to the member of the public in writing; and

(b) a summary of the response is included in the agenda of the next meeting of the Council.

(4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—

(a) declare that he or she has an interest in the matter; and

(b) allow another person to respond to the question.

(5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.

(6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.

(7) The Presiding Member may decide that a public question shall not be responded to where—

(a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;

(b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or

(c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.

(8) A member of the public shall have 2 minutes to submit a question.

(9) The Council, by resolution, may agree to extend public question time.

(10) Where any questions remain unasked at the end of public question time they may be submitted to the CEO who will reply in writing and include the questions and answers in the agenda for the next ordinary Council meeting.

(11) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

Public Question Time Commenced at: 5.05pm

4.1 Written Questions – Current Agenda

Mrs Tanya Richardson

Regarding Answers Received About Outstanding Debt Received from Suzie Haslehurst – Questions Asked at the Annual Meeting of Electors held on 22 March 2017

Questions read by the Shire President as Mrs Richardson was not at the meeting.

Question 1:

Does 'fines enforcement referrals' relate to fines, as opposed to non-payment of rates? If so, should that step even apply?

Question 2:

Suzie has quoted the 'process' on numerous occasions throughout her response, but the process doesn't seem to have any timeliness and/or percentages attached to it. This means it is totally up to the officer's discretion and level of diligence. Are timelines and/or percentage in reduce of rates applicable?

Question 3:

For each of the three months prior to my questions (not since or future), how many of the outstanding debtors were contacted and for which steps in the process was the contact made.

Response:

Question 1 to 3 - Taken on Notice. Responses will be provided in the May Agenda.

The Shire President asked the Gallery if there were any questions. The Gallery responded that they did not have any questions. Given there were no questions from the Gallery the Shire President read aloud the remaining questions from Mrs Richardson.

For the Debts that are three years or more outstanding:

Question 4:

How many are there?

Question 5:

Of the following specified steps, how many have been subject to steps 5 and/or 6?

- a) Review and monthly reporting of outstanding debtors to Council
- b) Reminders and letters of demand
- c) Offers to meet with debtors to resolve any issues
- d) Referral to the Fines Enforcement Registry
- e) Seeking legal advice and referral to a debt collection agency
- f) As a last resort, proceeding to legal proceedings which may result in Property Sale or Seizure Orders

Question 6:

Can you please provide a breakdown re the legal costs incurred (\$186,627).

Question 7:

Has each owner of Settlers House been individually notified of outstanding debt.

Response:

Questions 4 to 7 - Taken on Notice. Responses will be provided in the May Agenda.

- 4.2 Public Question Time
Nil

Public Question Time Concluded at 5.08pm as there were no further questions from the public.

5. **APPLICATIONS FOR LEAVE OF ABSENCE**
Nil

6. **PRESENTATIONS**

- 6.1 Petitions
Nil

- 6.2 Presentations
Nil

- 6.3 Deputations
Nil

- 6.4 Delegates reports
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Minutes of the Annual General Meeting of Electors held 22 March 2017

Confirmation

**RESOLUTION
010417**

Moved: Cr Walters

Seconded: Cr Ferro

“That the minutes of the Annual General Meeting of Electors held 22 March 2017 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

7.2 Minutes of the Ordinary Council Meeting held 27 March 2017

Confirmation

**RESOLUTION
020417**

Moved: Cr Randell

Seconded: Cr Saint

“That the minutes of the Ordinary Council Meeting held 27 March 2017 be confirmed as a correct record of proceedings.”

CARRIED: 6/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

9. OFFICER’S REPORTS

SY033-04/17 – Draft Avon Riverfront Concept Plan for Community Consultation

FILE REFERENCE:	WK.PRO.1
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Paul Crewe - Executive Manager, Infrastructure & Development Services
RESPONSIBLE OFFICER:	Paul Crewe - Executive Manager, Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix A – Draft Avon Riverfront Landscape Concept

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council's endorsement of a draft concept plan for the Avon Riverfront for community consultation in accordance with the Shire of York's strategic plan.

Background:

In July 2016, Council resolved to establish an Avon Park Working Group.

The Shire then invited community members to be a part of a working group to assist in the preparation and development of a concept plan for the Avon Riverfront. The group's vision/purpose was to prepare, with community and stakeholder input, a concept plan for the staged redevelopment of Avon Park and surrounding areas.

On 19 September 2016 Council resolved the following appointments to the working group;

3 x Councillors

- Shire President Cr Wallace
- Cr Saint
- Cr Ferro

Community delegates included;

- Robert Pearce - Avon River Foreshore Conservation Society
- Eric Ayling - Avon Branch of the WA Wildflower Society (Inc)
- Meg Boyle - York Early Years Hub
- Tanya Richardson - Community Member
- Duncan Steed - York Society
- Phil Bateman - Local Indigenous Representative

These members all volunteered their time and provided a wealth of knowledge which greatly assisted with the initial draft of the concept plan as attached.

The prepared concept plan is now at a point where the working group would like to seek further input from the community on the proposed plan through a community consultation process. It is understood that the feedback from the community may provide an opportunity for the plan to be refined to meet the expectations, visions and ideas of the community.

Comments and details:

The working group has prepared a modest concept plan which will create a central “hub” catering for community events and activities. It includes a semi-permanent soundshell, an improved path network which will provide interpretive links to walk trails along the Avon River, and strongly features native species gardens.

The improvements to the area include an upgraded toilet block, coin operated electric barbecues, water fountains, increased seating and shelters, as well as a playground which features a “nature play area”.

The addition of fitness equipment and a skate park should ensure that a range of skillsets and abilities are catered for, promoting a diverse range of activities.

The concept also introduces some new ideas to the Avon Riverfront including a central boardwalk area which leads to a pedestrian jetty overhanging the water and public art statements.

The design proposes the removal of RV parking from the riverfront area, and relocates this to an area closer to the “Carriage Diner”. Other traffic amendments include making Lowe St a one-way entry (from Glebe to Macartney St) and providing angled parking along Macartney St to ease traffic and parking congestion. The installation of removable bollards should ensure that the area is safer for the children’s playground, although it is envisaged that these bollards would only be in place during community events.

The concept allows for community events to be held at Avon Park without the complete closure of the park, and installs the infrastructure to allow for a range of activities to be promoted along the central boardwalk.

The working group also made several recommendations which should be read in tandem with the concept plan. These include;

- Improvement of the river quality as a part of the project;
- Relocation of the RV’s from the central core of the park;
- The incorporation of native gardens to the landscaping of the park;
- Interpretive signage and information which includes both the Indigenous and colonial heritage of York;
- Infrastructure to provide for community events;
- Improved accessways into the riverfront and town centre;
- Making Macartney St vehicle traffic one-way;
- Overflow parking to be moved to the other side of the swing bridge;
- Ensure there is consistency between Avon park and the town centre (Bin façades); and
- Upgrade the toilet block.

Implications to consider:

- **Consultative**

While both the working group and Councillors have been informed of the working group’s progress, Officers are seeking a community consultation period of not less than one month during which the concept will be advertised for public comment in both local papers and the Shire’s website. It is proposed that a large copy of the concept plan is placed in the Administration building for public viewing.

- **Strategic**

The development of this concept plan is in accordance with the Shires Strategic Community Plan.

- **Policy related**
All community consultation will be undertaken in accordance with G2.9 Community Engagement and Consultation policy.
- **Financial**
The advertising of and in-house led community consultation will have a nil effect on Council's existing budget.
- **Legal and Statutory**
n/a
- **Risk related**
n/a
- **Workforce Implications**
Shire Officers have the resources and ability to undertake the community consultation on this concept plan.

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

"That Council:

1. *Endorses the draft Avon Riverfront concept plan for the purposes of community consultation for a period of one month.*
2. *Notes that a further report will be presented to Council on the outcomes of the community consultation together with the opportunities for grant funding for the Avon Park Project."*

**RESOLUTION
030417**

Moved: Cr Ferro

Seconded: Cr Smythe

"That Council:

1. ***Endorses the draft Avon Riverfront concept plan for the purposes of community consultation for a period of one month.***
2. ***Notes that a further report will be presented to Council on the outcomes of the community consultation together with the opportunities for grant funding for the Avon Park Project.***
3. ***Notes that Ian Crombie's name was inadvertently left off the list of Working Group Members as part of the Agenda Report and apologises to Mr Crombie for this occurring.***
4. ***Requests the Chief Executive Officer to make improvements to the wording on the attached plan to improve readability prior to consultation occurring."***

CARRIED: 5/1

Reason – Points 3 and 4 were included for clarification.

Cr Walters requested that her name be recorded as voting against this motion

SY034-04/17 – Award of 06/1617 Tender for the Greenhills Fire Shed

FILE REFERENCE: AS.TEN.57
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Paul Crewe – Executive Manager, Infrastructure & Development Services
RESPONSIBLE OFFICER: Paul Crewe – Executive Manager, Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL: SY121—10/16 – Disposal of Property – Existing Greenhills Fire shed (Oct 2016)
DISCLOSURE OF INTEREST: N/A
APPENDICES: A. Confidential Attachment - “Recommendation Report”

Attachment A is confidential under Section 5.23 - 2(c) of the Local Government Act 1995 in that it deals with "a contract entered into or which may be entered into, by the local government".

Copies have been provided to Councillors, the Chief Executive Officer and Executive Managers Only.

Nature of Council’s Role in the Matter:

- Executive

Purpose of the Report:

Council is requested to consider the tenders received in response to Request for Tender RFT 06/1617 for the Greenhills Fire Shed (the “Shed”) located at Lot 4 Greenhills Road, Greenhills. The tender closed on 23 March 2017 and tender submissions have been received and evaluated.

This disposal is in accordance with Section 3.58 of the Local Government Act, which required public advertising and provided the community the opportunity to make submissions regarding this disposal.

This report summarises the submissions received and recommends that Council awards RFT06/1617 to the highest public tender received and holds the funds in trust account T14 – Greenhills Bush Fire Brigade for future upgrades to the facilities.

Background:

The Shire of York sought tenders from members of the public for the purchase of the Shed on an “as is, where is” basis free from all liabilities and encumbrances. The shed is approximately 11m in length, 8m wide and 4m high with a steel frame and clad in corrugated iron.

This Shed is being sold to make way for a new shed for which the Greenhills Bush Fire Brigade has received \$54,000 in funding through the “Emergency Services Levy (ESL) - Capital Grants Scheme” The Shire of York also contributed \$10,000 to secure this funding allocation.

The original Officers report and proposal recommended that the shed be disposed of to the Greenhills Bush Fire Brigade. However, this proved difficult as not only is the Greenhills Bush Fire Brigade not an incorporated body, there were also queries as to the most transparent way to dispose of the Shed. It was ultimately decided that to ensure the disposal was undertaken in a clear, transparent manner, the methodology of disposal should be changed to allow the community the opportunity a chance to Tender for the item.

The monies received from the sale of the Shed will be allocated to the trust account "T14 – Greenhills Bush Fire Brigade" for future upgrades to the facilities. Officers are seeking Council endorsement to amend the budget accordingly.

The successful tenderer will be reporting to the Executive Manager of Infrastructure and Development Services to fulfil the requirements as described in this report.

Comments and details:

The Shire received 3 tenders from members of the public ranging from \$440 to \$1,000 (GST inclusive) which were evaluated by Shire staff. Officers are recommending that the Shed be sold to the highest bidder.

Options

Council could consider the following alternate options:

1. Council chooses not to accept the Officer's Recommendation and award the Tender to an alternative tenderer. In the view of the Officers, this could result in a tender being awarded to a tenderer that is not most advantageous to the Shire or the Greenhills Bush Fire Brigade.
2. Council may choose not to accept the Officer's Recommendation and not award the tender. This would mean going back out to tender, resulting in significant delays to the contract award and the progression of this project.

Timeline

Should Council endorse the Officer's recommendation, it will take Officers approximately one week to formalise and award the Contract.

Implications to consider:

- **Consultative**

Officers consulted with several members of the public, the Greenhills Bush Fire Brigade and FESA.

RFT06/1617 for the sale of the Shed was advertised in the Hills / Avon Valley Gazette and on the Shire's website.

- **Policy related**

The review process had regard for the following Policies of Council;

- F 1.2 Procurement
- G 2.9 Community Engagement and Consultation
- G 4.3 Financial Planning and Sustainability
- G 4.5 Asset Management
- G 4.6 Risk Assessment and Management

- **Financial**

The Shire of York has nominated a sum of \$10,000 to contribute to the project and received \$54,000 in funding through the "Emergency Services Levy (ESL) - Capital Grants Scheme. It is proposed that the proceeds from this sale are held in trust account "T14 – Greenhills Bush Fire Brigade" for allocation to the project.

- **Legal and Statutory**

- Section 3.57 of Local Government Act 1995 requires *"A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services"*.
- Compliance with the Local Government Act 1995 section 3.57 is required in the issuing and tendering of contracts.
- This disposal is in accordance with Section 3.58 of the Local Government Act, and required public advertising which provided the community the opportunity to make submissions regarding this disposal.

Voting Requirements:

Absolute Majority Required: Yes

RESOLUTION

040417

Moved: Cr Saint

Seconded: Cr Randell

"That Council:

- 1. Adopts the Officer's recommendation in relation to Tender Award of RFT 06/1617 Tender for the Greenhills Fire shed as attached as a confidential attachment to this report; and***
- 2. Authorises proceeds from the sale of the shed to be incorporated into the Greenhills Bush Fire Brigade trust account held by the Shire.***
- 3. Requests the Chief Executive Officer to amend the budget accordingly."***

***CARRIED: 6/0
WITH ABSOLUTE MAJORITY***

SY035-04/17 – Wheatbelt Development Commission Aged Friendly Communities Grant - Variation to Project Scope

FILE REFERENCE:	FI.FAG.7
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Paul Crewe – Executive Manager, Infrastructure & Development Services
RESPONSIBLE OFFICER:	Paul Crewe – Executive Manager, Infrastructure & Development Services
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	APPENDIX A – Proposed Path Network Improvements Variation

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

Officers are seeking Council endorsement of a variation to the 2014-15 Wheatbelt Development Commission Aged Friendly Communities grant. This variation is sought due to the original scope of works not being achievable by the acquittal date or being considered by officers as “best value for money”.

Background:

In 2013, the Shire of York successfully applied to the Wheatbelt Development Commission Aged Friendly Communities Grant funding for matched funding of \$40,000.

It was proposed that this funding was to be spent on an extension to the Residency Museum, including new toilets, an office and extended storeroom. There was also some external works proposed including new decking, and ramped entries.

The funding was due to be acquitted in the 2016 financial year, however has been granted several extensions. These extensions were approved due to several reasons, the main one being the discovery of artefacts on the proposed building site leading to an archaeological investigation, which changed the scope of the proposed works resulting in a redesign.

Once the designs were completed, Officers sought quotations for the works in accordance with the Shire's procurement policy. When the quotation period closed, and the quotes were evaluated, Officers were not confident they could achieve best value for money based on the quotations received.

These funds are now due to be acquitted in July 2017, and if not fully spent, will not be allocated to the Shire of York in accordance with the grant agreement.

Comments and Details:

In consultation with the Wheatbelt Development Commission (WDC), Officers have requested that the project scope now changes from the Residency Museum upgrades to an upgrade of the pedestrian path network to improve access throughout the town. This will ensure the grant funding can be allocated and acquitted in accordance with the WDC's deadline.

The two roads identified by Officers for these improvements include the continuation of the path network on Clifford street to continue the path network from Seabrook Street to Glebe street, this would include crossovers on the driveways and improved drainage along Clifford St. The other improvement to the path network Officers are recommending is an extension of the existing path on Macartney Street from Pioneer Lodge through to Ulster Road. These works are relatively simple, and can be completed before the acquittal date.

The WDC has agreed in principle to this change in project scope.

Consultative

- The Shire's Community Scorecard identified footpaths and cycleways as a community priority.
- Officers have been in constant liaison with the Wheatbelt Development Commission will inform the community of the proposed works through advertising on the website and in the local paper, and closer to the time do a letterbox drop of directly affected residents.

Strategic

These works have been identified in a longer term strategic plan to complete the path network within the town site of York.

Legal and Statutory

N/A

Policy

The following Policies of Council have been considered during the tender and evaluation process;

- F 1.2 Procurement
- G 2.9 Community Engagement and Consultation
- G 4.3 Financial Planning and Sustainability
- G 4.6 Risk Assessment and Management

Financial

If the Officer's recommendation is accepted by Council there will be no impact on the 2016/17 budget. The reallocation of \$100,000 from Residency Museum GL 118300 to Municipal Footpath Construction GL 122403 will have no financial implications on the overall budget.

Voting Requirements:

Absolute Majority Required: Yes

RESOLUTION

050417

Moved: Cr Smythe

Seconded: Cr Randell

"That Council:

- 1. Authorises the Chief Executive Officer to amend the existing scope of Works proposed for the Wheatbelt Development Commission's Aged Friendly Community Grant from the Residency Museum to the Path Network infill project;***
- 2. Requests the Chief Executive Officer to amend the Residency Museum GL 118300 and the Municipal Footpath Construction GL 122403 accordingly."***

***CARRIED: 6/0
WITH ABSOLUTE MAJORITY***

SY036-04/17 – Earthquake Mitigation of WA Regional Towns – Case Study of York

FILE REFERENCE:	RS.FES.4
APPLICANT OR PROPONENT(S):	N/A
AUTHORS NAME & POSITION:	Paul Martin, Chief Executive Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	N/A
DISCLOSURE OF INTEREST:	N/A
APPENDICES:	1. Correspondence from Department of Fire and Emergency Services

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report presents Council with an opportunity for York to be a Case Study on Earthquake Mitigation of WA Regional Towns and to determine the Shire's involvement.

Background:

The Department of Fire and Emergency Services together with the Bushfire and Natural Hazards CRC (who coordinate national research into hazards, including bushfires, flood, storm, cyclone, heatwave, earthquake and tsunamis) are undertaking research into earthquake mitigation. The research is developing information regarding retrofitting of buildings to reduce vulnerability of masonry buildings to earthquakes.

The two agencies met with the Chief Executive Officer (CEO) last year to explore interest in the Shire of York being a case study as part of their research. The CEO provided initial support for the concept but indicated a formal approach would need to be made to the Shire so Council could consider the matter.

Following this meeting FESA has written to the Shire seeking Council's endorsement and involvement of York as a Case Study as part of the research (See attachment 1.)

Comments and details:

As outlined in the attached correspondence the project is designed to run for 12 months commencing in January 2018.

Officers consider anything that adds to how heritage buildings are preserved and maintained into the future which showcases York is a positive outcome.

As outlined in the correspondence the project requires no financial support from the Shire of York, however Officers would expect that some in-kind support would be likely to be requested, potentially in promotion assistance and/or use of meeting rooms. Officers consider that a limited level of in-kind support could be accommodated within existing budget allocations.

On this basis, Officers are recommending Council accepts the invitation for York to be used as a Case Study in the research into Earthquake Mitigation of WA Regional Towns.

Implications to consider:

- Consultative
Officers expect the Shire and members of the community will have the opportunity to be involved in the research as it is undertaken.

- Strategic
The maintenance of built heritage is an important theme in the Council's Strategic Community Plan. Involvement in this research could assist in developing knowledge about how to mitigate heritage buildings against earthquakes in York.
- Policy related
Nil
- Financial
The correspondence indicates no financial contribution is required from the Shire of York to be a Case Study. Officers would expect that some minor in-kind support could be requested such as use of meeting room and lessor hall for some meetings. These can be considered on a case by case basis under delegation.
- Legal and Statutory
Nil
- Risk related
Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

Moved: Cr Ferro

Seconded: Cr Saint

"That Council accepts the offer from Department of Fire and Emergency Services and the Bushfire and Natural Hazards Cooperative Research Centre to use York as a Case Study in the Earthquake Mitigation of WA Regional Towns Research Project."

Proposed Amendment

Moved: Cr Walters

Seconded:

"That Council accepts the offer from Department of Fire and Emergency Services and the Bushfire and Natural Hazards Cooperative Research Centre to use York as a Case Study in the Earthquake Mitigation of WA Regional Towns Research Project."

The Shire provides in kind support by the use of a meeting room free of charge if required."

MOTION LAPSED FOR WANT OF A SECONDER

Original Motion to Stand

RESOLUTION

060417

Moved: Cr Ferro

Seconded: Cr Saint

"That Council accepts the offer from Department of Fire and Emergency Services and the Bushfire and Natural Hazards Cooperative Research Centre to use York as a Case Study in the Earthquake Mitigation of WA Regional Towns Research Project."

CARRIED: 6/0

SY037-04/17 – Customer Service Charter

FILE REFERENCE:	PE.EMP
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Natasha Brennan, Senior Administration and Governance Officer
RESPONSIBLE OFFICER:	Suzie Haslehurst – Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	15 May 2006
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. Old Customer Service Charter – 15 May 2006 2. New Customer Service Charter – April 2017

Nature of Council's Role in the Matter:

- Review

Purpose of the Report:

It is important for Council to demonstrate its commitment to high standards of customer service and to provide guidelines, standards and expectations for Shire officers.

This report presents an updated Customer Service Charter for Council's adoption.

Background:

A Customer Service Charter for the Shire of York was previously endorsed in May 2006.

As part of the recent development of the Workforce Plan, a number of processes, policies and procedures were identified for update. An updated Customer Service Charter is one of many documents that staff are working on to implement Council's commitment to providing a high level of service.

Comments and details:

This document will provide a guiding tool for staff and the community.

Implications to consider:

- Consultative
Margaret Hemsley – Risk ID - Risk Based Organisational Development (in conjunction with the Workforce Planning work).

Council Staff
- Strategic
Theme 5: Strong Leadership and Governance

5.4 There is a major focus on systems which improve and maintain accountability and transparency.

The Customer Service Charter outlines the standards of service the community should expect to receive.
- Policy related
G2.1 Comprehensive Complaints Response
The Customer Service Charter contains a summary of the complaint procedure that relates in part to Policy G2.1.

- Financial
Nil
- Legal and Statutory
Nil
- Risk related
Nil
- Workforce Implications
Nil

Voting Requirements:

Absolute Majority Required: No

OFFICER RECOMMENDATION:

“That Council adopts the new Customer Service Charter as attached to this report.”

RESOLUTION

070417

Moved: Cr Ferro

Seconded: Cr Smythe

“That Council adopts the new Customer Service Charter as attached to this report with the addition of reference to the Council Policy G2.1 Comprehensive Complaints Policy and encouraging members of the community to provide feedback when good services is received by the Shire.”

CARRIED: 5/1

Reason – For the Charter to provide reference to the Shire’s Complaints Policy and to encourage positive feedback when received

Cr Walters requested that her name be recorded as voting against this motion

SY038-04/17 – Local Government Ordinary Election: 2017

FILE REFERENCE: OR.ELN.3.5
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Natasha Brennan, Senior Administration and Governance Officer
RESPONSIBLE OFFICER: Suzie Haslehurst – Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL: 22 June 2015
DISCLOSURE OF INTEREST: Nil
APPENDICES: 1. Letter from WA Electoral Commission

Nature of Council's Role in the Matter:

- Legislative

Purpose of the Report:

It is proposed that Council engages the WA Electoral Commission to conduct the 2017 October biennial elections as an in person election, as per the previous elections held in October 2015.

Background:

Prior to October 2015, the Shire of York traditionally held 'in person' elections conducted by Council officers. However in 2015, the Shire engaged the WA Electoral Commission to conduct the elections to ensure independence and transparency.

Officers have received quotations from the Electoral Commission (refer to Attachment 1) and recommend that Council appoints the WA Electoral Commission to conduct the 2017 Ordinary Elections as a voting in person election.

Comments and details:

The estimated cost for the 2017 'in person' election if conducted by the WA Electoral Commission is \$20,000 inc GST. This is based on elections being required to fill three council vacancies, a total of approximately 2,600 electors and the count being conducted at the premises of the Shire of York.

Implications to consider:

- Consultative
WA Electoral Commission
Senior Staff
- Strategic
This proposal is consistent with the Council's previous decision on 22 June 2015 Resolution 070615.
- Policy related
Nil
- Financial
The quoted estimate for conducting a postal ballot is \$20,000 inc GST
The quoted estimate for conducting an 'in person' election is \$20,000 inc GST

The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis, however it should be noted that the prices quoted are estimates only.

This estimate includes the following items:

- All Statutory advertising
- A proportion of the total cost of West Australian Electoral Commission staff time and corporate overheads
- The appointment of a local Returning Officer
- Six staff employed at polling places
- Count to be conducted at the offices of the Shire of York

Costs not incorporated in this estimate include:

- Non-statutory advertising (ie. Additional advertisements in community newspapers and promotional advertising);
 - Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns;
- Legal and Statutory
Local Government Act 1995 – Part 4 Elections and other polls
 - Risk related
Nil
 - Workforce Implications
Nil

Voting Requirements:

Absolute Majority Required: **Yes**

**RESOLUTION
080417**

Moved: Cr Smythe

Seconded: Cr Ferro

“That 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 election together with any other elections or polls which may also be required.”

***CARRIED: 6/0
WITH ABSOLUTE MAJORITY***

SY039-04/17 – Review of the York Recreation and Convention Centre – Public Submissions Received

FILE REFERENCE: CCP.7
APPLICANT OR PROPONENT(S): Shire of York
AUTHORS NAME & POSITION: Suzie Haslehurst, Executive Manager
Corporate & Community Services
RESPONSIBLE OFFICER: Suzie Haslehurst, Executive Manager
Corporate & Community Services
PREVIOUSLY BEFORE COUNCIL: OCM 28 November 2016 SY141-11/16
OCM 27 February 2017 SY14-02/17
DISCLOSURE OF INTEREST: Nil
APPENDICES:

1. Review of the York Recreation and Convention Centre Discussion Paper – Summary of Public Submissions Received
2. Review of the York Recreation and Convention Centre Discussion Paper – Full Submissions Received

Nature of Council's Role in the Matter:

- Review

Purpose of the Report:

This report presents public submissions received regarding the Review of the York Recreation and Convention Centre Discussion Paper.

Background:

In February 2017, Council resolved the following.

RESOLUTION 160217

Moved: Cr Heaton

Seconded: Cr Smythe

"That Council:

1. *Approves the Discussion Paper as attached to this report for public comment;*
2. *Requests the Chief Executive Officer to;*
 - (a) *advertise the Discussion Paper inviting public comment from 6 – 31 March 2017 in local print media, via the Shire's website and on public noticeboards;*
 - (b) *invite representatives from the users of the Forrest Oval Sport and Recreation precinct to join Councillors and Shire Officers on site visits to visit similar venues to inform the decision-making process;*
 - (c) *advertise a schedule on the Shire's website one week prior to the proposed visits;*
3. *Notes that a report will be presented to Council which outlines the public feedback received and based on this and the further information collected, makes a recommendation regarding the future management model of the York Recreation and Convention Centre for Council's consideration."*

CARRIED: 6/1

Comments and details:

The Discussion Paper was advertised on the Shire's website and public noticeboards, and information placed in the Shire's Community Update page of the *Community Matters* newspaper. The opportunity to provide a submission was also advertised via York Community Radio and a media release was distributed to all media outlets.

12 submissions were received by the closing date of 31 March. Officers have provided a summary of the submissions received as Attachment 1 to this report. The summary provides the recommendations and/or options contained in the submissions but does not include general or specific comments made. The full submissions are attached as Appendix 2 for Council's consideration and public information.

Two site visits were arranged in accordance with Council's resolution. The first took place on 15 March 2017 to Katanning Leisure and Function Centre and Narrogin Regional Leisure Centre. The second took place on 29 March where participants visited Goomalling Sport and Community Centre, Kellerberrin Recreation and Leisure Centre and Merredin Regional and Community Leisure Centre.

Officers are currently collecting more detailed financial information from relevant Shires and it is proposed that Council and staff workshop 2-3 options based on the public submissions received and the site visits undertaken. Officers recommend that user groups are then consulted before a final recommendation is submitted to Council for decision.

Implications to consider:

- Consultative
 - Shire of Merredin
 - Shire of Katanning
 - Shire of Goomalling
 - Shire of Kellerberrin
 - Shire of Narrogin

Officers propose that a workshop is held with key stakeholders prior to a Council decision.

- Strategic

As discussed previously, a review of the YRCC management has been included as a strategic priority in Year One of the *Corporate Business Plan 2016-2020* adopted by Council in May 2016.
- Policy related

The review process has and will, consider the following policies of Council;

 - C 1.3 *Community Funding*
 - CP 1.4 *Local Government Resource Sharing*
 - F 1.2 *Procurement*
 - G 1.10 *Workforce and Human Resources*
 - G 2.9 *Community Engagement and Consultation*
 - G 3.2 *Fraud, Corruption and Misconduct Prevention*
 - G 4.3 *Financial Planning and Sustainability*
 - G 4.5 *Asset Management*
 - G 4.6 *Risk Assessment and Management*
- Financial

The financial implication of the review cannot be determined until a decision is made regarding the future management model for the YRCC. The 2016/17 budget includes an amount of \$5,000 which could be used to finalise a business plan for the approved model.

- Legal and Statutory
Nil
- Risk related
Regardless of the decision made by Council, there is a risk that some community members will not be satisfied. The process undertaken to date and proposed to finalise this matter, is aimed at ensuring that appropriate community consultation has taken place and feedback is considered prior to making a determination.
- Workforce Implications
Council's final decision will have an effect on the Shire's workforce but until a decision is made, it is difficult to determine the level of impact. At the least, resources will be required to be allocated to develop and implement improved systems and processes.

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

090417

Moved: Cr Randell

Seconded: Cr Ferro

"That Council:

- 1. Receives the public submissions regarding the Review of the York Recreation and Convention Centre Discussion Paper;***
- 2. Requests the Chief Executive Officer to;***
 - (a) arrange a workshop with Councillors and staff to explore the financial implications of several options;***
 - (b) have consideration for the submissions received to determine the options to be explored;***
 - (c) arrange a workshop with relevant stakeholders prior to the next Ordinary Council Meeting to discuss the proposed options;***
- 3. Notes that a report will be presented to Council which makes a recommendation regarding the future management model of the York Recreation and Convention Centre for Council's consideration."***

CARRIED: 6/0

SY040-04/17 – Perth International Jazz Festival in York - Draft Funding Agreement

FILE REFERENCE: CS.CEV.2
APPLICANT OR PROPONENT(S): Perth International Jazz Festival
AUTHORS NAME & POSITION: Esmeralda Harmer, Community and Economic Development Officer
RESPONSIBLE OFFICER: Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL: 27 February 2017
DISCLOSURE OF INTEREST: Nil
APPENDICES: Appendix 1. – The Shire of York and Perth International Jazz Festival Draft Funding Agreement

Confidential Appendix - distributed to Councillors, CEO, and Executive Managers only. (In accordance with Section 5.23 (2) (e) of the Local Government Act 1995).

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report requests Council to consider entering a one year funding agreement with the Perth International Jazz Festival (PIJF) to support the 2017 PIJF in York event. This report details the Shire of York's proposed financial responsibilities entering such an agreement and the PIJF's obligations and requirements.

Background:

The details of these discussions were presented in a report to Council at the Ordinary Council Meeting held on 27 February 2017 and it was resolved as follows:

"That Council requests the Chief Executive Officer to:

- 1. Work with potential partners to investigate establishing a Music Festival and Cycling Event in York and report to Council when appropriate.***
- 2. Negotiate a one-year funding agreement with the Perth International Jazz Festival to hold part of the festival in York in May 2017 for Councils consideration, utilising unspent funds held in trust from the proposed 2015 Jazz Festival which did not proceed, to a maximum value of \$23,500 (excluding GST).***
- 3. Further develop the concept of a Nature Play Festival in York in partnership with Nature Play WA and refer this initiative to the 2017/18 financial year budget process for consideration.***
- 4. Investigate the concept of establishing monthly Growers/Artisan Markets in York, including undertaking consultation with businesses and potential stall holders, and present a report for Council's consideration."***

Comments and details:

Since this resolution, Officers have confirmed the following in discussion with PIJF:

- A mixture of free and ticketed events to be offered over the 3 days of activity
- The Shire will communicate with all local venues to offer site visit opportunities for PIJF to consider each venue prior to the 2017 PIJF in York event.
- PIJF will liaise directly with each venue selected regarding event requirements and coordination.

- PIJF will be responsible for all event management including ticket sales, venue coordination, marketing, and artist's licenses.
- The Shire will provide marketing collateral required to PIJF for promotion of York's involvement in the Perth International Jazz Festival.
- The Shire will provide in kind support to the value of \$3,500 (excluding GST)

Details in the proposed funding agreement attached at Appendix 1 are proposed to include;

- A financial commitment from the Shire including \$20,000 cash and \$3,500 in kind contributions towards the PIJF in York event.
- Additional services from the Shire to be charged as private works (this has been communicated to PIJF).
- A schedule detailing advertising, publicity and how the Shire's contribution will be acknowledged is to be provided by PIJF.
- Acquittal requirements in accordance with Policy C1.4 Sponsorship of Tourism Events: Clause 4, Acquittal

Officers are recommending Council considers the funding agreement as attached at Appendix 1. Depending on the success of this year's event, Council may be requested to consider entering into a multi-year agreement for future events.

Implications to consider:

- Consultative
Officers have met with PIJF board members several times to workshop details regarding the proposed funding agreement. Consultation with all potential venues in York to support this event has commenced and site visits undertaken with PIJF, the Shire and business owners.
- Strategic
The benefits of the proposed funding agreement support Council's Strategic Community Plan priorities which include;
 - *Supporting the establishment and marketing of a calendar of key events to encourage visitors to the Shire. These events will be focused on achieving economic benefit and will sit alongside and complement more community focused events.*

Reinstating the Jazz Festival to York in collaboration with an internationally branded Festival organisation enables the Shire to attract significant artists and leverage visitation. The strategic benefit of such a partnership means a relatively small investment across three days of event activity, providing economic stimulus and place activation.

- Policy related
The proposed multiyear funding agreement can be considered under Policy; C1.3 *Community Funding; Grants & Sponsorships*

Clause 5.1 Duration of Assistance; The preference will be for provision for support for a year only for each application. In exceptional circumstances the Council may consider support for a project for a maximum period of three years where it considers the project presents major benefits to the community and it is consistent with strategic direction. Consideration must include the cost/benefit of effectively reducing the available funding pool for other applicants over this period.

- Financial
It is expected a one-off payment will be made to PIJF of \$20,000 (excluding GST) for the PJF in York event with in kind sponsorship to the value of \$3,500 (excluding GST).

Acquittal requirements in accordance with the *C1.4 Sponsorship of Tourism Events Policy Clause 4, Acquittal*

- (a) *A description of the event and an outline of any modifications to the final product that may have occurred during the course of the event.*
- (e) *a final financial report and, where a subsequent event is planned, how funding will be carried forward for the next event.*

Legal and Statutory

As detailed in Appendix 1. each party shall bear its own legal and other costs and expenses relating directly or indirectly to the preparation of, and performance of its own obligations arising out of this such an agreement.

- Risk related
Risk Management planning and evaluation will be discussed with PIJF.
- Workforce Implications
Shire support required to facilitate this agreement is proposed to be included within existing workforce budgets. Potential in kind contributions to support this proposal are likely to include artist accommodation and are not suggested to increase or require additional workforce support to deliver the expectations of the proposed agreement.

Voting Requirements:

Absolute Majority Required: Yes

OFFICER RECOMMENDATION:

"That Council:

- 1. Agrees to enter a one year funding agreement with Perth International Jazz Festival to a maximum value of \$23,500 (excluding GST), utilising unspent funds held in Trust Account T65 for the proposed 2015 Jazz festival which did not proceed.*
- 2. Authorises the Shire President and Chief Executive Officer to engross the Shire of York and Perth International Jazz Festival Funding Agreement as attached to this report at Appendix 1."*

RESOLUTION

100417

Moved: Cr Saint

Seconded: Cr Smythe

"That Council consider this report at the end of the meeting as the Appendix is Confidential and the meeting is required to go behind closed doors."

CARRIED: 6/0

SY041-04/17 – Shire of York National Volunteers Week Event Proposal

FILE REFERENCE:	PE.OHS
APPLICANT OR PROPONENT(S):	Shire of York
AUTHORS NAME & POSITION:	Esmeralda Harmer, Community & Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Appendix 1. Shire of York National Volunteer Week Grant Application

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report seeks Council's approval to host a Shire of York volunteer's day that formally thanks all Shire volunteers across the organisation.

This report also requests that Council receives the successful grant application submitted to Volunteering WA as attached in Appendix 1 and endorses the financial contribution received to host such an event.

Background:

In previous years, the Shire has recognised individual volunteers by way of special mention in news articles, speech acknowledgments or as part of other events largely coordinated with voluntary support.

This year, Shire officers are seeking formal acknowledgement of volunteer contributions across a range of departments including the Residency Museum, swimming pool, parks and gardens, library services, recreation, and the York Visitors Centre.

With several volunteers indicating their retirement and the potential to attract new volunteer support, officers identified the National Volunteer Week (NVW) grants as an opportunity to celebrate the continued support of our existing volunteer base through a volunteer's day out.

An application in March 2017 was submitted to Volunteering WA indicated the Shire's intentions to host a NVW event and was assessed as a successful application.

This report outlines to Council the proposed activity and financial contribution required to host such an event.

Comments and details:

Officers in discussion with existing volunteers have been successful with a submission of the following event activities in the recent NVW funding round;

- A morning tea served high tea style at the York Recreation & Convention Centre for approx. 25 volunteers
- Official ceremony potentially hosted by the Shire President and Councillors to formally acknowledge Shire volunteers and their contributions
- Presentation to each volunteer of a small memento on behalf of all Shire departments
- Transfer of volunteers via the Community bus to Ace Cinema Midland for a private screening of a latest release movie
- Light refreshments provided throughout the day

Valuing the economic contribution of volunteering occurs in a range of ways and it is suggested this event provides an opportunity for the Shire to recognise the value of its volunteers. Currently the Shire does not attribute a dollar amount to the time donated by volunteers, but an estimation based on the average wage to the organisation would have required the Shire to employ one or more staff to perform these voluntary activities.

Voluntary services provided to the Shire include;

- Customer service to York visitors at the York Visitors Centre
- Research requirements for each self-drive tour offered in the York Shire
- Cataloguing books for library services
- Grounds marking of hockey and football fields
- Kiosk operations for events at the swimming pool
- Archiving, research and history collation at the Residency Museum
- Garden and grounds maintenance at the Residency Museum
- Information collection for the Welcome to York resident packages

As a regional local government, support received from volunteers to help deliver works, services, and opportunities that otherwise might have been provided at a higher cost to ratepayers or not at all is considered invaluable.

The benefits and contributions of volunteering are, however, not restricted to financial gains to the Shire. Volunteering enhances social cohesion, strengthens communities, and provides benefits to the volunteers themselves. Volunteering also increases social inclusion, physical and psychological wellbeing, and could potentially lead to career opportunities in interest based areas.

Implications to consider:

- Consultative
Officers have workshopped several event ideas with Shire volunteers to determine preference of event activity to include in the NVW grant application. Officers have also contacted Wheatbelt Volunteer Hub (WVH) to promote the event and register the Shire's existing volunteers that may not be already included. WVH has committed a free coffee voucher to be included in the memento package for each Shire volunteer, should Council approve the event as detailed in this report.
- Strategic
In addition to providing vital operational services, volunteers and volunteer organisations are contributors to government-community consultation that informs policy and strategic program development. Officers consider the Shire's proposed National Volunteer Week event as strategically integral to increasing and maintaining its existing volunteer base, with the potential exposure to encourage higher numbers of volunteerism in future years.
- Financial
As detailed in Appendix 1, Council contribution towards this event could include hire of the York Recreation Convention Centre and use of the Community Bus. The estimated cost of these in-kind contributions and proposed GL accounts to receive and expend financial contributions are outlined below:

GL Account	Detail	Grant expenditure	Proposed contribution
41112 - Public relations	Catering for event Certificate / printing costs Private movie screening Memento gift items	2,000	
41236 - Grant funds	Account to receive grant funds	2,000	
41112 - Public relations	YRCC Hire Community Bus usage		171.00 296.40
Total Grant fund expenditure \$2,000			
Total Shire in kind contribution \$437.40			

- Workforce Implications
Officers time to coordinate the requirements of this event is proposed to be included within existing budgets with no additional works support or coordination outside existing job requirements required to support this proposal.

Voting Requirements:

Absolute Majority Required: Yes

RESOLUTION

110417

Moved: Cr Smythe

Seconded: Cr Saint

“That Council:

- 1. Notes the successful Shire of York National Volunteer Week Grant application as detailed in Appendix 1.***
- 2. Approves in kind contributions of \$437.40 to be costed to GL 41112 Public relations for the purposes as detailed in this report***
- 3. Approves Grant contributions to be received to GL 41236 Grant Funds to deliver components of this event as detailed in this report.***
- 4. Requests the Chief Executive Officer to amend the budget accordingly.”***

**CARRIED: 6/0
WITH ABSOLUTE MAJORITY**

Disclosure of Interest – Cr Smythe – Impartial – Member of the York Society

Cr Smythe read the Impartiality Declaration - ... With regard to The York Society Multi Year Funding Proposal the matter in Item SY042-04/17 I disclose that I have an association with the applicant (or person seeking a decision). The association is I am a member of the York Society. As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.

SY042-04/17 – The York Society Multi-Year Funding Proposal

FILE REFERENCE:	FI.DON
APPLICANT OR PROPONENT(S):	The York Society
AUTHORS NAME & POSITION:	Esmeralda Harmer – Community & Economic Development Officer
RESPONSIBLE OFFICER:	Paul Martin – Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL:	Nil
DISCLOSURE OF INTEREST:	Cr Smythe - Impartial
APPENDICES:	Appendix 1 – The York Society Funding Letter of Request Appendix 2 - The Shire of York and The York Society Draft Multi Year Funding Agreement

Appendix 1 & 2 - Confidential - distributed to Councillors, CEO and Executive Managers only. (In accordance with Section 5.23 (2) (e) of the Local Government Act 1995)

Nature of Council's Role in the Matter:

- Executive

Purpose of the Report:

This report requests Council to consider entering a multi-year funding agreement with the York Society and the community benefit of such a proposal. This report also details the Shire of York's proposed financial responsibilities entering such an agreement and the York Society's obligations and requirements. It also details budget allocations for a multi-year funding agreement to be considered as part of each annual budget process.

Background:

The York Society (Inc) was established in 1968 with the aim of promoting the History, Heritage, Culture, and Arts in York. Membership based and operated entirely by voluntary support, the York Society endeavours to involve the community in its work and through its cultural events promote a much wider awareness of York throughout the state.

As a not for profit entity, the York Society is financed through a mix of membership fees, facility hire and income generated through events and activities run by the Society throughout the year.

In previous years, the Shire has supported York Society driven events through a mixture of cash and in kind contributions.

Comments and details:

The York Society annually delivers several projects, often with the support of the Shire including activities such as:

The York Society Archives and Research Centre

Manned by volunteers, the centre stores York's historical and archival documents and provides research information to the public. In June, 2016, Council resolved to support sponsorship for the purchase of a new compactus system for the York Society Archives and Research Centre which also holds Shire archival materials.

York Art & Craft Awards

Held annually in October in the York town hall, this event attracts over 300 entrants from throughout the state, exhibiting work in various categories of Art & Sculpture over its two weeks' duration.

In the 2016/17 FY, Council provided fourteen days in kind town hall hire sponsorship, including works support, to the value of \$5,500 to support this event.

York Photographic Awards

Held annually in April and hosted at the sandalwood yards, the awards run for nine days and offer three categories of photography for competition. Local businesses provide awards and prizes for category winners.

Council records show a cash contribution of \$500 was provided to this event in the 2013/14 FY, although no financial assistance has been requested since this contribution for this event.

Welcome to York Bags

In collaboration with the Shire, the York Society produces approximately 100 screen printed calico bags each year, containing information about community organisations, Shire services and local business for new residents to the Shire.

This project is currently financed through a mixture of Shire funds, voluntary support and York Society contributions.

York Heritage Bush Dance

Held in conjunction with the National Heritage Festival Programme, the York Heritage Bush Dance Hosts Fiddlesticks bush band in the York town hall for a night of family entertainment.

In previous years, Council has supported this event with in kind town hall hire and a cash contribution of \$1,000.

The above activities rely heavily on the support provided by the Shire through in kind venue hire and small cash contributions. Committee members have indicated that in previous years, letters of request were submitted throughout the year to the Shire, for Council's consideration to support these events.

Such a request was received in the Shire's first round of community funding in November, 2016. Council considered this application for sponsorship in accordance with the *C 1.3 Community Grants & Sponsorship* policy, deeming the application ineligible due to funding previously resolved in June 2016, to support installation of a new compactus system at the York Society Archives and Research Centre.

The York Society has since met with Shire officers to discuss the impact of Council's decision and potential options available to the Society to deliver this year's events. Through these discussions, it is acknowledged a number of organisations are still adjusting to the Shire's recently adopted policies surrounding funding requirements, sponsorship pool applications and processes undertaken to support these activities.

Officers acknowledge that organisations such as the York Society may consider the 2016/17 FY a transitional year and aim to, wherever possible, assist these groups with this transition process. In discussion with York Society members, Officers have workshopped the funding letter of request received and recommend a multiyear funding agreement could provide the financial certainty and direction the York Society is seeking.

It is noted that not all activities requested within the funding letter of request received as detailed in Appendix 1 are considered for funding through the proposed multiyear funding agreement and no in kind contributions have been detailed within this agreement.

Officers suggest this model allows opportunity for other community organisations to bid for this works assistance as a potential income stream to their club and/or organisation and provides the York Society with flexible financial management regarding its preferred works suppliers and or venue hire services it chooses.

It is proposed the Shire could manage smaller requests not covered in the proposed agreement such as management of the Welcome to York bags through its existing volunteers, Visitor Centre and Library Services.

Officers have suggested Council could consider entering a multiyear funding agreement with the York Society, valid for a three-year period, for the projects as detailed in this report. A multiyear funding agreement provides security to the York Society and potentially:

- Provide support to grow and develop both the York Society's events and attendances, from a level of certainty multi-year funding provides.
- Allows for external funding applications to be made leveraging the multiyear funding support proposed by the Shire.
- Enables the York Society financial security to provide new and exciting elements to the detailed events that are consistent with York's image and Heritage significance.
- Provides autonomy to choose venues, locations and or suppliers for any and/or all components associated with the events as detailed in the draft funding agreement attached at Appendix 2.

Officers have drafted the following in agreement with the York Society to be detailed in the proposed multiyear funding agreement;

- A financial schedule detailing how the \$4,500 per year over the life of the agreement to the York Society will be managed.
- Additional services from the Shire to be charged as private works communicated to the York Society.
- A schedule detailing advertising, publicity and how the Shire's contribution will be acknowledged.
- Acquittal requirements in accordance with the *C1.3 Community Funding: Grants & Sponsorship Policy Clause 8, Acquittal*

Officers have identified that the York Society is the only volunteer based organisation located within the Shire that delivers cultural events reflective of York's distinct heritage and support of this multiyear funding proposal would assist the organisation to sustain such activities.

Implications to consider:

- Consultative
Officers have met with committee members to determine the detail included in the proposed multi-year funding agreement, with suggestion to engage with local businesses and community organisations to attract and increase volunteer support to ensure the sustainability of the York Society and continuation of these events throughout the life of the multiyear agreement.

- **Strategic**
The York Society proposal also offers opportunity to further develop the social and community fabric of the town by developing a sense of place and building social and cultural benefits such as community pride, identity, volunteerism, and the general benefit of pulling the town together through partnerships. Although difficult to quantify, these types of outcomes are fundamental in aligning York's presence as a historically significant town and considered consistent with the Shire's Strategic Community Plan for the town.
- **Policy related**
The proposed multiyear funding agreement can be considered under Policy; *C 1.3 Community Grants & Sponsorship policy*

Clause 5.2 Duration of Assistance

Should the situation arise where the Council sees significant benefit to the community of maintaining support for a project or activity on an on-going basis, it may resolve to consider, via the Integrated Planning and Reporting Framework review cycle or the Annual Budget process, inclusion as a Multi - Year Funding Agreement. Consideration does not imply approval.

- **Financial**
It is proposed three payments per year of the multiyear agreement are made:
 - First Progress Payment (50%)
 - Second Progress Payment (40%)
 - Final Payment on Acquittal (10%)

Officers suggest GL 41112 Public Relations budget allocation could be considered to support the multiyear funding, considering the nature of the events and activities to be undertaken by the York Society.

Should Council approve this request, recurrent budget allocations as part of each yearly budgeting process to honour the multi-year funding arrangement will be required.

Financial Acquittals for sponsorship will be required for each year of the proposed multiyear agreement in accordance with the *C1.3 Community Funding: Donations, Grants, Sponsorship and Waiver of fees Policy Clause 8, Acquittal*

- **Risk related**
Whilst the suggested amount of sponsorship is not considered substantial but has the potential to be perceived as an inequitable distribution of funds, the loss of a valued community asset including its events and the impact this is likely to have should also be weighted.

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
120417**

Moved: Cr Ferro

Seconded: Cr Saint

“That Council:

- 1. Receives the York Society Funding request as detailed in Appendix 1.***
- 2. Agrees to enter a multi - year funding agreement with the York Society to the value of \$4,500 (ex GST) per annum as attached to this report at Appendix 2.***
- 3. Authorises the Shire President and Chief Executive Officer to engross the Shire of York and the York Society Inc Multi-Year Funding Agreement as attached to this report at Appendix 2.”***

CARRIED: 5/1

Cr Walters requested that her name be recorded as voting against this motion

SY043-04/17 – Financial Report for March 2017

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	1. Monthly Statements 2. List of Creditors Payments 3. Corporate Credit Card Transaction Listing

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

The purpose of financial reporting and the preparation of monthly financial statements is to communicate information about the financial position and operating results of the Shire of York to Councillors and the community and monitors the local government's performance against budgets.

Background:

Local governments are required to prepare general purpose financial reports in accordance with the *Local Government Act 1995*, the *Local Government (Financial Management) Regulations 1996* and the *Australian Accounting Standards*.

A statement of financial activity and any accompanying documents are to be presented to the Council at an ordinary meeting of the Council within two months after the end of the month to which the statement relates. The Statement of Financial Activity Report summarises the Shire's operating activities and non-operating activities.

Comments and details:

The Financial Report for the period ending 31 March 2017 is presented for Council's consideration and includes the following;

- Monthly Statements for the period ended 31 March 2017
- List of Creditor's Payments
- Corporate Credit Card Transaction Listing

The following information provides balances for key financial areas for the Shire of York's financial position as at 31 March 2017;

Outstanding Rates and Services

Total outstanding rates as at 31 March 2017 are \$1,269,994 compared to \$1,839,900 as at 28 February 2017.

Previous Years

3 years and over	\$177,055.97	13.94%	of rates outstanding
2 years and over	\$128,110.17	10.09%	of rates outstanding
1 year and over	\$308,323.69	24.28%	of rates outstanding
<u>Total Prior Years outstanding</u>	<u>\$613,489.83</u>	48.31%	of rates outstanding
Current Rates	\$656,504.58	51.69%	of rates outstanding
<u>Total Rates Outstanding</u>	<u>\$1,269,994.41</u>		

Outstanding Sundry Debtors

Total outstanding sundry debtors as at 31 March 2017 are \$347,799 compared to \$347,744 as at 28 February 2017

90 days and over	\$329,377.14	94.70%	of sundry debtors outstanding
60 days and over	\$5,229.78	1.50%	of sundry debtors outstanding
30 days and over	\$5,831.95	1.68%	of sundry debtors outstanding
Current	\$7,360.61	2.12%	of sundry debtors outstanding
<u>Total Debtors Outstanding</u>	<u>\$347,799.48</u>		

Council is currently in the process of finalising a number of large long-standing debts contained within the above balances. As a risk mitigation strategy, a contingent liability has been included in the Balance Sheet.

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.10. *Financial management regulations Regulations may provide for —*

- (a) *the security and banking of money received by a local government; and*
- (b) *the keeping of financial records by a local government; and*
- (c) *the management by a local government of its assets, liabilities and revenue; and (d) the general management of, and the authorisation of payments out of —*
- (i) *the municipal fund; and (ii) the trust fund, of a local government.*

Local Government (Financial Management) Regulations 1996

34. Financial activity statement required each month (Act s. 6.4)

(1A) *In this regulation —*

committed assets means revenue unspent but set aside under the annual budget for a specific purpose.

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c); and*
 - (b) *budget estimates to the end of the month to which the statement relates; and*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and*

- (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
- (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
- (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*
- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
- (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50; amended in Gazette 20 Jun 2008 p. 2724.]

- **Policy**

Policy F1.2 Procurement

Policy F1.5 Authority to make payments from Trust and Municipal Funds

Voting Requirements:

Absolute Majority Required: No

**RESOLUTION
130417**

Moved: Cr Saint

Seconded: Cr Ferro

“That Council receives the Monthly Financial Report and the list of payments drawn from the Municipal and Trust accounts for the period ending 31 March 2017 as summarised below:

Mar-17

MUNICIPAL FUND	AMOUNT
Cheque Payments	28,838.79
Electronic Funds Payments	552,052.47
Payroll Debits	180,947.55
Payroll Debits - Superannuation	41,332.40
Bank Fees	570.09
Corporate Cards	123.60
Fuji Xerox Equipment Rental	161.41
Fire Messaging Service	990.88
TOTAL	805,017.19

TRUST FUND	
Electronic Funds Payments	5,446.96
Cheque Payments	0.00
Direct Debits Licensing	133,759.50
TOTAL	139,206.46

TOTAL DISBURSEMENTS	944,223.65
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”

CARRIED: 6/0

SY044-04/17 – Investments – March 2017

FILE REFERENCE:	FI.FRP
APPLICANT OR PROPONENT(S):	Not Applicable
AUTHORS NAME & POSITION:	Tabitha Bateman, Financial Controller
RESPONSIBLE OFFICER:	Suzie Haslehurst, Executive Manager Corporate and Community Services
PREVIOUSLY BEFORE COUNCIL:	No
DISCLOSURE OF INTEREST:	Nil
APPENDICES:	Investment Portfolio

Nature of Council's Role in the Matter:

- Legislative
- Review

Purpose of the Report:

To report to Council the balance of investments held by the Shire of York as at 31 March 2017.

Background:

Council's policy F1.4 - *Investment* requires Council to review the performance of its investments on a monthly basis. In accordance with the policy, a report of investments is presented to Council to provide a summary of investments held by the Shire of York.

Comments and details:

The Shire of York Investment Portfolio includes the following items that highlight Council's investment portfolio performance:

- a) Council's Investments as at 31 March 2017
- b) Application of Investment Funds
- c) Investment Performance

Implications to consider:

- **Legal and Statutory**

Local Government Act 1995

6.14. Power to invest

- (1) *Money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested as trust funds may be invested under the Trustees Act 1962 Part III.*
- (2A) *A local government is to comply with the regulations when investing money referred to in subsection (1).*
- (2) *Regulations in relation to investments by local governments may —*
 - (a) *make provision in respect of the investment of money referred to in subsection (1); and*
 - [(b)deleted]*
 - (c) *prescribe circumstances in which a local government is required to invest money held by it; and*
 - (d) *provide for the application of investment earnings; and*
 - (e) *generally provide for the management of those investments.*

Local Government (Financial Management) Regulations 1996

19. Investments, control procedures for

- (1) *A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.*
- (2) *The control procedures are to enable the identification of —*
 - (a) *the nature and location of all investments; and*
 - (b) *the transactions related to each investment.*

19C. Investment of money, restrictions on (Act s. 6.14(2)(a))

- (1) *In this regulation —*

authorised institution means —

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
- (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*

foreign currency means a currency except the currency of Australia.

- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
 - (a) *deposit with an institution except an authorised institution;*
 - (b) *deposit for a fixed term of more than 12 months;*
 - (c) *invest in bonds that are not guaranteed by the Commonwealth [Government, or a State or Territory government;*
 - (d) *invest in bonds with a term to maturity of more than 3 years;*
 - (e) *invest in a foreign currency.*

- **Policy**

Policy F1.4 Investment

Voting Requirements:

Absolute Majority Required: No

RESOLUTION

140417

Moved: Cr Smythe

Seconded: Cr Randell

“That Council receives and notes the Shire of York Investment Portfolio attached to this report.”

CARRIED: 6/0

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

11. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

13. MEETING CLOSED TO THE PUBLIC

13.1 Matters for which the meeting may be closed

RESOLUTION

150417

Moved: Cr Smythe

Seconded: Cr Saint

“That Council goes behind closed doors to discuss Item SY040-04/17 Perth International Jazz Festival in York – Draft Funding Agreement.”

CARRIED: 6/0

The Gallery left the room at 5.39pm.

All staff remained in the room.

SY040-04/17 Perth International Jazz Festival in York – Draft Funding Agreement

At the time of going behind closed doors, Council had not yet been informed of the proposed venues Perth International Jazz Festival has chosen for the York events. The Chief Executive Officer informed Councillors of these details. Cr Randell identified he had a financial interest as he works at one of the proposed venues. He immediately declared his interest and left the meeting at 5.46pm prior to the matter being considered by Council.

RESOLUTION

160417

Moved: Cr Saint

Seconded: Cr Smythe

“The matter be deferred for further information, investigation and negotiation.”

CARRIED: 5/0

RESOLUTION

170417

Moved: Cr Smythe

Seconded: Cr Saint

“That Council opens the meeting to the public at 6.05pm.”

CARRIED: 5/0

Doors to the meeting were opened to the public at 6.05pm. No one from the Gallery returned to the meeting.

Cr Randell returned to the room at 6.05pm.

13.2 Public reading of resolutions to be made public

The Shire President, Cr Wallace read the Resolution of the Confidential Item to Cr Randell

14. NEXT MEETING

The next Ordinary Meeting of Council will be held on Monday, 22 May, 2017 at 5.00pm at the Talbot Hall, Talbot.”

15. CLOSURE

The Shire President thanked everyone for their attendance and closed the meeting at 6.07pm.