



SHIRE OF YORK

**MINUTES OF THE ORDINARY
MEETING OF THE COUNCIL
HELD ON 15 DECEMBER, 2014
COMMENCING AT 4.06pm
IN COUNCIL CHAMBERS,
YORK TOWN HALL, YORK**

Table of Contents

1. OPENING	5
1.1 Declaration of Opening	5
1.2 Disclaimer.....	5
1.3 Suspension of Standing Orders –	5
1.4 Announcement of Visitors	5
1.5 Declarations of Interest that Might Cause a Conflict.....	6
Financial Interests	6
Disclosure of Interest that May Affect Impartiality	6
2. ATTENDANCE	6
2.1 Members.....	6
2.2 Staff.....	6
2.3 Apologies.....	6
2.4 Leave of Absence Previously Approved.....	6
2.5 Number of People in Gallery at Commencement of Meeting.....	6
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
4. PUBLIC QUESTION TIME.....	7
4.1 Public Question Time – Written Questions – Current Agenda	8
4.2 Public Question Time – Current Agenda.....	8
5. APPLICATIONS FOR LEAVE OF ABSENCE	11
6. PETITIONS / PRESENTATIONS / DEPUTATIONS.....	11
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	11
7.1 Minutes of the Ordinary Council Meeting held November 17, 2014.....	11
7.2 Minutes of the Special Council Meeting held November 18, 2014.....	11
7.3 Minutes of the Special Council Meeting held November 24, 2014.....	12
8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION.....	12
REPORTS	12
9. MATTERS FOR RESOLUTION	12
9. MATTERS FOR RESOLUTION.....	13
9.1 DEVELOPMENT SERVICES	13
9.2 ADMINISTRATION REPORTS	15
9.2.1 Local Government Legislation Amendment Bill 2014.....	15
9.3 WORKS REPORTS.....	17
9.4 FINANCE REPORTS	19
9.4.1 York Basketball Association – Application To Be Recognised As A Community Group	19
9.4.2 York Junior Football Club – Application To Be Recognised As A Community Group	21

9.5	LATE REPORTS	23
9.5.1	Finance, Risk & Audit Committee Minutes	23
9.5.2	Rates – Transfer Of Land	25
9.5.3	Monthly Financial Reports – November 2014	29
9.5.4	Works Committee Minutes	33
9.5.5	Letters of Resignation	35
9.5.6	Strategic Community Plan	37
9.5.7	Heritage Advisory Committee Minutes	39
9.6	CONFIDENTIAL REPORTS	41
9.6.1	Close the Meeting	41
9.6.2	Australia Day Awards	43
9.6.3	Open the Meeting	45
10.	NEXT MEETING	47
11.	CLOSURE	47



SHIRE OF YORK

THE ORDINARY MEETING OF THE COUNCIL
HELD ON MONDAY, 15 DECEMBER 2014, COMMENCING AT
4.06PM 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 Matthew Reid, Shire President, declared the meeting open at 4.06pm.

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 Suspension of Standing Orders – Clause 3.2 – Order of Business

Moved: Cr Hooper

Seconded: Cr Wallace

Carried: 4/0

1.4 Announcement of Visitors

Nil

1.5 Declarations of Interest that Might Cause a Conflict

Financial Interests

Nil

Disclosure of Interest that May Affect Impartiality

Nil

2. ATTENDANCE

2.1 Members

*Cr Matthew Reid, Shire President; Cr Denese Smythe, Deputy Shire President;
Cr Pat Hooper; Cr David Wallace*

2.2 Staff

*Graeme Simpson, Acting Chief Executive Officer; Gail Maziuk, Compliance/Human
Resources; Allan Rourke, Manager Works & Services, Helen D'Arcy-Walker, Executive
Support Officer*

2.3 Apologies

Nil

2.4 Leave of Absence Previously Approved

Nil

2.5 Number of People in Gallery at Commencement of Meeting

There were 16 people in the Gallery at the commencement of the meeting.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Mrs Heather Saint

Public Question Time – Ordinary Council Meeting – 17th November, 2014

Question:

Could Council please confirm why my complaint of 13th July, 2014 still remains unanswered?

Response:

The Acting Chief Executive Officer responded – I commenced at the Council on Monday, 24th November, 2014. I will be looking into this personally for you.

Question:

On the 4th August, 2014 we met with and confirmed to Mr Keeble that we would meet with Council to mediate a resolution.

On the 7th August, 2014 we received correspondence from our lawyers (Jackson McDonald) who advised and I quote.... “We have been contacted by the Shire’s lawyer Dirk Feinauer, who advised us of the Shire’s willingness to attend a mediation conference with you before a private mediator.”

As some time has elapsed since the offer was made and we have heard nothing, could you please tell me if and when the offer will take place?

Response:

Perusal of the Shires records indicates that the offer of mediation was made in general terms on the basis of resolving issues by mediation is encouraged rather than a litigious hard line.

Ms Jane Elise Ferro

Question:

Through the Shire President, can Cr Hooper please advise why he has not responded to my further emails requesting documentation relating to the Tourist Bureau?

Response:

Contact was made with Cr Hooper. No response will be forthcoming as Councillor Pat Hooper has indicated the enquiries are mentioned within the "Fitzgerald Report" and therefore any discussion could have legal implications. No further correspondence will be entered into regarding this.

Mr Simon Saint

Question:

What 'action' referred to in the correspondence was the Councillor implying he had taken with the Department of Local Government?

Response:

Contact was made with Cr Boyle. As this related to his role as a Councillor and was considered confidential there should be no reason why his comment or opinion would be a breach of the Code of Conduct, as it was not intended for public information. Therefore no answer shall be provided or correspondence entered into regarding this matter.

Mrs Tanya Richardson

Question:

Where has the legal advice with Feinauer's been allowed for in the budget, if not where is the money coming from and by what and who's authority has it been spent?

Response:

Expenditure is a reactive measure relating to the 'Fitzgerald Report.' Council authorised the expenditure to produce the report and are now dealing with the repercussions, consequently this expenditure will need to be reallocated at the mid year review.

4. PUBLIC QUESTION TIME

Cr Reid provided the following statement at the commencement of Public Question Time:

Statement by the Presiding Member at the Opening of Public Question Time at Ordinary and Special Council Meetings

"Public Question Time is provided for under the provisions of Section 5.24 of the Local Government Act and the Local Government (Administration) Regulations 1996.

To provide equal opportunity for people to ask questions a limit of two (2) questions per person per time will be applied. If there is time available in Public Question Time people may be given the opportunity to ask a further two (2) questions at a time.

Procedures

- Questions submitted in writing prior to the meeting will be dealt with initially.
- Questions from the floor will be taken in the order recorded in a register.
- Statements, opinions and attachments will not be recorded in the minutes.
- Questions requiring research will be taken on notice and a response will be prepared in a reasonable timeframe. The original questions and the response will be included in the Agenda and Minutes of the next Ordinary Council meeting.
- Questions may be deemed inappropriate because they contain defamatory remarks or offensive language, they question the competency of elected members or staff, they relate to the personal affairs of elected members or staff, they relate to legal processes and confidential matters or they have been responded to previously and these will not be accepted or recorded in the Minutes.
- The minutes may only record a summary of the question asked and the response given.
- Where possible questions asked should be submitted in writing at the completion of question time or at the end of the meeting.
- At Special Council Meetings questions must relate to the items on the Agenda.
- Shire of York guidelines for Public Question Time are included on the meeting agenda.”

PRESIDING OFFICER

21 October 2013

4.1 Public Question Time – Written Questions – Current Agenda

Nil

4.2 Public Question Time – Current Agenda

Public Question Time commenced at 4.17pm

Ms Tricia Walters

Question 1:

The monthly financials cannot be raised as a late report. Why were there not made available to the public?

Response:

Financials were presented at the Finance, Risk and Audit Committee meeting and were available to the public before this meeting.

Question 2:

When is the light on the power pole on Trews Road going to be installed?

Response:

The money to carry this out has been set aside, we are currently waiting on Western Power to complete this work. Should be completed in the next 3 to 6 months.

Mr Mike Gill

Question 1:

At the Ordinary Council meeting the Shire CEO confirmed that a Risk Assessment was currently being prepared for the water re use project.

Given that a component of the project was the construction of a plastic lined dam adjacent to the Hockey Club, can the Council confirm that this significant risk has been covered in the risk assessment and that this risk assessment is now complete and all risk mitigation initiatives have been completed.

Response:

Our understanding is we have met the obligations set down and have informed WorkSafe and are waiting on notification.

Question 2:

Can Council confirm that the road reconstruction works currently being undertaken by the Shire of York and selected subcontractor's, is being conducted in accordance with industry best practice? Are the works conforming to Austroads standards as is required by Main Roads as a pre requisite to receiving funding for the project?

Response:

Taken on Notice

Question 3:

Can Council explain how road shape and geometry conforming to Austroads standards will be achieved on this project, given that there is no survey control in place.

Response:

This is an operational issue.

Question 4:

Can Council confirm that the works have been supervised by a competent person and that appropriate testing regimes are in place to ensure that the base course gravel is compacted adequately at the optimum moisture content for that material?

Response:

This is an operational issue.

Mrs Mel Van de Pol

Question 1:

Has the Shire finished putting up the Christmas decorations?

Response:

Yes

Question 2:

Could we do a better job?

Response:

Council put aside \$15,000 in the budget, unfortunately no action has been taken. This money will be held over until the next budget to purchase more substantial decorations.

Question 3:

What is happening with regards to the drainage pipes stock piled on Balladong Street?

Response:

The pipes in question were purchased with a grant and the grant was for drainage which has not been completed. There is a need for research to be carried out to see if the grant has been acquitted.

Mrs Roma Paton

Question:

Who was responsible for the acquittal of the grant for the storm water pipes currently stored opposite Balladong Retirement Village?

Response:

Administration to deal with the acquittal of the grant.

Darlene Barratt

Question 1:

Is the Council still be monitored as we have a Local Government person here?

Response:

Yes

Question 2:

When will we hear back from the Minister?

Response:

It is at the Ministers discretion. There is no set time, could be weeks or months.

Ms Liz Christmas

Question 1:

Has the Shire sent the Minister the documentation containing the Motions put at the Special Electors' meeting held last Thursday.

Response:

The invitation to the Minister has not been sent as yet. Currently working our way through them all. The key focus of the administration was preparation for today's meeting.

Question 2:

Will they be sent in the near future?

Response:

Yes

There were no further questions from the Gallery and Public Question time was declared closed at 4.28pm

5. **APPLICATIONS FOR LEAVE OF ABSENCE**

Cr David Wallace

**RESOLUTION
061214**

Moved: Cr Reid

Seconded: Cr Hooper

“That approval for Leave of Absence be given to Cr David Wallace for the month of February 2015.”

CARRIED: 4/0

6. **PETITIONS / PRESENTATIONS / DEPUTATIONS**

Nil

7. **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

7.1 Minutes of the Ordinary Council Meeting held November 17, 2014

Corrections

Confirmation

**RESOLUTION
071214**

Moved: Cr Hooper

Seconded: Cr Wallace

“That the minutes of the Ordinary Council Meeting held November 17, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 4/0

7.2 Minutes of the Special Council Meeting held November 18, 2014

Corrections

Confirmation

**RESOLUTION
081214**

Moved: Cr Hooper

Seconded: Cr Wallace

“That the minutes of the Special Council Meeting held November 18, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 4/0

7.3 Minutes of the Special Council Meeting held November 24, 2014

Corrections

Confirmation

**RESOLUTION
091214**

Moved: Cr Hooper

Seconded: Cr Wallace

“That the minutes of the Special Council Meeting held November 24, 2014 be confirmed as a correct record of proceedings.”

CARRIED: 4/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

REPORTS

9. MATTERS FOR RESOLUTION

10. NEXT MEETING

11. CLOSURE

9. MATTERS FOR RESOLUTION
9.1 DEVELOPMENT SERVICES

Nil

9. MATTERS FOR RESOLUTION
9.2 ADMINISTRATION REPORTS
9.2.1 Local Government Legislation Amendment Bill 2014

FILE NO:
COUNCIL DATE: 15 December 2014
REPORT DATE: 2 December 2014
LOCATION/ADDRESS: N/A
APPLICANT: Shire of York
SENIOR OFFICER: G Simpson, A/CEO
REPORTING OFFICER: G Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Overview of the Bill Clause Notes
REPORT APPROVED BY THE CEO: Graeme Simpson

RESOLUTION
101214

Moved: Cr Smythe

Seconded: Cr Wallace

“That Council:

Receive the report and make comment during the formal consultation process.”

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: To Receive the Report

Summary:

The Minister for Local Government, Hon Tony Simpson MLA introduced the Local Government Legislative Amendment Bill 2014 to Parliament to make changes to the Local Government Act 1995.

The final adoption of the proposed changes will have to wait until the resumption of Parliament mid year.

Background:

The Regional Subsidiaries Legislation has been strongly supported by the Local Government Managers Australia, WALGA and the WA National Party since its introduction in 2012. Other provisions of the Bill have accommodated over time.

The key amendments are:

- Provide the Local Government Standards Panel with the discretionary power to dismiss frivolous or vexatious complaints;
- Provide for the withdrawal of complaints made to the Standards Panel;
- Remove the electoral offence relating to defamatory statements during elections from the Local Government Act 1995;
- Clarify aspects relating to elected member fees and allowances;
- Ensure consistency in provisions which limit the termination payments of local government Chief Executive Officers and officers to a maximum of one year's remuneration;

- Provide for the establishment of a regional subsidiary model for local governments and to make consequential amendments to other Acts;
- Make amendments that allow the Department of Health to exercise, or continue to exercise, power over Kings Park, Rottnest Island and Class A reserves by means of local laws made under the Local Government Act 1995; and
- Make other amendments, including to the local law making process at the request of the Joint Standing Committee on Delegated Legislation.

Consultation:

LGMA has amended its consultation process and it is expected that WALGA will also conduct a state wide consultation process.

Statutory Environment:

The Statutory process lies within the WA Parliament.

Policy Implications:

Amendments proposed for Section 5.110 of the Local Government Act complement the Shires Complaints Policy whereby the CEO may refuse to deal with vexatious complaints.

Financial Implications:

There are no immediate implications however the limit of 1 year remuneration on termination of a CEO's contract may be one off savings.

Strategic Implications:

Nil

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Nil

Social Implications:

Nil

Environmental Implications:

Nil.

Comment:

Persons who are interested in the changes to the legislation may peruse the tabled document or seek information from the office of the local member of Parliament.

9. MATTERS FOR RESOLUTION
9.3 WORKS REPORTS

Nil

9. MATTERS FOR RESOLUTION

9.4 FINANCE REPORTS

9.4.1 York Basketball Association – Application To Be Recognised As A Community Group

FILE NO: CS.CEV.1
COUNCIL DATE: 15 December 2014
REPORT DATE: 2 December 2014
LOCATION/ADDRESS: Shire of York Council Chambers
APPLICANT: Paula Schreuder (York Basketball Association)
SENIOR OFFICER: Tyhscha Cochrane – Deputy CEO
REPORTING OFFICER: John Coles, EHO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Graeme Simpson

RESOLUTION

111214

Moved: Cr Smythe

Seconded: Cr Hooper

“That Council:

Recognise the York Basketball Association as a Community Group for the purpose of waiving fees and charges related to trading in public places and thoroughfares for fundraising”.

CARRIED: 4/0

Voting Requirements:

Simple Majority Required: Yes

Summary:

It is a requirement that the York Basketball Association Inc makes application to Council to be recognised as a Community Group in order to qualify to have fees and charges waived when conducting not for profit fundraising activities in public places and thoroughfares.

Background:

On 10 November 2014 an application was made in writing to the Shire asking for the York Basketball Association to be exempt from the street licence trading fees, as part of their fundraising, as a non for profit organisation.

Consultation:

Nil

Statutory Environment:

Shire of York, Local Law – Trading in Thoroughfares and Public Places.

Policy Implications:

Nil

Financial Implications:

Shire’s fees waived as part of fundraising activities.

Strategic Implications:

In accordance with the Shire of York Strategic Community Plan Our Vision, the following applies:

The Rural Gateway our Shire will be:

A place of community, where lifestyle choices are important and where community matters.

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Other community-based groups may make similar applications if a precedent is set resulting in Budget consideration.

Social Implications:

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for fundraising purposes of community benefit.

Environmental Implications:

Nil

Comment:

That Council considers the request favourably by the York Basketball Association to waive the annual fee for operating fundraising stallholder activities within the Shire of York.

9. MATTERS FOR RESOLUTION

9.4 FINANCE REPORTS

9.4.2 York Junior Football Club – Application To Be Recognised As A Community Group

FILE NO: CS.CEV.1
COUNCIL DATE: 15 December 2014
REPORT DATE: 2 December 2014
LOCATION/ADDRESS: Shire of York Council Chambers
APPLICANT: Paula Schreuder (York Junior Football Club)
SENIOR OFFICER: Tyhscha Cochrane – Deputy CEO
REPORTING OFFICER: John Coles, EHO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Graeme Simpson

RESOLUTION

121214

Moved: Cr Hooper

Seconded: Cr Wallace

“That Council:

Recognise York Junior Football Club as a Community Group for the purpose of waiving fees and charges related to trading in public places and thoroughfares for fundraising”.

CARRIED: 4/0

Voting Requirements:

Simple Majority Required: Yes

Summary:

It is a requirement that York Junior Football Club makes application to Council to be recognised as a Community Group in order to qualify to have fees and charges waived when conducting not for profit fund raising activities in public places and thoroughfares.

Background:

On 10 November 2014 an application was made in writing to the Shire asking for York Junior Football Club to be exempt from the street licence trading fees, as part of their fundraising, as a non for profit organisation.

Consultation:

Nil

Statutory Environment:

Shire of York, Local Law – Trading in Thoroughfares and Public Places

Policy Implications:

Nil

Financial Implications:

Shire's fees waived as part of fundraising activities.

Strategic Implications:

In accordance with the Shire of York Strategic Community Plan Our Vision, the following applies:

The Rural Gateway Our Shire will be:

A place of community, where lifestyle choices are important and where community matters.

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Other community-based groups may make similar applications if a precedent is set resulting in Budget consideration.

Social Implications:

It is of benefit to enhance relationships between Council and Community Groups by waiving fees and charges for fundraising purposes of community benefit.

Environmental Implications:

Nil

Comment:

That Council considers the request favourably by York Junior Football to waive the annual fee for operating fundraising stallholder activities within the Shire of York.

9. MATTERS FOR RESOLUTION
9.5 LATE REPORTS
9.5.1 Finance, Risk & Audit Committee Minutes

FILE NO:
COUNCIL DATE: 15 December 2014
REPORT DATE: 12 December 2013
SENIOR OFFICER: Graeme Simpson, A/CEO
AUTHOR: Graeme Simpson, A/CEO
APPENDICES: Minutes of the Finance, Risk & Audit
Committee Meeting held 8 December 2014

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

RESOLUTION
131214

Moved: Cr Hooper

Seconded: Cr Smythe

"That Council:

Receive and adopt 'en bloc' the recommendations contained within the Minutes of the Finance, Risk & Audit Committee which was held on 8th December, 2014 with the following exception:

- 1. 9.1.1 – Rates – Transfer of Land – which is the subject of a separate item on this Agenda (refer Item 9.5.2)*
- 2. 9.1.7 - Monthly Financial Reports – November 2014 - which is the subject of a separate item on this Agenda (refer Item 9.5.3)*

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: Yes

9. MATTERS FOR RESOLUTION
9.5 LATE REPORTS
9.5.2 Rates – Transfer Of Land

FILE NO: FI.RTS.PPO.60484
COUNCIL DATE: 15 December 2014
REPORT DATE: 12 December 2014
LOCATION/ADDRESS: Lot 123 Horley St, York
APPLICANT: Pam Law
SENIOR OFFICER: Tabitha Bateman
AUTHOR: Pam Law
DISCLOSURE OF INTEREST: Nil
APPENDICES: Location Map
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE CEO: Graeme Simpson

RESOLUTION
141214

Moved: Cr Hooper

Seconded: Cr Smythe

“That Council

Pursuant to Section 6.68 (2) (a)& (b) of the Local Government Act 1995, allow AMPAC Debt Collections to proceed with all necessary action to transfer ownership of A60484 from current ownership to Shire of York.”

CARRIED: 4/0

Voting Requirements:

Absolute Majority Required: Yes

Summary:

It is proposed the Council make application to have this land, A60484, transferred to the Shire of York and write off the outstanding rates and charges currently outstanding in excess of 3 years, in accordance with Section 6.68 (2) (a) & (b) of the Local Government Act 1995.

Background:

A60484 was created in 2009, although, according to Landgate records, this parcel of land appears to have been in the same ownership since 1924. Originally it was thought to be part of Horley Road, but through Council investigations in 2009, it was discovered to be a parcel of land and at this time began being rated.

Investigations show the said owner of land to be deceased in 1945. There was no information provided from the probate search showing any living relatives.

The parcel of land would be unsaleable due to its location; directly between railway line and back fence lines to three current properties. The parcel size is not large enough to be built upon. The cost of dividing this land up for surrounding land owners would outweigh its value.

Consultation:

AMPAC Debt Recovery
Price Sierakowski Corporate

Statutory Environment:

Local Government Act 1995

Section 6.68 Exercise of power to sell land

(2) A local government is not required to attempt under section 6.56 to recover money due to it before exercising the power of sale where the local government –

(a) has a reasonable belief that the cost of the proceedings under that section will exceed the value of the land; or

(b) having made reasonable efforts to locate the owner of the property is unable to do so.

Policy Implications:

"Recover Rates & Service Charges", dated 15 February 2010, Council resolution 200210,

1.0 Unpaid for at least three (3) years.

A report be presented to Council on an annual basis, detailing the amount of rates and service charges outstanding, by Assessment Number, and recommending action be authorised by the Council. The privacy Act prevents the property owner's details from being published in a report to Council.

Section 1.4 (a) of the Local Government Act

1.4. Terms used

In this Act, unless the contrary intention appears —

absolute majority —

(a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;

Financial Implications:

The transfer of ownership to the Shire of York will reduce the outstanding rates debtors by \$8,474.71 (as at 01/12/14)

Debt recovery action, since handing the file to AMPAC had lead to costs in the vicinity of \$1375.00. These costs will only increase should further legal action be taken.

Strategic Implications:

Corporate Services, Financial Services - to achieve maximum community benefit from effective use of resources (staff, finances and information technology). Staff time and resources can be reallocated to current issues.

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:

Economic Implications:

Council must be seen to be proactive in debt recovery action as the ultimate burden rests with the ratepayers. Unrecoverable debts need to be cleared as early as possible to lessen the financial implication on ratepayers.

Social Implications:

Nil

Environmental Implications:

Nil

Comment:

Under current building regulations this parcel of land can not be built upon.

The said owner of this parcel of land has been deceased since 1945. The probate search has provided no information in regards to living family.

The cost of any further debt collection action would outweigh the value of the land.

Council can not continue to rate this property year after year, as rates can not be recovered.

9. MATTERS FOR RESOLUTION
 9.5 LATE REPORTS
 9.5.3 Monthly Financial Reports – November 2014

FILE NO: FI.FRP
 COUNCIL DATE: 15 December 2014
 REPORT DATE: 2 December 2014
 AUTHOR: Tabitha Bateman, Financial Controller
 APPENDICES: Yes – Appendix A as detailed in Summary
 REPORT APPROVED BY THE A/CEO: Graeme Simpson

RESOLUTION
 151214

Moved: Cr Smythe

Seconded: Cr Wallace

“That the Council Endorses and Receive the Recommendation of the Finance, Risk & Audit Committee:

1. *Receive the Monthly Financial Report for November and ratify payments drawn from the Municipal and Trust accounts for the period ending 30 November 2014:*

	<u>AMOUNT</u>
<u>MUNICIPAL FUND</u>	
Cheque Payments	\$ 17,235.36
Electronic Funds Payments	\$ 1,406,808.82
Direct Debits Payroll	\$ 168,933.34
Bank Fees	\$ 1,599.81
Corporate Cards	\$ 3,438.85
Fire Messaging Service	<u>\$ 156.64</u>
TOTAL	<u>\$1,598,172.82</u>
<u>TRUST FUND</u>	
Cheque Payments	\$ 0
Electronic Funds Payments	\$ 8,412.90
Direct Debits Licensing	<u>\$ 130,003.75</u>
TOTAL	<u>\$ 138,416.65</u>
TOTAL DISBURSEMENTS	<u>\$1,736,589.47”</u>

CARRIED: 4/0

RESOLUTION
 161214

Moved: Cr Smythe

Seconded: Cr Hooper

“That the Council Endorses and Receive the Recommendation of the Finance, Risk & Audit Committee:

That the arbitrary allocation for the Governance expenditure be done monthly and that a half yearly review be undertaken to rectify any discrepancies in the allocation.”

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: Yes

Statement by The Chief Executive Officer:

1. This financial report is properly drawn up to present fairly the financial position of the Shire of York at 30 November 2014, and comply with:
 - * The Local Government Act 1995
 - * The Financial Management Regulations under that Act
 - * The Australian Accounting Standards
2. The Business Activity and PAYG statement has been lodged and paid as and when it has fallen due.
3. Staff superannuation has been paid as and when it has fallen due.
4. The Shire of York is able to pay its accounts as and when they fall due.
5. Grants received are and have been discharged in accordance with their terms and conditions. Where applicable, non-compliant grants are the subject of negotiation with the funding body.

Summary:

The Financial Report for the period ending 30 November 2014 is presented for consideration. Appendix A includes the following:

- Monthly Statements for the period ended 30 November 2014
- Bank Account Reconciliations
- List of Creditors Payments
- Corporate Credit Card Transaction Listing
- Business Activity Statement

Commentary:

All reports are currently being reviewed and may be modified for following meetings of Council to give greater clarity. It should also be noted that the 2013/14 figures reflected in the following reports are an estimate of the end of year position only and are subject to audit adjustments to the 2013/14 Annual Financial Report.

Pg1. Statement of Financial Position

- Total Equity in the Shire has increased from \$112,691,304 as estimated at 30 June 2014 to \$113,207,729 which is an increase of \$516,261. At the time of preparing of these reports there were adjustments to retained earnings yet to be resolved being \$165.

Pg2. Income and Expenditure Statement by Programme

- General Purpose Funding – Rates and interims raised in July totalled \$4,615,270. The full value of Rates raised was removed from the Profit and Loss Statement and relocated to the Statement of Financial Position as a prepayment. In accordance with the Australian Accounting Standards this income will be apportioned over the financial year and drip fed into the Profit and Loss to provide greater meaning to the statements. As at 30 November \$1,923,029 has been transferred to the Profit and Loss representing 5 months of rate income.
- Community Amenities – Rubbish charges raised through rates totalling \$600,815 were removed from the Profit and Loss and relocated to the Statement of Financial Position as a prepayment. This income will be apportioned over the financial year and drip fed into the Profit and Loss to provide greater meaning to the statements. It can also be noted that due to staff reduction under this schedule Council could see savings totalling approximately \$64,000 of which a portion is required for the use of contract services.
- Recreation and Culture – Lower year to date expenditure on parks, gardens and recreation facilities. Council has employed 2 additional staff members to focus on Parks and Gardens prior to the growing season.
- Transport – Early amendments to the Main Roads works programme meant that progress claims for grant funds could not be made until the final works

programme had been confirmed. As a result, revenues are below expected year to date levels and accordingly capital expense has been kept to a minimum. A formal budget variation incorporating the recent amendments to the works programme will be required to cater for the drop in grant funds dependant on new MCA's being approved by Main Roads WA. The funding for Roads to Recovery jobs has been reduced by the Federal government from \$300,000 to \$283,202.

- Other Property and Services – Higher expenditure than expected for this time due to unplanned termination payments which cannot be met by the use of leave reserves.

Pg3. Income and Expenditure Statement by Nature and Type

- This statement is a re-work of Page 2 from a nature and type perspective comparing actuals against the annual budget.
- Employee costs are on par with estimated year to date budget. The number of termination payments processed to date have been offset by reduced staff numbers.
- Materials and Contracts are down on estimated budgets by 4% due to limited funds being available earlier in the year. Assuming all projects are completed prior to 30 June 2015 this timing issue will likely correct itself through the year.
- Depreciation is showing nil to date and will be updated for December reports.

Pg4. Working Capital (Current Assets & Liabilities)

- For the period ending 30 November 2014 there was an estimated surplus of current assets over current liabilities of \$1,361,881.
- Consequently the Shire is able to pay its debts as and when they fall due.

Pg5. Financial Activity Statement

- Capital Programme – Capital works are well underway after receiving confirmation of the amended Roads Programme as approved by Main Roads WA. There will be a spike in expenditure November/December as the road sealing works commence.
- Transfers to/from Reserves – Transfers between council funds are generally held until 30 June in any year.

Statutory Environment:

Local Government Act 1995 (As Amended).

Local Government (Financial Management) Regulations 1996 (As Amended).

Australian Accounting Standards.

Note:

Cr Matthew Reid, proprietor of York Pharmacy supplies goods to the Shire of York.

9. MATTERS FOR RESOLUTION
9.5 LATE REPORTS
9.5.4 Works Committee Minutes

FILE NO:
COUNCIL DATE: 15 December 2014
REPORT DATE: 15 December 2013
SENIOR OFFICER: Graeme Simpson, A/CEO
AUTHOR: Graeme Simpson, A/CEO
APPENDICES: Minutes of the Works Committee Meeting held 4 December 2014

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

RESOLUTION
171214

Moved: Cr Wallace

Seconded: Cr Smythe

"That Council:

Receive and adopt 'en bloc' the recommendations contained within the Minutes of the Works Committee which was held on 4th December, 2014."

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: Yes

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.5 Letters of Resignation

FILE NO: C23 & C15
COUNCIL DATE: 15 December 2014
REPORT DATE: 15 December 2014
LOCATION/ADDRESS: N/A
APPLICANT: Graeme Simpson, A/Chief Executive Officer
SENIOR OFFICER: Graeme Simpson, A/Chief Executive Officer
REPORTING OFFICER: Graeme Simpson, A/Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Letters of Resignation
DOCUMENTS TABLED: Nil

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

RESOLUTION

181214

Moved: Cr Hooper

Seconded: Cr Wallace

"That Council:

Resolve that the resignation of former Councillors Mark Duperouzel and Anthony Stephen Boyle be left in abeyance until there is further information from the Minister for Local Governments office on the Ministers decision in respect to the Council response to the Show Cause Notice."

CARRIED: 4/0

Voting Requirements:

Simple Majority Required: Yes

Summary:

In view of the current uncertainty on whether the Minister will suspend Council for a period of six months it is not practical to proceed with planning for an extra ordinary election to fill the two vacancies created by the resignation of two former Councillors.

Background:

To determine whether to proceed immediately with an extra ordinary election Council needs to know that the process is an 80 day cycle from commencement to election day and to decide whether it wishes to proceed with Shire staff conducting the election or use the WA Electoral Commission to conduct the election.

Consultation:

Information has been conveyed to the Department of Local Government to seek direction on these elected member vacancies.

Statutory Environment:

The provisions of Sections 2.32(b), 4.8 and 4.9 normally require the Chief Executive Officer and Shire President or Council to determine the election process but the Ministers action has complicated the procedure.

Financial Implications:

The preference is for in-house Shire staff to conduct the election or alternatively a quote could be obtained from the WA Electoral Commission for it to conduct the election.

Social Implications:

In principle it is always beneficial to proceed with an election to ensure that maximum representation is maintained, however the Shire needs to wait on the Ministers decision.

9. OFFICER'S REPORTS
9.5 LATE REPORTS
9.5.6 Strategic Community Plan

FILE NO: OR.CMA.2
COUNCIL DATE: 15 December 2014
REPORT DATE: 15 December 2014
LOCATION/ADDRESS: Shire of York
APPLICANT: N/A
SENIOR OFFICER: Graeme Simpson, ACEO
REPORTING OFFICER: Kira Strange, TP
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: Nil

REPORT APPROVED BY the A/CEO: *Graeme Simpson*

RESOLUTION
191214

Moved: Cr Smythe

Seconded: Cr Wallace

"That Council:

- 1. Allocate \$7,355 from funds from Reserve 24 for the Strategic Community Plan; and***
- 2. Delegate the Acting Chief Executive Officer, in consultation with the relevant staff member, to formally accept a revised quote from Hames Sharley for the review of the Strategic Community Plan, provided it is within the budget parameters. "***

CARRIED: 4/0

Voting Requirements:

Absolute Majority Required: Yes

Summary:

The Strategic Planning Working Group met with Hames Sharley on 15 December 2014 to discuss the scope of works for the Strategic Community Plan.

Hames Sharley agreed to a set of works within the budget parameters however are required to submit a revised quote for final adoption.

Background:

At the Ordinary Council Meeting held 17 November 2014, Council resolved to

- 1. Formally appoint Hames Sharley consultants to undertake the review of the Community Strategic Plan.***
- 2. Instruct the Strategic Planning Working Party to negotiate a final scope of works with Hames Sharley for the review within the parameters of the allocated budget.***

A meeting was held 15 December 2014 between Hames Sharley and the Strategic Planning Working Group where it was explained that the proposed scope of works could be done for a revised fee of approximately \$27,000. Hames Sharley have been requested to submit a revised quote that reflects the scope of works discussed in the meeting.

Consultation:

Hames Sharley
Strategic Planning Working Group

Statutory Environment:

Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Policy Implications:

There are no policy implications associated with this report.

Financial Implications:

There will be nil affect to the budget as funds have been drawn from the reserve. However this will leave a nil balance in Reserve 24.

At this stage of the year we cannot confirm whether additional funds are available for this project until after the mid-year review.

Strategic Implications:

The development of the Strategic Community Plan is essential for future direction for the Shire of York.

Triple bottom Line Assessment:**Economic Implications:**

See Financial Implications.

Social Implications:

There are no social implications associated with this proposal.

Environmental Implications:

There are no environmental implications associated with this proposal.

Comment:

Currently, there is \$20,000 allocated in the budget for Strategic Planning with an additional \$7,355 in Strategic Planning Reserve if required in any given year. Therefore a total of \$27,355 is available for the preparation of the Strategic Community Plan.

Council needs to formally resolve to draw the funds from the reserve for the Strategic Community Plan.

As a revised scope of works and final quote has not yet been received, it is recommended that any additional reallocation of funds be postponed until the mid-year review has been completed.

9. MATTERS FOR RESOLUTION
9.5 LATE REPORTS
9.5.7 Heritage Advisory Committee Minutes

FILE NO:
COUNCIL DATE: 15 December 2014
REPORT DATE: 15 December 2013
SENIOR OFFICER: Graeme Simpson, A/CEO
AUTHOR: Graeme Simpson, A/CEO
APPENDICES: Minutes of the Heritage Advisory Committee
Meeting held 2 December 2014

REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

RESOLUTION
201214

Moved: Cr Smythe

Seconded: Cr Wallace

"That Council:

Receive and adopt 'en bloc' the recommendations contained within the Minutes of the Heritage Advisory Committee which was held on 2nd December, 2014.

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: Yes

9. MATTERS FOR RESOLUTION
9.6 CONFIDENTIAL REPORTS
9.6.1 Close the Meeting

FILE NO:
COUNCIL DATE: 15 December 2014
REPORT DATE: 5 December, 2014
SENIOR OFFICER: Graeme Simpson, A/CEO
REPORT APPROVED BY THE A/CEO: Graeme Simpson

OFFICER RECOMMENDATION

Moved: Cr Smythe

Seconded: Cr Wallace

"That Council:

Close the meeting to members of the public and the press to deal with:

Matters relating to individuals."

AMENDMENT

Moved: Cr Wallace

Seconded: Cr Hooper

"That Council Amend the Officer Recommendation to read:

Close the meeting to members of the public and the press to deal with:

Matters relating to the Australia Day Awards."

CARRIED: 4/0

RESOLUTION

211214

Moved: Cr Wallace

Seconded: Cr Smythe

The amendment became the motion.

CARRIED: 4/0

Voting Requirements:

Simple Majority Required: Yes

Statutory Environment:

Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (b) *the personal affairs of any person; and*

Note to this Item:

The doors were Closed at: 4.50pm

9. OFFICER'S REPORTS
9.6 CONFIDENTIAL REPORTS
9.6.2 Australia Day Awards

FILE NO: CS.CCS.3
COUNCIL DATE: 15 December 2014
REPORT DATE: 5 December 2014
LOCATION/ADDRESS: Not Applicable
APPLICANT: York Honours Reference Group
SENIOR OFFICER: Graeme Simpson, A/CEO
REPORTING OFFICER: Graeme Simpson, A/CEO
DISCLOSURE OF INTEREST: Nil
APPENDICES: Notes - Meeting held 3rd December, 2014
DOCUMENTS TABLED: Nil
REPORT APPROVED BY THE A/CEO: *Graeme Simpson*

OFFICER RECOMMENDATION

Moved: Cr Hooper

Seconded: Cr Wallace

"That Council:

Accept the nominations by the York Honours Reference Group for the Awards to be presented on Australia Day 2015:

CARRIED: 4/0

AMENDMENT

Moved: Cr Hooper

Seconded: Cr Wallace

That the names of the Award recipients be deleted from the Resolution.

CARRIED: 4/0

RESOLUTION

221214

The amendment became the motion.

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: Yes

Summary:
The York Honours Reference Group has assessed nominations for five (5) awards being the Premiers Awards for Active Citizenship, Active Citizenship for a Person under 25 and Active Citizenship for a Community Organisation or Event and the York Community Bank Awards for Junior and Senior Sports Stars.

Background:
Nil

Consultation:

Reference Group

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Expenditure for the event is provided in annual budget allocations.

Strategic Implications:

The Shire of York's 2012 Strategic Community Plan goals are:

Social

- *Strengthen community interactions and a sense of a united, cohesive and safe community.*
- *Build and strengthen community, culture, vibrancy and energy.*

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:**Economic Implications:**

Nil

Social Implications:

Recognition of individual and organization achievements is important in the Community.

Environmental Implications:

Nil

Comment:

Nil

9. MATTERS FOR RESOLUTION
9.6 CONFIDENTIAL REPORTS
9.6.3 Open the Meeting

FILE NO:
COUNCIL DATE: 15 December, 2014
REPORT DATE: 5 December, 2014
SENIOR OFFICER: Graeme Simpson, A/CEO
REPORT APPROVED BY THE A/CEO: Graeme Simpson

RESOLUTION
231214

Moved: Cr Hooper

Seconded: Cr Wallace

"That Council:

Open the meeting to members of the public and the press."

CARRIED: 4/0

Voting Requirements:
Simple Majority Required: Yes

Statutory Environment:
Local Government Act 1995 – Part 5 – Division 2 – Section 5.23:

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
- (b) *the personal affairs of any person;*

Note to this Item:

The doors were Opened at: 5.01pm

10. NEXT MEETING

Moved: Cr Wallace

Seconded: Cr Hooper

“That Council:

hold the next Ordinary Meeting of the Council on February 16, 2015 at 4.00pm in Council Chambers, York Town Hall, York.”

AMENDMENT

Moved: Cr Wallace

Seconded: Cr Smythe

“That Council:

hold the next Ordinary Meeting of the Council on February 16, 2015 at 5.00pm in Council Chambers, York Town Hall, York.”

CARRIED: 4/0

RESOLUTION

241214

Moved: Cr Smythe

Seconded: Cr Wallace

The amendment became the motion.

CARRIED: 4/0

11. CLOSURE

Cr Reid thanked everyone for their attendance and declared the meeting closed at 5.05pm.