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MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 18 MARCH 2009.**0309.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1:00pm The President declared the meeting open.

0309.02 RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE**PRESENT:**

Councillor A J (Nino) Messina – President	(West Ward)
Councillor B I N (Barbara) Thomas – Deputy President	(East Ward)
Councillor M (Mike) Kerkmans	(East Ward)
Councillor J L (Julie) Freeman	(Central Ward)
Councillor M D (Mick) Tierney	(Central Ward)
Councillor L J (Linda) Wainwright	(Central Ward)
Councillor A J (Tony) Crudeli	(Central Ward)
Councillor A J (Andrew) Messina	(South Ward)

OFFICERS:

Mr TA (Tom) Hartman - Chief Executive Officer
Ms NJ (Noelene) Holmes – Deputy Chief Executive Officer

APOLOGIES:

Councillor K P (Kim) Keeffe (South Ward)

LEAVE OF ABSENCE:

Nil

VISITORS

Our Lady of Mt Carmel School
Teacher: Anita Krippner
Students: Emma Byron
Holly Freeman
Kyle Smith

0309.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

0309.04 PUBLIC QUESTION TIME

The Students of Our Lady of Mt Carmel School asked the following questions:

Holly Freeman: *Thank you for letting Our Lady of Mt Carmel School use the swimming pool for our end of year excursion, swimming lessons, the swimming carnival and swimming club. We know we are lucky to have the pool.*

'We were wondering if the Shire were going to replace the old shelters because, at the carnival, we noticed that some of the poles lift out of the ground?'

The CEO advised that the shade structures are listed for replacement in the near future.

'We also thought it would be a good idea to have a drink fountain at the pool, like the one we have at school, because drinking water while you exercise is healthy. Would this be possible?'

The CEO advised that a drinking fountain will be considered.

Kyle Smith: *'We are all very interested in watching the Monsignor Hawes walk trail being built. We would like to know when you expect it to be finished?'*

The CEO advised that the trail will be officially opened on Monday 13th April 2009.

'We also noticed that the path was covered in broken glass when we walked to swimming lessons. We've seen the new street sweeper on the road and wondered if it can go on the path too?'

The CEO advised that the street sweeper would be utilised on the paths.

Emma Byron: *'If we could have a wish, we would love a new playground in town, one that's bigger and more challenging than the one at the Town Hall. We have some great ideas about what we would like. Is there any chance we could have an exciting, new playground?'*

The President requested the students design and submit their requests to Council. Council may be able to obtain funding from the Government.

1:06pm The visitors left the meeting

0309.05 APPLICATIONS FOR LEAVE OF ABSENCE

Moved: *B I N Thomas* **Seconded:** *J L Freeman*

COUNCIL DECISION: **THAT CR JULIE FREEMAN BE GRANTED LEAVE OF ABSENCE FOR THE APRIL 2009 MEETING AND CR WAINWRIGHT BE GRANTED LEAVE OF ABSENCE FOR THE APRIL AND MAY MEETINGS.**

CARRIED 8/0

0309.06 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: *M D Tierney* **Seconded:** *B I N Thomas*

COUNCIL DECISION: **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 18TH FEBRUARY 2009, AS PRINTED BE CONFIRMED.**

CARRIED 8/0

0309.07 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

0309.08 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

0309.09 REPORTS OF COMMITTEES/MEMBERS

9.1 MULLEWA COMMUNITY TRUST – ALLOCATION OF FUNDS 2009

DATE OF MEETING: 18th March 2009

LOCATION/ADDRESS: -

NAME OF APPLICANT: Mullewa Community Trust Committee

FILE REFERENCE: 808.05

PREVIOUS MINUTE/S &
REFERENCE:

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY: Report presents Minutes of the Mullewa Community Trust for consideration.

BACKGROUND: The Mullewa Community Trust meets this time each year to consider the applications received for the current funding round and makes recommendations to Council based on the MCT guidelines and criteria.

COMMENT: The Community Trust Committee met on the 26th February 2009 to consider their funding allocation for 2009.

The Minutes from that meeting are attached at **APPENDIX A**.

The annual disbursement is \$65,000 for this funding round. The total amount requested from the Trust is \$86,325.54 and the funding allocated by the MCT this year is \$51,776.94.

Under the guidelines of the Mullewa Community Trust the final decision regarding funding rests with MULLEWA SHIRE COUNCIL.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: FINANCIAL IMPLICATIONS:	There are no known policy implications at this time. Funds are provided from the Structural Adjustment fund contributed by Mt Gibson Mining.
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT THE MINUTES OF THE MULLEWA COMMUNITY TRUST BE RECEIVED AND THAT THE 2009 DISTRIBUTION OF FUNDS FROM THE STRUCTURAL ADJUSTMENT FUND AS PRESENTED BE CONSIDERED.
Moved:	<i>J L Freeman</i>
Seconded:	<i>L J Wainwright</i>
COUNCIL DECISION:	THAT THE MINUTES OF THE MULLEWA COMMUNITY TRUST BE RECEIVED AND THAT THE 2009 DISTRIBUTION OF FUNDS FROM THE STRUCTURAL ADJUSTMENT FUND AS PRESENTED BE APPROVED.

CARRIED 8/0

0309.10	REPORTS OF OFFICERS
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10.2 HEALTH, BUILDING AND TOWN PLANNING

10.2.1	MWRC – REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – STRATEGIC PROJECTS GRANT APPLICATION
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DATE OF MEETING:	18 th March 2009
LOCATION/ADDRESS:	
NAME OF APPLICANT:	
FILE REFERENCE:	
PREVIOUS MINUTE/S & REFERENCE:	
DATE AND AUTHOR:	Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	Report raises for Council endorsement the resolution of the MWRC to submit an Application for funding a Regional Waste Collection Service through the Regional & Local Community Infrastructure Program – Strategic Projects Grant.
BACKGROUND:	The attached report at APPENDIX A , submitted to the recent meeting of the MWRC held on the 4 th March, 2009, provides the back ground and details of the funding proposal.
COMMENT:	Council has been a supporter of the MWRC endeavours to develop a Zero Waste Management Plan for the region. A component of this plan included the provision of a collection service and a rationalisation of waste disposal sites throughout the region. The problem of the plan to date has been the cost of setting the service up. This application, if successful will provide the necessary upfront capital cost to enable the

service to develop.

CONSULTATION:

STATUTORY

There are no known statutory implications at this time.

ENVIRONMENT:

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

THAT COUNCIL ENDORSE THE ACTIONS OF THE CEO AND DELEGATE TO SUPPORT THE MWRC SUBMITTING AN APPLICATION FOR FUNDING A REGIONAL WASTE COLLECTION SERVICE THROUGH THE REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – STRATEGIC PROJECTS GRANT

Moved:

J L Freeman

Seconded:

Andrew J Messina

COUNCIL DECISION:

THAT COUNCIL ENDORSE THE ACTIONS OF THE CEO AND DELEGATE TO SUPPORT THE MWRC SUBMITTING AN APPLICATION FOR FUNDING A REGIONAL WASTE COLLECTION SERVICE THROUGH THE REGIONAL & LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – STRATEGIC PROJECTS GRANT

CARRIED 8/0

10.3 WORKS, PLANT, PARKS & GARDENS

10.3.1 TENDERS – FRONT END LOADER

DATE OF MEETING: 18th March 2009

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 111.01

PREVIOUS MINUTE/S & REFERENCE: 18 February 2009

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: The Author has no Disclosure of Interest.

BACKGROUND: Following the February 2009 Council meeting tenders were called for the supply of a Front End Loader in the 120kw net power range to replace P2503 Komatsu WA-270-3H.

As reported to the February meeting Council has listed in the Plant Replacement Program to replace the existing Komatsu FEL in the 2009/10 financial year. However, this machine over the past 12 months has shown that major repairs will be required in the very near future. It was considered that Council call tenders now, due to the tender process and the supply time line would likely result in the change over to occur around the start of the new financial. To achieve this outcome Council

will need to allow for this expenditure in the 2009/10 budget. This machine is a critical part of Councils road construction program it will need favourable consideration. As advised in the February report the budget figure for the change over is now known and is not an estimate as is the normal case.

COMMENT: The tenders received have been assessed against the selection criteria and the results are attached at **APPENDIX A** to this report.

At the conclusion of the tender period, 14 tenders were received from 9 suppliers for the supply of a Front End Loader as specified in the tender documents. The specifications were fairly specific in identifying Council's requirements.

Following the assessment of the tenders, whole of life costs and past experience it will be recommended that Council accept the tender from Westrac for the supply of a 938G Cat Front End Loader for a change over of \$192,220.

The concern in the past with Councils accepting the dearer tender has been due to the **estimate** used for the budget being under-estimated. This results in the problem of finding the extra funds in the set budget to offset the increase. As advised previously and also in this report Council will know the exact change over cost for its budget.

The budgeted amount for the 2009/2010 budget will be \$192,220 for the changeover.

CONSULTATION: Works Supervisor, Mechanic.

STATUTORY ENVIRONMENT: Section 3.57 Local Government Act part 4 Local Government (Function and General) Regulations.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: Council will need to allow \$192,220 in the 2009/2010 to changeover this item of plant.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple Majority

OFFICER RECOMMENDATION: THAT COUNCIL ACCEPT THE TENDER RECEIVED FROM WESTRAC TO SUPPLY A CAT 938G FRONT END LOADER, AS SPECIFIED IN THE TENDER DOCUMENTS, AND MAKE ALLOWANCES IN THE 2009/2010 BUDGET FOR A CHANGE OVER OF \$192,220 (EX GST)

Moved: *M Kerkmans* **Seconded:** *A J Crudeli*

COUNCIL DECISION: **THAT COUNCIL ACCEPT THE TENDER RECEIVED FROM WESTRAC TO SUPPLY A CAT 938G FRONT END LOADER, AS SPECIFIED IN THE TENDER DOCUMENTS, AND MAKE ALLOWANCES IN THE 2009/2010 BUDGET FOR A CHANGE OVER OF \$192,220 (EX GST)**

CARRIED 8/0

1:20pm – 1:27pm Noelene Holmes, Deputy Chief Executive Officer, left the meeting

10.3.2 MOTOR VEHICLES – PUBLIC TENDER

DATE OF MEETING:	18 th March 2009
LOCATION/ADDRESS:	
NAME OF APPLICANT:	-
FILE REFERENCE:	111.01
PREVIOUS MINUTE/S & REFERENCE:	
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	
SUMMARY	Report requests Council consider offering for sale vehicles by public tender
BACKGROUND:	<p>In accordance with Councils plant replacement program 4 motor vehicles are scheduled for change over, being;</p> <p>OMW - Holden Statesman – Chief Executive Officer OOMW - Holden Berlina – Deputy Chief Executive Officer MW5003 - Mitsubishi Triton Ute 4WD – Mechanic MW5017 - Mitsubishi Triton Ute 2WD – Town Maintenance</p> <p>Unfavourable quotes have been received for trade in of these vehicles which have prompted staff to explore other avenues of disposal.</p>
COMMENT:	<p>This matter was briefly discussed at the February Information Session where it was indicated that due to the unfavourable quotes received to change these vehicles over that they be offered for sale by advertising in local news papers. It has been revealed that Council is only permitted to dispose of property in this way under Section 3.58(b) of the Local Government Act, which states; <i>the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.</i></p> <p>The procedure requires Council to resolve to dispose of property in this manner with a two week local advertising period. Council is not obligated to accept any tender.</p>
CONSULTATION:	Dept Local Government & Regional Development – Jenni Law
STATUTORY ENVIRONMENT:	<p>Local Government Act 3.58. Disposing of property <i>(1) In this section</i> <i>“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;</i> <i>“property” includes the whole or any part of the interest of a local government in property, but does not include money.</i></p> <p><i>(2) Except as stated in this section, a local government can only dispose of property to</i> <i>(a) the highest bidder at public auction; or</i> <i>(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.</i></p> <p><i>(3) A local government can dispose of property other than under subsection (2) if,</i></p>

before agreeing to dispose of the property
 (a) *it gives local public notice of the proposed disposition*
 (i) *describing the property concerned;*
 (ii) *giving details of the proposed disposition; and*
 (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 and
 (b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include

(a) the names of all other parties concerned;
(b) the consideration to be received by the local government for the disposition; and
(c) the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.

(5) This section does not apply to

(a) a disposition of land under section 29 or 29B of the Public Works Act 1902; (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;
(c) anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
(d) any other disposition that is excluded by regulations from the application of this section.

POLICY
 IMPLICATIONS:
 FINANCIAL
 IMPLICATIONS:
 STRATEGIC
 IMPLICATIONS:
 VOTING REQUIREMENT:

There are no known policy implications at this time.

Vehicles are due for change over in the 2008/2009 budget

There are no known strategic implications at this time.

Simple majority

OFFICER
 RECOMMENDATION

THAT COUNCIL OFFER THE FOLLOWING VEHICLES FOR DISPOSAL BY PUBLIC TENDER;

HOLDEN STATESMAN – CHIEF EXECUTIVE OFFICER
 HOLDEN BERLINA – DEPUTY CHIEF EXECUTIVE OFFICER
 MITSUBISHI TRITON UTE 4WD – MECHANIC
 MITUSBISHI TRITON UTE 2WD – TOWN MAINTENANCE, AND

CONSIDER THE MOST ACCEPTABLE TENDER WHETHER OR NOT IT IS THE HIGHEST TENDER.

Moved:

B I N Thomas

Seconded:

A J Crudeli

COUNCIL DECISION:

THAT COUNCIL OFFER THE FOLLOWING VEHICLES FOR DISPOSAL BY PUBLIC TENDER;

**HOLDEN STATESMAN – CHIEF EXECUTIVE OFFICER
 HOLDEN BERLINA – DEPUTY CHIEF EXECUTIVE OFFICER
 MITSUBISHI TRITON UTE 4WD – MECHANIC
 MITUSBISHI TRITON UTE 2WD – TOWN MAINTENANCE, AND**

CONSIDER THE MOST ACCEPTABLE TENDER WHETHER OR NOT

IT IS THE HIGHEST TENDER.

CARRIED 8/0

10.4 FINANCE AND GENERAL PURPOSE

10.4.1 REQUEST FOR WAIVING COST – TOWN HALL

DATE OF MEETING:	18 th March 2009
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	Mullewa Health Service
FILE REFERENCE:	211.01
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	Tom Hartman
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	Report requests fee to be waived for use of Town Hall.
BACKGROUND:	Correspondence has been received from Yasir Arfat, Health Prevention & Promotion Officer, Mullewa Health Service, requesting that the fee charged for using the Mullewa Town Hall be waived.
COMMENT:	The cost associated with this hire is \$56.65 Plus a bond of \$113.30 Should approval be granted it can be under the condition that the venue is left clean at the conclusion of the hire, Council is indemnified against accident or injury and that Council support for the Health Service through the use of the venue is promoted. A copy of the letter from Mullewa Health Service is attached at APPENDIX A.
CONSULTATION: STATUTORY ENVIRONMENT: POLICY IMPLICATIONS: FINANCIAL IMPLICATIONS: STRATEGIC IMPLICATIONS:	Nil There are no known policy implications at this time. There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple Majority
OFFICER RECOMMENDATION	THAT MULLEWA HEALTH SERVICE BE ADVISED THAT THE FEE OF \$56.65 WILL BE WAIVED TO HOLD A PUBLIC HEALTH FORUM IN THE MULLEWA TOWN HALL ON MAY 20, 2009, BETWEEN 10.00AM & 1.00PM.
Moved:	<i>J L Freeman</i> Seconded: <i>L J Wainwright</i>
COUNCIL DECISION:	THAT MULLEWA HEALTH SERVICE BE ADVISED THAT THE FEE OF \$56.65 WILL BE WAIVED TO HOLD A PUBLIC HEALTH FORUM IN THE MULLEWA TOWN HALL ON MAY 20, 2009, BETWEEN

10.00AM & 1.00PM.

CARRIED 7/1

10.4.2 FINANCE REPORT 28th FEBRUARY 2009

DATE OF MEETING: 18th March 2009
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: -
 PREVIOUS MINUTE/S & REFERENCE: -
 DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.
 SUMMARY
 BACKGROUND:

COMMENT:

BANK RECONCILIATION

The Bank Reconciliation for the month of February 2009 is attached at **APPENDIX B**. The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS:

There are no known policy implications at this time.

FINANCIAL IMPLICATIONS:

There are no known financial implications at this time.

STRATEGIC IMPLICATIONS:

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION

THAT THE FINANCE REPORT FOR THE PERIOD ENDED 28TH FEBRUARY 2009 BE RECEIVED.

Moved:*Andrew J Messina***Seconded:***L J Wainwright*

COUNCIL DECISION:

THAT THE FINANCE REPORT FOR THE PERIOD ENDED 28TH FEBRUARY 2009 BE RECEIVED.

CARRIED 8/0

10.4.3 ACCOUNTS FOR PAYMENT

DATE OF MEETING: 18th March 2009
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: -
 PREVIOUS MINUTE/S & REFERENCE: -
 DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer
 DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

INTEREST:
SUMMARY The purpose of this report is to provide details of cheques drawn and direct debit entries made to Council's bank account during the month, to be passed for payment by Council.

BACKGROUND: Clause 11 of the Local Government (Financial Management) Regulations provides that a Local Government shall develop procedures for the authorisation of payments. Clause 12 of the Regulations requires a schedule of cheques drawn to be presented at the next Ordinary Meeting following preparations of the list.

COMMENT: Attached to this report is a list detailing all cheques drawn and direct debits since the last Council meeting.

The summary of the schedule of accounts to be passed for payment totalling \$ 514,129.17 covers the following:

<u>Municipal Account</u>		
Cheque No.	10077 - 10101	\$ 227,543.52
Electronic Fund Trans	4840 - 4919	\$ 214,700.48
Payroll & Fees	VARIOUS	\$ 71,885.17
<u>Trust Account</u>		
Cheque No.		
	Total:	\$ 514,129.17

CONSULTATION: Nil

STATUTORY ENVIRONMENT: Local Government Act and Regulations

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.

<u>Municipal Account</u>		
Cheque No	10077 - 10101	\$ 227,543.52
Electronic Fund Trans	4840 - 4919	\$ 214,700.48
Payroll & Fees	VARIOUS	\$ 71,885.17
<u>Trust Account</u>		
Cheque No.		
	Total:	\$ 514,129.17

Moved: *B I N Thomas* **Seconded:** *J L Freeman*

COUNCIL DECISION: **THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE AS PRESENTED BE PASSED FOR PAYMENT.**

<u>Municipal Account</u>		
Cheque No	10077 - 10101	\$ 227,543.52
Electronic Fund Trans	4840 - 4919	\$ 214,700.48
Payroll & Fees	VARIOUS	\$ 71,885.17
<u>Trust Account</u>		

Cheque No.**Total:****\$ 514,129.17****CARRIED 8/0****10.4.4 MINOR FEES & CHARGES**

DATE OF MEETING:	18 th March 2009
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	
PREVIOUS MINUTE/S & REFERENCE:	—
DATE AND AUTHOR:	24 th February 2009 - Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	Report lists Fees & Charges for consideration
BACKGROUND:	In accordance with Council's Policy all minor rates, charges, fees and other payments charged by Council are to be reassessed by Council in the March/April of each year for inclusion in the next draft budget.
COMMENT:	Attached at APPENDIX C is the table of fees and charges to be considered. Most fees have been increased by 3.7% which is the CPI percentage change for Perth between Dec 07 & Dec 08 according to the Bureau of Statistics. Consideration has been given to the pricing of the fee where this service is provided within the community.
CONSULTATION:	Shires of: Morawa, Northampton, Chapman Valley, Mingenew, Three Springs
STATUTORY ENVIRONMENT:	Local Government Act 1995 S6.16 – Imposition of Fees & Charges Local Government Act 1995 S6.17 – Setting the Level of Fees & Charges
POLICY IMPLICATIONS:	Policy No. 501.1 - <i>Minor Fees and Charges</i> All minor rates, charges, fees and other payments charged by Council will be reassessed by the Council in the March/April period of each year, for inclusion in the next draft budget.
FINANCIAL IMPLICATIONS:	Will assist when preparing the 09/10 budget
STRATEGIC IMPLICATIONS:	There are no known strategic implications at this time.
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT THE TABLE OF FEES AND CHARGES AS PRESENTED BE CONSIDERED FOR INCLUSION IN THE 2009/2010 DRAFT BUDGET.
Moved:	<i>J L Freeman</i>
Seconded:	<i>L J Wainwright</i>
COUNCIL DECISION:	THAT THE TABLE OF FEES AND CHARGES AS PRESENTED BE CONSIDERED FOR INCLUSION IN THE 2009/2010 DRAFT BUDGET.

CARRIED 8/0**10.4.5 DONATION – REQUEST FOR**

DATE OF MEETING:	18 th March 2008.
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	Mid West Group of Affiliated Agricultural Societies
FILE REFERENCE:	210
PREVIOUS MINUTE/S & REFERENCE:	
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY	Report requests donation
BACKGROUND:	Correspondence has been received from Mrs Dianne Hulme, Secretary of the Mid West Group of Affiliated Agricultural Societies requesting a donation towards the cost of presenting the Mid West District Display at the Perth Royal Show.
COMMENT:	In the past Council has supported this Group by giving a donation of \$200 towards the cost of presenting the Mid West District Display at the Royal Show. The Mid West Group of Affiliated Agricultural Societies include: Mullewa, Northampton, Chapman Valley, North Midlands, Central Midlands, Perenjori, Dalwallinu and Eneabba. The contribution received from Councils in the Mid West Group assist in continuing to promote the Mid West area and provides an excellent opportunity to present tourism and produce of the highest quality for this area, at the biggest single event and congregation of people available in Western Australia.
CONSULTATION:	
STATUTORY ENVIRONMENT:	There are no known statutory implications at this time.
POLICY	There are no known policy implications at this time.
IMPLICATIONS: FINANCIAL	There is provision in the 08/09 Budget for donations.
IMPLICATIONS: STRATEGIC	Mullewa is represented at the Perth Royal Show
IMPLICATIONS:	
VOTING REQUIREMENT:	Simple majority
OFFICER RECOMMENDATION	THAT COUNCIL DONATE THE SUM OF \$200 TO THE MID WEST GROUP OF AFFILIATED AGRICULTURAL SOCIETIES FOR THE PURPOSE OF PRESENTING A DISPLAY AT THE 2009 PERTH ROYAL SHOW
Moved:	<i>J L Freeman</i>
Seconded:	<i>M Kerkmans</i>
COUNCIL DECISION:	THAT COUNCIL DONATE THE SUM OF \$200 TO THE MID WEST GROUP OF AFFILIATED AGRICULTURAL SOCIETIES FOR THE PURPOSE OF PRESENTING A DISPLAY AT THE 2009 PERTH ROYAL SHOW

CARRIED 8/0

10.5 CHIEF EXECUTIVE OFFICERS REPORT

10.5.1 NCZWALGA – SPECIAL MEETING

DATE OF MEETING: 18th March 2009

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: 18 February 2009

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report raises endorsement of support for the Northern Country Zone Special Meeting motion on the current issue of Local Government Reform Strategies recently announced by the Minister for Local Government.

BACKGROUND: On the 5th February 2009, the Minister made an announcement on Local Government Reform Strategies. Prior to the special zone meeting, this matter was considered at Councils February 2009 meeting, , where the following motions were resolved –

- **THAT COUNCIL DISCUSS THE AMALGAMATION AND OTHER ISSUES AND RAISE ANY MATTERS TO THE ATTENTION OF THE NORTHERN COUNTRY ZONE MEETING.**
- **THAT COUNCIL DELEGATES ATTENDING THE NORTHERN COUNTRY ZONE MEETING CONSIDER THE DEBATE AND VOTE ACCORDINGLY**

COMMENT: At the Northern Country Zone meeting on Friday, 27th February 2009, a report from the City of Geraldton Greenough was circulated and the recommendation in that report was moved by the City of Geraldton Greenough delegate. The NCZWALGA resolved -

- **That the Northern Country Zone of WALGA by Simple Majority in response to the Minister for Local Government's directive for the review of structural reform within local government RESOLVES to:**
 1. **support the intention of the Government of Western Australia in seeking to facilitate structural reform and advise the Minister it is willing to work collaboratively with other local governments and the State Government to progress this outcome;**
 2. **support the principle that the future boundaries and issues pertaining to local government should be determined in negotiation at a local level being the Councils and the Northern Country Zone;**
 3. **support an independent facilitated process and workshop for the Northern Country Zone which:**

- a. would be attended by 2-3 representatives from each Council in the Zone;
- b. run by an independent facilitator;
- c. has a program based on:
 - i. leaving behind conflicts;
 - ii. looking at the best governance models for our region;
 - iii. ignoring historical boundaries;
 - iv. defining the current (expected future) communities of interest taking into account:
 - infrastructure;
 - services;
 - geography;
 - economy;
 - v. developing conceptual future boundaries for local governments in the zone; and
- That the Northern Country Zone of WALGA resolves to advise WALGA of its recommendation for WALGA to - Advise the State Government of Local Governments commitment to work together with the State Government towards a voluntary reform process.

The Shire of Mullewa delegates voted in support of the above resolution.

NOTE: The full report from the City of Geraldton Greenough is included in this Agenda under the item on Local Government Reform.

CONSULTATION:

STATUTORY ENVIRONMENT:
POLICY IMPLICATIONS:
FINANCIAL IMPLICATIONS:
STRATEGIC IMPLICATIONS:

There are no known statutory implications at this time.

There are no known policy implications at this time.

There are no known financial implications at this time.

There are no known strategic implications at this time.

VOTING REQUIREMENT:

Simple majority

OFFICER RECOMMENDATION

THAT COUNCIL ENDORSE THE DECISION OF ITS DELEGATES TO VOTE IN SUPPORT OF THE NORTHERN COUNTRY ZONE OF WALGA RESOLUTION AS OUTLINED IN THIS REPORT.

Moved:

B I N Thomas

Seconded:

A J Crudeli

COUNCIL DECISION:

THAT COUNCIL ENDORSE THE DECISION OF ITS DELEGATES TO VOTE IN SUPPORT OF THE NORTHERN COUNTRY ZONE OF WALGA RESOLUTION AS OUTLINED IN THIS REPORT.

CARRIED 8/0

10.5.2 LOCAL GOVERNMENT REFORM

DATE OF MEETING: 18th March 2009

- LOCATION/ADDRESS: -
- NAME OF APPLICANT: -
- FILE REFERENCE: 105.04
- PREVIOUS MINUTE/S & REFERENCE:
- DATE AND AUTHOR: Tom Hartman, Chief Executive Officer
- DISCLOSURE OF INTEREST: Author has no disclosure of interest.
- SUMMARY: This report provides information to Councillors regarding the progress of the Local Government Reform Strategies recently announced by the Minister for Local Government.
- BACKGROUND: Attached to this report is a copy of Circular 01-2009 at **APPENDIX A**; Local Government Reform Steering Committee Bulletin 1-2009 & 2-2009 at **APPENDIX B**; Local Government Reform Steering Committee Structural Reform Guidelines at **APPENDIX C** and Local Government Reform Frequently Asked Questions at **APPENDIX D**.
- COMMENT: At the recent Northern Country Zone of WALGA Special Meeting regarding these matters, and following the resolution of that meeting, it was agreed that 3 members from each of the Zone member Councils meet in Dongara on Monday, March 23, 2009 to workshop item 3 of the Zone resolution which states-
- 'support an independent facilitated process and workshop for the Northern Country Zone which:***
- a. would be attended by 2-3 representatives from each Council in the Zone;***
 - b. run by an independent facilitator;***
 - c. has a program based on:***
 - i. leaving behind conflicts;***
 - ii. looking at the best governance models for our region;***
 - iii. ignoring historical boundaries;***
 - iv. defining the current (expected future) communities of interest taking into account:***
 - infrastructure;***
 - services;***
 - geography;***
 - economy;***
 - v. developing conceptual future boundaries for local governments in the zone'***
- The background report for the above resolution by the City Of Geraldton Greenough is attached at **APPENDIX E**.
- As can be noted in the attachments there is a lot of work to do within the timelines laid out in the guidelines. The meeting to be held in Dongara is a step in the right direction from which Council should start to be in a position to formulate its response to the reform agenda.
- I understand that there is considerable material attached to this report, however, I would encourage Councillors to read the documents or at least read the 'Frequently Asked Questions' and the timeframe at page 5 in the 'Guidelines' and in particular the details in 'Stage 1' and the associated dot points.
- CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL NOTE THE INFORMATION CONTAINED IN THE ATTACHMENTS TO THIS REPORT AND BEGIN THE PROCESS OF DEVELOPING STRATEGIES TO FACILITATE STRUCTURAL REFORM TO PROGRESS THIS OUTCOME.

Moved: *Andrew J Messina* **Seconded:** *A J Crudeli*

COUNCIL DECISION: **THAT COUNCIL NOTE THE INFORMATION CONTAINED IN THE ATTACHMENTS TO THIS REPORT AND BEGIN THE PROCESS OF DEVELOPING STRATEGIES TO FACILITATE STRUCTURAL REFORM TO PROGRESS THIS OUTCOME.**

CARRIED 8/0

10.5.3 MWRC - LOCAL ADAPTATION PATHWAYS PROGRAM GRANT ROUND 2 – EXPRESSION OF INTEREST

DATE OF MEETING: 18th March 2009

LOCATION/ADDRESS:

NAME OF APPLICANT:

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE:

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY: Report raises, for Council endorsement, the resolution of the MWRC to submit an Expression of Interest for the Local Adaptation Pathways Program Grant Round 2.

BACKGROUND: The Australian Government is providing funding to assist Councils to undertake climate change risk assessments and develop action plans to prepare for the local impacts of climate change.

After discussion at the last TAG meeting it was agreed that the Acting CEO should make enquiries and submit an EOI in participating in the Local Adaptation Pathways Program Grant Round 2, on behalf of MWRC. It was originally planned to make a submission in conjunction with BROCC however it was advised that the area would be too large and too diverse and we were encouraged to submit an application just for the MWRC councils.

COMMENT: The report submitted to the MWRC meeting held 4th March, 2009, is attached at **APPENDIX F** and further details the program.

CONSULTATION:

STATUTORY ENVIRONMENT: There are no known statutory implications at this time.

POLICY IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There are no known financial implications at this time.

STRATEGIC IMPLICATIONS: There are no known strategic implications at this time.

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION: THAT COUNCIL ENDORSE THE ACTIONS OF THE CEO AND DELEGATE TO SUPPORT THE MWRC SUBMITTING AN EXPRESSION OF INTEREST FOR THE LOCAL ADAPTATION PATHWAYS PROGRAM GRANT ROUND 2

Moved: *B I N Thomas* **Seconded:** *Andrew J Messina*

COUNCIL DECISION: **THAT COUNCIL ENDORSE THE ACTIONS OF THE CEO AND DELEGATE TO SUPPORT THE MWRC SUBMITTING AN EXPRESSION OF INTEREST FOR THE LOCAL ADAPTATION PATHWAYS PROGRAM GRANT ROUND 2**

CARRIED 7/1

10.5.4 PERFORMANCE REVIEW ON CHIEF EXECUTIVE OFFICER

DATE OF MEETING: 18th March 2009

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: 26 March, 2008

DATE AND AUTHOR: March 2009 – Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: OF Author has no disclosure of interest.

SUMMARY: Report raises matter that requires the performance of the CEO to be reviewed as required by Section 5.38 of the Local Government Act.

BACKGROUND: Section 5.38 of the Local Government Act states:

5.38. Annual review of certain employees' performances
The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Section 5.39 of the Local Government Act states, amongst other matters:

5.39. Contracts for CEO's and senior employees
(2) A contract under this section -

(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance;

My employment contract provides the following information as required by the Local Government Act, Section 5.39 (2) (b) –

1. PERFORMANCE CRITERIA

The following performance criteria applies to this contract:

- *Provide accurate and timely advice to council;*
- *Work in collaboration with council;*
- *Provide innovative and visionary leadership;*
- *Establishes effective networks;*
- *Maintains a work environment that facilitates the development of people and encourages them to perform at a high level;*
- *Ensure the effective and accountable application of financial and physical resources;*
- *Develops and implements change management strategies to enhance service delivery;*
- *Initiates the development, implementation and review of effective policies.*

These performance criteria may be varied and any other criteria may be included by agreement between the parties at any time during the term of this contract.

Regulation 18D, Local Government (Administration) Regulations 2696 states-

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

Clause 12.2 of my contract with Council states-

12.2 Salary (Cash Component)

12.2.1 The remuneration package referred to in subclause 12.1 shall be reviewed annually by Council with consideration given to the CPI index and award provisions. A review shall not result in a decrease in the remuneration package.

COMMENT:

I have attached a proforma that should assist Councillors to undertake that part of the review relating to performance. A separate copy will be provided to conduct the review if Council accepts the proforma.

The performance measures, in the proforma, are those that are listed in my contract of employment and have been copied above in the background. Following last years review there were no requests from Councillors to vary the performance criteria.

Generally these are returned to the President, collated and submitted, with the results of any remuneration negotiations, back to Council for acceptance, with or without modification, or to reject the review.

Council will need to consider how the review will be arranged following the return of the performance proforma, as the results should be discussed along with the remuneration package prior to submitting to full Council. Council may need to consider selecting a review "Panel" to report back to the April meeting.

CONSULTATION:
STATUTORY
ENVIRONMENT:

Local Government Act, Section 5.38
Local Government Act, Section 5.39
Local Government (Administration) Regulations

POLICY

There are no known policy implications at this time.

IMPLICATIONS:

FINANCIAL

There are no known financial implications at this time.

IMPLICATIONS:

STRATEGIC

There are no known strategic implications at this time.

IMPLICATIONS:

VOTING REQUIREMENT:

Simple majority

OFFICER

RECOMMENDATION

- THAT COUNCIL ASSESS THE PERFORMANCE OF THE CEO BY WAY OF THE ESTABLISHED PROFORMA, RETURN COMPLETED FORM TO THE PRESIDENT AND CONSIDER THE REVIEW PROCESS AND REPORT BACK TO THE APRIL MEETING OF COUNCIL.
- THAT A PANEL, CALLED "THE PERFORMANCE REVIEW PANEL" BE ESTABLISHED FOR THE PURPOSE OF REVIEWING THE PERFORMANCE OF THE CEO AND TO MAKE RECOMMENDATIONS TO COUNCIL AT THE APRIL MEETING. THE COMMITTEE SHALL CONSIST OF PRESIDENT, DEPUTY PRESIDENT, CRAND CR

Moved:

M Kerkmans

Seconded:

J L Freeman

COUNCIL DECISION:

- THAT COUNCIL ASSESS THE PERFORMANCE OF THE CEO BY WAY OF THE ESTABLISHED PROFORMA, RETURN COMPLETED FORM TO THE PRESIDENT AND CONSIDER THE REVIEW PROCESS AND REPORT BACK TO THE APRIL MEETING OF COUNCIL.
- THAT A PANEL, CALLED "THE PERFORMANCE REVIEW PANEL" BE ESTABLISHED FOR THE PURPOSE OF REVIEWING THE PERFORMANCE OF THE CEO AND TO MAKE RECOMMENDATIONS TO COUNCIL AT THE APRIL MEETING. THE PANEL SHALL CONSIST OF PRESIDENT, DEPUTY PRESIDENT, CR KERMANS AND CR FREEMAN.

CARRIED 8/0

0309.11	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
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Nil

0309.12	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN
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Nil

0309.13	DELEGATED AUTHORITY
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Nil

0309.14 CLOSURE OF MEETING

The President closed the meeting at 2:18pm.

These minutes were confirmed at a meeting on 22 April 2009:

Signed:

A J Messina, President

Date: