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MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF MULLEWA HELD IN THE COUNCIL CHAMBERS ON WEDNESDAY, 26 MARCH 2008.**0308.01 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1:10pm The President declared the meeting open.

0308.02 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 A J (Tony) Crudeli	(Central Ward)
Councillor K P (Kim) Keeffe	(South Ward)
Councillor A J (Andrew) Messina	(South Ward)

OFFICERS:

Mr T A (Tom) Hartman - Chief Executive Officer
Ms N J (Noelene) Holmes – Deputy Chief Executive Officer

APOLOGIES:

Councillor M D (Mick) Tierney	(Central Ward)
Councillor L J (Linda) Wainwright	(Central Ward)

LEAVE OF ABSENCE:

Nil

VISITORS

Nil

0308.03 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

0308.04 PUBLIC QUESTION TIME

Nil

0308.05 APPLICATIONS FOR LEAVE OF ABSENCE

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

COUNCIL DECISION: **THAT CR WAINWRIGHT BE GRANTED LEAVE OF ABSENCE FOR THE APRIL 2008 MEETING.**

CARRIED 7/0

0308.06 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved: *J L Freeman* **Seconded:** *A J Crudeli*

COUNCIL DECISION: **THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 20 FEBRUARY 2008, AS PRINTED BE CONFIRMED.**

CARRIED 7/0

0308.07 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

Nil

0308.08 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

0308.09 REPORTS OF COMMITTEES/MEMBERS**9.1 MULLEWA COMMUNITY TRUST – ALLOCATION OF FUNDS 2008**

DATE OF MEETING: 26 March 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: Mullewa Community Trust Committee

FILE REFERENCE: 808.05

PREVIOUS MINUTE/S & REFERENCE: March 2007.

DATE AND AUTHOR: Tom Hartman, Chief Executive Officer

DISCLOSURE OF Author has no disclosure of interest.

INTEREST: Report presents Minutes of the Mullewa Community Trust for endorsement.

SUMMARY

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 15th February 2008 and again on the 7th March 2008 to consider their funding allocation for 2008.

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

At the February meeting of Council it was resolved to increase the annual disbursement to \$60,000 for this funding round. The total amount requested from the Trust is \$58,442.55.

The committee also resolved to recommend to Council that in their opinion the Guidelines and Criteria should be reviewed. The committee considered that the criteria should reflect more flexibility to allow recommendations based on community benefit regarding specific projects and Council owned facilities and services that warrant funding in excess of the current \$10,000 limit per application per funding round. This recommendation will be subject of a separate report to Council at this meeting in the finance report.

CONSULTATION:

STATUTORY
ENVIRONMENT:
POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:

There are no known statutory implications at this time.

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 2008 DISTRIBUTION OF FUNDS FROM THE STRUCTURAL ADJUSTMENT FUND AS PRESENTED BE ENDORSED.

Moved:

J L Freeman

Seconded:

K P Keefe

COUNCIL DECISION:

THAT THE MINUTES OF THE MULLEWA COMMUNITY TRUST BE RECEIVED AND THAT THE 2008 DISTRIBUTION OF FUNDS FROM THE STRUCTURAL ADJUSTMENT FUND AS PRESENTED BE ENDORSED.

CARRIED 7/0

0308.10	REPORTS OF OFFICERS
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10.2 HEALTH, BUILDING AND TOWN PLANNING

10.2.1 SHIRE OF MULLEWA LOCAL PLANNING STRATEGY & LOCAL PLANNING SCHEME NO 2 DISTRICT SCHEME

DATE OF MEETING: 26 March 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 513.03

PREVIOUS MINUTE/S & REFERENCE: 26 October 2007

DATE AND AUTHOR: 10 March 2008 – Tom Hartman, Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of interest.

SUMMARY Report submits information to allow Council formally adopt Mullewa Local Planning Strategy and Planning Scheme No 2.

BACKGROUND: Local government is required by legislation to review town-planning schemes every five years. Since 2699, this includes the preparation of a local planning strategy to provide strategic planning direction for the next 15 years for the Shire.

The *local planning strategy* is a leadership document that can deal with issues of growth or decline and has the potential to provide clear direction to the Shire about priorities. It documents the history of the Shire, the current situation and issues, and makes recommendations about where the Shire would like to be in the next 10 to 15 years. As well as guiding decision-making associated with applications for development, the Shire of Mullewa can use it to seek funding and to attract investment to the area.

The *town-planning scheme* is a management document. It includes provisions standard to all schemes but also provides specific guidance on permitted development in the Shire of Mullewa and how applications for development will be handled in the next 5 to 8 years.

COMMENT: The Shire of Mullewa identified the need to prepare a town-planning scheme that covers the whole Shire as part of their Principle Activity Plan. The Department for Planning and Infrastructure have assisted the Shire to prepare the scheme and strategy through funding provided by the WAPC.

With respect to the preparation of the strategy, a workshop was held with Councillors during April 2006 to identify planning issues and consider the future direction of the Shire. Consultation occurred with other stakeholders and community members during May 2006, including advertising of Council's intentions to prepare a local planning strategy in the local paper, and mail out to stakeholders. As a result, one on one meetings with government and community organisations occurred during May 2006.

Preparation of the strategy has also involved: data collection, review and issue identification; an analysis of state, regional and local plans and policies; analysis of issues; and the preparation of draft strategies and

actions. A draft strategy was to be put to Council during July 2006, however, due to various reasons this did not happen. Discussions a few months ago with the Regional Planning Manager from DPI, resulted in the process being re-activated and Mr Denis Millan, DPI, Perth Office, assisted Council finalise the draft strategy and scheme preparation. At the 2007 October meeting Council resolved to **prepare** the Shire of Mullewa Local Planning Scheme No.2 for all lands wholly within the district. However, we have now been advised by DPI that this process was not required and Council only needs to formally **adopt** the Scheme and Strategy if satisfied with both documents.

The steps required now are for Council to adopt the Scheme and refer it to the EPA, with the notice of resolution and any supporting information, for comment. EPA, under its Act, is required to respond within 28 days. If EPA makes no comment the Scheme is forwarded to the WA Planning Commission requesting consent to advertise. This process is required as the Minister cannot grant consent for the Scheme to be advertised until EPA have had a look at it and responded.

Copies of the Planning Strategy and Scheme Text were previously provided with the October agenda and will be again tabled at the meeting.

CONSULTATION:

Chris Watt, Geraldton Branch - DPI

STATUTORY
ENVIRONMENT:

Planning and Development Act 2005.
Town Planning Regulations 2667
Environmental Protection Act 2686

POLICY
IMPLICATIONS:
FINANCIAL
IMPLICATIONS:
STRATEGIC
IMPLICATIONS:

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

IT IS RECOMMENDED THAT:

1. COUNCIL ADOPT THE DRAFT SHIRE OF MULLEWA TOWN PLANNING SCHEME No 2 DISTRICT SCHEME AND LOCAL PLANNING STRATEGY PURSUANT TO THE PLANNING AND DEVELOPMENT ACT 2005 AND REGULATION13 OF THE TOWN PLANNING REGULATIONS 2667 AND PROCEED TO FORWARD THE DOCUMENTS TO THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE SEEKING THE WESTERN AUSTRALIAN PLANNING COMMISSION'S AND HON.MINISTER FOR PLANNING AND INFRASTRUCTURE'S CONSENT TO ADVERTISE.
2. PRIOR TO THE ADVERTISING CONSENT BEING REQUESTED FORWARD NOTICE OF THE RESOLUTION TO ADOPT THE SCHEME AND A COPY OF THE SCHEME AND STRATEGY TO THE ENVIRONMENTAL PROTECTION AUTHORITY TO DETERMINE WHETHER THE SCHEME SHOULD BE FORMALLY ASSESSED OR NOT.
3. DELEGATE TO THE CHIEF EXECUTIVE OFFICER TO

UNDERTAKE MINOR MODIFICATIONS THAT DO NOT AFFECT OR AMEND THE INTENT OF THE DOCUMENT AS MAY BE REQUIRED BY THE WESTERN AUSTRALIAN PLANNING COMMISSION OR MINISTER FOR PLANNING AND INFRASTRUCTURE PRIOR TO ADVERTISING CONSENT BEING GRANTED.

Moved: J L Freeman **Seconded:** A J Crudeli

- COUNCIL DECISION:**
1. **COUNCIL ADOPT THE DRAFT SHIRE OF MULLEWA TOWN PLANNING SCHEME No 2 DISTRICT SCHEME AND LOCAL PLANNING STRATEGY PURSUANT TO THE PLANNING AND DEVELOPMENT ACT 2005 AND REGULATION13 OF THE TOWN PLANNING REGULATIONS 2667 AND PROCEED TO FORWARD THE DOCUMENTS TO THE DEPARTMENT FOR PLANNING AND INFRASTRUCTURE SEEKING THE WESTERN AUSTRALIAN PLANNING COMMISSION'S AND HON.MINISTER FOR PLANNING AND INFRASTRUCTURE'S CONSENT TO ADVERTISE.**
 2. **PRIOR TO THE ADVERTISING CONSENT BEING REQUESTED FORWARD NOTICE OF THE RESOLUTION TO ADOPT THE SCHEME AND A COPY OF THE SCHEME AND STRATEGY TO THE ENVIRONMENTAL PROTECTION AUTHORITY TO DETERMINE WHETHER THE SCHEME SHOULD BE FORMALLY ASSESSED OR NOT.**
 3. **DELEGATE TO THE CHIEF EXECUTIVE OFFICER TO UNDERTAKE MINOR MODIFICATIONS THAT DO NOT AFFECT OR AMEND THE INTENT OF THE DOCUMENT AS MAY BE REQUIRED BY THE WESTERN AUSTRALIAN PLANNING COMMISSION OR MINISTER FOR PLANNING AND INFRASTRUCTURE PRIOR TO ADVERTISING CONSENT BEING GRANTED.**

CARRIED 7/0

10.4 FINANCE AND GENERAL PURPOSE

10.4.1 MID WEST REGIONAL COUNCIL ESTABLISHMENT AGREEMENT- PROPOSED AMMENDMENT

DATE OF MEETING: 26 March 2008
 LOCATION/ADDRESS: -
 NAME OF APPLICANT: -
 FILE REFERENCE: -
 PREVIOUS MINUTE/S & REFERENCE: -26 September 2007
 DATE AND AUTHOR: 10 March 2008 – Tom Hartman, Chief Executive Officer

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

SUMMARY: The MWRC requests Council consideration to amend the Establishment Agreement to increase the withdrawal period by 12 months, and, other matters.

BACKGROUND: A copy of the letter received from the CEO of the MWRC is attached at **APPENDIX A**. Also attached at **APPENDIX B**, is a copy of the item presented to the last meeting of the MWRC held in Morawa on 5 March 2008.

COMMENT: The matter of amending the establishment agreement has been under discussion since Council was requested to consider the matter at its meeting on September 26, 2007. A copy of that report and decision is attached at **APPENDIX C**.

Following the return of the MWRC member Councils decisions, at the time, there was not any clear uniformity. The matter therefore was submitted to the TAG meeting in November whereby a recommendation was proposed and was to be submitted to the February meeting of the MWRC. I note in the report considered at the recent meeting in Morawa that there was a consensus at the December Discussion session that the Coorow proposal be adopted; however the notes from that meeting do not indicate that this was the case. It was clear that there was consensus at the February Discussion Session to adopt the Coorow proposal. This proposal differs to that recommended by the TAG.

Council has indicated to me in past discussions on this matter that there is some concern with amending the establishment agreement.

There has also been concern raised that the MWRC Strategic Plan is restrictive regarding staff resources. Council has suggested that the wording in priority 3, goal 3, should be amended by removing the word "strict" and replace with "clear and concise" and remove the words "will occur" and replace with "be considered", and; in the Regional Organisational Structure, in the shaded area, remove the word "will" and replace with the words "consider to". These changes should allow individual Council's to make the decision without a perceived restriction. Council may wish to consider the above in relation to item 5 in the MWRC report.

CONSULTATION: President

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 1. THAT COUNCIL CONSIDERS THE APPROACH FROM THE MWRC REGARDING THE FOLLOWING MATTERS:

COUNCIL APPROACH ALL MEMBER SHIRES SEEKING APPROVAL TO AMEND CLAUSE 13.2 OF THE MWRC ESTABLISHMENT AGREEMENT TO THE FOLLOWING:

- o CLAUSE 13.2 – SUBJECT TO CLAUSE 13.3, THE WITHDRAWAL OF A PARTICIPANT IS TO TAKE EFFECT TWO FINANCIAL YEARS AFTER THE END OF THE FINANCIAL YEAR IN WHICH NOTICE OF WITHDRAWAL UNDER CLAUSE

13.1 IS GIVEN.

2. THE MWRC PROVIDE SHIRES WITH ANNUAL THREE YEAR IN ADVANCE FORECASTS TO GIVE MEMBER SHIRES SOME RATIONALE UPON WHICH FUTURE CONTRIBUTIONS ARE BASED. THIS DOCUMENT SHOULD ALSO PROVIDE THE MWRC AND ITS MEMBER SHIRES WITH FORECAST PREDICTIONS ON POSSIBLE BREAK-EVEN, DEFICIT AND SURPLUS SCENARIOS FOR FUTURE YEARS.

THE MWRC IS TO ALLOCATE FUNDING ANNUALLY TO CO-OPT THE SERVICES OF A FINANCIAL ADVISOR CONSULTANCY SERVICE TO ASSIST THE MWRC STAFF AS NEEDED FOR THE DEVELOPMENT OF THE FINANCIAL FORECAST DOCUMENT.

FUNDS ALLOCATED IN THE "CONSULTANCY" BUDGET FOR 2007/2008 ARE TO BE UTILISED TO ASSIST WITH THE FORECAST THIS YEAR

3. THE MWRC CEO IS DELEGATED AUTHORITY TO LODGE A CONNECTING LOCAL GOVERNMENT (CLG) GRANT APPLICATION BASED UPON THE ON-GOING FINANCIAL COMMITMENTS REQUIRED OF MEMBER SHIRES UNDER THE ESTABLISHMENT AGREEMENT AS THEIR MATCHING CONTRIBUTIONS FOR THE GRANT. THIS APPLICATION BE FOR ANY OF THE SERVICE(S)/PROJECT(S) IDENTIFIED IN THE MWRC'S STRATEGIC PLAN E.G.

- a. ICT STANDARDISATION;
- b. ESTABLISHING A PLANT & VEHICLE MANAGEMENT BUREAU SERVICE;
- c. ESTABLISHING A FINANCE & ACCOUNTING SERVICE;
- d. ESTABLISHING A RATE, PROPERTY & DEBT COLLECTION SERVICE WITH WALGA);
- e. DEVELOPING A SERVICE AGREEMENT WITH MAIN ROADS WA FOR AN INTEGRATED SERVICE DELIVERY UNIT;
- f. REGIONAL ROAD CONSTRUCTION & MAINTENANCE PROGRAMS;
- g. RANGER/MUNICIPAL EMPLOYEE SERVICES;
- h.

4. THE MWRC DEVELOP A POLICY WHICH DOES NOT LOCK ANY FUTURE CONTRACTS (E.G. EMPLOYEE OR COMMERCIAL CONTRACTS, SERVICE DELIVERY AGREEMENTS, ETC) INTO THE EARLIEST POSSIBLE WITHDRAWAL DATE IDENTIFIED IN THE ESTABLISHMENT AGREEMENT AS IT IS NOT THE INTENT OF THE AGREEMENT TO BE CONSIDERED A FINITE DATE OF THE MWRC'S EXISTENCE.

- i. PLANNING/EHOB0 SERVICES;

5. WITH THE ASSISTANCE OF A CONSULTANT, THE MWRC IS TO DEVELOP A CLEAR AND CONCISE PROCEDURE / PROTOCOL FOR THE IMPLEMENTATION OF THE STRATEGIC PLAN FOR THE RATIONALISATION OF SENIOR STAFF. THIS IS TO PROVIDE INDIVIDUAL SHIRES WITH DIRECTION AND ASSISTANCE ON HOW

THEY CAN PROGRESS THE RATIONALISATION OF SENIOR STAFF WITHIN THEIR ORGANISATIONS, EITHER VIA NATURAL STAFF ATTRITIONS, OR AT ANY OTHER TIME THEY CONSIDER SUCH RATIONALISATION NECESSARY.

Moved: *J L Freeman* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **1. THAT COUNCIL DOES NOT SUPPORT THE CHANGE TO CLAUSE 13.2 OF THE MWRC ESTABLISHMENT AGREEMENT.**

CARRIED 7/0

Moved: *J L Freeman* **Seconded:** *K P Keeffe*

COUNCIL DECISION: **2. THAT COUNCIL APPROVE THE MWRC PROVIDE SHIRES WITH ANNUAL THREE YEAR IN ADVANCE FORECASTS TO GIVE MEMBER SHIRES SOME RATIONALE UPON WHICH FUTURE CONTRIBUTIONS ARE BASED. THIS DOCUMENT SHOULD ALSO PROVIDE THE MWRC AND ITS MEMBER SHIRES WITH FORECAST PREDICTIONS ON POSSIBLE BREAK-EVEN, DEFICIT AND SURPLUS SCENARIOS FOR FUTURE YEARS.**

THE MWRC IS TO ALLOCATE FUNDING ANNUALLY TO CO-OPT THE SERVICES OF A FINANCIAL ADVISOR CONSULTANCY SERVICE TO ASSIST THE MWRC STAFF AS NEEDED FOR THE DEVELOPMENT OF THE FINANCIAL FORECAST DOCUMENT.

FUNDS ALLOCATED IN THE "CONSULTANCY" BUDGET FOR 2007/2008 ARE TO BE UTILISED TO ASSIST WITH THE FORECAST THIS YEAR

CARRIED 7/0

Moved: *J L Freeman* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **3. THAT COUNCIL APPROVE THE MWRC CEO IS DELEGATED AUTHORITY TO LODGE A CONNECTING LOCAL GOVERNMENT (CLG) GRANT APPLICATION BASED UPON THE ON-GOING FINANCIAL COMMITMENTS REQUIRED OF MEMBER SHIRES UNDER THE ESTABLISHMENT AGREEMENT AS THEIR MATCHING CONTRIBUTIONS FOR THE GRANT. THIS APPLICATION BE FOR ANY OF THE SERVICE(S)/PROJECT(S) IDENTIFIED IN THE MWRC'S STRATEGIC PLAN E.G.**

- j. ICT STANDARDISATION;**
- k. ESTABLISHING A PLANT & VEHICLE MANAGEMENT BUREAU SERVICE;**
- l. ESTABLISHING A FINANCE & ACCOUNTING SERVICE;**
- m. ESTABLISHING A RATE, PROPERTY & DEBT COLLECTION SERVICE WITH WALGA);**
- n. DEVELOPING A SERVICE AGREEMENT WITH MAIN ROADS WA FOR AN INTEGRATED SERVICE DELIVERY UNIT;**
- o. REGIONAL ROAD CONSTRUCTION & MAINTENANCE PROGRAMS;**

- p. RANGER/MUNICIPAL EMPLOYEE SERVICES;
q. PLANNING/EHOB0 SERVICES;

CARRIED 7/0

Moved: *J L Freeman* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **4. THAT COUNCIL APPROVE THE MWRC DEVELOP A POLICY WHICH DOES NOT LOCK ANY FUTURE CONTRACTS (E.G. EMPLOYEE OR COMMERCIAL CONTRACTS, SERVICE DELIVERY AGREEMENTS, ETC) INTO THE EARLIEST POSSIBLE WITHDRAWAL DATE IDENTIFIED IN THE ESTABLISHMENT AGREEMENT AS IT IS NOT THE INTENT OF THE AGREEMENT TO BE CONSIDERED A FINITE DATE OF THE MWRC'S EXISTENCE.**

CARRIED 7/0

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

COUNCIL DECISION: **5. THAT COUNCIL APPROVE WITH THE ASSISTANCE OF A CONSULTANT, THE MWRC IS TO DEVELOP A CLEAR AND CONCISE PROCEDURE / PROTOCOL FOR THE IMPLEMENTATION OF THE STRATEGIC PLAN FOR THE RATIONALISATION OF SENIOR STAFF. THIS IS TO PROVIDE INDIVIDUAL SHIRES WITH DIRECTION AND ASSISTANCE ON HOW THEY CAN PROGRESS THE RATIONALISATION OF SENIOR STAFF WITHIN THEIR ORGANISATIONS, EITHER VIA NATURAL STAFF ATTRITIONS, OR AT ANY OTHER TIME THEY CONSIDER SUCH RATIONALISATION NECESSARY, **SUBJECT TO THE STRATEGIC PLAN WORDING IN PRIORITY 3, GOAL 3, BEING AMENDED BY REMOVING THE WORD "STRICT" AND REPLACING IT WITH "CLEAR AND CONCISE" AND REMOVE THE WORDS "WILL OCCUR" AND REPLACE WITH "BE CONSIDERED", AND; IN THE REGIONAL ORGANISATION STRUCTURE, IN THE SHADED AREA, REMOVE THE WORD "WILL" AND REPLACE WITH THE WORDS "CONSIDER TO".****

CARRIED 7/0

10.4.2 MULLEWA COMMUNITY TRUST CRITERIA & GUIDELINES REVIEW

DATE OF MEETING: 26 March 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: 808.05

PREVIOUS MINUTE/S & REFERENCE: MCT 7th March 2008

DATE AND AUTHOR: 10 March 2008 – Tom Hartman, Chief Executive Officer

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

This report raises the recent recommendation from the Mullewa Community Trust regarding a review of the Trust criteria and guidelines.

BACKGROUND:	Reference is made to the Mullewa Community Trust Criteria and Guidelines which provides intending applicants with relevant details and operations of the Trust. The Committee of the Mullewa Community Trust have recommended that the MCT criteria and guidelines be reviewed to allow more flexibility regarding Council owned facilities and or services and removing the current limit on funding for projects that may warrant funds in excess of the current limit of \$10,000.
COMMENT:	Councillors would be in receipt of the Mullewa Community Trust Guidelines and Agreement as requested at the March 2006 meeting. Spare copies will be tabled at the meeting for those new councillors.
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 AUTHORISE THE CHIEF EXECUTIVE OFFICER TO REVIEW THE MULLEWA COMMUNITY TRUST CRITERIA AND GUIDELINES WITH THE VIEW OF AMENDING THE DOCUMENTS TO TAKE ACCOUNT OF THE MULLEWA COMMUNITY TRUST COMMITTEE RECOMMENDATIONS AND SUBMIT TO COUNCIL FOR CONSIDERATION PRIOR TO THE NEXT FUNDING ROUND.

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

COUNCIL DECISION: **THAT COUNCIL AUTHORISE THE CHIEF EXECUTIVE OFFICER TO REVIEW THE MULLEWA COMMUNITY TRUST CRITERIA AND GUIDELINES WITH THE VIEW OF AMENDING THE DOCUMENTS TO TAKE ACCOUNT OF THE MULLEWA COMMUNITY TRUST COMMITTEE RECOMMENDATIONS AND SUBMIT TO COUNCIL FOR CONSIDERATION PRIOR TO THE NEXT FUNDING ROUND.**

CARRIED 7/0

10.4.3 STATEMENT OF FINANCIAL ACTIVITY

DATE OF MEETING:	26 March 2008
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	-
DATE AND AUTHOR:	Noelene Holmes, Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Author has no disclosure of interest.
SUMMARY:	
BACKGROUND:	Financial Management Regulation 34 requires a local government to prepare a 'Statement of Financial Activity' reporting on the sources and

applications of funds on a monthly basis.

COMMENT: Attached at **APPENDIX D** is the Statement of Financial Activity for February 2008.

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 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 THE STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTH OF FEBRUARY 2008 BE RECEIVED.

Moved:

A J Crudeli

Seconded:

K P Keefe

COUNCIL DECISION:

THAT THE STATEMENTS OF FINANCIAL ACTIVITY FOR THE MONTH OF FEBRUARY 2008 BE RECEIVED.

CARRIED 7/0

10.4.4 FINANCE REPORT 29TH FEBRUARY 2008

DATE OF MEETING: 26 March 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR:

Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST:

Author has no disclosure of interest.

SUMMARY

BACKGROUND:

COMMENT:

BANK RECONCILIATION

The Bank Reconciliation for the month of February 2008 is listed below at **APPENDIX E**. The CDA account is a Cash Deposit Account where excess Municipal funds are transferred to obtain maximum interest. This account attracts an interest rate of 6%.

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 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 THE FINANCE REPORT FOR THE PERIOD ENDED 29TH FEBRUARY 2008 BE RECEIVED.

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

COUNCIL DECISION: **THAT THE FINANCE REPORT FOR THE PERIOD ENDED 29TH FEBRUARY 2008 BE RECEIVED.**

CARRIED 7/0

10.4.5 ACCOUNTS FOR PAYMENT

DATE OF MEETING: 26 March 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE: -

PREVIOUS MINUTE/S & REFERENCE: -

DATE AND AUTHOR: Noelene Holmes, Deputy Chief Executive Officer

DISCLOSURE OF INTEREST: Author has no disclosure of 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 \$ 247,807.27 covers the following:

Municipal Account

Cheque No.	9755 – 9786	\$	80,766.38
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Electronic Fund Trans	3959 – 4011	\$	110,284.84
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Payroll & Fees	VARIOUS	\$	56,486.36
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Trust Account

Cheque No.	339 – 340	\$	180.00
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Total:		\$	247,807.27
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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 **THAT THE ACCOUNTS FOR PAYMENT LISTED ON THE SCHEDULE**

RECOMMENDATION AS PRESENTED BE PASSED FOR PAYMENT.

Municipal Account

Cheque No.	9755 – 9786	\$ 80,766.38
Electronic Fund Trans	3959 – 4011	\$ 110,284.84
Payroll & Fees	VARIOUS	\$ 56,486.36

Trust Account

Cheque No.	339 – 340	\$ 180.00
Total:		\$ 247,807.27

Moved: *M Kerkmans* **Seconded:** *B I N Thomas*

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

Municipal Account

Cheque No.	9755 – 9786	\$ 80,766.38
Electronic Fund Trans	3959 – 4011	\$ 110,284.84
Payroll & Fees	VARIOUS	\$ 56,486.36

Trust Account

Cheque No.	339 – 340	\$ 180.00
Total:		\$ 247,807.27

CARRIED 7/0

10.4.6 DONATION – REQUEST FOR

DATE OF MEETING: 26 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 IMPLICATIONS: There are no known policy implications at this time.

FINANCIAL IMPLICATIONS: There is provision in the 07/08 Budget for donations.

STRATEGIC IMPLICATIONS: Mullewa is represented at the Perth Royal Show

VOTING REQUIREMENT: Simple majority

OFFICER RECOMMENDATION THAT THE COUNCIL DONATE THE SUM OF \$200 TO THE MID WEST GROUP OF AFFILIATED AGRICULTURAL SOCIETIES FOR THE PURPOSE OF PRESENTING A DISPLAY AT THE 2008 PERTH ROYAL SHOW

Moved: *Andrew J Messina* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **THAT THE COUNCIL DONATE THE SUM OF \$200 TO THE MID WEST GROUP OF AFFILIATED AGRICULTURAL SOCIETIES FOR THE PURPOSE OF PRESENTING A DISPLAY AT THE 2008 PERTH ROYAL SHOW; AND THAT THE FUNDS BE SOURCED FROM INTEREST EARNED FROM THE MULLEWA COMMUNITY TRUST.**

CARRIED 7/0

10.4.7 FEES AND CHARGES – CONSIDERATION OF

DATE OF MEETING: 26 March 2008

LOCATION/ADDRESS: -

NAME OF APPLICANT: -

FILE REFERENCE:

PREVIOUS MINUTE/S & REFERENCE: —

DATE AND AUTHOR: 12th March 2008 - 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 F** is the table of fees and charges to be considered. Most fees have been increased by 3% to avoid a major increase in future years. Due to new pricing it has been necessary to increase the charge for dual bronze plaques for the cemetery from \$400 to \$512.

Consideration has been given to the pricing of the fee where this service is provided within the community.

There has been no increase applied to the swimming pool entry fees, as it could be perceived that the fees have been increased to compensate for the free entry over Christmas school holidays.

CONSULTATION:	
STATUTORY ENVIRONMENT:	Local Government Act 2695 S6.16 – Imposition 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 08/09 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 2008/2009 DRAFT BUDGET.
Moved:	<i>J L Freeman</i> Seconded: <i>B I N Thomas</i>
COUNCIL DECISION:	THAT THE TABLE OF FEES AND CHARGES AS PRESENTED BE CONSIDERED FOR INCLUSION IN THE 2008/2009 DRAFT BUDGET.

CARRIED 7/0

10.5 CHIEF EXECUTIVE OFFICERS REPORT

10.5.1 PERFORMANCE REVIEW ON CHIEF EXECUTIVE OFFICER

DATE OF MEETING:	26 March 2008
LOCATION/ADDRESS:	-
NAME OF APPLICANT:	-
FILE REFERENCE:	-
PREVIOUS MINUTE/S & REFERENCE:	21 March, 2007
DATE AND AUTHOR:	10 March 2008 – Tom Hartman, Chief Executive Officer
DISCLOSURE OF INTEREST:	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: <i>5.38. Annual review of certain employees' performances</i> <i>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.</i> Section 5.39 of the Local Government Act states, amongst other matters: <i>5.39. Contracts for CEO's and senior employees</i> <i>(2) A contract under this section -</i> <i>(b) there are specified in the contract performance criteria for the purpose of reviewing the person's performance;</i>

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 “committee” 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 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 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.

Moved: *B I N Thomas* **Seconded:** *M Kerkmans*

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.**

CARRIED 7/0

Moved: *B I N Thomas* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **THAT A COMMITTEE, 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, CR KERKMANS AND CR FREEMAN.**

CARRIED BY ABSOLUTE MAJORITY 7/0

Meeting adjourned: 3:05pm – 3:30pm

0308.10	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING
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Moved: *J L Freeman* **Seconded:** *M Kerkmans*

COUNCIL DECISION: **THAT THE FOLLOWING ITEM TO BUY A SECONDHAND TRUCK TO REPLACE THE EXISTING WATER TRUCK BE INTRODUCED AS BUSINESS OF AN URGENT NATURE.**

CARRIED 7/0

1. SECONDHAND TRUCK

Moved: *M Kerkmans* **Seconded:** *Andrew J Messina*

COUNCIL DECISION: **THAT COUNCIL DECLINE TO PURCHASE A SECONDHAND TRUCK, AS TABLED, TO REPLACE THE EXISTING WATER TRUCK; AND THAT A NEW TRUCK BE CONSIDERED IN THE 2008/2009 BUDGET.**

CARRIED 7/0

0308.11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

0308.12 DELEGATED AUTHORITY

Nil

0308.13 CLOSURE OF MEETING

The President closed the meeting at 3:40pm.

These minutes were confirmed at a meeting on 16 April 2008:

Signed:

A J Messina, President

Date: