

Shire of Tammin

ORDINARY COUNCIL MEETING

MINUTES



NOTICE OF MEETING

Dear Elected Member

The ordinary meeting of the Shire of Tammin was held on **Thursday July 26th, 2018** in the Council Chambers, 1 Donnan St, Tammin, commencing at **5:09pm**.

Neville Hale
Chief Executive Officer

MISSION STATEMENT

"Together with the people of Tammin we will provide leadership, vision and progress to achieve sustainability and growth"

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 5:09pm.

2. PRESENT / IN ATTENDANCE / LEAVE OF ABSENCE PREVIOUSLY GRANTED / APOLOGIES

Present:

Cr M Greenwood	Shire President
Cr D Thomson	Deputy President
Cr G Batchelor	Member
Cr T Daniels	Member

In Attendance:

Neville Hale	Chief Executive Officer
Kelsey Pryer	Manager Finance & Administration

Leave of Absence previously granted:

Nil

Apologies:

Cr N Caffell	Member
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3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 Ordinary Council Meeting Minutes

TSC 65/18 MOTION

That the Minutes of the Ordinary Council Meeting held on 28th June 2018 be confirmed as a true record of proceedings

Moved: Cr Daniels

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 4/0

7.2 Joint (Shire of Tammin & Shire of Cunderdin) Committee Meeting Minutes

TSC 66/18 MOTION

That the Minutes of the Joint Committee meeting, between the Shires of Tammin and Cunderdin, held on 16th July 2018 be received for information.

Moved: Cr Thomson

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 4/0

8. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

Nil

9. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

Nil

10. MATTERS FOR CONSIDERATION – FINANCE

10.1 List of Payments for June 2018

Location:	Shire of Tammin
Applicant:	Administration / Finance Officer
Date:	11 th July 2018
Author:	Georgie Crane
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	FIN05
Attachment/s:	Attachment Item 10.1 - Credit Card Statement 28.04.2018 – 28.05.2018

Background

Accounts paid for June 2018 is listed totaling:

Cheque numbers	6697 - 6701	\$11,679.08
Direct debit payments	01/06/18 – 30/06/18	\$8,189.54
Licensing transfers	01/06/18 – 30/06/18	\$8,936.35
Bank fees	01/06/18 – 30/06/18	\$250.47
VISA payments	01/06/18 – 30/06/18	\$3,069.30
EFT payments	EFT 2260 - 2322	\$254,111.84
Salaries and Wages	01/06/18 – 30/06/18	\$54,269.53
Total payments	01/06/18 – 30/06/18	\$340,506.11

Comment

Nil

Financial Implications

Directly impacts the Shire of Tammin 2017/2018 Operating Budget

Policy Implications

Nil

Statutory Implications

Local Government (Financial Management) Regulations 1996

11. Payment of accounts

- (1) A local government is to develop procedures for the authorisation of, and the payment of, accounts to ensure that there is effective security for, and properly authorised use of —
 - a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
 - b) Petty cash systems.
- (1) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.
- (2) Payments made by a local government —
 - a) Subject to sub-regulation (4), are not to be made in cash; and
 - b) Are to be made in a manner which allows identification of —
 - (i) The method of payment;
 - (ii) The authority for the payment; and
 - (iii) The identity of the person who authorised the payment.
- (3) Nothing in sub-regulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

[Regulation 11 amended in Gazette 31 Mar 2005 p. 1048.]

12. Payments from municipal fund or trust fund

- (1) A payment may only be made from the municipal fund or the trust fund —
 - a) If the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
 - b) Otherwise, if the payment is authorised in advance by a resolution of the council.
- (2) The council must not authorise a payment from those funds until a list prepared under regulation 13(2) containing details of the accounts to be paid has been presented to the council.

[Regulation 12 inserted in Gazette 20 Jun 1997 p. 2838.]

13. Lists of accounts

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
 - a) The payee's name;
 - b) The amount of the payment;
 - c) The date of the payment; and
 - d) Sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
 - a) For each account which requires council authorisation in that month —
 - (i) The payee's name;
 - (ii) The amount of the payment; and
 - (iii) Sufficient information to identify the transaction; and
 - b) The date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under sub-regulation (1) or (2) is to be —

- a) *Presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- b) *Recorded in the minutes of that meeting.*

Strategic Plan Implications

Nil

Community Consultation

Nil

TSC 67/18 MOTION

That Council notes that during the month of June 2018, the Chief Executive Officer has made the following payments.

Municipal Fund payments totaling \$340,506.11 on licensing transactions, bank fees, EFT, Cheques, Visa, Direct Debit and salaries and wages payments.

Moved: Cr Greenwood

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 4/0

Ref	Date	Name	Description	Amount
Licensing Transfer				
36	01/06/2018	Department of Transport	Daily licensing transactions	\$407.45
36	14/06/2018	Department of Transport	Daily licensing transactions	\$3,338.75
36	18/06/2018	Department of Transport	Daily licensing transactions	\$266.80
36	21/06/2018	Department of Transport	Daily licensing transactions	\$1,274.70
36	25/06/2018	Department of Transport	Daily licensing transactions	\$620.95
36	27/06/2018	Department of Transport	Daily licensing transactions	\$857.50
36	29/06/2018	Department of Transport	Daily licensing transactions	\$401.60
36	07/06/2018	Department of Transport	Daily licensing transactions	\$724.90
36	08/06/2018	Department of Transport	Daily licensing transactions	\$786.45
36	11/06/2018	Department of Transport	Daily licensing transactions	\$158.35
36	13/06/2018	Department of Transport	Daily licensing transactions	\$98.90
			Subtotal	\$8,936.35
Bank Fees				
36	29/06/2018	MERCHANT FEES	MERCHANT FEES	\$22.00
36	29/06/2018	BANK FEES	ACCOUNT FEES	\$40.40
36	29/06/2018	BANK FEES	ACCOUNT FEES	\$20.00
36	01/06/2018	MERCHANT FEES	MERCHANT FEES	\$22.00
36	06/06/2018	BANK FEES	NAB CONNECT FEE APRIL 2018	\$33.24
36	05/06/2018	BANK FEES	NAB TRANSACT FEE	\$4.90
36	04/06/2018	MERCHANT FEES	CBA MERCHANT FEES	\$70.44
36	26/06/2018	BANK FEES	NAB CONNECT FEE	\$37.49
			Subtotal	\$250.47
EFT Payments				
EFT2260	08/06/2018	Adapt Electrical Solutions	Switchboard upgrade at Tammin Golf Club	\$2,729.64
EFT2261	08/06/2018	Ag Implements	Parts for John Deer lawn mower	\$88.33
EFT2262	08/06/2018	Avon Waste	Account charges for May 2018	\$2,393.56
EFT2263	08/06/2018	Eastern District Panel Beaters & Radiator Specialists Inc.	Replace windscreen on 1TN	\$300.00
EFT2264	08/06/2018	IT Vision	Monthly Synergysoft fee for May 2018	\$2,007.86
EFT2265	08/06/2018	LGRCEU	Payroll deductions	\$61.50
EFT2266	08/06/2018	Landgate	Rural Uv's chargeable	\$65.50
EFT2267	08/06/2018	Marketforce	Strategic Community Plan advertising	\$753.19
EFT2268	08/06/2018	Michael Greenwood	Reimbursement for NGA Conference expenses	\$1,620.64
EFT2269	08/06/2018	NJ Humphrey Photography	Councillor and CEO photo's	\$750.00
EFT2270	08/06/2018	Northam Carpet Court	Tamma Village Unit 5 - Remove and replace carpet	\$2,875.00
EFT2271	08/06/2018	Officeworks	Depot and public toilet items	\$144.93
EFT2272	08/06/2018	Perfect Computer Solutions	5 Port ethernet cord adapter	\$180.00
EFT2273	08/06/2018	Regional Concrete & Plumbing	Conduct annual backflow testing	\$7,227.00
EFT2274	08/06/2018	Rubek Automatic Doors	Battery for Admin sliding door	\$81.40
EFT2275	08/06/2018	STS West	Vehicle tyre repairs	\$867.50
EFT2276	08/06/2018	Tammin Hotel	Refreshments for Council meetings	\$40.00
EFT2277	08/06/2018	Telstra	Telstra charges	\$1,507.85
EFT2278	08/06/2018	WA Contract Ranger Services Pty Ltd	Ranger services - 08/05, 15/05 & 25/05	\$935.00
EFT2279	08/06/2018	Wheatbelt Office and Business Machines	Fuji xerox meter reading for May 2018	\$536.34
EFT2280	08/06/2018	Wheatbelt Renovations	Unit maintenance in Unit 5, Tamma Village	\$8,831.66
EFT2281	14/06/2018	Adapt Electrical Solutions	Find electrical fault in Admin office	\$434.10
EFT2282	14/06/2018	Australia Post	Account charges for May 2018	\$185.35
EFT2283	14/06/2018	Conway Highbury Pty Ltd	To undertake Local Law Review	\$4,479.75
EFT2284	14/06/2018	Covs Parts Pty Ltd	Vehicle parts	\$63.14
EFT2285	14/06/2018	Dennis Heppell	Concrete footing for playground upgrade at Donnan Park	\$891.00
EFT2286	14/06/2018	F-111 Engineering Pty Ltd	Komatsu Grader - 3000 hour service	\$2,200.00
EFT2287	14/06/2018	Moore Stephens	WALGA Tax PAYG - Additional Workshop - Kelsey Pryer	\$660.00
EFT2288	14/06/2018	Plastic Card Customization	2018/19 Tip passes	\$627.66
EFT2289	14/06/2018	Quairading Earthmoving	Plant hire and gravel supply	\$14,492.50
EFT2290	14/06/2018	Regional Concrete & Plumbing	Plumbing repairs at 5 Nottage Way	\$311.30
EFT2291	14/06/2018	Wheatbelt Renovations	Maintenance at Tamma Village	\$1,063.70
EFT2292	21/06/2018	Baxters Rural Centre	Supply and install new hose for TN251	\$1,582.56
EFT2293	21/06/2018	Conway Highbury Pty Ltd	Consultancy services - local law review	\$2,436.50
EFT2294	21/06/2018	Courier Australia	Depot consumables	\$20.88
EFT2295	21/06/2018	DKT Rural Agencies	Drainage pipes and other materials for Walston Street	\$2,257.90
EFT2296	21/06/2018	David Thomas Rees	Reimbursement for vacuum parts	\$351.25
EFT2297	21/06/2018	Farmways Kellerberrin	Paint and other materials for Unit 3, Tamma Village	\$726.88
EFT2298	21/06/2018	Gull Tammin Roadhouse	Account charges for May 2018	\$109.85
EFT2299	21/06/2018	Kellerberrin Farmers Co-Operative	Account charges for May 2018	\$73.36
EFT2300	21/06/2018	Kleenheat Gas	Account charges for May 2018	\$77.43
EFT2301	21/06/2018	Merredin Glazing Service	Supply and fit new glass to door of Komatsu Grader	\$1,243.00

EFT2302	21/06/2018	Northam Carpet Court	Supply and install plank and carpet in Admin Office	\$10,400.00
EFT2303	21/06/2018	P. J. Moore Painter & Decorator	Paint throughout the Administration Office	\$15,191.00
EFT2304	21/06/2018	Perfect Computer Solutions	Computer maintenance	\$467.50
EFT2305	21/06/2018	Prestige Alarms	Service call, repairs and general checkup	\$830.50
EFT2306	21/06/2018	Synergy	Electricity charges	\$5,424.30
EFT2307	21/06/2018	Wheatbelt Plumbing & Gas	Cut and seal hose tap for pavilion renovations	\$231.00
EFT2308	21/06/2018	Wright Express Australia Pty Ltd (Puma)	Account charges for May 2018	\$6,466.34
EFT2309	28/06/2018	Australian Taxation Office - BAS	May 2018 BAS	\$23,649.00
EFT2310	28/06/2018	Baxters Rural Centre	Switch for Luigong Loader aircon	\$329.30
EFT2311	28/06/2018	Chefmaster Australia	Roadside litter bags	\$126.70
EFT2312	28/06/2018	Dual Building Services	Removal of wall and ceiling installation at Pavilion	\$17,105.00
EFT2313	28/06/2018	Eastern Hills Saws & Mowers Pty Ltd	Clutch spring for chainsaw	\$3.50
EFT2314	28/06/2018	LGRCEU	Payroll deductions	\$123.00
EFT2315	28/06/2018	Officeworks	3 x Boxes of jumbo toilet rolls	\$155.71
EFT2316	28/06/2018	Regional Concrete & Plumbing	Supply and lay concrete at Tammin Pavilion	\$6,678.67
EFT2317	28/06/2018	Shire of Cunderdin	Shared CEO services - April, May & June	\$41,571.20
EFT2318	28/06/2018	Telstra	iPad and mobile phone charges	\$707.89
EFT2319	28/06/2018	The Workwear Group Pty Ltd	Work uniform samples	\$486.22
EFT2320	28/06/2018	Twinkarri	Various tree and vegetation clearing	\$48,598.00
EFT2321	28/06/2018	WA Contract Ranger Services Pty Ltd	Ranger services - 07/06/2018 & 18/06/2018	\$561.00
EFT2322	28/06/2018	Wheatbelt Renovations	Repair cracks and paint interior in unit 3, Tamma Village	\$6,721.00
			Subtotal	\$254,111.84
Cheque Payments				
6697	08/06/2018	Bond Administrator	Lodgement of security bond - 3 Nottage Way	\$220.00
6698	08/06/2018	Water Corporation	Standpipe charges for Rabbit Proof Fence Road	\$83.70
6699	27/06/2018	Shire of Tammin	Vehicle licence renewals	\$3,669.65
6700	27/06/2018	Shire of Tammin	Petty cash recoup	\$208.15
6701	27/06/2018	Water Corporation	Water charges	\$7,497.58
			Subtotal	\$11,679.08
Direct Debit Payments				
DD935.1	12/06/2018	WA Local Government Superannuation Plan	Payroll deductions	\$2,106.81
DD935.2	12/06/2018	Australian Super	Superannuation contributions	\$153.73
DD941.1	26/06/2018	WA Local Government Superannuation Plan	Payroll deductions	\$5,775.27
DD941.2	26/06/2018	Australian Super	Superannuation contributions	\$153.73
			Subtotal	\$8,189.54
NAB Visa Payment				
DD933.1	04/06/2018	NAB Business Visa	Visa card transactions for the month of May 2018	\$3,069.30
			Subtotal	\$3,069.30
Salaries and Wages				
	12/06/2018	Shire of Tammin	Salaries and wages	\$16,702.22
	26/06/2018	Shire of Tammin	Salaries and wages	\$37,567.31
			Subtotal	\$54,269.53
			Total for Municipal Fund	\$340,506.11

10.2 Financial Management Report for the month of June 2018

Location:	Shire of Tammin
Applicant:	Manager of Finance and Administration
Date:	18 th July 2018
Author:	Kelsey Pryer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 10.2 - June 2018 Monthly Financial Report

Background

Enclosed is the Monthly Financial Report for the month of June 2018.

Financial Implications

Financial Management of 2017/2018

Statutory Implications

Local Government (Financial Management) Regulations 1996

34. Financial activity statement report — s. 6.4

*(1A) In this regulation — **committed assets** means revenue unspent but set aside under the annual budget for a specific purpose.*

(1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —

- a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- b) budget estimates to the end of the month to which the statement relates;*
- c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- e) the net current assets at the end of the month to which the statement relates.*

(2) Each statement of financial activity is to be accompanied by documents containing —

- a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- b) an explanation of each of the material variances referred to in sub regulation (1)(d); and*

c) *such other supporting information as is considered relevant by the local government.*

(3) *The information in a statement of financial activity December be shown —*

a) *according to nature and type classification; or*

b) *by program; or*

c) *by business unit.*

(4) *A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be —*

a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*

b) *recorded in the minutes of the meeting at which it is presented.*

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.

Comment

Nil

Policy Implications

Council resolved that in accordance with Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996* a variance percentage of 10% or \$10,000, whichever is greater, be adopted for reporting material variances.

Strategic Plan Implications

Nil

Community Consultation

Nil

TSC 68/18 MOTION

That Council adopt the Financial Report for the month of June 2018 comprising;

a) Statement of Financial Activity

b) Note 1 to Note 12

Moved: Cr Batchelor

Seconded: Cr Daniels

Vote: Simple Majority

Carried: 4/0

10.3 2018/19 Annual Budget

Location:	Shire of Tammin
Applicant:	Manager of Finance and Administration
Date:	18 th July 2018
Author:	Kelsey Pryer
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Attachment Item 10.3 - 2018-19 Statutory Budget Attachment Item 10.3 - Fees and Charges 18-19

Proposal/Summary

To consider and adopt the Annual Budget included rate in the dollar, minimum rates, discounts, interim charges and interest and penalty interest rate for the 2018/19 financial year.

Background

A copy of the draft 2018/19 Budget, prepared in accordance with the requirements of the local government (finance) regulations is attached.

On the 17th July 2018, Council agreed with income and expenditure to be placed in the budget during a budget workshop. This has now been presented in a statutory format for formal adoption.

Comment

The Budget allows for an increase of 5.0% in the general rates for both GRV and UV valued properties and an increase of 5.0% to the minimum rates.

The projected net current assets for the financial year ended 30th June 2019 will total \$0.00.

Consultation

Megan Shirt – Navsdron Pty Ltd
Celeste Smith - Navsdron Pty Ltd

Statutory Implications

Local Government Act 1995 - Sect 6.2

6.2 . Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt*, in the

form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

- (a) the expenditure by the local government; and
- (b) the revenue and income, independent of general rates, of the local government; and
- (c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate —

- (a) particulars of the estimated expenditure proposed to be incurred by the local government; and
 - (b) detailed information relating to the rates and service charges which will apply to land within the district including —
 - (i) the amount it is estimated will be yielded by the general rate; and
 - (ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;
 - and
 - (c) the fees and charges proposed to be imposed by the local government; and
 - (d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government; and
 - (e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used; and
 - (f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and
 - (g) such other matters as are prescribed.
- (5) Regulations may provide for —
- (a) the form of the annual budget; and
 - (b) the contents of the annual budget; and
 - (c) the information to be contained in or to accompany the annual budget.

Policy Implications

Nil

Financial Implications

Will establish the revenue and expenditures for the financial year ended 30th June 2019.

Strategic Implications

Nil

TSC 69/18 MOTION

That Council adopts the Shire of Tammin 2018/19 Annual Budget as presented:

1. Adopt a minimum rate for the 2018/19 year at:

Unimproved Value \$551.00
Gross Rental Value \$551.00

2. Adopt a rate increase of 5%
3. Adopt a rate in the dollar of 0.0161 cents for the Unimproved Valuation rating in 2018/19
4. Adopt a rate in the dollar of 0.1196 cents for the Gross Rental Valuation rating in 2018/19
5. Adopt the Schedule Fees & Charges for 2018/19. A deduction of the 20% Administration Fee for Private Works will apply for Inter Shire works
6. Late payment penalty interest to be levied at 11% for Rates and Emergency Services Levy for all outstanding rates from the applicable due date
7. Instalment interest to be levied at 5.50%
8. Council offers ratepayers the following payment options for 2018/19 and an administration charge of \$4.00 be applied to each rate reminder notice:

Payment in Full: 13th September 2018

Four instalments:

1 st Instalment	25% due 13 th September 2018
2 nd Instalment	25% due 13 th November 2018
3 rd Instalment	25% due 12 th January 2019
4 th Instalment	25% due 13 th March 2019

9. That a 3.00% discount for prompt payment be applied, if all rates and charges appearing on the rates notice, including arrears are paid in full within 35 days of issue of the rates assessment notice.
10. That rate incentives prizes be offered to ratepayers for early payment of rates within 35 days at no cost to Council.
11. That in accordance with Regulation section 34(5) of the Local Government (Financial Management) Regulations 1996 a variance percentage of 10% or \$10,000, whichever is greater, to be used to report material variances in the statement of financial activity for the 2018/19 financial reporting period.

Continued to next page.

12. That Council, pursuant to section 5.98(1)(b) of the Local Government Act 1995 and within the range determined by the Salaries and Allowances Tribunal, adopt the following meeting attendance fees for elected members:

President	\$200.00 per meeting attended
Councillors	\$100.00 per meeting attended
Councillors	\$45.00 per committee meeting attended

That Council, pursuant to section 5.98(5) of the Local Government Act 1995 and within the range determined by the Salaries and Allowances Tribunal, adopts the following annual local government allowance to be paid in addition to the meeting attendance fees:

President	\$2,400.00
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That Council, pursuant to section 5.98A of the Local Government Act 1995 and within the range determined by the Salaries and Allowances Tribunal, adopts the following annual local government allowance to be paid in addition to the meeting attendance fees:

Deputy President	\$600.00
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Moved: Cr Thomson

Seconded: Cr Batchelor

Vote: Absolute Majority

Carried: 4/0

11. MATTERS FOR CONSIDERATION – ADMINISTRATION

11.1 Councillor Vacancy - Extraordinary Election Outcome - Close of Nominations, 5th July 2018

Location:	Shire of Tammin
Applicant:	Chief Executive Officer
Date:	17 th July 2018
Author:	Neville Hale
Item Approved by:	Chief Executive Officer
Disclosure of Interest:	Nil
File Reference:	Nil
Attachment/s:	Nil

Proposal/Summary

For Council to determine how it wishes to deal with the ongoing vacancy following there being no nominations as at 5th July 2018 for the extraordinary election required to fill a Council vacancy.

Background

Following the resignation of Cr Crane on 27th April 2018 Council, in accordance with s4.9(1)(b) of the Local Government Act, 1995 (the Act), set 11th August 2018 as the date for an extraordinary election. At the close of nominations on 5th July 2018 there were no nominations received.

Action required:

- In accordance with s4.57(2) Council is required to set a second extraordinary election date; or,
- In accordance with s4.17 (3) may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled (Absolute majority required).

Comments

The Local Government Act, 1995 requires Council, within one month after the vacancy occurs, in this case from 6th July 2018, to set a day for the extraordinary meeting.

The revised extraordinary election-day should be such that it allows enough time for the electoral requirements to be complied with but, unless otherwise approved by the Electoral Commissioner, it cannot be later than 4 months after the vacancy occurs (5th November 2018). Moreover, any new date should be within 100 days of 11th August 2018 to enable the use of the Electoral Roll prepared for the previously proposed 11th August 2018 election.

A further consideration in respect to a second extraordinary election is the cost of re-advertising which is in the order of \$2,000 plus the cost of the election itself.

Alternatively, the option is open to Council to allow the vacancy to remain unfilled. This would necessitate a request to the Electoral Commissioner and is a lower cost alternative. However, it would mean that the Council would only have five Councillors for a further twelve months until the October 2019 Ordinary Election.

With the reduced number of Councillors, Council would still require a minimum of three (3) councillors for a quorum, being 50% of the offices of Council and for decisions by “absolute majority” it will also require 50% of the offices of Council i.e. 3 Councillors, for such decisions.

Consultation

WA Electoral Commission
Department of Local Government, Sport and Cultural Industries
WALGA – Governance

Statutory Implications

Local Government Act 1995

4.9. Election day for extraordinary election

- (1) *Any poll needed for an extraordinary election is to be held on a day decided on and fixed —*
 - (a) *by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or*
 - (b) *by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).*
- (2) *The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.*
- (3) *If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —*
 - (a) *fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and*
 - (b) *advise the CEO of the day fixed.*

4.17. Cases in which vacant offices can remain unfilled

- (1) *If a member’s office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*
- (2) *If a member’s office becomes vacant under section 2.32 —*
 - (a) *after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but*

(b) *before the third Saturday in July in that election year,*

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

(3) *If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.*

** Absolute majority required.*

(4A) *Subsection (3) applies —*

(a) *if —*

(i) *the office is for a district that has no wards; and*

(ii) *at least 80% of the number of offices of member of the council in the district are still filled;*

or

(b) *if —*

(i) *the office is for a ward for which there are 5 or more offices of councillor; and*

(ii) *at least 80% of the number of offices of councillor for the ward are still filled.*

(4) *If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.*

4.57. Less candidates than vacancies

(1) *If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.*

(2) *If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —*

(a) *the candidate or candidates is or are elected; and*

(b) *an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.*

(3) *If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.*

** Absolute majority required.*

(4) A person appointed under subsection (3) is to be regarded as having been elected.

5.19. Quorum for meetings

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

Policy Implications

Nil

Financial Implications

The holding of an extraordinary election is likely to cost in the order of \$2,500 to \$3,000 for advertising and staffing of polling booths if required.

A provision for this cost can be included in the 2018/19 Budget.

Allowing the vacancy to remain unfilled would negate the cost of the extraordinary election and reduce Councillor Expenses, but not to a significant amount.

Strategic Implications

Governance: Strengthen Shire Leadership

Our Vision

- We will provide leadership and make informed decisions for the benefit of the community.
- We will provide good governance to ensure our local area is sustainable and advocate and lobby on behalf of our community for the provision of services and infrastructure.
- We will work in partnership with our community and support our community as leaders.

TSC 70/18 MOTION

That Council, in accordance with s4.17 of the Local Government Act, 1995, seeks the approval of the Electoral Commissioner to allow the current Council vacancy to remain unfilled.

Moved: Cr Batchelor

Seconded: Cr Thomson

Vote: Absolute Majority

Carried: 4/0

12 MATTERS FOR CONSIDERATION - TOWN PLANNING

Nil

13 ELECTED MEMBERS MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED (S`5.23)

TSC 71/18 MOTION

That the meeting be moved behind closed doors.

Moved: Cr Thomson

Seconded: Cr Batchelor

Vote: Simple Majority

Carried: 4/0

14.1 Shared Service - Manager Works and Services Appointment of Acting Shared Manager of Works and Services (CONFIDENTIAL)

TSC 72/18 MOTION

That the meeting move from behind closed doors.

Moved: Cr Daniels

Seconded: Cr Thomson

Vote: Simple Majority

Carried: 4/0

The President read allowed the resolution pertaining to confidential item.

TSC 73/18 MOTION

That the Committee recommend Council adopt:

- Mr Fabian Maxime Houbrecht's be appointed Acting Manager Works and Services for the period 1st August 2018 to 31st January 2019 on a remuneration package of \$144,712 inclusive of a cash salary of \$110,000, under the terms and conditions of the attached "Shared Services Agreement - Acting Manager Works and Services" and Contract of Employment.
- Authorise the Shire President and Chief Executive Officer to execute the attached documents under seal.

Moved: Cr Greenwood

Seconded: Cr Batchelor

Vote : Simple Majority

Carried: 4/0

15 CLOSURE OF MEETING

There being no further business the Shire President declared the meeting closed at 5:36pm.

14 REFERENCES

6 DECLARATION OF MEMBER'S INTERESTS IN AGENDA ITEMS

The Local Government Act (Section 5.60 – 5.62) provides that it is the Councillor's obligation to declare an interest if they believe that they have a financial interest, proximity interest, closely associated persons interest or an interest affecting impartiality in a matter being discussed by Council.

The Act provides that the interest may be declared in writing to the CEO prior to the meeting or declared prior to discussion of the agenda item at the meeting. Forms for this purpose are available to Councillors.

The Act further provides that the extent of the interest needs to be declared if the Councillor seeks to remain in the Chamber during the discussion, debate or voting on the item.

A Councillor declaring a financial or proximity interest must leave the meeting prior to the matter being discussed or voted on (including the question as to whether they are permitted to remain in the Chamber). Councillors remaining in the Chamber may resolve to allow the member to return to the meeting to participate in the proceedings.

7.1 STATUTORY ENVIRONMENT

Section 5.22(2) of the Local Government Act provides that minutes of all meetings to be kept and submitted to the next full Council meeting for confirmation.

11.1 List of Financial Payments Reference -STATUTORY ENVIRONMENT

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that:

- (1) *If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —*
 - (a) *the payee's name;*
 - (b) *the amount of the payment;*
 - (c) *the date of the payment; and*
 - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing —*
 - (a) *for each account which requires council authorisation in that month —*
 - (i) *the payee's name;*
 - (ii) *the amount of the payment; and*
 - (iii) *sufficient information to identify the transaction;**and*
 - (b) *the date of the meeting of the Council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be —*
 - (a) *presented to the Council at the next ordinary meeting of the council after the list is prepared; and*
 - (b) *recorded in the minutes of that meeting.*

11.2 Financial Report Reference - STATUTORY ENVIRONMENT

Regulation 34 of the Local Government (Financial Management) Regulations 1996 requires a Statement of Financial Activity to be prepared each month, which is to contain the following details:

- (a) *annual budget estimates;*
- (b) *budget estimates to the end of the month;*
- (c) *actual amount of expenditure and revenue;*
- (d) *material variances between comparable amounts in (b) and (c) above; and*
- (e) *the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).*

The Statement is to be accompanied by:

- (a) *explanation of the composition of net current assets, less committed assets and restricted assets;*
- (b) *explanation of the material variances; and*
- (c) *such other information considered relevant by the local government.*