

SHIRE OF MOORA
MINUTES OF THE ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS, MOORA
21 NOVEMBER 2018

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- * Separate Attachments
 - 9.1.1 *List of Payments Authorised Under Delegation 1.31*
 - 9.1.2 *Statement of Financial Activity for Period Ended 31 October 2018*
 - 9.1.5 *Delegations Register – 13 Purchase Order Authorisation*
 - 10.1 *Councillor Travelling Expenses Policy*

1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS**1.1 DECLARATION OF OPENING**

The Shire President declared the meeting open at 5.35pm.

1.2 DISCLAIMER READING

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decision, which will be provided within fourteen (14) days of this meeting.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE**ATTENDANCE**

KM Seymour	-	Presiding Member / President
DV Clydesdale-Gebert	-	Councillor
PF Nixon	-	Councillor
EI Hamilton	-	Councillor
PJ Bellamy	-	Councillor
TL Lefroy	-	Councillor
JM Thomas	-	Councillor
AJ Leeson	-	Chief Executive Officer
JL Greay	-	Manager Engineering Services
MM Murray	-	Executive Support Officer (minute taker)

APOLOGIES

TG Humphry	-	Councillor
LC House	-	Councillor / Deputy President

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Nil

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER

The following Council associated engagements were attended;

Cr Seymour, Shire President

21/10 Peter Browne, Perth
23/10 Community Education forum, Moora
24/10 Saved Moora College community celebration
7/11 Peter Browne, Moora
12/11 Education Forum - Debrief discussion - Wendy Newman WDC
14/11 Audit exit meeting (via phone linkup)

Cr Thomas

24/10 Saved Moora College community celebration
26/10 Local Govt Act - Review Forum, Moora Bowling club
12/11 Education Forum - Debrief discussion - Wendy Newman WDC
15/11 Moora Frail Aged committee meeting.

Cr Clydesdale-Gebert

23/10 Community Education forum, Moora
7/11 Peter Browne, Moora
13/11 Chamber of Commerce meeting
14/11 Audit exit meeting

Cr Nixon

21/10 Peter Browne, Perth
23/10 Community Education forum, Moora
24/10 Saved Moora College community celebration
7/11 Peter Browne, Moora
12/11 Education Forum - Debrief discussion - Wendy Newman WDC
14/11 Audit exit meeting

Cr Hamilton

23/10 Community Education forum
24/10 Saved Moora College community celebration
25/10 Wildflower Country meeting, Three Springs
31/10 AGM Moora Community Resource Centre
11/11 Remembrance Day service
12/11 Education Forum - Debrief discussion - Wendy Newman WDC
14/11 Audit exit meeting
15/11 Frail Aged Lodge Committee meeting

Cr Bellamy

22, 29,30/10 and 5,20/11 WALGA Training
24/10 Saved Moora College community celebration
12/11 Education Forum - Debrief discussion - Wendy Newman WDC
14/11 Audit exit meeting

Cr Lefroy

23/10 Community Education forum, Moora

26/10 Local Govt Act - Review Forum, Moora Bowling club

7/11 Peter Browne, Moora

12/11 Education Forum - Debrief discussion - Wendy Newman WDC

14/11 Audit exit meeting

8. CONFIRMATION OF MINUTES**8.1 ORDINARY COUNCIL MEETING - 17 OCTOBER 2018****COUNCIL RESOLUTION**

137/18 Moved Cr Bellamy, seconded Cr Hamilton that the Minutes of the Ordinary Meeting of Council held on 17 October 2018 be confirmed as a true and correct record of the meeting.

CARRIED 7/0**9. REPORTS OF OFFICERS****9.1 GOVERNANCE AND CORPORATE SERVICES****9.1.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31****REPORT DATE:** 16 November 2018**OFFICER DISCLOSURE OF INTEREST:** Nil**AUTHOR:** David Trevaskis, Deputy Chief Executive Officer**SCHEDULE PREPARED BY:** Alida Fitzpatrick, Finance Debtors Officer**ATTACHMENTS:** Accounts Paid Under Delegated Authority**PURPOSE OF REPORT**

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

138/18 Moved Cr Hamilton, seconded Cr Bellamy that Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

Municipal Fund	Cheques 62370 to 62375	\$4,559.30
	EFT 20262 to 20439	\$898,518.21
	Credit Card 04/09/18 to 02/10/18	\$1,140.55
	Net Pays – PPE 02/10/18	\$94,121.59
	Net Pays – PPE 16/10/18	\$93,004.13
	Net Pays – PPE 30/10/18	\$92,285.04
	DD 12308.1 to 12365.12	\$65,733.05
Trust Fund	Cheques 5388 to 5402	\$4,386.41
Total		<u>\$1,253,748.28</u>

CARRIED 7/0

9.1.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 OCTOBER 2018

REPORT DATE: 15 November 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 October 2018

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 October 2018.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended is provided as a separate attachment in Program format.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2018/19 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

139/18 Moved Cr Lefroy, seconded Cr Bellamy that Council notes and receives the Statement of Financial Activity for the period ended 31 October 2018.

CARRIED 7/0

9.1.3 **SUNDRY DEBTORS WRITE-OFF**

FILE REFERENCE: F/SUDI

REPORT DATE: 16 November 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: N/A

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

To request that Council write off the following overdue sundry debtor and rates interest charges.

- Doug and Kerry Devon (“**Debtor**”) \$1,668.90
- Rates interest charges property assessment A3225 \$20.42
- Rates interest charges property assessment A1503 \$12.36

BACKGROUND:

To assist with the relocation costs associated with moving to the Moora Lifestyle Village, the Shire offered a financial loan to the Debtor. In March 2012, a \$12,000 loan was established between the Shire and Debtor which covered transportable costs and onsite electrical and plumbing contractor expenses. In addition to these contractor costs, Shire staff also incurred costs associated with the relocation. This amounted to \$5,668.90 based on a set hourly rate. This balance was raised as a sundry debtor to be repaid off at the expiry of the loan.

The Debtor paid the \$12,000 loan principal and interest charges in full in December 2015. In November 2017, the Debtor approached management to contest a portion of the remaining sundry debtor balance that was outstanding. Upon review of the charges management agreed (subject to council approval) to reduce the total balance repayable to \$4,000 and write off the remaining \$1,668.90. As of 4 October 2018, the Debtor as negotiated, has fully repaid \$4,000.

Due to ongoing negotiations between property owner (“**Owner**”) and the Shire of Moora in relation to subdivision of land titles at the Moora Airfield, the Owner delayed payment of rates. Rates interest charges were raised on these properties (A3225 and A1503) due to late payment and it is recommended on this occasion the interest be written off.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

- 6.12. Power to defer, grant discounts, waive or write off debts (1) Subject to subsection (2) and any other written law, a local government may —
- (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money; or
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The Shire of Moora sundry debtor balance will be decreased therefore reducing the Shire's net cash position by \$1,668.90.

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

140/18 Moved Cr Bellamy, seconded Cr Lefroy that Council write off the following sundry debtor and rates interest charges:

- *Doug and Kerry Devon \$1,668.90*
- *Property assessment A3225 interest charges \$20.42*
- *Property assessment A1503 interest charges \$12.36*

CARRIED 7/0

9.1.4 LOCAL GOVERNMENT ACT SALE – LOT 50 FERGUSON STREET, MILING

FILE REFERENCE: PA/915

REPORT DATE: 9 August 2018

APPLICANTS/PROPONENT: Nil

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: 15/8/18 (97/18)

AUTHOR: David Trevaskis, Deputy Chief Executive Officer

ATTACHMENTS: Nil

PURPOSE OF REPORT:

Commence proceedings to exercise the Shire's power of sale over Lot 50 Ferguson Street, Miling due to unpaid rates and service charges.

BACKGROUND:

A resolution relating to this item was carried by Council on 15 August 2018. On review, CS Legal has noted the Resolution omits the words "because we [the Shire] reasonably believe that the costs of proceedings under that section will equal or exceed the value of the Property".

Under section 6.68(3A) of the *Local Government Act 1995 (WA)*:

“A local government is to ensure that a decision to exercise a power of sale without having, within the period 3 years prior to the exercise of the power of sale, attempted under section 6.56 to recover the money due to it and the reasons for the decision are recorded in the minutes of the meeting at which the decision was made”

1. Miling Community Advancement Association Incorporated (“**Owner**”) is the registered proprietor of Melbourne Location, 931 and being Lot 50, the subject of diagram 14172, being the whole of the land contained in certificate of title Volume 1142 Folio 348, more commonly known as Lot 50 Ferguson Street, Miling, in the State of Western Australia (“**Property**”).
2. On or around 25 October 2012, a General Procedure Claim was lodged in the Magistrates Court of Western Australia for recovery of outstanding rates and charges (“**Claim**”).
3. The Claim was serviced on an officeholder of the Owner on 19 May 2013.
4. In or around June 2013, the Shire chose not to take any further action in relation to the Claim at that stage and instructed CS Legal, the solicitors for the Shire in relation to the Claim, to discontinue the Claim.
5. The Shire has not attempted to recover the outstanding rates and service charges through legal proceedings since the Claim.
6. An appraisal of the Property was conducted by a licensed Real Estate Agent which estimated a value of the Property between \$8,000.00 and \$10,000.00.
7. If the Shire was to instruct CS Legal to commence further proceedings against the Owner and those proceedings were defended. CS Legal estimates their fees to be between \$10,000.00 and \$50,000.00, which could exceed the estimated value of the Property.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Part 6 Subdivision 6 of the *Local Government Act 1995 (WA)*.

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

The sale of this property will equate to a decrease in the level of outstanding rates of \$9,162.11

VOTING REQUIREMENTS

Simple Majority Required

COUNCIL RESOLUTION

141/18 Moved Cr Hamilton, seconded Cr Nixon pursuant to section 6.68(2)(b) of the LGA, the Shire resolves to exercise its power of sale over the Property noting that the Shire of Moora has not made any attempt to recover the outstanding money under 6.56 of the Local Government Act 1995 (WA) because we reasonably believe that the costs of proceedings under that section will equal or exceed the value of the Property.

CARRIED 7/0

9.1.5 DELEGATIONS REGISTER – PURCHASE ORDER AUTHORISATION

FILE REFERENCE: PL/DELI

REPORT DATE: 15 November 2018

OFFICER DISCLOSURE OF INTEREST: Nil

PREVIOUS MEETING REFERENCES: Nil

AUTHOR: Alan Leeson, Chief Executive Officer

ATTACHMENTS: Delegations Register – 13 Purchase Order Authorisation

PURPOSE OF REPORT:

To seek Council approval to amend the Delegations Register in accordance with Section 5.46 (2) of the Local Government Act, specifically Delegation 13 – Purchase Order Authorisation.

BACKGROUND:

The Shire of Moora has delegated certain powers and duties to the Chief Executive Officer.

The Local Government Act 1995 Section 5.46 requires that a register of delegations be kept and that those delegations made must be reviewed at least once every financial year by the delegator (Council).

COMMENT:

Delegation 13 requires updating to conform with Councils Purchase Order requirements. One amendment is required;

Addition of Manager Community Development & Visitor Servicing (Nicole Beard) as Level 2 authority (\$20,000 excluding the purchase of freehold land real estate).

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item.

POLICY REQUIREMENTS:

Included in Delegation where appropriate.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 Section 5.46

STRATEGIC IMPLICATIONS:

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

VOTING REQUIREMENTS

Absolute Majority Required

COUNCIL RESOLUTION

- 142/18 Moved Cr Bellamy, seconded Cr Hamilton that Council endorse the change to the Register of Delegations, Section 13 Purchase Order Authorisation as follows;*
- *Addition of Manager Community Development & Visitor Servicing, as Level 2.*

CARRIED by ABSOLUTE MAJORITY 7/0

10. REPORTS OF COMMITTEES**GENERAL PURPOSE COMMITTEE MEETING – 7 NOVEMBER 2018****10.1 REVIEW OF COUNCILLOR TRAVELLING EXPENSES POLICY**

FILE REFERENCE: PL/POPI
REPORT DATE: 1 November 2018
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: David Trevaskis, Deputy Chief Executive Officer
ATTACHMENTS: Draft Councillor Travelling Expenses Policy

PURPOSE OF REPORT:

This report is to review the Councillor Travelling Expenses policy and the extent to which a council member will be reimbursed for travel costs.

COMMENT:

The policy was last reviewed by Council 20 April 2016. Since October 2015 Councillors have been reimbursed travelling costs at 78 cents per kilometre for approved travel expenditure. This is the same rate Shire employees are entitled to claim under the Local Government Industry Award 2010.

The *Salaries and Allowances Act 1975 - Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members (10 April 2018)* prescribes the amount of expenses that an elected council member is entitled to be reimbursed. Part 8: Expenses to be Reimbursed states...

8.1(1) Pursuant to section 5.98(2)(a) and (3) of the LG Act, a council member who incurs an expense of a kind prescribed in regulation 31(1) of the LG Regulations is entitled to be reimbursed for the expense to the extent determined in section 8.2(1) to (5) of this Part.

8.1(2) b. child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

8.1(4) a. an expense incurred by a council member in performing a function under the express authority of the local government;

8.2(3) The extent to which a council member of a local government can be reimbursed for travel costs referred to in the regulation 31(1)(b) of the LG Regulations is:

(a) if the person lives or works in the local government district or an adjoining local district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back.

8.2(5) For the purposes of subsections (3) and (4), travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be **calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011** as at the date of this determination.

The current applicable rates contained in the Interim Award 2011 are summarised in the table below...

Over 2600cc	Over 1600cc to 2600cc	1600cc and under
95.54 cents/km	68.66 cents per km	56.69 cents per km

It is recommended that Council approve to amend the policy to reference the Determination of the Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members as per attached Draft Councillor Travelling Expenses Policy. It is proposed that these new rates take effect 1 July 2018 with travelling reimbursements paid from 1 July 2018 to now be adjusted accordingly.

POLICY REQUIREMENTS:

Nil.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, 5.98(2)(a);

Local Government (Administration) Regulations 1996, 31(1) and 32(1)

Salaries and Allowances Act 1975 – Section 7A

STRATEGIC IMPLICATIONS:

Good governance and leadership – providing supporting for Councillors to fulfil their duties and strengthen their role.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known significant environmental implications associated with this proposal.

- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Council has allowed for \$8,500 of member travel reimbursement expenditure in the 2018/2019 budget. It will be recommended this amount is increased to \$11,000 during the budget review 2018/2019.

VOTING REQUIREMENTS:

Simple Majority Required

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATIONS)**

143/18 Moved Cr Lefroy, seconded Cr Bellamy

- 1. That Council resolve to amend the Shire of Moora Policy Manual to include the attached Draft Councillor Travelling Expenses Policy.***
- 2. That the rates contained in Section 30.6 of the Local Government Officers' (Western Australia) Interim Award 2011 take effect from 1 July 2018 and any Councillor travel reimbursement payments from 1 July 2018 to be recalculated and adjusted accordingly.***

CARRIED 7/0

10.2 LOT 39 PADBURY STREET, MOORA W.A 6510 – OFFER TO PURCHASE

Item provided to Councillors under confidential cover.

**COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)**

144/18 Moved Cr Bellamy, seconded Cr Nixon Council adopt the officer's recommendation, in accordance with the provisions of the Local Government Act 1995 Section 5.23 (2) (c) & (e) (ii).

CARRIED by ABSOLUTE MAJORITY 7/0

11. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL

Nil

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14. CLOSURE OF MEETING

There being no further business, the President declared the meeting closed at 5.49pm.

CONFIRMED

PRESIDING MEMBER