

Shire of Goomalling



COUNCIL CONFIRMED MINUTES

November 2016





NYOONGAR ACKNOWLEDGEMENT

We acknowledge this land that we meet on today is part of the traditional lands of the Nyoongar people and that we respect their spiritual relationship with their country. We also acknowledge the Nyoongar Ballardong people as the custodians of the greater Goomalling/Koomal area and that their cultural and heritage beliefs are still important to the living Nyoongar Ballardong people today.

NOTICE OF MEETING

Meeting No. 10 of 2016 of the Shire of Goomalling Council to be held in the Council Chambers, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 16 November 2016 beginning at 1.03pm.

QUESTION TIME

1. ATTENDANCE, APOLOGIES & ANNOUNCEMENTS

1.1. Attendance

Chairperson	President of Council	Cr Barry Haywood
	Deputy President of Council	Cr Roland Van Gelderen
Council	Councillor	Cr Raymond Bowen
	Councillor	Cr Julie Chester
	Councillor	Cr Christie Kingston
	Councillor	Cr Dallas Phillips
	Councillor	Cr Geoffrey Romero
	Councillor	Cr Kevin Ryan
	Councillor	Cr Rodney Sheen
Administration	Chief Executive Officer	Mr Cornelis (Clem) Kerp
	Finance Manager	Miss Natalie Bird

1.2. Apologies

QUESTION TIME

Nil

1.3. Announcements

- Cr Chester attended the Avon Tourism Meeting 8 November 2016
- Cr Chester attended the Mortlock Sport Council
- Cr Romero attended the BMX Track Opening
- Cr Bowen attended the remembrance day service at Jennacubbine and also the opening of the new BBQ at the Jennacubbine Hall
- Cr Kingston attended the BMX track opening
- Cr Kingston attended the Cactus Day
- Cr Kingston attended the Goomalling remembrance day service
- Cr Haywood attended a meeting in Northam with the CEO regarding roads funding



- Cr Haywood and the Community Development Officer attended the presentation at UWA
- Cr Haywood, Chief Executive Officer and the Community Development Officer attended a meeting in Dowerin regarding the Steam train Project
- Cr Haywood attended the neighbourhood watch meeting
- Cr Haywood attended the remembrance day service in Goomalling
- Cr Haywood attended the BMX track opening

Chief Executive Officer left the meeting at 1.14 pm

Chief Executive Officer let the meeting at 1.16 pm

Moved Cr Romero, seconded Cr Chester that the announcements be received.

CARRIED

2. MINUTES

Resolution

Moved Cr Chester, seconded Cr Kingston that the Minutes of the Goomalling Shire Council ordinary meeting held on Wednesday, 19 October 2016 be confirmed as true and correct record of proceedings, with the following amendment's: item 7.3.6 "8/0" to be read Carried 8/0. Item 8.1.1 Resolution to change "Carried by Absolute Majority 9/0" to read "Carried by Absolute Majority 8/0". Item 8.1.2 Resolution to change "Carried by Absolute Majority 9/0" to read "Carried by Absolute Majority 8/0". Item 8.1.3 Resolution to change "Carried by Absolute Majority 9/0 to read "Carried by Absolute Majority 8/0" and also add after the word "Council". "The 3 (three) subdivided lots in York Gum Drive".

CARRIED BY ABSOLUTE MAJORITY 9/0

3. DECLARATION OF INTEREST

Councillors must declare to the President any potential conflict of interest they have in a matter before the Shire Council as soon as they become aware of it.

4. MATTERS ARISING FROM MINUTES

"7.3.1 Moved Cr Kingston , seconded Cr Ryan that the Council have audit committee role training next month during this training consider advertising for an external committee member for the audit committee. CARRIED 8/0"

The CEO has repeatedly assured Council that our finance/audit committee is operating as it should be. Council has twice resolved unanimously (on 16/12/2015 and 19/10/2016) that we receive audit committee training. Last year's resolution was to invite "The Department of Local Government to come to the Finance/Audit committee to discuss the Local Government Operational Guidelines Number 09 – Revised September 2013, Audit in Local Government the appointment, function responsibilities of Audit Committees. Today the CEO has advised the training will occur before next month's meeting.



“7.3.4 Moved Cr Kingston, seconded Cr Ryan that the CEO provide to Council at the next Council meeting November 2016 a list of our borrowings and our security used against each loan. CARRIED 8/0”

The CEO provided the following information to Council in his November Forum Report.

Council’s list of borrowings with security over its Reserves Term Deposit of \$1,000,000 is listed as follows:

Loan No 111 Community Sport Centre \$1,210,000

Loan No 112 Advance Cash \$1,250,000

Council’s legal advice from Jackson McDonald is attached, advising Council it is not precluded by Section 6.21 (2) of the LG Act from granting security interest over those reserve accounts within the term deposit that wholly contain “general funds”.

The resolution requested a list of all our borrowings and our security used against each loan, not only which loans used reserve funds for security. The 2012/13, 2013/14 and 2014/15 Annual Financial Reports didn’t have any disclosures in relation to collateral.

CEO left the meeting at 1.32 pm

5. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Notice of Motion as presented by Cr Kingston

Moved Cr Kingston, seconded Cr Ryan that Council condemn the CEO’s actions carried out without any Council or public consultation that destroyed healthy, mature trees, including the only Salmon Gums in Toodyay, on Bejoording Road adjacent to the Wongamine Nature Reserve in the Shire of Toodyay on Wednesday 6 October 2016.

Motion was put and lost 4/5

CEO entered the meeting at 1.38 pm

6. PETITIONS & MEMORIALS

7. REPORTS & MINUTES OF COMMITTEES

Resolution

Moved Cr Chester, seconded Cr Sheen that the Finance Report for October 2016 be received.

CARRIED



7.1 Financial Statements for Period ending 31 October 2016

FILE REF	
APPLICANT OR PROPONENT (S)	Shire of Goomalling,
PREPARED BY	Natalie Bird, Finance Manager
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	No
DISCLOSURE OF INTEREST	Nil

ATTACHMENTS	1. List of accounts paid for 20 October 2016 to 16 November 2016
	2. Financial Statement for period ending 31 October 2016
	3. Copy Council Corporate Credit Card

Nature of Council's Role in the Matter

Executive
Legislative
Review

Purpose of Report

To endorse payment schedule 20 October 2016 to 16 November 2016 and receive Financial Statement for period ending 31 October 2016 including corporate credit card.

Background

In accordance with Local Government (Financial Management) Regulation 34(1), local governments are required to prepare, each month a statement of financial activity reporting on revenue and expenditure for the month in question.

The statement of financial activity is to be presented at an ordinary meeting of Council within two (2) months after the end of the month to which the statement relates.

The statement of financial activity for the period ending 31 October 2016 financial statements and list of accounts paid for the period ending 31 October 2016, are hereby presented for Council's Information.

Comments and details

Identify policy, strategic, financial, social, economic and environmental implications in this section. (if applicable)

Council is requested to accept the monthly statement of financial activity, financial statements and list of payments as presented.

Implications to Consider

Legal and Statutory
Local Government Act 1995
Local Government (Financial Management) Regulations 1996

Voting Requirements	Simple Majority
Absolute Majority	No

GOOMALLING
MINUTES OF ORDINARY MEETING OF COUNCIL
WEDNESDAY, 16 NOVEMBER 2016



Resolution:

Moved Cr Chester, seconded Cr Sheen that Council:

1. endorse the list of payments

a. EFT1057 to EFT1074	\$ 50,272.88
b. 12159 - 12180	\$106,473.35
c. 12181 - 12233	\$187,179.07
d. 5142-5160	\$ 24,749.00
e. DD9411, DD9441 & DD8010-DD8016	\$ 79,065.26

Totalling \$447,739.56 for the period 20 October 2016 to 16 November 2016
2. receive the financial statements for the period ending 31 October 2016
3. receive the Council Corporate Credit card payment (copy attached)

CARRIED 9/0

7.2 Finance/Audit Committee Meeting

Resolution

Moved Cr Romero, seconded Cr Kingston that the Finance/Audit Committee Meeting minutes for meeting held Wednesday, 16 October 2016 be received.

CARRIED



8. OFFICER'S REPORTS & MINUTES OF COMMITTEES

8.1 CHIEF EXECUTIVE OFFICER'S REPORT

8.1.1 COUNCILLOR REPRESENTATION

FILE REF	102-5
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	17 February 2016 & Forum (CEO Report 3.1.1), 21 September 2016
DISCLOSURE OF INTEREST	NIL

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report

Council to make its final adoption of Councillor Representation in reducing the number of office of Councillors from nine (9) to seven (7) to take effect from Council Elections in October 2017.

Background

Council has previously adopted a Resolution as detailed below at Council Meeting held 17th February 2016:

*"Moved Cr Haywood, seconded Cr Kingston that Council amend its composition structure of the number of Councillors from 9 to 7 to commence from the October 2017 Council Elections.
CARRIED BY ABSOLUTE MAJORITY 8/1"*

The below advertisement was placed in the West Australian Newspaper on Wednesday 21 September 2016 inviting Public Submissions closing at 12 noon on Thursday 3rd November 2016:

Shire of Goomalling Review of Councillors' Representation

In accordance with Schedule 2.2 of the Local Government Act 1995, the Shire of Goomalling has decided to retain its one district (no wards) but to consider in reducing the number of offices of Councillors.

Council invites public participation in the review to reduce the number of offices of Councillors from nine (9) to seven (7) Councillors.

The Review is being carried out against the following factors:

- *Community of interest*
- *Physical and typographical features*
- *Demographic trends*
- *Economic factors*
- *Ratio of Councillors to electors in the current situation against the proposed one.*

An important sheet/discussion paper is available outlining the current situation with the proposed implementation of seven (7) Councillors.

GOOMALLING
MINUTES OF ORDINARY MEETING OF COUNCIL
WEDNESDAY, 16 NOVEMBER 2016



Public submissions are invited and are to be addressed to the following by Thursday 3rd November 2016 at 12noon.

Clem Kerp
Chief Executive Officer
Shire of Goomalling
PO Box 118
Goomalling WA 6460
P: (08) 9629 1101
F: (08) 9629 1017
E: goshire@goomalling.wa.gov.au
W: www.goomalling.wa.gov.au

Comments and details

No submissions were received and it is my recommendation to adopt Council's Councillor Representation reduction from nine (9) to seven (7) Councillors.

Implications to Consider

Consultative

The Public were invited to make a submission on the proposal. No submissions were received after more than six (6) weeks of the Notice's publication and advertisement including the Notice and documentation being on Council's website for the same mentioned period.

Strategic

The reduction of Councillors from nine (9) to seven (7) will reduce the cost of maintaining seven Councillors from nine Councillors and the estimated cost reduction is approximately \$7,500 per annum. It is also viewed that decision making process will be more effective and efficient if the number of Council Members is reduced.

Policy Related

There is no policy of Council appertaining to this matter other than the decision being made by Council.

Financial

Other than the reduction in cost to Council with the reduced number of Councillors, no financial implications are affected either to Council or staff.

Legal and Statutory

This process is legally required under the Local Government Act 1995.

Risk

It is viewed that there are no risks, as there is a state wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has improved their decision making process.

Voting Requirements

Absolute Majority YES

8.1.1 RESOLUTION

Moved Cr Romero, seconded Cr Van Gelderen the Shire of Goomalling recommends to the Local Government Advisory Board that an order be made under S 2.18 (3) of the Local Government Act 1995 to reduce the number of Offices of Councillors on the Council from nine (9) to seven (7).

CARRIED BY ABSOLUTE MAJORITY 8/1

Councillor Ryan wished his named recorded as voting against the above motion.



8.1.2 SALE OF 14 HIGH STREET, GOOMALLING

FILE REF	97-8
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Council Forum (CEO Report) 19 October 2016
DISCLOSURE OF INTEREST	NIL

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report

To approve the sale of 14 High Street, Goomalling to Miss Kirsty Beck for \$195,000 is carried out under the requirements of Section 3.58 of the Local Government Act 1995 which have been fulfilled to the stage of Council resolving its decision.

Market Valuation was assessed 6th October 2016 by Licensed Valuer.

Background

Kirsty Beck made an offer to Council to purchase 14 High Street, Goomalling for \$190,000 which was discussed by Council at its 19 October 2016 Council Meeting.

As Council had received a Market Valuation of the property for \$195,000, Kirsty was advised and therefore increased her offer to \$195,000.

The Notice of Intention to Sell Property, Lot 146 (14) High Street, Goomalling was advertised in the Goomalling Endeavour and West Australian Newspapers on 26th October 2016 with written submissions invited in regard to the proposed sale closing 12noon on Thursday 10th November 2016.

By the close of submissions, no submissions have been received.

Comments and details

It is my recommendation that Council approve the sale of 14 High Street, Goomalling to Miss Kirsty Beck for the Market Valuation of \$195,000 on an as is basis.

Implications to Consider

Consultative

As required by Section 3.58 of the Local Government Act 1995, the Public were invited to make a submission on the proposal. No submissions were received by the close.

Strategic

To provide suitable housing for sale not only to reduce housing stock and maintenance expenditure, but to increase rate revenue collection from outside source.

Policy Related

Not affected by any Council Policy.

Financial

The sale of property will increase Council revenue and its proceeds will assist Council to reduce its loan debt.

GOOMALLING
MINUTES OF ORDINARY MEETING OF COUNCIL
WEDNESDAY, 16 NOVEMBER 2016



Legal and Statutory

Local Government Act 1995

Risk

Nil

Voting Requirements

Absolute Majority YES

8.1.2 RESOLUTION

Moved Cr Kingston, seconded Cr Ryan that in accordance with Section 3.58 of the Local Government Act 1995, the Shire of Goomalling approve and authorise the sale of Land and Buildings situated at Lot 146 (14) High Street, Goomalling for the Market Value of \$195,000 on an "as is" basis.

CARRIED BY ABSOLUTE MAJORITY 9/0



8.1.3 SHIRE OF GOOMALLING FINANCIAL RECOVERY PLAN

FILE REF	102-1
APPLICANT OR PROPONENT (S)	Shire of Goomalling
PREPARED BY	Clem Kerp, Chief Executive Officer
APPROVED BY	Clem Kerp, Chief Executive Officer
PREVIOUSLY BEFORE COUNCIL	Council Forum (CEO Report 3.1.2) 21 September 2016
DISCLOSURE OF INTEREST	NIL
APPENDIX	4. Correspondence to the Department of Local Government and Communities, Financial Recovery Plan & letter from the Department of Local Government and Communities letter

Nature of Council's Role in the Matter

Executive
Legislative

Purpose of Report and Background

To completed the last requirement of the Department's Probity Report, Council is required to adopt the submitted Financial Recovery Plan with the intention of extinguishing Council's loan debt of \$1,250,000 which was raised on the 4th January 2016.

Implications to Consider

Strategic

The proposal to sell a number of Council properties to extinguish the loan debt of \$1,250,000 is achievable as detailed in the Financial Recovery Plan which no doubt is dependent on market conditions but it is viewed that this is achievable by extinguishing the loan on 30th June 2020.

Policy Related

No policy of Council appertaining to this matter.

Financial

To reduce Council's loan debt of \$1,250,000 by selling a number of properties by June 2020, subject to complying with statutory requirements of the Local Government Act 1995.

Risk

The risk is the reliance of property sales in a low economic cycle, however Council is selling one of the properties detailed on the Financial Recovery Plan, which will reduce Council's loan debt of \$1,250,00 down to \$1,055,000 on 31st December 2016.

Voting Requirements

Absolute Majority YES

8.1.3 RESOLUTION

Moved Cr Chester, seconded Cr Bowen the presented Financial Recovery Plan is hereby adopted by Council to extinguish the financial accommodation of \$1,250,000 by 30th June 2020.

CARRIED BY ABSOLUTE MAJORITY 9/0



8.2 CHIEF EXECUTIVE OFFICER REPORT

Resolution

Moved Cr Phillips, seconded Cr Romero that the Chief Executive Officer Report be received.

CARRIED

9. NOTICE OF MOTIONS FOR NEXT MEETING

10. DATE OF NEXT MEETING

The next meeting of the Goomalling Shire Council ordinary meeting be held in the Council Chamber, Administration Office, 32 Quinlan Street, Goomalling on Wednesday, 14 December 2016, commencing 1.00pm.

11. CLOSURE

There being no further business, the Shire President thanked everyone for their attendance and declared the meeting closed at 2.51 pm.