

SHIRE OF WILLIAMS

***MINUTES SPECIAL MEETING HELD ON
WEDNESDAY 21st JUNE 2017***

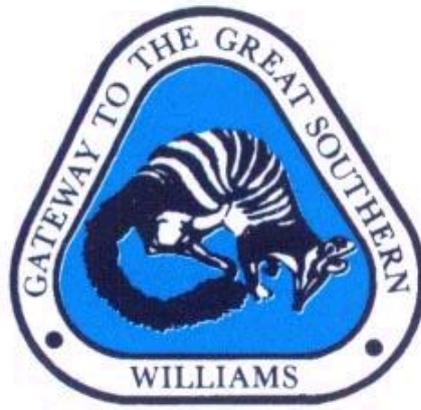


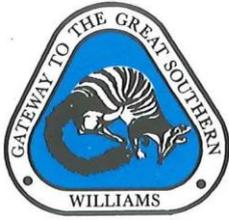


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1. Appendices



SHIRE OF WILLIAMS

BROOKING STREET, WILLIAMS, WESTERN AUSTRALIA.

OFFICE HOURS: MONDAY TO FRIDAY: 8.30 a.m. to 5.00 p.m.

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All communications to be addressed to the Chief Executive Officer, P.O. Box 96, Williams, W.A. 6391.

Your Ref:

Our Ref:

NOTICE OF MEETING

You are respectfully advised that the special meeting of Council will be held in the Council Chambers at **10.00am** on Wednesday 21st of June 2017.

Yours faithfully

Geoff McKeown
Chief Executive Officer



DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Williams for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Williams disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Williams during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Williams. The Shire of Williams warns that anyone who has any application lodged with the Shire of Williams must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Williams in respect of the application.



AGENDA

1.0 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The President declared the meeting open at 10.15am.

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Cr John Cowcher President

Cr Greg Cavanagh Deputy President

Cr David Earnshaw

Cr Richard Johnstone

Cr Gilbert Medlen

Cr Natalie Major

Cr Peter Paterson

Cr Moya Carne

Geoff McKeown Chief Executive Officer

Cara Ryan Manager of Finance

Apologies

Cr Jarrad Logie

3.0 PUBLIC QUESTION TIME

4.0 PETITIONS / DEPUTATIONS / PRESENTATIONS

5.0 DECLARATIONS OF INTEREST

DECLARATION OF INTEREST	
Name / Position	David Earnshaw / Councillor
Item No. / Subject	7.3 / 2017-2018 Road Construction and Maintenance Programme
Type of Interest	Proximity



DECLARATION OF INTEREST	
Name / Position	Peter Paterson / Councillor
Item No. / Subject	7.3 / 2017-2018 Road Construction and Maintenance Programme
Type of Interest	Proximity

DECLARATION OF INTEREST	
Name / Position	Greg Cavanagh / Deputy President
Item No. / Subject	7.3 / 2017-2018 Road Construction and Maintenance Programme
Type of Interest	Proximity

DECLARATION OF INTEREST	
Name / Position	John Cowcher / President
Item No. / Subject	7.5 / Salaries and Wages
Type of Interest	Impartiality

DECLARATION OF INTEREST	
Name / Position	Geoff McKeown / Chief Executive Officer
Item No. / Subject	7.5 / Salaries and Wages
Type of Interest	Financial



DECLARATION OF INTEREST	
Name / Position	Cara Ryan / Manager of Finance
Item No. / Subject	7.5 Salaries and Wages
Type of Interest	Financial

6.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

7.0 REPORTS



7.1 ADOPTION OF FEES AND CHARGES

File Reference	4.23.10
Statutory Reference	<i>Local Government Act 1995 – s6.16</i>
Author & Date	Geoff McKeown 19 th June 2017
Attachments	Appendix 1 – Schedule of Fees and Charges

Background

LOCAL GOVERNMENT ACT 1995 – s6.16

6.16. Imposition of fees and charges

- (1) A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.

** Absolute majority required.*

- (2) A fee or charge may be imposed for the following —

- (a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;
- (b) supplying a service or carrying out work at the request of a person;
- (c) subject to [section 5.94](#), providing information from local government records;
- (d) receiving an application for approval, granting an approval, making an inspection and issuing a license, permit, authorisation or certificate;
- (e) supplying goods;
- (f) such other service as may be prescribed.

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —

- (a) imposed* during a financial year; and
- (b) amended* from time to time during a financial year.

** Absolute majority required.*

Local Government Act 1995 section also applicable

6.17;
6.18;
6.19.



Comment

A full list of Council fees and charges are attached at **APPENDIX 1** for Council consideration.

Financial Implications

Fees and charges represent a significant amount of Council revenue.

Voting Requirements

Absolute Majority Required

Officer's Recommendation

That Council adopt the amended fees and charges list as presented, to be included in the 2017/18 Annual Budget and to apply from the 30th June 2017. Further, all residential housing rental increases are to apply after tenants have been given 60 days' notice, as required by the *Residential Tenancies Act 1987 (WA)*.

Council Resolution

Paterson/Carne

That Council adopt the amended fees and charges list as presented, to be included in the 2017/18 Annual Budget and to apply from the 30th June 2017. Further, all residential housing rental increases are to apply after tenants have been given 60 days' notice, as required by the *Residential Tenancies Act 1987 (WA)*. The adopted fees and charges are to be advertised in accordance with Section 6.19 of the *Local Government Act 1995*.

**Carried by Absolute Majority 8/0
Resolution 216/17**

The resolution differed from the recommendation as Council wished to ensure that the adopted fees and charges are advertised in accordance with Section 6.19 of the Local Government Act 1995.



7.2 SALARIES AND ALLOWANCES TRIBUNAL DETERMINATION FOR ELECTED MEMBERS

File Reference	4.1.60
Statutory Reference	<i>Local Government Act 1995</i>
Author & Date	Geoff McKeown 15th June 2017

Background

In April 2017 the Salaries and Allowances Tribunal (SAT) completed a review of fees, allowances and expenses for local government elected members in Western Australia. In so doing it has determined there will be no increase in the fees, expenses or allowances ranges within the bands.

Council can now adopt a position on the payment of fees and allowances, and provision for reimbursement of expenses that will apply from the 1st July 2017.

Comment

The *Local Government Act 1995* confers entitlement for elected members to claim fees, expenses and allowances.

In recognition that local governments differ in size and levels of responsibility, all councils have been placed in a Band Range of 1 through to 4. The Shire of Williams is included in Band 4. These bands are also in place for the determination made by SAT each year on the salary package range for Chief Executive Officers.

Council needs to make a decision on the amount elected members will be paid for council meeting attendance and committee meeting attendance. Table 1 below shows the minimum and maximum range for council meeting attendance as determined by SAT to be used from the 1st July 2017.

Table 1: Council meeting fees per meeting – local governments

Band	For the council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$609	\$785	\$609	\$1,177
2	\$369	\$576	\$369	\$772
3	\$191	\$406	\$191	\$628
4	\$90	\$236	\$90	\$485

Table 2 shows the fee range for committee meeting attendance. This includes, but is not limited to, the Audit Committee, and meetings where elected members are representing



the Shire of Williams such as WALGA Central Country Zone, Regional Road Group, 4WDL VROC, HWEDA, etc. and meetings with a Minister of the Crown.

Table 2: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)		
Band	Minimum	Maximum
1	\$305	\$392
2	\$184	\$288
3	\$96	\$203
4	\$45	\$118

Council also has the option of paying elected members an annual fee in lieu of a council or committee meeting fees. Table 3 below shows the minimum and maximum annual fees that can be applied.

Table 3: Annual attendance fees in lieu of council meeting and committee meeting attendance fee - local governments

Band	For the council member other than the mayor or president		For a council member who holds the office of mayor or president	
	Minimum	Maximum	Minimum	Maximum
1	\$24,360	\$31,364	\$24,360	\$47,406
2	\$14,718	\$23,000	\$14,718	\$30,841
3	\$7,612	\$16,205	\$7,612	\$25,091
4	\$3,553	\$9,410	\$3,553	\$19,341

The final consideration for Council is the allowance to be paid to the President. Although the Shire of Williams has not previously paid an allowance to the Deputy President, this is also included in the SAT determination.

The allowance recognises the additional tasks undertaken by the President and Deputy President, including the following:

- (a) the leadership role of the President;
- (b) the statutory functions for which the President is accountable;
- (c) the ceremonial and civic duties required of the President, including local government business related entertainment;
- (d) the responsibilities of the Deputy President when deputising;



The maximum annual allowance for the President shall not exceed the maximum shown in the table below, or 0.2 per cent of the local government’s operating revenue, whichever is the lesser.

Further, the allowance for the Deputy President, if endorsed by Council to be paid, will be 25% of the amount paid to the President.

Table 8: Annual allowance for a mayor or president of a local government

For a mayor or president		
Band	Minimum	Maximum
1	\$50,750	\$88,864
2	\$15,225	\$62,727
3	\$1,015	\$36,591
4	\$508	\$19,864

At the Council Meeting held on the 15th June 2016 the following resolution was endorsed:

Council Resolution

Earnshaw/Major

That Council adopts the following arrangements for the payment of elected member fees and allowances from the 1st July 2016:

1. *A meeting fee of \$133.00 for elected members and \$261.00 for the President, for attendance at a council meeting;*
2. *A meeting fee of \$70.00 for elected members and \$109.00 for the President, for attendance at a committee meeting or (at the request of the local government) a meeting of a type prescribed in regulation 30(3A) of the Local Government (Administration) Regulations 1996.*
3. *A President’s Allowance of \$4,220.00.*

Further, with regard to properly incurred out of pocket expenses, elected members will be reimbursed in full.

***Carried by Absolute Majority 9/0
Resolution 256/16***

Now that the determination has been handed down by SAT the Council can review the level of fees to be paid from the 1st July 2017. While the decision of SAT makes no increase to the band levels this Shire remains within minimum and maximum limits. A decision on this matter will require a resolution by absolute majority.

The recommendation includes an approximate 3% increase on the previous year.



Financial implications

For inclusion in the 2017/18 budget deliberation.

Voting Requirements

Absolute Majority

Officer's Recommendation

That Council adopts the following arrangements for the payment of elected member fees and allowances from the 1st July 2017:

1. A meeting fee of \$137.00 for elected members and \$269.00 for the President, for attendance at a council meeting;
2. A meeting fee of \$72.00 for elected members and \$112.00 for the President, for attendance at a committee meeting or (at the request of the local government) a meeting of a type prescribed in regulation 30(3A) of the *Local Government (Administration) Regulations 1996*; and
3. A President's Allowance of \$4,347.00.

Further, with regard to properly incurred out of pocket expenses, elected members will be reimbursed in full.

Council Resolution

Carne/Major

That Council adopts the following arrangements for the payment of elected member fees and allowances from the 1st July 2017:

1. A meeting fee of \$136.00 for elected members and \$266.00 for the President, for attendance at a council meeting;
2. A meeting fee of \$71.00 for elected members and \$111.00 for the President, for attendance at a committee meeting or (at the request of the local government) a meeting of a type prescribed in regulation 30(3A) of the *Local Government (Administration) Regulations 1996*; and
3. A President's Allowance of \$4,304.00.

Further, with regard to properly incurred out of pocket expenses, elected members will be reimbursed in full.

**Carried by Absolute Majority 8/0
Resolution 217/17**

The resolution differed from the recommendation as Council wished to increase the elected member fees and allowances from the 1st July 2017 by 2% rather than the recommended 3%, including rounding to the nearest dollar.



Cr Earnshaw and Cr Paterson declared a proximity interest for the following item 7.3 2017-2018 Road Construction and Maintenance Programme due to being the owner of land that is adjacent to Williams Darkan Road and left the Chamber at 10.48pm.

Cr Cavanagh declared a proximity interest for the following item 7.3 2017-2018 Road Construction and Maintenance Programme due to being the owner of land that is adjacent to Zilko Road and left the Chamber at 10.48pm.

7.3 2017– 2018 ROAD CONSTRUCTION AND MAINTENANCE PROGRAMME

File Reference	4.23.10	
Statutory Reference	N/A	
Author & Date	Geoff McKeown	15 th June 2017

Background

Council is asked to endorse a draft road construction and maintenance programme for 2017/18. The programme will then appear in the draft 2017/18 Budget for adoption.

Comment

Some projects are “locked in” due to external funding arrangements, i.e. Regional Road Group, Roads to Recovery, etc. Other projects are open for Council consideration and inclusion in the overall works programme.

Income

Firstly, there is external funding available for the coming year. The following is a summary of grant funds anticipated for construction and maintenance:

Regional Road Group Projects (State Funds)	300,030	
Direct Grant (State Funds)	71,280	
Roads to Recovery (Federal Funds)	281,351	
FAGs Local Road Component (Federal Funds)	<u>293,564</u>	estimate only
Total	946,225	

The Local Road Component of the Federal Government’s Financial Assistance Grant (FAG) shown above is a notional figure at this stage based on the amount received in 2016/17.

Expenditure

The following are estimates of expenditure required to meet the Shire’s maintenance needs and for construction projects identified at the road inspection by Council:



Programme	Road	Description	Cost	Total
Maintenance				
	Bridge Inspection and maintenance		2,000	
	Rural Road Maintenance		490,000	
	Town Road Maintenance		20,000	
	Drainage		15,000	527,000

Construction				
Road Project Grant	Williams Darkan Road	Pavement stabilisation – various sections	279,000	
	Pingelly Road	Seal 7m wide (SLK 3.50 to 5.00)	171,045	450,045
Roads to Recovery	Clayton Road	Seal shoulder (SLK 0.00 to 2.00) Widen Shoulders (SLK 2.00 to 4.00)	123,000	
	York Williams Road	Reseal 3kms (SLK 3.10 to 6.10)	60,000	
	Marradong Road	Seal 600m and drainage, pavement failures further 600m	98,351	281,351
Council Funding	Zilko Road	Tree trimming 4kms	26,000	
	Dardadine Road	Tree trimming 4kms	26,000	
	Glenfield Road	Tree trimming 4kms	26,000	
	Townsite drainage		50,000	128,000
			Total	1,386,396

Summary

To summarise these budget estimates the following table shows the budget figures for the last three years along with the 2017/18 draft budget estimates. They highlight the movement in Council funds required to meet next financial year's commitment.



	2014/2015 Budget	2015/2016 Budget	2016/17 Budget	2017/2018 Budget
INCOME				
State Grants	339,591	551,070	320,287	371,310
Federal Grants	494,262	732,941	618,208	574,915
Council Funds	260,726	210,210	616,122	440,171
Total	1,094,579	1,494,221	1,554,617	1,386,396
EXPENDITURE				
Maintenance	445,758	272,699	650,810	527,000
Construction	648,821	1,221,522	903,807	859,396
Total	1,094,579	1,494,221	1,554,617	1,386,396

If the amount shown in the table above as Council Funds is not available, due to other budget priorities, it may be necessary to reduce the overall construction and maintenance allocations.

It should be noted that Council's contribution is lower than the previous year. This reflects that there will need to be a separate contribution by Council for its share of the flood damage works resulting from the declared event in February 2017. The Council contribution is estimated at \$102,600

The reserve projects that have been identified but not included in the table above are:

1. Brooking Street Pavement stabilising
2. Quindanning Darkan Road Gravel sheeting
3. Lavender Street Bitumen seal
4. Zilko Road Extend seal over crossing and bends, improve drainage

Financial implications

For consideration in the 2017/18 budget deliberation.

Voting Requirements

Simple Majority

Officer's Recommendation

The Road Construction and Maintenance Programme for the 2017/2018 financial year, as proposed, be endorsed and the detail included in the draft Annual Budget.



Council Resolution

Medlen/Johnstone

The Road Construction and Maintenance Programme for the 2017/2018 financial year, as proposed, are included in the Annual Budget documents, with a change to the Zilko Road tree trimming project, being replaced with extending the seal over crossing and bends on Zilko Road.

**Carried 5/0
Resolution 218/17**

The resolution differed from the recommendation as Council wished for the “Zilko Road - extending seal over crossing and bends” to be brought forward in place of “Zilko Road- tree trimming for 4kms”.

Cr Earnshaw, Cr Paterson and Cr Cavanagh returned to the meeting at 11.03pm.



7.4 CAPITAL PURCHASES

File Reference	4.23.10
Statutory Reference	N/A
Author & Date	Geoff McKeown 19th June 2017
Attachments	Appendix 2 – Proposed Capital Budget

Background

Capital purchases are items that are considered once off or are not included in Council's annual operating budget.

Comment

Items included in the Draft Capital Budget are attached at **APPENDIX 2**.

Financial Implications

As above

Voting Requirements

Simple Majority

Officer's Recommendation

For Council's consideration.

Council Resolution

Carne/Cavanagh

That Council change the draft Plant Replacement programme for 2017/18 to:

1. Replace the Holden Colorado Utility - WL742 with a new 4x4 Crew Cab Utility;
2. Postpone the changeover of the Mazda CX5 to 2018/2019;
3. Postpone the changeover of the Volvo 21T Excavator and budget for \$180,000 to go to the Plant Replacement Reserve;
4. Postpone trade in of Isuzu Utility – WL19;
5. Postpone trade in of 4x2 Single Cab Utility – WL826; and
6. Include an allocation for Radio Communications with a reduction in the number of mobile radios.

**Carried 8/0
Resolution 219/17**



Council Resolution

Johnstone/Earnshaw

That Council include the Draft Capital Budget, as presented at **APPENDIX 2**, with the exception of the changes to the Plant Replacement budget allocation as per Council Resolution 219/17, for consideration in the 2017/2018 Budget deliberations.

Carried 8/0
Resolution 220/17



Cr Cowcher declared an impartiality interest for the following item 7.7 Salaries and Wages and remained in the chamber. The nature of his interest is in relation to a member of his immediate family being employed by the Shire of Williams.

Geoff McKeown and Cara Ryan declared a financial interest in the following item 7.7 Salaries and Wages and left the chamber at 12.38pm when discussions and deliberations concerning the proposed salaries and wages budget commenced. The nature of their interest is in relation to their employment arrangements.

7.5 SALARIES AND WAGES

File Reference	4.23.10
Statutory Reference	N/A
Author & Date	Geoff McKeown 16th June 2016
Attachments	Appendix 3 – Draft Salaries and Wages Budget

Background

Employees on employment awards have their minimum wage reviewed by the Fair Work Commission and the Western Australian Industrial Relations Commission on an annual basis. The minimum hourly rate is then adjusted when a wage increase is applied. A wage increase will flow through following recent Commission decisions. Minimum award rates will increase 3.30% on Federal Awards and 2.31% on State Awards from the first full pay period in the new financial year.

Some employees that are not paid using award rates and have their salaries negotiated. These employees are the Refuse Site Attendant/Building Maintenance Officer, Economic Development Officer and Greenkeeper.

Designated Senior Employees are employed on Contract and under the terms of the contract Council has reviewed their salary packages annually.

Comment

Currently employees paid using award rates as a base figure are paid an over award payment to keep their pay rates competitive and ultimately retain employees.

The Staff Salary and Wages budget is included at **APPENDIX 3**. This schedule is only a guide for budget purposes and the final wages and salaries will be subject to changes resulting from staff performance reviews.

Major changes such as additional staff, additional over award payments and changes to general benefits will be discussed at the Annual Budget meeting.

Financial Implications

Salaries and Wages are included in the annual operating budget.



Voting Requirements

Simple Majority

Officer's Recommendation

That Council approves the Salaries and Wages budget, as presented, to be included in the draft 2017/18 Annual Budget.

LUNCH

Council adjourned for lunch at 12.48pm and resumed the meeting at 1.43pm, at the conclusion of the presentation by the Williams Community Resource Centre, as scheduled at the Ordinary Meeting.

Council Resolution

Major/Medlen

That Council approves a modified Salaries and Wages Budget to be included in the draft 2017/18 Annual Budget.

**Carried 6/2
Resolution 221/16**

Geoff McKeown and Cara Ryan returned to the chambers at 2.16pm.

8.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.

There was general discussion regarding employee contract arrangements of a confidential nature.

10.1 ELECTED MEMBERS.

10.2 OFFICERS.

9.0 CLOSURE OF MEETING

There being no further business for discussion the President declared the meeting closed at 2.51pm.