



AGENDA
Ordinary Council Meeting
26 March 2019
3.00pm





NOTICE OF MEETING

President and Councillors

The next Ordinary Meeting of Council of the Shire of Dowerin will be held on Tuesday 26 March 2019 in the Shire of Dowerin Council Chamber, 13 Cottrell Street, Dowerin commencing at 3.00pm.

Rebecca McCall

Chief Executive Officer

22 March 2019

DISCLAIMER

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Dowerin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

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1. OPENING, OBITUARIES, VISITORS

1.1 OPENING

1.2 OBITUARIES

Mr Bruce Kazanski

Mrs Gwen Bass

2. RECORD OF ATTENDANCE/APOLOGIES

2.1 RECORD OF ATTENDANCE

| | |
|-------------------|-------------------------|
| Cr D.P. Hudson | President |
| Cr A.J. Metcalf | Deputy President |
| Cr R.I. Trepp | |
| Cr B.A. Ward | |
| Cr B.N. Walsh | |
| Cr L.G. Hagboom | |
| Cr J.C. Chatfield | |
| Cr L.H. Holberton | |
| R.L. McCall | Chief Executive Officer |
| S.G. Fitchat | Finance Manager |
| G.C. Brigg | Assets & Works Manager |
| E.L. Richards | Contracted Minute Taker |

2.2 LEAVE OF ABSENCE

2.3 APOLOGIES

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. DISCLOSURE OF INTEREST

5. PUBLIC QUESTION TIME

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. CONFIRMATION OF MINUTES

OFFICER RECOMMENDATION – 7.1

THAT THE MINUTES OF THE ORDINARY MEETING OF THE SHIRE OF DOWERIN HELD ON 26 FEBRUARY 2019 BE CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS.

8. PETITIONS/DEPUTATIONS/PRESENTATIONS

9. ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

9.1 PRESIDENT ANNOUNCEMENTS

10. REPORTS OF COMMITTEE AND OFFICERS

10.1 CORPORATE AND COMMUNITY SERVICES REPORTS

10.1.1 FINANCE REPORT – MARCH 2019

| | |
|--------------------------------|--|
| Date: | 19 February 2019 |
| Location: | No Applicable |
| File Ref: | Organisation/Financial Management/Reporting/Financial Statements |
| Author: | Susan Fitchat – Finance Manager |
| Responsible Officer: | Rebecca McCall – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Monthly Financial Activity Statements – February 2019 |

SUMMARY

For Council to receive the Statement of Financial Activity, which includes Detailed Schedules, Statement of Financial Position, Current Ratios and Investment Register for the period ending 28th February 2019.

BACKGROUND

Section 6.4 of the *Local Government Act 1995* requires a Local Government to prepare financial reports.

The *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports which have been prepared for the periods as above and are presented to Council for approval.

COMMENT

In order to fulfil statutory reporting requirements, and to provide the Council with a synopsis of the Shire of Dowerin's overall financial performance on a year to date basis, the following financial reports are attached.

- Statements of Financial Activity – Statutory Reports by Program and Nature or Type
The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year to date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position; which reconciles with that reflected in the associated Net Current Position note (Note 3).
- Capital Acquisitions
This report provides year to date budget performance in respect of the following capital expenditure activities and their funding sources. Individual project information can be found at Note 13.
- Note 1 – Significant Accounting Policies
This note provides details of the accounting policies relating to the Shire's accounts.

- Note 2 - Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 5% or \$5,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

- Note 3 - Net Current Funding Position - Statutory Requirement

This note provides details of the composition of the net current asset position on a year to date basis and reconciles with the closing funding position as per the Statement of Financial Activity.

- Note 4 – Cash and Investments

This note provides Council with the details of the actual amounts in the Shire’s bank accounts and/or Investment accounts as at reporting date.

- Note 5 – Budget Amendments

This note provides Council with a list of all budget amendments to date.

- Note 6 – Receivables

This note provides Council with the sundry debtors outstanding as at reporting date.

- Note 7 - Cash Backed Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year to date basis.

- Note 8 – Capital Disposals

This note gives details of the capital asset disposals during the year.

- Note 9 – Rating Information

This note provides details of rates levied during the year.

- Note 10 – Information on Borrowings

This note shows the Shire’s current debt position and lists all borrowings.

- Note 11 – Grants and Contributions Received

This note provides information on the operating and non- operating grants received.

- Note 12 – Trust Funds

This note shows the balance of funds held by the Shire in its Trust Fund on behalf of another person/entity.

- Note 13 – Capital Acquisitions

This note details the capital expenditure program for the year.

CONSULTATION

At the Finance Committee meeting dated 18th March 2019, the following was considered in relation to the financial statements.

- Note 2 - Explanation of Material Variances

Variances in the program were discussed and have been considered during the budget review. There are no major variances and the overhead allocation will be aligned at the end of the financial year.

- **Note 3 - Net Current Funding Position**
The total of the Net Current Funding Position is \$1,122,078. Liquidity ratio is 3.55. Which means that for every \$1 of liability the Council has \$3.55 of Current Assets available to cover current debt.
- **Note 4 - Cash Reserves and Investments**
Provides information on the cash position. Unrestricted cash of \$600,000 had been invested in a National Australia Bank term deposit. Total amount of cash and investments is \$3,327,380.
- **Note 7 - Cash Backed Reserves**
Action: The Community Bus and All Hours Gym Reserve can be removed from the report as these reserves were closed as of June 2018. The amounts transferred to be confirmed.
Response: At the end of June 2018 financial year end - \$41,339.63 was transferred from the Bus to the Plant Reserve. \$1,706.76 was transferred from the Gym to the Recreation Reserve.
- **Note 8 - Disposal of Assets**
D07 Ford Courier has been traded in on a new Ford Ranger Ute for the Depot. Land and Buildings were fair valued at the end of June 2018 and depreciated until disposal. The net book value is the value of the asset at time of disposal.
- **Note 11 - Grants and Contributions**
Grant receipts are tracking according to budget. The last instalment from Department of Health and Department of Local Government for the Financial Assistance Grant is expected to be received in the next quarter.

POLICY IMPLICATIONS

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies.

STRATEGIC IMPLICATIONS

Strategic Community Plan

| | |
|---------------------|---|
| Community Priority: | Our Leaders |
| Objective: | A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs. |
| Outcome: | 2 & 3 |
| Reference: | L3, L4 & L5 |

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Council is required to adopt monthly statements of financial activity to comply with Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*. The FMR r. 34(4) allows for the Statements to be presented to Council at an Ordinary Meeting of Council within 2 months after the end of the month to which the statements relate, therefore by presenting the financial statements in February, the Shire of Dowerin complies with statutory obligations.

RISK IMPLICATIONS

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

FINANCIAL IMPLICATIONS

The budgeted reviewed opening funding surplus as per the reviewed Budget adopted on 26 February 2019 is \$1,532,609.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.1.1

THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVES THE STATUTORY FINANCIAL ACTIVITY STATEMENT REPORTS FOR THE PERIOD ENDING 28 FEBRUARY 2019 PURSUANT TO REGULATION 34(4) OF THE LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996.

10.1.2 ACCOUNTS FOR PAYMENT - 1 FEBRUARY 2019 TO 28 FEBRUARY 2019

| | |
|--------------------------------|---|
| Date: | 19 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Financial Management/Reporting/Financial Statements/2018-2019 Monthly Payment List Credit Cards/ 2018-2019 Credit Card Statements |
| Author: | Katheen Brigg/Cheryl King – Finance Officers |
| Responsible Officer: | Susan Fitchat – Finance Manager |
| Disclosure of Interest: | Nil |
| Attachments: | List of Accounts for February 2019 Credit Card Summaries for February 2019 |

SUMMARY

The attached list of account payments for February presents all cheques drawn and electronic payments processed through the general ledger for the month of February 2019.

BACKGROUND

The accounts payments have been raised under delegated authority during the month since the last Council Meeting, are presented to Council to be received.

COMMENT

The list as presented has been reviewed by the Finance Manager and Chief Executive Officer.

The ending sequence number for January were as follows:

Cheque: 10633
EFT: 6569

The beginning sequence number for January were as follows:

Cheque: 10634
EFT: 6570

The credit card statement with supporting invoices was reviewed by the Finance Committee.

CONSULTATION

At the Finance Committee meeting dated 18 March 2019 members checked the sequencing of the payment and enquired about the following;

- EFT 6596: Repairs to air conditioner on the Sweeper - \$165.00.
Response: The air conditioner costs for the repairs on the street sweeper should not be costed to the Fire Brigade, a journal will need to be processed.
- EFT6618: Maintenance item for various locations - \$11,799.55
Response: Supplies received for the Office and Community Club, cement for the Dowerin Koorda Road, downpipes and reticulation fittings for 12 Anderson St, mower blades, works clothing and other consumables.

- EFT6607: IRP Pty Ltd Admin - cover for Finance Officer Vacancy \$6,291.12

Response: This payment is for Cheryl King currently providing finance, administration and customer support until the vacancy is filled.

POLICY IMPLICATIONS

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies. Payments have been made under delegation.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Regulation 12 & 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing:

- Creditors paid under delegated authority from Council.

RISK IMPLICATIONS

Council would not be contravening to the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* if this item was not presented to Council.

FINANCIAL IMPLICATIONS

Funds expended are in accordance with Council's adopted budget for the 2018-19 financial year.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.1.2

THAT COUNCIL, BY SIMPLE MAJORITY, RECEIVE THE REPORT FROM THE CHIEF EXECUTIVE OFFICER ON EXERCISE OF DELEGATED AUTHORITY IN RELATION TO CREDITOR PAYMENTS FROM THE MUNICIPAL FUND FOR THE PERIOD 1 FEBRUARY 2019 TO 28 FEBRUARY 2019.

10.1.3 RECALICTRANT RATES DEBTORS AS AT 28 JANUARY 2019

| | |
|--------------------------------|--|
| Date: | 19 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation, Rates & Evaluations, Reporting, 2019 Recalcitrant Rates Debtors |
| Author: | Louise Sequerah – Rates Officer |
| Responsible Officer: | Susan Fitchat – Finance Manager |
| Disclosure of Interest: | Nil |
| Attachments: | Recalcitrant Rates Debtors for Council |

SUMMARY

The recalcitrant rates debtors report details assessments which are not paying by instalments, an agreed special arrangement plan or are not pensioners. The Rates Officer under the guidance of the Chief Executive Officer has commenced debt recovery on assessments with a balance of more than \$100.00 where the ratepayer has made no attempt to pay off rates and charges.

BACKGROUND

It is best practice for Council to have less than 4% of the rates levied outstanding at the end of the financial year.

COMMENT

Debt Collection has progressed to stage two on eleven assessments. This is the result of the ratepayer making no contact with Council after receiving a letter of demand. Stage two of debt recovery involves a Statement of Claim being filed with the Magistrates Court. Approximately \$500.00 in fees are involved with this process which have been on-charged to the assessment.

Two assessments have progressed to the Property Sale and Seizure stage of debt recovery.

CONSULTATION

Louise Sequerah, Rates Officer

Susan Fitchat, Finance Manager

Lauren Marsh, Senior Account Manager, AMPAC Debt Recovery

The above officers have had ongoing consultation as to the process and Council's policy in relation to the recovery of outstanding rates and charges.

POLICY IMPLICATIONS

Sundry Debt Collection Policy

STRATEGIC IMPLICATIONS**Strategic Community Plan**

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 2 & 3
Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

The *Local Government Act 1995* applies.

RISK IMPLICATIONS

By actioning debt recovery, Council minimises the risk of future defaults and loss of income for the Shire. Associated costs are charged to the rate payers account.

Local government have the power to have property revested if the debt remains unpaid for 3 years.

FINANCIAL IMPLICATIONS

It is best practice for Council to have less than 4% of the rates levied outstanding at the end of the financial year to minimise cash flow implications.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.1.3

THAT COUNCIL, ACKNOWLEDGE THE PROGRESS MADE AS PER THE REPORT OF RECALCITRANT RATES DEBTORS, AS PER COUNCIL POLICY.

10.1.4 TERM INVESTMENT

| | |
|--------------------------------|---|
| Date: | 19 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Financial Management/Investments |
| Author: | Susan Fitchat – Finance Manager |
| Responsible Officer: | Rebecca McCall – Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Bank Interest Quotes |

SUMMARY

A new term deposit for unrestricted cash has been opened. This is to obtain maximum interest for a period of 3 months.

BACKGROUND

The Shire had a balance of over \$600,000 in the Maximiser account which has been transferred for 3 months into a Fixed Deposit.

With reference to a prior recommendation in November 2018 for a '11 am Account' on-call account with Bendigo. This will require further review in the new financially year. Internal controls for the administration of an on-call account will need to be implemented as the transactions are authorised by an emailed letter, with monthly paper statements.

COMMENT

In accordance with Council policy, staff invited two local banks, NAB and Bendigo to provide the Shire with their term deposit rates. See attachment for responses.

As the funds are for municipal cash and it is good practice to have the interest earned in the bank account for the end of the financial year the expected release date is in May 2019.

The interest rates quoted are disclosed below;

| Term/Period | National Australia Bank Ltd | Bendigo and Adelaide Bank Ltd |
|--------------------|------------------------------------|--------------------------------------|
| 3 months | 2.7% | 2.50% |

It is recommended to invest the term deposit with National Australia Bank.

CONSULTATION

Rebecca McCall - Chief Executive Officer

POLICY IMPLICATIONS

The Shire of Dowerin's Investment Policy applies.

STRATEGIC IMPLICATIONS**Strategic Community Plan**

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An investment of \$600,000 provides an approximate interest \$3,994.53 return for 3 months (based on a rate of 2.7%).

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.1.4

THAT COUNCIL ENDORSE MANAGERMENTS DECISION TO INVEST THE FUNDS OF \$600,000 WITH THE NATIONAL AUSTRALIA BANK FOR A TERM OF 3 MONTHS BASED ON A RATE OF 2.7%.

10.1.5 DOWERIN HOME CARE PACKAGES – FEES & CHARGES 2018-19

| | |
|--------------------------------|--|
| Date: | 19 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Financial Management/Budget 2018-19 |
| Author: | Rebecca McCall – Chief Executive Officer |
| Responsible Officer: | As Above |
| Disclosure of Interest: | Nil |
| Attachments: | Nil |

SUMMARY

This item seeks a Council resolution to adopt the Dowerin Home Care Packages 2018-19 Fees and Charges for the purpose of advertising.

BACKGROUND

At its Ordinary Meeting of Council dated June 2018 it was resolved to adopt the 2018-19 Schedule of Fees and Charges as part of the Annual Budget.

The schedule includes fees and charges for the government funded aged home care service provided by Dowerin Home Care managed through the Shire of Dowerin.

Dowerin Home Care receives operational and capital funding through the Department of Health and the Department of Social Services.

As a result, some amendments to the Shire of Dowerin's Schedule of Fees and Charges are required.

COMMENT

The Department of Health have restructured home care services for the aged to include packaged home care.

As an approved and funded provider of home care services, there is a requirement to provide to the Secretary of the Department of Health, for publication, a copy of the Dowerin Home Care pricing information for care packages.

Dowerin Home Care offers the government funded package level 4 for aged care services for people with high-level care needs to the approximate value of \$50,250. The proposed fees and charges for this service are as follows:

| | |
|--------------------------------------|--|
| Basic Daily Fee | \$10.43 |
| Administration Fee | \$20% of Annual Funding Managed Funds 15% Shared Management |
| Surcharges: 24-hour Cancellation Fee | Cost of Service Provision |
| Entry Fee | Included in Administration Fee |
| Exit Fee | \$250 |
| Domestic Support | \$52.00 per hour |

| | |
|---|--------------------------------|
| Personal Care, Self-Care, Medication | \$54.00 per hour |
| Other Food Services (meal prep in home) | \$52.00 per hour |
| Respite in Home | \$54.00 per hour |
| Social Support – Individual | \$54.00 per hour |
| Social Support – Group | \$52.00 per hour |
| Contractor Service | Contractor Cost + 5% admin fee |
| Travel | .78c per kilometre |

CONSULTATION

Susan Fitchat – Finance Manager

Lisa Begley – Dowerin Home Care Coordinator

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 2 & 3

Reference: L3, L4 & L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Section 6.16 and 6.19 of the *Local Government Act 1995*

Section 19A of the *User Rights Principles 2014*

RISK IMPLICATIONS

If the Department of Health does not receive a copy of the adopted fees and charges for the Dowerin Home Care Packages the service will remain non-compliant.

FINANCIAL IMPLICATIONS

The new service of Care Packages provided through the Dowerin Home Care will result in potential additional income for Dowerin Home Care.

VOTING REQUIREMENTS

Absolute majority required.

OFFICER RECOMMENDATION – 10.1.5

THAT COUNCIL, BY ABSOLUTE MAJORITY, PURSUANT TO SECTION 6.16 AND 6.19 OF THE LOCAL GOVERNMENT ACT RESOLVES TO;

- 1. ADOPT THE AMENDED SCHEDULE FEES AND CHARGES FOR THE 2018/19 FINANCIAL YEAR; AND***
- 2. ADVERTISE THE AMENDED SCHEDULE FEES AND CHARGES FOR THE 2018/19 FINANCIAL YEAR.***

10.2 GOVERNANCE AND COMPLIANCE REPORTS

10.2.1 OCCUPATIONAL SAFETY HEALTH AND ENVIRONMENTAL POLICY - REVIEW

| | |
|--------------------------------|--|
| Date: | 13 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Governance/Council Policies |
| Author: | Lisa Valentine - Coordinator Governance & Organisation Development |
| Responsible Officer: | Rebecca McCall - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Occupational Safety Health and Environmental Policy |

SUMMARY

This item brings before Council a review of the Occupational Safety Health and Environmental Policy for consideration, and if satisfactory, adoption.

BACKGROUND

The Occupational Safety, Health & Environmental Policy (OSEH Policy) is a cornerstone of an effective Occupational Safety, Health & Environmental Management System and sets out the overall OSEH objectives and principles that the Shire of Dowerin will observe in relation to the management of Occupational Safety and Health.

The previous OSEH Policy was adopted by Council in February 2018. As the OSEH Policy is required to be reviewed and endorsed on an annual basis it is now due for adoption.

COMMENT

This Policy was developed by LGIS to ensure Council's compliance with the requirements of the Occupational Safety and Health Act and Regulations. This policy provides Councillors, the CEO, staff and contractors with clear direction and understanding of the Shire of Dowerin's responsibilities in terms of implementing an effective Occupational Health and Safety Management System.

Minor changes to the policy include the changes to the position title of the Manager Works and Assets and roles and responsibilities.

CONSULTATION

Rebecca McCall, Chief Executive Officer

Chiara Acciano, Regional Risk Coordinator (LGIS)

POLICY IMPLICATIONS

Should Council adopt the policy, it will be included in the Shire's Policy Manual.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation and leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Occupational Safety and Health Act 1984

Occupational Safety and Health Regulations 1996

Australian Standard AS 4801 – Occupational Health and Safety Management Systems

RISK IMPLICATIONS

A policy reduces the risk of inconsistency in decision-making by providing a guide for staff and Council; noting that Council can choose to depart from policy if, in Council’s view, departure from policy will provide a better outcome of the organisation and community.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.2.1

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO THE OCCUPATIONAL SAFETY AND HEALTH ACT 1984 RESOLVES TO ADOPT THE REVISED OCCUPATIONAL, SAFETY, HEALTH AND ENVIRONMENTAL POLICY.

10.2.2 POP UP SHOP COUNTRY COLLECTIVE POLICY - REVIEW

| | |
|--------------------------------|--|
| Date: | 13 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Governance/Council Policies |
| Author: | Lisa Valentine - Coordinator Governance & Organisation Development |
| Responsible Officer: | Rebecca McCall - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Pop Up Shop Country Collective Policy |

SUMMARY

This item brings before Council a review of the Pop Up Shop Country Collective Policy for consideration, and if satisfactory, adoption.

BACKGROUND

The Pop Up Shop was created in conjunction with Wheatbelt Business Network which was established in 2010. It was designed to encourage innovation, invite local Wheatbelt and metropolitan entrepreneurs to come to Dowerin and add to the activation of Stewart Street. This concept has also supported home based and micro businesses that do not have enough volume or capacity to run their own, individual premise.

Since the commencement of the Pop Up Shop in 2017, the Shire has had 11 businesses register to become members to utilise the Pop Up Shop. The Community Development Officer will be preparing a marketing campaign to promote the facility and encourage further businesses to become members.

COMMENT

Minor changes to the wording within the policy, in particular the roles and responsibilities to reflect the recent changes as part of the organisation review.

CONSULTATION

Misty Richards, Community Development Officer

POLICY IMPLICATIONS

Should Council adopt the policy, it will be included in the Shire's Policy Manual.

STRATEGIC IMPLICATIONS**Strategic Community Plan**

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation and leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Section 2.7 (2b) and 5.41 *Local Government Act 1995*

RISK IMPLICATIONS

A policy reduces the risk of inconsistency in decision-making by providing a guide for staff and Council; noting that Council can choose to depart from policy if, in Council's view, departure from policy will provide a better outcome of the organisation and community.

FINANCIAL IMPLICATIONS

Budget provisions and allocations can be met via the Shire's approved operational budget for 2018/2019.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.2.2

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 2.7 (2B) AND 5.41 LOCAL GOVERNMENT ACT RESOLVES TO ADOPT THE REVISED POP UP SHOP COUNTRY COLLECTIVE POLICY.

10.2.3 SENIOR EMPLOYEES & ACTING CEO POLICY

| | |
|--------------------------------|--|
| Date: | 15 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Governance/Council Policies |
| Author: | Lisa Valentine - Coordinator Governance & Organisation Development |
| Responsible Officer: | Rebecca McCall - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Senior Employees & Acting CEO Policy |

SUMMARY

This item brings before Council a review of both the Senior Employees Statement and Acting Chief Executive Officer Policies for consideration, and if satisfactory, adoption.

BACKGROUND

The Shire of Dowerin 2007 Policy Manual includes the following statement:

“The Senior Employees shall consist of Chief Executive Officer, Deputy Chief Executive Officer, Works Manager & Health/Building Officer.”

The current Acting Chief Executive Officer policy enables the Chief Executive Officer (CEO) to appoint one of the Shire’s Managers as Acting CEO during authorised limited absences (not exceeding 3 months) of the CEO.

COMMENT

The proposed Senior Employee & Acting CEO Policy merges the two policies and includes minor changes to the wording to include the new titles, based on the recent organisation review, to include:

- Manager Works and Assets
- Manager Corporate & Community Services

The above listed Managers will be designated senior employees and will be appointed to Act in the position of CEO, performing all the functions and delegated authority of that position.

CONSULTATION

Rebecca McCall, Chief Executive Officer

POLICY IMPLICATIONS

Should Council adopt the policy, it will be included in the Shire’s Policy Manual.

STRATEGIC IMPLICATIONS**Strategic Community Plan**

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation and leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Section 5.36(2) of the *Local Government Act 1995* provides that a local government is not to employ a person to fill the position of CEO unless Council believes that the person is suitably qualified for the position.

Section 2.7 (2b) and 5.41 *Local Government Act 1995*

RISK IMPLICATIONS

A policy reduces the risk of inconsistency in decision-making by providing a guide for staff and Council; noting that Council can choose to depart from policy if, in Council's view, departure from policy will provide a better outcome of the organisation and community.

FINANCIAL IMPLICATIONS

Budget provisions and allocations can be met via the Shire's approved operational budget for 2018/2019.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.2.3

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTIONS 5.36(2), 2.7 (2B) AND 5.41 OF THE LOCAL GOVERNMENT ACT RESOLVES TO ADOPT THE NEW SENIOR EMPLOYEES & ACTING CEO POLICY, RESCINDING BOTH THE SENIOR EMPLOYEE STATEMENT AND ACTING CHIEF EXECUTIVE OFFICER POLICY.

10.2.4 COUNCIL ELECTIONS POLICY - REVIEW

| | |
|--------------------------------|--|
| Date: | 15 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Governance/Council Policies |
| Author: | Lisa Valentine - Coordinator Governance & Organisation Development |
| Responsible Officer: | Rebecca McCall - Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachments: | Extract – Council Elections Policy Statement |

SUMMARY

This item seeks Council resolution to rescind the Council Elections statement included in the 2007 Policy Manual.

BACKGROUND

The 2007 Shire of Dowerin Policy Manual includes the following statement:

“Conduct of Local Government Elections will be held on a “voting in person” type election with Councils CEO to be the returning officer.

The current procedure required by the Act is that written agreement needs to be obtained from the Electoral Commissioner before the vote by Council is taken on the *type* and *method* to be used for the Council election processes.

COMMENT

The *Local Government Act 1995* provides a choice of methods of conducting Local Government elections including postal election or voting in person. It is recommended that Council determine the method of conducting the election each voting year by Council resolution, rather than have a policy that dictates Councils position.

CONSULTATION

Council Workshop 26 February 2019.

POLICY IMPLICATIONS

Council Elections Policy Statement will be removed from the Policy Manual.

STRATEGIC IMPLICATIONS**Strategic Community Plan**

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation and leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Section 4.61 (2) *Local Government Act 1995*

Section 2.7 (2b) and 5.41 *Local Government Act 1995*

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.2.4

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO SECTION 2.7 (2B), 5.41 AND 4.61(2) OF THE LOCAL GOVERNMENT ACT RESOLVES TO RESCIND THE COUNCIL ELECTIONS POLICY STATEMENT.

10.2.5 COMPLIANCE AUDIT RETURN

| | |
|--------------------------------|--|
| Date: | 18 March 2019 |
| Location: | Not Applicable |
| File Ref: | Corporate Management/Reporting |
| Author: | Rebecca McCall - Chief Executive Officer |
| Responsible Officer: | As Above |
| Disclosure of Interest: | Nil |
| Attachments: | 2018 Compliance Audit Return (CAR) |

SUMMARY

For Council to adopt the Shire of Dowerin Compliance Audit Return (CAR) for 2018 prior to it being submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2019.

BACKGROUND

Each year every local government is required to carry out a compliance audit in relation to the period 1 January to 31 December against the requirements of the Compliance Audit Return.

After the CAR has been reviewed by the Audit Committee and presented to Council, a copy certified by the President and Chief Executive Officer, along with the relevant section of the minutes and any additional information explaining or qualifying the CAR, is to be submitted to the Department of Local Government, Sport and Cultural Industries (DLGSCI) by 31 March.

COMMENT

The CAR is one of the tools available to Council in its governance monitoring role. The CAR also forms part of the DLGSCI's monitoring program.

The Chief Executive Officer (CEO) engaged the services of a Local Government Consultant, Gary Martin, to conduct an independent review of the Shire's CAR for 2018. The review was carried out on-site between the 15th and 16th January 2019.

The review outcome stated that the standard of compliance is excellent. There were 5 items of non-compliance noted in the total 95 items included in the CAR, or an achievement rate of 94.7%. The notes and advisory recommendations for the CEO's management consideration is attached for the Committee's perusal.

The 2018 CAR once again places emphasis on the need for Council to be aware of and acknowledge instances of non-compliance or where full compliance was not achieved. In addition, the CAR requires Council to endorse details of remedial action either taken or proposed to prevent future like occurrences.

CONSULTATION

Gary Martin – Local Government Consultant

Susan Fitchat – Manager Finance

Glen Brigg – Manager Works & Assets

Lisa Valentine – Coordinator Governance and Organisation Development

Shire of Dowerin Audit Committee

POLICY IMPLICATIONS

The Risk Management Policy applies.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Local Government Act 1995

Local Government (Audit) Regulations 1996.

Local Government (Administration) Regulations 1996

Local Government (Rules of Conduct) Regulations 2007

RISK IMPLICATIONS

Council would be contravening the *Local Government Act 1995* and *Local Government (Audit) Regulations 1996* if this item was not presented to the Audit Committee for recommendation to Council.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required.

COMMITTEE AND OFFICER RECOMMENDATION – 10.2.5

THAT COUNCIL, BY SIMPLE MAJORITY, PURSUANT TO LOCAL GOVERNMENT ACT 1996;

- 1. RECEIVES THE NOTES FOR THE REVIEW OF THE COMPLIANCE AUDIT RETURN 2018; AND***
- 2. ADOPTS THE 2018 COMPLIANCE AUDIT RETURN AND IT BE SUBMITTED TO THE DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES BY 31 MARCH 2019.***

10.2.6 CEO'S REGULATION 17 REVIEW – DECEMBER 2018

| | |
|--------------------------------|--|
| Date: | 15 March 2019 |
| Location: | Not Applicable |
| File Ref: | Compliance/Risk Management/Reporting |
| Author: | Rebecca McCall - Chief Executive Officer |
| Responsible Officer: | As above |
| Disclosure of Interest: | Nil |
| Attachments: | CEO's Risk Management, Internal Control and Legislative Compliance – December 2018 |

SUMMARY

For Council to note the progress of the Chief Executive Officer's Review of Risk Management, Internal Control and Legislative Compliance.

BACKGROUND

Regulation 17 of the *Local Government (Audit) Regulations 1996* requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance.

The review may relate to any or all of the matters referred to the sub-regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 3 calendar years.

The Chief Executive Officer (CEO) is to report to the Audit Committee the results of that review.

The CEO presented a Risk Management update on progress to the Audit Committee at its meeting dated November 2017.

COMMENT

The CEO conducts an internal review annually to establish a level of accountability in respect to completing the actions identified through the Regulation 17 Review to ensure that Council's risk management, internal controls and legislative compliance is appropriate and effective.

To assist with the review process, the Shire of Dowerin has a Risk Management Governance Framework which includes a policy, procedure and risk profiling tool. The risk profiling tool includes 15 risk themes. For each theme (area of business) the risk context and key controls are identified along with actions to mitigate risk. The risk profiling tool enables the Shire of Dowerin's Risk Management Team to monitor risks and report on a quarterly basis.

With the loss of key personnel during 2018, quarterly monitoring and reporting of the risk profiling tool did not take place. Upon the commencement of the incoming CEO in late August 2018, there was need to concentrate on operational priorities. Although quarterly monitoring or reporting did not occur, there has been an emphasis on reviewing identified policies and procedures to ensure the necessary controls are in place.

To guarantee the reporting requirements outlined in the Risk Management Governance Framework is undertaken, the Governance Calendar specifies for the Risk Management

Team to monitor the risk profiling tool in February, May, August and November of each calendar year and reporting to the Audit Committee every six months (May and December).

Despite not having an updated risk profile, the CEO has undertaken a review in consultation with the Risk Management Team. The attached statements outline the progress of the CEO's Review of Risk Management, Internal Control and Legislation Compliance.

CONSULTATION

Risk Management Team

POLICY IMPLICATIONS

The Risk Management Policy applies.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Regulation 17 of the Local Government (Audit) Regulations applies.

RISK IMPLICATIONS

The Shire of Dowerin has a Risk Management Governance Framework which includes a policy and procedure. The framework provides tools that monitor the Shire's risk profile on a quarterly basis. When regular monitoring and review takes place risk implications are low.

FINANCIAL IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple majority required.

COMMITTEE AND OFFICER RECOMMENDATION – 10.2.6

THAT COUNCIL RESOLVES TO:

- 1. NOTE THE PROGRESS OF THE CHIEF EXECUTIVE OFFICER'S REVIEW OF THE REGULATION 17 REPORT CONSISTING OF THE SHIRE OF DOWERIN'S RISK**

MANAGEMENT, INTERNAL CONTROLS AND LEGISLATIVE COMPLIANCE REPORT AS PRESENTED IN THE ATTACHMENT;

- 2. REQUEST THAT THE CEO PRESENTS AT THE NEXT AUDIT COMMITTEE MEETING FURTHER PROGRESS OF THE REVIEW OF THE REGULATION 17 REPORT OF DOWERIN'S RISK MANAGEMENT, INTENRAL CONTROLS AND LEGISLATIVE COMPLIANCE AND SUPPORTING EVIDENCE BASED DOCUMENTATION; AND**
- 3. REQUEST THE CEO TO FACILITATE A RISK WORKSHOP AT THE NEXT AUDIT COMMITTEE MEETING TO;**
 - A) RECOGNISE THE COUNCIL'S PRIORITY RISKS;**
 - B) IDENTIFY THE CONTEXT AND THE APPROPRIATE CONTROL MANAGEMENT FOR THE PRIORITY RISKS; AND**
 - C) ASSESS THE PRIORITY RISKS AGAINST THE ACCEPTANCE CRITERIA.**

10.3 WORKS AND ASSETS REPORTS

NIL

10.4 MINUTES TO BE RECEIVED**10.4.1 MINUTES FROM COMMITTEE MEETINGS TO BE RECEIVED**

| | |
|--------------------------------|---|
| Date: | 18 March 2019 |
| Location: | Not Applicable |
| File Ref: | Organisation/Governance/Committees |
| Author: | Rebecca McCall - Chief Executive Officer |
| Responsible Officer: | As Above |
| Disclosure of Interest: | Nil |
| Attachments: | Road Verge Advisory Management Committee Meeting Minutes, 11 March 2019 Audit Committee Meeting Minutes, 18 March 2019 Finance Committee Meeting Minutes, 18 March 2019 |

SUMMARY

The report formally presents the minutes of Advisory Groups and Committees of Council from the previous month.

BACKGROUND

The Shire has established the following Committees of Council;

| <i>Committee</i> | <i>Representatives required by existing ToRs</i> |
|---|---|
| <i>Audit Committee</i> | <i>3 Councillors being:</i> <i>Cr DP Hudson</i> <i>Cr AJ Metcalf</i> <i>Cr BA Ward</i> <i>External Representative being:</i> <i>Mr Jason Whiteaker</i> |
| <i>Finance Committee</i> | <i>3 Councillors being:</i> <i>Cr DP Hudson</i> <i>Cr RI Trepp</i> <i>Cr BN Walsh</i> |
| <i>Dowerin Bush Fire Advisory Committee</i> | <i>1 Councillor and a Proxy being:</i> <i>Cr AJ Metcalf</i> <i>Cr LH Holberton (Proxy)</i> |
| <i>Dowerin Local Emergency Management Committee</i> | <i>President</i> |

| | |
|---|---|
| <i>Australia Day Honours Committee</i> | <p><i>2 Councillors being:</i> <i>Cr JC Chatfield</i> <i>Cr BA Ward</i></p> |
| <i>Road Verge Management Advisory Committee</i> | <p><i>2 Councillors being:</i> <i>Cr LH Holberton</i> <i>Cr LG Hagboom</i> <i>4 External Community Representatives being:</i> <i>Mrs Lyn Phillips</i> <i>Mr Robert Boase</i> <i>Mr Jason Sewell</i> <i>Mr Adam Turriff</i></p> |

The above Committees do not have any delegated authority; therefore any recommendations requiring a Council decision that result from a Committee meeting must be brought before Council. This is done via agenda items to Council.

(NB: The list above excludes those Committees that are external to the Shire, i.e. established and managed by an external group, on which the Shire has nominated representatives. Council representatives from the external committees will report back to Council verbally at the next available Council meeting. Should a decision of Council be required, an agenda item will be prepared for Council.)

COMMENT

The attached minutes are the unconfirmed minutes of the meetings of Committees of Council held since the previous Ordinary Meeting of Council.

CONSULTATION

Not Applicable.

POLICY IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Strategic Community Plan

Community Priority: Our Leaders

Objective: A thriving and progressive rural community enabled by innovation in leadership, a focus on continuous improvement and adaptability to evolving community needs.

Outcome: 3

Reference: L5

Asset Management Plan

Nil

Long Term Financial Plan

Nil

STATUTORY IMPLICATIONS

Administration Regulation 11 sets out the content that the minutes of council or committee meetings must contain, including:

- the names of members present at the meeting;
- details of each motion moved, the mover and the outcome of the motion;
- details of each decision made at the meeting; and
- written reasons for each decision made at a meeting that is significantly different from the committee's or council employee's recommendation.

Section 5.22(2) and (3) of the *Local Government Act 1995* requires that the minutes of a Council or committee meeting are to go to the next meeting of the Council or committee for confirmation and signing by the person presiding to certify the confirmation.

RISK IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

The Officer's recommendation for Council to receive the minutes of Committee meetings carries no financial commitment for Council. Should any recommendation require a financial commitment or have any implication outside the CEO's delegated authority, the matter will be referred to Council as a specific agenda item.

VOTING REQUIREMENTS

Simple majority required.

OFFICER RECOMMENDATION – 10.4.1

THAT COUNCIL, BY SIMPLE MAJORITY PURSUANT TO SECTIONS 5.22(2) AND 3.18 OF THE LOCAL GOVERNMENT ACT 1995, RESOLVES TO RECEIVE THE MINUTES OF THE;

- 1. ROAD VERGE MANAGEMENT ADVISORY COMMITTEE (UNCONFIRMED), 11TH MARCH 2018;***
- 2. AUDIT COMMITTEE MEETING (UNCONFIRMED), 18TH MARCH 2019; AND***
- 3. FINANCE COMMITTEE MEETING (UNCONFIRMED), 18TH MARCH 2019.***

11. NEW BUSINESS OF AN URGENT NATURE

12. ELECTED MEMBERS MOTIONS

13. CONFIDENTIAL ITEMS

13.1 CONFIDENTIAL ITEMS

13.1.1 MOVE BEHIND CLOSED DOORS

OFFICER RECOMMENDATION - 13.1.1

THAT THE MEETING MOVE BEHIND CLOSED DOORS TO DISCUSS CONFIDENTIAL MATTERS;

- ***ITEM 13.1.2 – PROPERTY LOCAL LAW - JOINT STANDING COMMITTEE REVIEW;***
- ***ITEM 13.1.3 – DISPOSAL OF LAND – 13 MAISEY STREET DOWERIN;***
- ***ITEM 13.1.4 – ORGANISATION STRUCTURE***

13.1.2 CONFIDENTIAL – PROPERTY LOCAL LAW - JOINT STANDING COMMITTEE REVIEW

13.1.3 CONFIDENTIAL – DISPOSAL OF LAND - 13 MAISEY STREET DOWERIN

13.1.4 CONFIDENTIAL – ORGANISATION STRUCTURE

13.1.3 MOVE OUT FROM BEHIND CLOSED DOORS

OFFICER RECOMMENDATION - 13.1.3

THAT THE MEETING MOVE OUT FROM BEHIND CLOSED DOORS.

14. CLOSURE OF MEETING