

WENTWORTH SHIRE COUNCIL

MINUTES

EXTRAORDINARY MONTHLY COUNCIL MEETING
COMMENCING 9.35AM

WEDNESDAY 29 JUNE 2011

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2. OPENING OF MEETING AND PRAYER**3. PRESENT**

COUNCILLORS: Margaret Thomson (*Mayor*), Bill Brook (*Deputy Mayor*), Brad Clarke, Melisa Hederics, Don McKinnon, Brian Wakefield, Bill Wheeldon and Ian Whitfield.

STAFF: Mr Peter Kozlowski (*General Manager*)
Mr Ken Ross (*Director, Sustainable Development*)
Mr Simon Rule (*Manager, Finance*)
Mrs Jill Davidson (*Executive Assistant*)

4. APOLOGIES AND APPLICATION FOR LEAVE

Councillor Mark King advised that he was an apology for the Extraordinary Council meeting.

Moved Councillor Wakefield and seconded Councillor Wheeldon that the apology from Councillor Mark King be received and noted.

CARRIED

5. DECLARATIONS OF PECUNIARY INTEREST AND CONFLICTS OF INTEREST

Councillor Wheeldon advised that he has a conflict of interest in the Rate Reduction section of item 6.4 as he is a Board Member of Murray House.

6. REPORTS**6.1 Donations, Contributions and Grants Policy**

Responsible Officer: General Manager
Author: Manager Governance & Corporate Planning
Implications: Management Plan and Council policy
File Reference: C9/7
Attachments: Nil
Separately Circ: Nil
Tabled: Nil

Recommendation

That Council receives and notes this report, and proceeds to consider items 6.2 to 6.4.

Purpose

To adopt a new process and policy for Council donations, contributions and grants.

Summary

The adoption of a new process and policy for Council donations, contributions and grants will provide a more transparent and clearer decision making process. It is intended to finalise all community requests for the 2011/12 financial year under the new policy and by 20 July 2011.

Report

A new process and policy is being recommended for dealing with donations, contributions and grants. This will allow the processing of community requests in the next month.

In the past Council has dealt with a number of community requests through the Management Planning Process or through adhoc reporting directly to Council. Annual submissions have been sought from the community for one off grants, usually in February/March.

The new process and policy will provide a clear rationale to decision making and will separately identify the extent of assistance provide by Council to the community annually.

Council is being asked to consider three reports (items 6.2-6.4), which need to be considered together, but in the following order.

1. Adoption of the Policy – the policy establishes Council’s directive for dealing with donations, contributions and grants, and remains in place until such time as this Council amends or revokes it, or within 9 months of the newly elected Council.
2. Adoption of contribution categories & eligibility criteria - under the policy Council will establish the categories and eligibility criteria and priorities each year, and this report makes recommendations for the 2011/12 year.
3. Transitional considerations – there have been several identified instances where existing contributions will not easily transition across into the new process. This report deals with the financial considerations for those organisations only.

Assuming that the three recommendations are adopted, there will be a considerable effort required to contact those organisations who may previously been granted rate reductions, and have them make application for consideration at the July Council meeting. Fee waiver requests and requests for donations made between the adoption date and the July Council meeting will be dealt with on an individual basis.

There will also be a need for Council to consider the requests that have already been made as part of the “Annual Management Plan submissions”. Consideration of these requests was deferred until after this new process was considered, and in fairness to those that have already made requests of Council, these requests should be considered as soon as possible.

Operational directives, work practice notes and applications forms are currently being developed and there will be a promotional campaign undertaken by the Governance

and Corporate Planning team as soon as practicable, to staff and the public of the new application process, new forms and procedures.

Policy and Management Plan Implications

A new policy is being proposed which will result in some new associated processes.

Conclusion

The new policy and process will provide a clear and transparent rationale for decision making, and result in the identification of Council's total commitment to the community in relation to donations, contributions and grants.

Moved Councillor Brook and seconded Councillor Whitfield that the recommendation be adopted.

CARRIED

6.2 Adoption of Donations, Contributions & Grants Policy

Responsible Officer:	General Manager
Author:	Manager Governance & Corporate Planning
Implications:	2011/12 Budget
File Reference:	Policy
Attachments:	C9/7, C3/3-5
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That Council adopts the Donations, Contributions and Grants Policy CP23.

Purpose

The purpose of this report is to seek Council's endorsement of the Donations, Contributions and Grants Policy CP23, formally known as CP23 Donations and provision of financial assistance policy.

Summary

Council's ability to make financial and/or in-kind contributions are set out in Sections 356 and 377 of the Local Government Act 1993. In addition to complying with the Act, this revised policy enables Council to consider requests for financial assistance in a manner that is consistent with its values of honesty & integrity, accountability & transparency; respect, quality and commitment.

Report

Under the Local Government Act 1993, Council's ability to make financial and/or in-kind contributions are set out in Sections 356 and 377 of the Local Government Act 1993.

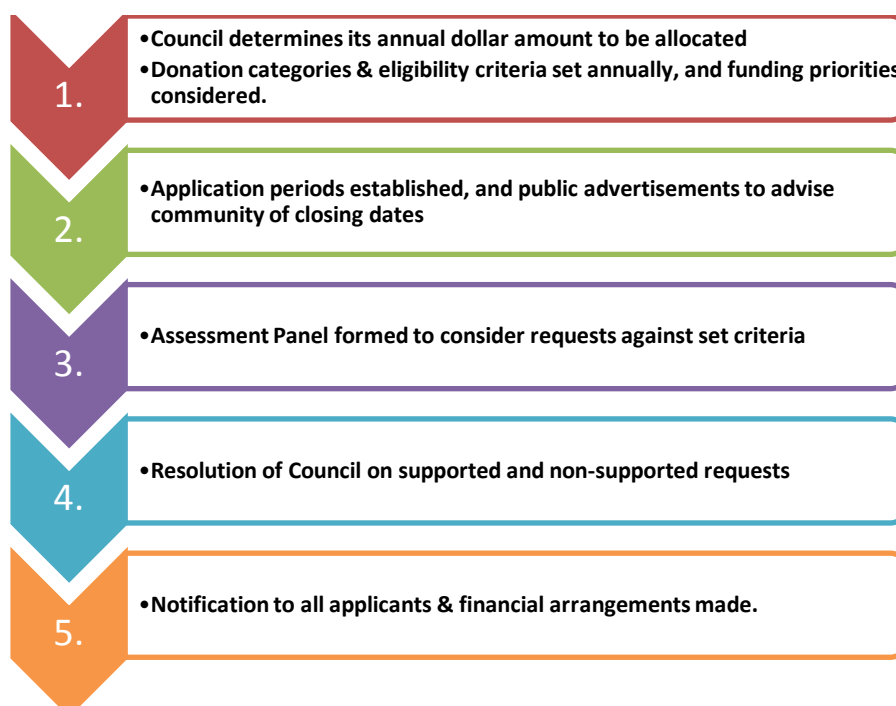
Section 356 allows Council, in accordance with a resolution of the Council, to contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions. Section 377 stipulates that Council cannot delegate the decision to contribute or otherwise grant financial assistance to the General Manager or any other person or body.

This revised policy sees:-

- Council demonstrating financial prudence by adopting a strategic approach to the amount allocated to donations and contributions.
- A movement away from the annual call for “management plan submissions”, combined with ad-hoc requests, to a consistent process which can be undertaken at pre-determined (and multiple times if desired) throughout the year.
- Council being able to establish priority areas for the granting of assistance, ensuring there is a fair and equitable distribution of funds throughout the community
- the ability to promote and follow a process which is consistent with Council’s values of honesty & integrity; accountability & transparency; respect; quality; commitment.

Under the new policy, an application based process would be established enabling Council to make prudent decisions about funding priorities. In order to comply with the requirements of the Act, and having regard for the intent of the policy provisions, the process that would be established is illustrated in fig. 1

**Fig. 1 WENTWORTH SHIRE COUNCIL
PROCESS FOR CONSIDERING REQUESTS FOR FINANCIAL ASSISTANCE**



Transitional Arrangements

The intent of the new policy is that there will be no “re-current funding”. That is, it shall no longer be assumed that organisations require a donation or fee waiver, or have an entitlement to an annual contribution. To this end, in conjunction with this

policy, Council will also be asked (via separate reports) to deal with transitional arrangements for organisations who might fall outside the intent of the new policy.

Policy and Management Plan Implications

The policy replaces CP23 – Donations and Provision of Financial Assistance Policy. Council has, in its 2011/12 Management Plan, already nominated the amount it wishes to contribute for the 2011/12 financial year. The implementation of this policy is the responsibility of the General Manager.

Conclusion

This new policy does not alter Council's legal responsibility under the Local Government Act for the granting of contributions and donations. It does however provide Council with a framework in which it is better able to make prudent, consistent and responsible financial decisions.

Moved Councillor Brook and seconded Councillor Whitfield that the recommendation be adopted.

CARRIED

6.3 Contribution Categories & Eligibility Criteria for the assessment of Donations, Contributions & Grants under Council Policy CP23

Responsible Officer:	General Manager
Author:	Manager Governance & Corporate Planning
Implications:	2011/12 Budget
File Reference:	C9/7, C3/3-5
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

That for the purposes of receiving and assessing applications received under the Donations, Contributions and Grants policy (policy CP23), Council adopts:-

- The table of contribution categories (table 1) for the 2011/12 financial year
- The eligibility criteria (table 2) for the 2011/12 financial year
- The category limits (table 3) for the 2011/12 financial year

Purpose

The purpose of this report is to establish the eligibility criteria and contribution categories for the 2011/12 financial year to enable Council to consider applications for financial assistance under policy CP23.

Summary

Council has established a policy to guide it in assessing applications for financial assistance. Tables 1 & 2 provide the basis upon which applications will be assessed.

Report

Council's policy CP23 requires Council to set the Contribution Categories and Eligibility Criteria annually for the purpose of considering applications for donations, contributions and grants. Council may also seek to establish funding priorities each year.

The Contribution Categories for the 2011/12 financial year are established in table 1. The Eligibility criteria for 2011/12 financial year are established in table 2, and limitations to each category are established in table 3. There are no funding priorities recommended for the 2011/12 financial year.

In establishing the criteria in each of the tables for the upcoming year, it should be remembered that Council will always retain the absolute discretion to fund any request that is made of it, and that the intent of Council Policy CP23 is to provide Council with a framework through which it is able to make prudent, consistent and responsible financial decisions.

Policy and Management Plan Implications

Council has allocated \$170,000 to establish the Donations, Contributions and Grants program for the 2011/12 financial year.

Conclusion

The establishment of Contribution categories and Eligibility Criteria for the financial year is a requirement of Council Policy CP23, and Council is establishing the categories and eligibility criteria to better able it to make prudent, consistent and responsible financial decisions.

Moved Councillor Wakefield and seconded Councillor Whitfield that the recommendation be adopted subject to tables 2 and 3 being amended to combine categories C and D with a maximum amount of \$10,000 as sponsorship & grants.

CARRIED

6.4 Donations, Contributions & Grants Transitional Considerations

Responsible Officer:	General Manager
Author:	Manager Governance & Corporate Planning
Implications:	2011/12 Budget
File Reference:	C9/7, C3/3-5
Attachments:	Nil
Separately Circ.:	Nil
Tabled:	Nil

Recommendation

1. That the recommendations listed under the sub-heading "*free of charge*" use of *facilities* be adopted
2. That the recommendations listed under the sub-heading of *donations* be adopted
3. That the recommendations listed under the sub- heading of *rate reductions* be adopted.

Purpose

The purpose of this report is to provide transitional arrangements for organisations that have previously been granted generous financial support by Council.

Summary

Council has previously provided generous financial assistance to several organisations. The newly adopted Donations, contributions and grants policy will change the way Council deals with financial assistance to organisations, and several organisations will now require special consideration if existing arrangements are to continue.

Report

This report deals with the continuation, or otherwise, of historic provisions of financial assistance. In order to demonstrate financial responsibility, Council should be aware of the financial impact that these historic provisions have on the annual management plan, and should also periodically review the continuation of these arrangements.

“Free of Charge” use of facilities

There are four organisations that have historically been provided with the free use of Council facilities (The Senior Citizens groups at Midway, Dareton and Wentworth, and the Red-Cross in Wentworth).

The intent behind CP23 is to enable the consideration of individual (one-off) fee waiver requests, not the permanent waiver of fees for an organisation. Therefore Council is being asked to make a determination on the continuation of such generous financial provisions.

The financial impact of the free use of the facilities has been loosely calculated on an assumed amount of use by each organisation, and either the Management Plan fees and charges adopted in the 2011/12 management plan or, a portion of the usage cost. The total “assumed” consideration being provided to these four organisations amounting to \$31,360.00.

Given the historic nature of the free use of facilities, it is recommended that:-

- 1) The listed organisations continue to be provided with free use of the facilities, for the 2011/12 financial year.
- 2) each of the organisations listed enters into a formal agreement for the use of the facilities at prescribed times during the year.
- 3) the term of the formal agreement extends until June 30th, 2013, at which time the newly elected Council shall have the right to continue, amend or revoke the formal agreement.
- 4) Any subsequent agreement will not extend beyond the elected term of the Council, and will have provisions for the agreement to be reviewed every 2 years.

For the 2011/12 financial year, the total amount of financial assistance being provided as fee waivers through this recommendation is \$31,460.00.

“Free of Charge” use of facilities

Moved Councillor Brook and seconded Councillor Wakefield that the recommendation be adopted.

CARRIED

Donations

Council has previously provided financial assistance to the Australian Inland Botanic Gardens, by way of a donation. The donation amount commenced at \$30,000 and then in 2008 was increased to \$45,000 when the Victorian Government did not continue their funding. It is also understood that Mildura Rural City Council has also decided to reduce its contributions to the Gardens.

The AIBG has been a benefactor of Council's generous financial support over an extended period of time. Consideration should be given to whether Council continues to provide such a high level of financial support to one individual organisation, or whether a re-distribution of funding will enable other opportunities to be pursued in the future. The donation amount of \$45,000 is well outside the category limits established for the 2011/12 financial year.

Given the historic nature of this particular donation, it is recommended that:-

- 1) for the 2011/12 financial year, Council provides a donation of \$45,000 to the Australian Inland Botanic Gardens.
- 2) a letter be sent to the AIBG advising them that:-
 - a. they will need to formally apply for funding through the new process from the 2012/13 financial year onwards
 - b. Council is not able to sustain its contribution at the current rate, and looks to the AIBG to make a more suitable request in future years.

For the 2011/12 financial year, the amount of financial assistance being provided to the Australian Inland Botanic Gardens by way of a donation is \$45,000.

Donations

Moved Councillor Wakefield and seconded Councillor Whitfield that the recommendation be adopted.

CARRIED

At 10.10am Councillor Wheeldon declared a conflict of interest and vacated the Council Chambers.

Rate reductions

Council has historically provided several organisations with a % refund of their rates. Under the operation of CP23, it is intended that from the 2011/12 financial year onwards, all organisations will need to make application each year for Council to these requests in conjunction with all other requests for financial assistance. That is, there is no automatic assumption of recurrent funding.

In the 2011/12 Management Plan submissions, one organisation (Murray House) has requested additional financial support in the 2011/12 financial year, which is over and

above the historic reimbursement given. Murray House has historically been provided with reimbursement of Water Charges to the amount of \$5,000 per annum. This year, they have requested an additional \$10,000, bringing the total contribution request to \$15,000.

Under the adopted eligibility criteria, Murray House would be have an eligibility classification as A1, and therefore they would not be recommended to receive rate reductions in the future. Council does however retain the discretion to still grant any request made.

Given the historic nature of providing financial support to this organisation, it is recommended that:-

1. for the 2011/12 financial year, Council does not provide the additional \$10,000 requested by Murray House.
2. a letter be sent to Murray House advising them that:-
 - a) they Council is not able to accede to their request for an additional \$10,000.
 - b) they will need to make application for rate reduction assistance for 2011/12 (even though it falls outside the eligibility criteria), enabling Council to consider this request with all other applications.

Policy and Management Plan Implications

In the 2011/12 Management Plan, Council has nominated an amount of \$170,000 for the provision of donations, contributions and grants.

The recommendations made above result in the following financial implications for Council for the 2011/12 financial year:-

- the amount of financial assistance being recommended for fee waivers through this recommendation is \$31,460.
- the amount of financial assistance being recommended for the Australian Inland Botanic Gardens by way of a donation is \$45,000 for the 2011/12 year only.

Total financial considerations (transitional considerations) in this report \$76,460, leaving a balance of \$93,540 remaining for future allocations by Council.

Conclusion

The Donations, Contributions and Grants policy establishes a process through which Council can responsibly and prudently consider requests for financial assistance. The considerations in this report are considered to be outside the intent of CP23, and therefore transitional arrangements need to be put in place.

Rate reductions

Moved Councillor Whitfield and seconded Councillor Brook that the matter relating to financial assistance to Murray House be held over to a future Council meeting pending a presentation to Council.

CARRIED

*The Director Sustainable Development left the Council Chambers at 10.26am.
Councillor Wheeldon returned to the Council Chambers at 10.30am.
The Director Sustainable Development returned to the Council Chambers at 10.30am*

6.5 Draft Noxious Weeds Management Policy

Responsible Officer: Director Sustainable Development
Manager Health & Development
Implications: Budget / Management Plan
File Reference: E6/14-6
Attachments: Nil
Separately Circ.: To be separately circulated prior to meeting
Tabled: Nil

Recommendation

That Council resolves to consider this item because of the urgency to have the policy adopted by 30 June 2011, to ensure compliance with the WRNWAG (Western Riverina Noxious Weeds Action Group) regional inspection policy.

That Council approves the attached Noxious Weeds Management Policy.

Purpose

The purpose of this report is for Council to adopt a Noxious Weeds Management Policy. This policy is to establish a clear procedure for the inspection of property subject to noxious weed infestation.

Summary

The policy aims to develop and implement early detection of noxious weeds by the establishment of an inspection program on all land within the Shire.

Report

This policy sets out to advise the community of the responsibilities of council in the management of noxious weeds with the shire. The policy applies to all landholders, both public and privately owned. This policy is to be adopted by Council to ensure compliance with the WRNWAG regional inspection policy. Each Council within the group is required to adopt this policy.

The policy documentation was still being finalised at the time of printing the agenda. This documentation will be circulated separately to councillors prior to the meeting.

Policy and Management Plan Implications

The Noxious Weeds Management Policy replaces Policy CP 40 Noxious Weeds, the implementation of which is the responsibility of the Weeds Inspector. The resource level remains unchanged.

Conclusion

The adoption of this policy identifies Councils commitment to the management of noxious weeds as required by the Noxious Weeds Act 1993 in conjunction with the NSW Invasive Species Plan and the regional inspection policy.

Moved Councillor Wakefield and seconded Councillor Wheeldon that the recommendation be adopted.

CARRIED

There being no further business the meeting concluded at 10.31am.



CHAIRMAN