



MOREE PLAINS SHIRE COUNCIL

21 FEBRUARY 2019

**FINANCE AND GOVERNANCE
COMMITTEE MEETING**

**ADOPTED PUBLIC BUSINESS
PAPER AND MINUTES**

Monday, 18 February 2019

- TO:
- Councillors
 - Director – Corporate Services
 - General Manager
 - Director – Planning and Community Development
 - Director – Engineering Services
 - Manager – Water and Waste
 - Manager – Executive Projects

Notice is hereby given that the **Finance and Governance Committee Meeting** will be held in the Council Chamber, the Max Centre, 30 Heber Street, Moree, on **Thursday, 21 February 2019** commencing at **2pm**.

Please note that all Council meetings are recorded.

Yours sincerely



Mitchell Johnson
DIRECTOR OF CORPORATE SERVICES

Agenda

1. Open Meeting
2. Apologies
3. Confirmation of Minutes
4. Leave of Absence requests
5. Declarations of Interest
6. Reports
 - a) Operational Plan and Budget 2018-2019 Report on Progress – Quarter 2: 1 October 2018 to 31 December 2018 and Quarterly Budget Review Statement
 - b) Adoption of new Model Code of Meeting Practice
7. Standing agenda item: New Questions on Notice
8. Standing agenda item: Strategic Planning Proposals and Current Project Updates
9. Standing agenda item: Overseas Trade and Investment
10. Responses to Previous Questions on Notice
11. Closed Committee/Confidential Reports
12. Close Meeting

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CHAIR



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Finance and Governance Committee Meeting Adopted Public Business Paper and Minutes 21 FEBRUARY 2019

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MINUTES OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING OF THE MOREE PLAINS SHIRE COUNCIL HELD IN THE COUNCIL CHAMBER, HEBER STREET, MOREE ON THURSDAY, 21 FEBRUARY 2019, COMMENCING AT 2.02 PM

PRESENT:

Councillors K Humphries, S Ritchie, J Tramby OAM, S Price OAM, G Smith, K Cassells, J Crawford, and M Montgomery AM

IN ATTENDANCE:

Mr L Rodgers (General Manager), Mr M Johnson (Director Corporate Services), Mr R Heatley (Acting Water and Sewer Group Manager), Mr A Witherby (Director, Planning and Community Development), Mrs L Fisher (Acting Director Engineering), Mrs L Carter (Integrated Planning and Reporting Manager), Mr J Carleton (Projects Manager), Mr A Probert (Finance Manager), Mrs A Colbran (Governance Project Officer), Mrs K Kerr (Asset Manager), Mrs N Griffiths (Senior Accountant), Mrs F McClymont (Airport and Support Manager) and Mrs T Smith (Corporate Services Support Officer).

APOLOGIES:

Councillor G Chiu

MINUTES:

Minutes from the Finance and Governance Committee Meeting held 15 November 2018.

19/02/01 RESOLVED (RITCHIE/CRAWFORD)

That the Finance and Governance Committee adopt the minutes of the meeting held on 15 November 2018.

DECLARATIONS OF INTEREST:

Nil.



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Report Title	1. Operational Plan and Budget 2018-2019 Report on Progress – Quarter 2: 1 October 2018 to 31 December 2018 and Quarterly Budget Review Statement
Report by	Executive
Contact	General Manager
Attachments	One (1) attachment; refer to Attachments section
File	FILE 18/310

19/02/02 RESOLVED (PRICE/HUMPHRIES):

That the Finance and Governance Committee move into Workshop.

The Committee moved into Workshop at the time being 2:14pm

Councillor Cassells left the meeting at the time being 4.12pm.

19/02/03 RESOLVED (HUMPHRIES/PRICE):

That the Finance and Governance Committee move out of Workshop.

The Committee moved out of Workshop at the time being 4:16pm

19/02/04 RESOLVED (PRICE/MONTGOMERY):

COMMITTEE RECOMMENDATION

- 1 That the second quarter report on progress in implementing Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2018-19 be received for information.**
 - 2 That the Quarterly Budget Review Statement for the period ending 31 December 2018 be received for information.**
 - 3 That variations, as detailed in the Appendix, be adopted.**
 - 4 That Councillors receive a detailed report before the 28 February 2019 Council meeting on the asbestos contaminated stockpile remediation cost breakdown.**
-

COMMITTEE RECOMMENDATION

1. That the second quarter report on progress in implementing Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2018-19 be received for information.
 2. That the Quarterly Budget Review Statement for the period ending 31 December 2018 be received for information.
 3. That variations, as detailed in the Appendix, be adopted.
-

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REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community
Not applicable
- Sustainable Spaces and Places
Not applicable
- A Vibrant Regional Economy
Not applicable
- A Leading Organisation
L1.2 Deliver the desired services throughout the Shire to meet community needs in an effective, efficient and financially viable way, having regard to compliance and risk obligations

BACKGROUND AND KEY ISSUES

With the implementation of Council's strategic planning and reporting software, MANEX considers that progress reports in relation to Moree Plains Shire Council's Delivery Program 2017-2021 and Operational Plan 2018-2019 (**Quarterly Progress Report**) and the Quarterly Budget Review Statement (**QBR**) should be reviewed by Council as a single report each financial quarter, given the interaction and interdependence of the Quarterly Progress Report and QBR.

As such, this report provides background information for both of these, with the revised format of the Q2 Report (which has been distributed under separate cover) comprising:

1. An explanatory overview of the Quarterly Progress Report;
2. A detailed status report across the 19 Functional Areas contained in the Operational Plan 2018-2019 for Quarter 2;
3. A Project Snapshot for Quarter 2; and
4. The QBR.

Information in relation to the Quarterly Progress Report and QBR is detailed below.

QUARTERLY PROGRESS REPORT:

When the Council adopted the Moree Plains 2027 Community Strategic Plan, it committed to reporting on the Delivery Program and Operational Plan Functional Area indicators on a six (6) monthly basis. These reports would cover the period of July to December and January to June each financial year. Additionally, under Section 404 of the *Local Government Act 1993* the General Manager must ensure that progress

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reports are provided to the Council, with respect to the principal activities detailed in the Delivery Program, at least every six months.

To better inform Council and senior management of progress, emerging issues and concerns, progress reports are provided quarterly.

The Q2 Quarterly Progress Report is Moree Plains Shire Council's progress report for the period of 1 October 2018 to 31 December 2018 on the adopted Delivery Program 2017-2021 and Operational Plan 2018-2019.

This report provides a snapshot of what has been achieved in the second quarter of the current financial year. It allows the Council and the community to view the progress that the Council has made and provide detail on Council activities.

Through reporting, the Council is able to continually monitor its performance and make necessary adjustments on a regular basis to ensure that targets are being met, and reviewed if required. Regular monitoring also provides another method of risk management and provides points of reference when carrying out tasks, activities and projects.

QUARTERLY BUDGET REVIEW STATEMENT:

In accordance with the *Local Government (General) Regulation 2005* Clause 203:

- (1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.*

The QBRs is the format prescribed by the OLG and sets the minimum requirements for presentation of Council's progress against budget, revised estimate of income and expenditure for the year and recommendations for budget variations.

The QBRs comprises the following attachments:

1. Statement by the responsible accounting officer on council's position at the end of the year based on the information in the QBRs;
2. Budget Review Contracts and Other Expenses (Consolidated);
3. Budget Review Consultancies and Legal Fees (Consolidated);
4. Budget Review Income and Expense Statement (Consolidated and Funds);
5. Budget Review Statement of Cashflows (Consolidated and Funds);
6. Key Performance Measures (Consolidated and Funds);

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7. Material Variations Recommendations (Consolidated);
 - i. Operating Income and Expenditure
 - ii. Capital Income and Cashflow
8. Budget Review Capital Budget (Consolidated and Funds);
 - i. Material variations to Capital Budget

FINANCIAL IMPACT TO COUNCIL

The financial impact to Council of the proposed variations is detailed in the attachment.

STATUTORY AND POLICY IMPLICATIONS

The following sections of the *Local Government Act 1993* and *Local Government (General) Regulation 2005* detail Council's reporting obligations in respect of the Delivery Program and Operational Plan and Budget.

LOCAL GOVERNMENT ACT 1993 No 30

404 Delivery program

(1) A council must have a program (its delivery program) detailing the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy.

(2) The delivery program must include a method of assessment to determine the effectiveness of each principal activity detailed in the delivery program in implementing the strategies and achieving the strategic objectives at which the principal activity is directed.

(3) The council must establish a new delivery program after each ordinary election of councillors to cover the principal activities of the council for the 4-year period commencing on 1 July following the election.

(4) A draft delivery program must be placed on public exhibition for a period of at least 28 days and submissions received by the council must be considered by the council before the delivery program is adopted by the council.

(5) The general manager must ensure that regular progress reports are provided to the council reporting as to its progress with respect to the principal activities detailed in its delivery program. Progress reports must be provided at least every 6 months.

LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - REG 203

Budget review statements and revision of estimates

203 Budget review statements and revision of estimates

(1) Not later than 2 months after the end of each quarter (except the June quarter), the responsible accounting officer of a council must prepare and submit to the council a budget review statement that shows, by reference to the estimate of income and expenditure set out in the statement of the council's revenue policy included in the operational plan for the relevant year, a revised estimate of the income and expenditure for that year.

(2) A budget review statement must include or be accompanied by:

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(a) a report as to whether or not the responsible accounting officer believes that the statement indicates that the financial position of the council is satisfactory, having regard to the original estimate of income and expenditure, and

(b) if that position is unsatisfactory, recommendations for remedial action.

(3) A budget review statement must also include any information required by the Code to be included in such a statement.

RISK IMPLICATIONS

Council commits, through the Delivery Program and associated Resourcing Strategy (Long Term Financial Plan, Workforce Plan and Asset Management Plan/s) to deliver certain services, activities and projects during the Council tenure. Regular review of progress made against these commitments mitigates the risk of Council not delivering on commitments on time and on budget and highlights at an early stage where there is a risk of not delivering.

ASSET MANAGEMENT IMPLICATIONS

Completion of asset maintenance projects in accordance with our Asset Management Plan/s ensures Council can continue to provide the infrastructure needed to deliver the services committed to in the Delivery Program.

PREVIOUS COUNCIL DECISIONS

The Operational Plan 2018-2019 Q1 Report – 1 July 2018 to 30 September 2018 was considered by Council at the Finance and Governance Committee Meeting in November 2018.

ATTACHMENTS

1. Operational Plan 2018-2019 Q2 Report – 1 October 2018 to 31 December 2019 (to be provided under separate cover).



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Report 1	Operational Plan and Budget 2018-2019 Report on Progress – Quarter 2: 1 October 2018 to 31 December 2018 and Quarterly Budget Review Statement
Attachment 1	Operational Plan 2018-19 Q2 Report 1 October 2018 to 31 December 2018

(To be provided under separate cover)



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Report Title	2. Adoption of the new Model Code of Meeting Practice
Report by	Executive
Contact	Governance Projects Officer
Attachments	No attachment
File	FILE 12/2747

19/02/05 RESOLVED (MONTGOMERY/TRAMBY):

COMMITTEE RECOMMENDATION

That the Finance and Governance Committee review the Model Code of Meeting Practice for Local Councils in NSW and recommend a draft version to the Council to be considered at the Council meeting of 14 March 2019.

COMMITTEE RECOMMENDATION

That the Finance and Governance Committee review the Model Code of Meeting Practice for Local Councils in NSW and recommend a draft version to the Council to be considered at a future Ordinary Council Meeting.

REPORT

ALIGNMENT WITH MOREE PLAINS 2027 – YOUR SHIRE. THE PLAN. OUR FUTURE

- An Inclusive, Caring Community
Not applicable
- Sustainable Spaces and Places
Not applicable
- A Vibrant Regional Economy
Not applicable
- A Leading Organisation
L1.7 Be accountable and transparent in our affairs, operate with integrity, improve our responsiveness and pursue innovative solutions for organisational improvement

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BACKGROUND AND KEY ISSUES

In November 2016, the NSW Office of Local Government (OLG) announced they had commenced work on a Model Code of Meeting Practice (Model Code) to be prescribed by regulation. The OLG sought submissions from councils on how the existing rules could be improved, what else needed to be prescribed and examples of best practice that could be incorporated into non-mandatory provisions. Council made a submission in January 2017 and again in March 2018 following the release of the Consultation Draft of the Model Code.

A copy of the Model Code can be found by following this link <https://www.olg.nsw.gov.au/content/model-code-meeting-practice-local-councils-nsw>. Due to its size, a copy has not been included as an attachment to this report however a hard copy can be requested through the Executive Office and limited copies will be available at the Committee Meeting.

There are a number of non-mandatory provisions Council will need to consider and either adopt or remove along with discretionary elements of mandatory clauses. These have been outlined as followed:

Current Clause Number	Impact of Clause and Decision to be made	Non-mandatory
3.1/3.2	Whether the frequency, time, date and place of meetings is to be identified or not identified and dealt with via resolution of Council <i>(Note: must adopt one of these clauses)</i>	No
3.10	Need to determine notice period required for a notice of motion	No
3.12	Whether to provide the general manager the ability to prepare a report in relation to the legal, strategic, financial or policy implications that should be taken into consideration when considering a notice of motion	Yes
3.13	Whether a source of funding needs to be identified before consideration of a notice of motion if works/services not already included in council's adopted operational plan including the ability to defer consideration of the matter until this report can be prepared.	Yes
3.32-3.36	Whether to allow 'pre-meeting briefing sessions' and the provisions that could apply to it	Yes
4.1-4.23	Whether to provide for a public forum and the provisions that could apply to it	Yes
5.14	Whether to allow a meeting to be cancelled due to lack of quorum or because of natural disaster	Yes
5.15	Whether to include the business of a meeting cancelled due to lack of quorum or natural disaster on the next ordinary meeting or at an extraordinary meeting	Yes
7.1 – 7.4	Whether to require specific modes of address	Yes
8.1/8.2	Whether to specify an order of business or have this set via resolution of the council <i>(Note: must adopt one of these clauses)</i>	No
9.10	Whether to apply the same provisions as 3.13 to Mayoral Minutes	Yes

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10.9	Whether to require a funding source to be identified prior to considering a motion	Yes
11.11	Would require for and against to be recorded for each motion or amendment at council meetings – including the use of the casting vote, if relevant	Yes
13.1-13.7	Whether to allow dealing with items by exception and the provisions that could be applied to this	Yes
14.11	Specifying a date and time for cut off for applications to address council on whether a section of the meeting should be closed	No
14.13	Limit on number of speakers that can address council on whether a section of the meeting should be closed	No
14.16	Limit on number of speakers in relation to a matter for closed council not included on the business paper	No
14.17	Time limit on speakers in relation to a matter for closed council not included on the business paper	No
15.14	Provides authority to the chairperson to directly expel any person from a council or committee meeting	Yes
15.15	Provides authority to the chairperson to directly expel any person other than a councillor from a council or committee meeting	Yes
15.16	Confirms 5.14 or 5.15 do not impose a limitation on ability for expulsion from a meeting to occur via resolution of the meeting - allowable under Section 10(2)(a) of the <i>Local Government Act 1993 (the Act)</i>	Yes – however power exists under the Act
17.10	Imposing time limit on notice of motion to alter or rescind a resolution relating to a development application	Yes
17.12 – 7.14	Would allow, in cases of emergency, the consideration of a motion to alter or rescind a motion at the same meeting the resolution was adopted with suggested conditions	Yes
17.15-17.20	Allows amendments to be made to resolutions to correct error/ambiguity or imprecision or to confirm the voting and suggested provisions to control this	Yes
18	Provides ability to specify a time limit on meetings and empowers the extension of this via resolution and other provisions that could be applied	Yes
20.24	Requires for and against to be recorded for each motion or amendment at committee meetings – including the use of the casting vote, if relevant	Yes

When considering the non-mandatory provisions it is important to note that adoption of part of a non-mandatory provision does not require full adoption. By way of example, Section 4 of the Model Code, which relates to Public Forums, is entirely non-mandatory. Council may wish to adopt Section 4 in its entirety or alternatively adopt some of these only or amend the suggested provisions to suit Council's needs. Notwithstanding this, the OLG has indicated that the clauses in their entirety represent best practice.

FINANCIAL IMPACT TO COUNCIL

No significant financial implications have been identified. There is a cost associated with upgrading the audio recording unit in the Council Chamber, however this cost is necessary irrespective of the new recording requirements due to the age and condition of the current .

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STATUTORY AND POLICY IMPLICATIONS

The Model Code is made under section 360 of the Act and the Local Government (General) Regulation 2005. The Model Code applies to all meetings of councils and committees of councils of which all the members are councillors. Council committees whose members include persons other than councillors may adopt their own rules for meetings unless the council determines otherwise.

The Model Code includes both mandatory and non-mandatory provisions, the latter being at the discretion of each individual council. The Model Code must be used as the base instrument and where a council's adopted Code of Meeting Practice is inconsistent with the mandatory provisions of the Model Code, the Model Code will prevail.

RISK IMPLICATIONS

The Model Code, when adopted by Council, provides a clear set of rules for the conduct of meetings that reflects best practice. By acting in accordance with the Model Code, councillors, council staff and delegates are meeting their legislative obligations.

Council must ensure that the adopted Code of Meeting Practice for this Council is consistent with the mandatory provisions contained within the Model Code to ensure its legality and for the protection of all who are bound by it.

ASSET MANAGEMENT IMPLICATIONS

No asset management implications have been identified.

PREVIOUS COUNCIL DECISIONS

RESOLVED 18/03/07 (CASSELLS/MONTGOMERY)

1. That Council endorse the approach to be adopted in making a submission to the Office of Local Government in relation to the new Model Code of Meeting Practice for Local Councils in NSW and that the following recommendations be included:

a) Clauses 5.18 - 5.20 and 14.22 (this includes the webcasting of meetings) to become non-mandatory provisions

b) Clauses 15.1 – 15.23 (relating to keeping order at meetings) are to be reviewed to ensure that the provisions relating to acts of disorder apply to the conduct of Councillors as well as members of the public.

2. That the draft submission to the OLG regarding the new Model Code of Meeting Practice be circulated to Councillors prior to submission 16 March 2018.

ATTACHMENTS

There are no attachments.

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Questions on Notice

Councillor Tramby:

1. **Councillor Tramby asked if the Waste to Energy Project met the \$500,000 target?**

Mr Witherby advised that the advice received from the General Manager of Tenterfield is that another three councils have come on board, but the \$500,000 has not yet been reached. Council has endorsed two tranches of funds, a first amount of \$15,000 and a second \$10,000 with restrictions on the payment. No funds have been transferred, nor will any funds be transferred until the project meets the requirements of Council's resolutions.

A further response required providing the specific resolutions to Councillors.

2. **Councillor Tramby asked who is responsible for mowing the lakes if they become empty?**

Mr Rodgers advised that the maintenance has been negotiated, the agreement deems responsibility above and below the level of 1.5. When the level falls to 1.5 and below it is deemed the responsibility of Council.

No further response required.

Councillor Ritchie:

3. **Councillor Ritchie asked if it was true that mowers from Mungindi have been given to the Water Ski Club?**

Mr Carleton advised that about two years ago two ride on mowers, which were surplus to the requirement and destined for auction were provided to the Moree Water Ski Club with a restriction that they be used only at the Moree Water Park. The mowers were in disrepair and the club agreed to make repairs to the mowers. I have no knowledge of any consideration for additional mowers.

Taken on Notice.

4. **Councillor Ritchie asked re Monthly DA approvals. There is a house in Boston Street. Extensions were valued at \$21,000. Ceiling is suspended ceiling. This would be \$18,000. Who does the assessment on cost?**

Mr Witherby advised that the DA costs are assessed by the proponents. If Council staff have a concern over accuracy they estimate costs using Cordell's cost pricing or similar. If the proponent disagrees they can provide a builder's quote or quantity surveyor's estimate. We will review the specific DA and the appropriateness of the fees.

A further response is required.



Councillor Price:

5. Councillor Price mentioned that dogs have become more of an issue in Mungindi and people are scared of vicious dogs.

Mr Witherby advised that Compliance will ensure additional patrols are arranged people should be encouraged to report directly to Council through the switch or afterhours number.

A further response is required.

6. Councillor Price mentioned that she has had a few people speak with her in relation to the Levee Bank. Is it safe? Concerns over bikes and bike jumps on it as well as the dry period and trees. What impact will these have on the levee? Are we sure the integratory of the bank will hold a flood?

Taken on Notice. A further response is required.

7. North Star to Border CC. Issue of mowing. Can it go to the border? Can someone from Council contact Mr Ian Ubergang and clarify where he wants the mowing done.

Mrs Fisher advised that council will contact Mr Ubergang and clarify.

A further response required.

8. Can we push to have the tennis courts completed before the netball/football season starts.

Mr Carleton advised that a meeting was held with representatives of the Mungindi Tennis Club and the community with an agreement reached on design of the project works and that a request for quotations reviewed on this day for distribution to prospective contractors.

No further response required.

9. There has been works carried out at the Boomi pool, do we know if these works had rectified the leak issues?

A further response required

Councillor Humphries:

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10. I have been advised that staff that are working on Shire road 507 are travelling back into the depot to refuel plant, shouldn't we be sending out a tanker?

Mr Rodgers advised that to his knowledge a tanker is travelling out to the site and that small light plant fuel up at the depot before heading out to the site.

A further response required.

Councillor Smith:

11. Councillor Smith asked what the process is for works staff starting and finishing at the depot or on worksites?

Mr Rodgers advised that that he is aware on regular occasions staff have been allowed to commence work and finish at worksites with appropriate controls in place.

A further response required.

Director Corporate Services Mitchell Johnson left the meeting and did not return the time being 5.22pm

Mr Rodgers provided a verbal update on the SHAE academy and the lease agreement.

Although the lease agreement has not been finalised, as of October last year a short term lease agreement was entered into and an invoice was raised for \$50,000. This amount has been paid in full for the first period.

Council supported and endorsed a leasing agreement prior to the sale of the land.

Strategic Planning Proposals and Current Project Updates

Inland Rail - Councillor Price advised that a meeting was held yesterday for the North Star to Border realignment with ARTC. A further meeting will be held with the key representatives who will provide all of the information and how it was decided upon.

Mr Carleton advised that discussions have been held with the Inland Rail regarding development of a third party agreement between the two agencies for both of the Inland Rail projects in our Shire.

Discussions has also been held with the Inland Rail regarding social performance involving greater interactionwith our communities, procurement of local contractors and businesses.

Moree Regional Airport – Mr Carleton advised that work at the Moree Regional Airport will be carried out this weekend. Our works area and three local contractors are providing the work. The main runway will be closed Saturday and Sunday and reopening Sunday evening for the night flight.



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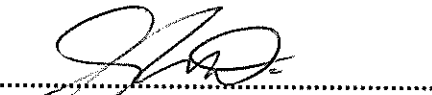
Fly Corporate Air Service - Mr Rodgers advised that the Moree to Brisbane air services will cease as of March 8 2019. Mr Rodgers advised that he did ask the company why they had not contacted Council to discuss the matter. The company indicated that the service was viable and they advised that they are looking at a Brisbane, Inverell, Sydney route. Mr Rodgers expressed disappointment that Council did not get an opportunity to discuss prior to the service being cancelled.

Overseas Trade and Investment

Nil.

There being no further business, the meeting closed at the time being 5.48pm

SIGNED BY THE CHAIR OF THE
FINANCE AND GOVERNANCE
COMMITTEE, WHOSE SIGNATURE
APPEARS BELOW.


.....
CHAIRPERSON

ADOPTED AT THE FINANCE AND
GOVERNANCE COMMITTEE MEETING
OF THE MOREE PLAINS SHIRE
COUNCIL HELD ON

21/3/19
.....
DATE



CHAIR

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