

Minutes

Special Meeting of Council

Tallangatta Council Office

Tuesday 16 September 2014

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<p style="text-align: center;">MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD AT TOWONG SHIRE COUNCIL, TALLANGATTA OFFICE ON TUESDAY 16 SEPTEMBER 2014 COMMENCING AT 10.00 AM.</p>

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1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer presence at the meeting

Present: Cr Fraser OAM, Crs Wortmann, Gadd, Joyce and Scales

In Attendance:	Title:
J Phelps	Chief Executive Officer
J Shannon	Director Community and Corporate Services
J Heritage	Director Technical Services
K Green	Acting Executive Assistant

3 Apologies and granting of leave of absence

Nil.

4 Declaration of pecuniary interest and/or conflict

For the purpose of this section, Councillors must disclose the nature of the conflict of interest in accordance with s79(2) of the Local Government Act.

Nil.

5 Confidential

In accordance with S77(2) information is 'confidential information' if:

- (a) The information was provided to the Council or a special committee in relation to a matter considered by the Council or special committee at a meeting closed to members of the public and the Council or special committee has not passed a resolution that the information is not confidential; or
- (b) The information has been designated as confidential information by a resolution of the Council or a special committee which specifies the relevant ground or grounds applying under section 89(2) and the Council or special committee has not passed a resolution that the information is not confidential; or
- (c) Subject to sub-section (3), the information has been designated in writing as confidential information by the Chief Executive Officer specifying the relevant ground or grounds applying under section 89(2) and the Council has not passed a resolution that the information is not confidential.

In accordance with Section 89(2) and 89(3) of the Local Government Act 1989:

- (2) A Council or special committee may resolve that the meeting be closed to members of the public if the meeting is discussing any of the following:
 - (a) Personnel matters;
 - (b) The personal hardship of any resident or ratepayer;
 - (c) Industrial matters;
 - (d) Contractual matters;
 - (e) Proposed developments;
 - (f) Legal advice;
 - (g) Matters affecting the security of Council property;
 - (h) Any other matter which the Council or special committee considers would prejudice the Council or any person;
 - (i) A resolution to close the meeting to members of the public.
- (3) If a Council or special committee resolves to close a meeting to members of the public the reason must be recorded in the minutes of the meeting.

**CR GADD
CR JOYCE**

THAT THE MEETING BE CLOSED TO THE PUBLIC THE TIME BEING 10.01AM TO CONSIDER INFORMATION CONSIDERED UNDER SECTION 89(2) (d) OF THE LOCAL GOVERNMENT ACT TO BE CONFIDENTIAL.

CARRIED

**CR JOYCE
CR SCALES**

THAT THE MEETING BE RE-OPENED TO THE PUBLIC THE TIME BEING 10.12AM.

CARRIED

5.1 Colac Colac Caravan Park – Transfer of Lease (08/01/0084-CEO)

**CR SCALES
CR JOYCE**

THAT COUNCIL;

- 1. AGREE TO THE TRANSFER OF THE COLAC COLAC CARAVAN PARK LEASE TO MR. PAUL AND MRS MELISSA DALLY; AND**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO REQUEST MINISTERIAL APPROVAL AND TO SIGN AND SEAL THE TRANSFER DOCUMENTS.**

CARRIED

6 Organisational improvement

6.1 2013/14 Financial Statements (06/02/0054 – DCCS)

Disclosure of Interests (S.80C):

The following report was prepared by Ms Jo Shannon, Director Community and Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates

Background/History:

Under section 131(1) of the Local Government Act 1989 (the Act), a Council must, in respect of each financial year, prepare an Annual Report which, amongst other things, contains audited Financial Statements for the financial year (Appendix 1).

In accordance with section 131(7) of the Act, Council is required to pass a resolution giving in-principle approval to the statements.

Council is also required by section 131(8) of the Act to authorise two Councillors to certify the statements in their final form after any changes recommended, or agreed to, by the Auditor are made.

The Audit Committee met on 15 September 2014 to review the Financial Statements and discuss any issues with Council's external auditor, Mr Hugh McKenzie-McHarg from Johnsons MME.

The Audit Committee agreed the following resolution:

THE AUDIT COMMITTEE RECOMMEND TO COUNCIL THAT THE STANDARD STATEMENTS, FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2014 BE ADOPTED IN PRINCIPLE SUBJECT TO NO MATERIAL CHANGES BEING REQUIRED BY THE AUDITOR FOR COMPLETION OF THE AUDIT.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

In order to satisfy the requirements of the Act the following recommendation is made:

**CR WORTMANN
CR JOYCE**

THAT:

- 1. COUNCIL, IN ACCORDANCE WITH SECTION 131(7) OF THE LOCAL GOVERNMENT ACT 1989, GIVE IN-PRINCIPLE APPROVAL TO THE 2013/14 FINANCIAL STATEMENTS AS PRESENTED; AND**
- 2. COUNCIL, IN ACCORDANCE WITH SECTION 131(8) OF THE LOCAL GOVERNMENT ACT 1989, AUTHORISE CRS WORTMANN AND FRASER TO CERTIFY THE 2013/14 FINANCIAL STATEMENTS IN THEIR FINAL FORM AFTER ANY CHANGES RECOMMENDED, OR AGREED TO, BY THE AUDITOR HAVE BEEN MADE.**

CARRIED

6.2 2013/14 Standard Statements (06/02/0054 - DCCS)

Disclosure of Interests (S.80C):

The following report was prepared by Ms Jo Shannon, Director Community and Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates

Background/History:

Under section 131(1) of the Local Government Act 1989 (the Act), a Council must, in respect of each financial year, prepare an Annual Report which, amongst other things, must contain audited Standard Statements for the financial year (Appendix 2).

According to section 131(4) of the Act the Standard Statements must show any variations from the Standard Statements included in the budget and, if the variation is material, explain the reason for the variation.

In accordance with section 131(7) of the Act, Council is required to pass a resolution giving in-principle approval to the statements.

Council is also required by section 131 (8) of the Act to authorise two Councillors to certify the statements in their final form after any changes recommended, or agreed to, by the Auditor are made.

The Audit Committee met on 15 September 2014 to review the Financial Statements and discuss any issues with Council's external auditor, Mr Hugh McKenzie-McHarg from Johnsons MME.

The Audit Committee agreed the following resolution:

THE AUDIT COMMITTEE RECOMMEND TO COUNCIL THAT THE STANDARD STATEMENTS, FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2014 BE ADOPTED IN PRINCIPLE SUBJECT TO NO MATERIAL CHANGES BEING REQUIRED BY THE AUDITOR FOR COMPLETION OF THE AUDIT.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

In order to satisfy the requirements of the Act the following recommendation is made:

CR SCALES

CR GADD

THAT:

- 1. COUNCIL, IN ACCORDANCE WITH SECTION 131(7) OF THE LOCAL GOVERNMENT ACT 1989, GIVE IN-PRINCIPLE APPROVAL TO THE 2013/14 STANDARD STATEMENTS AS PRESENTED; AND**
- 2. COUNCIL, IN ACCORDANCE WITH SECTION 131(8) OF THE LOCAL GOVERNMENT ACT 1989, AUTHORISE CRS WORTMANN AND FRASER TO CERTIFY THE 2013/14 STANDARD STATEMENTS IN THEIR FINAL FORM AFTER ANY CHANGES RECOMMENDED, OR AGREED TO, BY THE AUDITOR HAVE BEEN MADE.**

CARRIED

6.3 2013/14 Performance Statement (06/02/0054 - DCCS)

Disclosure of Interests (S.80C):

The following report was prepared by Ms Jo Shannon, Director Community and Corporate Services.

At the time of preparation of the report the officer did not have a direct or indirect interest in any matter to which the report or advice relates

Background/History:

In accordance with section 132 (1) of the Act a Performance Statement for the 2013/14 financial year must be prepared (Appendix 3).

In accordance with section 132(6) of the Act, Council is required to pass a resolution giving in-principle approval to the statement.

Council is also required by section 132(7) of the Act to authorise two Councillors to certify the statement in its final form after any changes recommended, or agreed to, by the Auditor are made.

The Audit Committee met on 15 September 2014 to review the Financial Statements and discuss any issues with Council's external auditor, Mr Hugh McKenzie-McHarg from Johnsons MME.

The Audit Committee agreed the following resolution:

THE AUDIT COMMITTEE RECOMMEND TO COUNCIL THAT THE STANDARD STATEMENTS, FINANCIAL STATEMENTS AND PERFORMANCE STATEMENT FOR THE YEAR ENDED 30 JUNE 2014 BE ADOPTED IN PRINCIPLE SUBJECT TO NO MATERIAL CHANGES BEING REQUIRED BY THE AUDITOR FOR COMPLETION OF THE AUDIT.

Impact on Council Policy:

Nil.

State Government Policy Impacts:

Nil.

Budget Impact:

Nil.

Risk Assessment:

Nil.

Community Consultation/Responses:

Nil.

Discussion/Officers View:

In order to satisfy the requirements of the Act the following recommendation is made:

**CR GADD
CR SCALES**

THAT:

- 1. COUNCIL, IN ACCORDANCE WITH SECTION 132(6) OF THE LOCAL GOVERNMENT ACT 1989, GIVE IN PRINCIPLE APPROVAL TO THE 2013/14 PERFORMANCE STATEMENT AS PRESENTED; AND**
- 2. COUNCIL, IN ACCORDANCE WITH SECTION 132(7) OF THE LOCAL GOVERNMENT ACT 1989, AUTHORISE CRS WORTMANN AND FRASER TO CERTIFY THE 2013/14 PERFORMANCE STATEMENT IN ITS FINAL FORM AFTER ANY CHANGES RECOMMENDED, OR AGREED TO, BY THE AUDITOR HAVE BEEN MADE.**

CARRIED

There being no further business the meeting closed at 10.35AM.