



Call of Council meeting

**to be held at the Coonabarabran Town Hall,
John Street
Coonabarabran**

on

**Monday, 29th September 2008
commencing at 9.00 am**

WARRUMBUNGLE SHIRE COUNCIL

SPECIAL MEETING OF THE WARRUMBUNGLE SHIRE COUNCIL TO BE HELD AT THE COONABARABRAN TOWN HALL, ON MONDAY, 29 SEPTEMBER 2008 COMMENCING AT 9.00A.M.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

Ethical decision making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of interest

A conflict of interest is a clash between private interest and public duty. There are two types of conflict:

- Pecuniary – regulated by the *Local Government Act* and Department of Local Government
- Non-pecuniary – regulated by Codes of Conduct policy. ICAC, Ombudsman, Department of Local Government (advice only).

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of 'corruption' – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

Identifying problems

- 1st Do I have private interests affected by a matter I am officially involved in?
- 2nd Is my official role one of influence or perceived influence over the matter?
- 3rd Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

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Date: 25 September 2008

Councillor Peter Shinton
Mayor
Warrumbungle Shire Council
John Street
COONABARABRAN 2357

Mr Mayor

SPECIAL MEETING OF COUNCIL

I submit the following report for Council's consideration at its special meeting to be held on Monday, 29th September 2008 commencing at 9.00am at the Coonabarabran Town Hall.

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R J GERAGHTY
GENERAL MANAGER

WARRUMBUNGLE SHIRE COUNCIL

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CALL OF COUNCIL

NOTICE is hereby given that a special meeting of Warrumbungle Shire Council will be held on Monday, 29th September 2008 commencing at 9.00 am at the Coonabarabran Town Hall. Your presence is required to determine the following business.

You should note the requirement of the Warrumbungle Shire Council's Code of Meeting Practice which provides:

5.1. A Councillor cannot participate in a meeting of a Council or Committee unless personally present at the meeting

The business to be transacted relates to the election of a Mayor and Deputy Mayor for the forthcoming year.

Special Meeting Business

The manner of operating the election of Mayor and Deputy Mayor comes under Schedule 7 (Election of Mayor by Councillors).

To assist Councillors understand the election process, I have forwarded a copy of Schedule 7 of the Regulations to each Councillor under separate cover.

The General Manager is the returning officer. While it is up to Council whether it has a position of Deputy Mayor this Council in the past has decided that it would have the position of Deputy Mayor.

1S) Election of Mayor and Deputy Mayor

Therefore, if Council determines to continue to have a Deputy Mayor the next item of the agenda will be to determine the method of voting for the positions of Mayor and Deputy Mayor

- i) Whether by secret **ballot**, if not a secret ballot the voting will be by way of open vote.
- ii) Whether the **voting system** shall be preferential voting, ordinary voting or open voting.
- iii) The **order that candidates** will appear on the ballot paper.

NOTE: Re Nominations

- 1. A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- 2. The nomination is to be made in writing by 2 or more Councillors (one of who may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- 3. The nomination is to be delivered to or sent to the General Manager.

This effectively means that a valid written nomination will be accepted up until the announcement of the nominations for each position separately. Therefore the

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nominations for Deputy Mayor will be open until after the Mayoral election is concluded.

4. The General Manager is to announce the names of the nominees at the Council meeting at which the election is to be held -
 - A) Election of Mayor for forthcoming period.
 - B) Election of Deputy Mayor for forthcoming period.

I am enclosing a separate nomination sheet for each position which is headed appropriately.

RECOMMENDATION

For Council's determination

2S) COUNCIL COMMITTEES

It is the practice that at the September Council meeting (the call of Council) the committees and representatives are reviewed.

At Council's meeting held on 20 September 2007 Council confirmed the following committees and Councillor representatives.

External Committees – Elected for the full term of Council

These committees are part of this Council's wider involvement in the region as well as past decisions on how to deliver particular services. The majority of these committees have legislative powers creating them or formal agreements between us and other Councils. It is essential that all of these committees have active elected representative involvement.

Castlereagh Macquarie County Council

2 Councillor representatives

Macquarie Regional Library

2 Councillor representatives

Traffic Advisory Committee

1 Councillor representative

Warrumbungle Bushfire Management Committee

1 Councillor representative

Local Emergency Management Committee

1 Councillor representative

The North West Weight of Loads Group

1 Councillor representative

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Central West Explorer Country Tourism

Represented by staff member

Police Accountability and Consultation

Mayor and General Manager represent Council

Central Ranges Natural Gas Association

Mayor and General Manager represent Council

Orana Regional Organisation of Councils

Mayor and General Manager represent Council

Golden Highway Consultative Committee

1 Councillor representative

Warrumbungle Shire Liquor Accord

1 Councillor representative

The second group of committees is those that are subject to annual decision as to membership and these are as follows.

Internal Committees

Plant Advisory Committee

3 Councillor representatives

Occupational Health & Safety Advisory Committee

1 Councillor representative

Consultative Advisory Committee

1 Councillor representative

General Manager's Review Committee

All Councillors are representatives on this committee.

EEO Advisory Committee

1 Councillor representative

Finance Committee

All Councillors are representatives on this committee.

Community Committees

These committees are made up either in part or in full of community members and are set out below.

Coonabarabran Town Beautification Advisory Committee

2 Councillor representatives

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Warrumbungle Shire Tourism and Economic Development Advisory Committee

2 Councillor representatives

Medical Services Advisory Committee

2 Councillor representatives

Shire Halls Advisory Committee

1 Councillor representative (Northern)

1 Councillor representative (Southern)

Warrumbungle Aerodromes Advisory Committee

1 Councillor representative

Urban Creeks Steering Committee

1 Councillor representative

Roads Review Committee

All interested Councillors

Coolah Town Committee

1 Councillor representative

Dunedoo Town Committee

1 Councillor representative

Mendooran/Merrygoen Town Committee

1 Councillor representative

Binnaway Town Committee

1 Councillor representative

Baradine Town Committee

1 Councillor representative

Warrumbungle Shire Council Social Services Advisory Committee

1 Councillor representative

Council Representation

Membership of Central Orana Regional Arts Steering Committee

Director of Community Services to represent Council

Namoi Catchment Management Authority

1 Councillor representative and General Manager

Central West Catchment Management Authority

1 Councillor representative and Director of Technical Services

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Inland Rail Committee

1 Councillor representative

RECOMMENDATION

For Council's determination.

3S) COUNCIL MEETING DAYS AND TIME

The previous Council determined progressively over its term to:

1. Have the ordinary meeting of Council on the third Thursday of each month,
2. Commence the meetings at 9am.
3. Alternate the meetings between Coonabarabran and Coolah with one of the annual meetings being at Goolhi, and
4. That there would be Town Committee Meetings at Baradine, Binnaway, Mendooran, Dunedoo and Coolah once every 6 months. These meetings would be attended by the General Manager, senior staff and local Councillors although any other Councillor was welcome to attend.

Council will need to determine whether it wishes to retain this regime.

4S) CHANGES TO RTA ROAD MAINTENANCE CONTRACT ARRANGEMENTS

Background

Currently, Council undertakes maintenance and improvement works on a number of State Roads under a contract arrangement with the RTA. The contract arrangement is known as the Single Invitation Maintenance Contract and has been in place since July 2000. The RTA is replacing the SIMC arrangements with new contract arrangements called the Road Maintenance Council Contract. The RMCC has been developed by the RTA with the assistance of a steering committee comprising representatives from each of the following organizations; United Services Union, Local Government and Shires Association, Institute of Public Works Engineering Australia and selected individuals.

The stated purpose of the RMCC is to provide more effective and efficient use of State Government funds through a collaborative contractual relationship. Clearly though the RTA wants better value for money and a more transparent process of accounting for money spent by Council on its behalf.

The RMCC commences 1 October 2008 and the initial term is three years and nine months – 30 June 2012. The contract arrangement will then continue on a year by year basis. Council approval is sought to enter into the new contract arrangement and to provide the General Manager with delegated authority to sign the contract.

Issues

Perhaps the most significant change is Council's ability to make a return, or profit, on works undertaken on State Roads. There are two categories of work under the contract – routine maintenance works, and improvement works, which are called, works orders.

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These two categories existed under the previous SIMC, however Council had the ability to make a profit on routine maintenance works and this now does not exist under the RMCC. Council is still able to include a 'mark up' on works orders.

Under the RMCC, Council will only be paid for actual costs associated with routine maintenance works. Previously, Council was paid a lump sum and only reported on work accomplished. Clearly, Council must ensure that actual costs include all those costs that can be reasonably attributed to the work. The RTA will approve actual costs as being a combination of direct costs and indirect costs. Indirect costs include: costs associated with supervision and management, administration costs and overheads.

A significant feature of the RMCC is that the RTA has arranged public liability insurance and construction works insurance for each contract. In fact it is a condition of the contract that Council agree to the RTA providing this type of insurance. Another significant feature is that the RTA will cover any costs associated with wet weather on works orders.

Options

If Council wants to continue to be a service provider to the RTA it must enter into the RMCC. Council has traditionally taken the view that contract work for the RTA means that local people are employed on works that are within the Shire area. However, the ability to make a return on the works was also a considerable incentive in maintaining contract arrangements. The RMCC will allow Council to offset some of the overheads that would otherwise be funded from other sources. In addition by being in a contract arrangement with the RTA allows Council to utilize some of the operational plans and systems generated by the RTA.

Financial Considerations

In the 2008/09 financial year the funding limit for maintenance works is \$610,000. The total value of works orders is expected to be around \$1.6m.

In relation to works orders approximately 80% is paid out to creditors by Council. That is, Council engages sub contractors to undertake most of the improvement works on State Roads.

RECOMMENDATION

That Council enters into the Road Maintenance Council Contract with the RTA and the General Manager is given delegation to sign the contract.

5S) DONATIONS

Each year as part of the preparation of the Council's annual budget, requests are sought and received from across the shire for donations to various community groups and activities. Many requests are set aside due to Council not having sufficient funds to meet all the requests. In the past Council has been reluctant to agree to any request after that date but does have an amount set aside for small requests. The amount provided is \$6,000 of which most is used up during the year.

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The St Michael's P&F are constructing a multi purpose netball court. They have advised as follows.

"I am writing to you as President of the St Michaels' School P&F at Dunedoo, with a request for assistance.

Earlier this year, the School's P&F embarked on a major project to build a cement court on one end of the school oval. It will be used by the children for a range of sporting activities including netball, basketball, mini tennis, handball, a variety of general games as well as facilitating some more major school functions. The funding has been provided by the State Government under its Schools Scheme, and will be a fantastic addition for the school, promoting physical exercise and teamwork in a safe and supervised environment.

The earthworks are to be carried out by our local shire team, but we have encountered a problem with drainage and runoff, and we now need to install batters for the banks and a fair bit of dirt will need to be moved. Unfortunately, we have not been able to foresee this when we put together the budget, and as a consequence, find ourselves short of funds.

My request is for the shire to apply an "Internal Hire rate" for the hourly hire of the grader and backhoe. This is a community project and another great opportunity for the Council to show again the commitment it has for our fantastic schools and charitable organisations in Dunedoo."

The cost of undertaking this project with Council staff on a private works basis amounts to \$3,344.00. If Council does as requested then the cost would be \$1,995.36 meaning that they are seeking a donation of \$1,348.64. A request for a similar type of assistance was made at the last (August) meeting of Council where Council determined that it would only provide a donation to a maximum of \$200.00.

RECOMMENDATION

For Council's consideration and if agreed to where the funds are to be provided from.

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R J GERAGHTY
GENERAL MANAGER