



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 26 March 2014

at

2:03pm

at

Walcha Council Chambers

PRESENT: Clr JM Archdale (Chairman) Mayor together with Councillors KW Ferrier, WJ Heazlett, L Levingston, CM Lyon, SJ Schmutter, RS Thomson and MJ Woods.

IN ATTENDANCE: Mr JG O'Hara, General Manager, Mr SC McCoy, Director – Engineering Services, and Mr GA Moran, Director – Environmental Services.

1. APOLOGIES:

Nil.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 19 FEBRUARY 2014:

146 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that the Minutes of the Ordinary Meeting held on Wednesday, 19 February 2014, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

3. BUSINESS ARISING

Nil.

4. DECLARATIONS OF INTEREST

**10.1 Minutes of the Walcha Council Tourism Advisory Committee Meeting
WO/2014/00513**

**10.2 Minutes of the Walcha Town & District Beautification & Tidy Towns
Committee Meeting WO/2014/00512**

Councillor Woods declared a non-pecuniary non-serious declaration as her father is a member of the Walcha Council Tourism Advisory Committee and her mother is a member of the Walcha Town & District Beautification & Tidy Towns Committee.

5. MAYORAL MINUTE

The Mayor advised the Meeting that the herself and the General Manager met with the Member for Northern Tablelands Adam Marshall MP who has agreed to make representations to the Minister for Primary Industries Katrina Hodgkinson MP on the loss of Forestry jobs. The General Manager is currently arranging a meeting with the CEO of Forestry Corp, Nick Roberts, which will be scheduled in the next couple of weeks. The Mayor advised of the Meeting with Paul Fletcher, Parliamentary Secretary for Malcolm Turnbull MP, Communications Minister, and made representations to improve mobile coverage in the Woolbrook and Walcha Road area. The Mayor also congratulated Councillor Ferrier on his 2014 Senior Week Award.

6. SENIOR OFFICERS REPORT

147 **RESOLVED** on the Motion of Councillors Schmutter and Heazlett that the Senior Officers' Reports be **RECEIVED** for further consideration.



6.1 Review of Works Program for 2014/2015 WO/2014/00507

148 **RESOLVED** on the Motion of Councillors Woods and Thomson that Council suspend the dust suppression program and any future dust suppression work be regarded as private works.

Councillor Lyon **MOVED** that the roads in Council's works seal extension program that are ranked in the top 5 be advanced in the 10 year program to year 8. The Motion **FAILED** to get a Seconder and therefore **LAPSED**.

6.2 Special Meeting to Adopt 2014-2015 Draft Budget WO/2014/00506

149 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that Item 2: bring forward the May meeting to allow sufficient time for the public exhibition of the Draft Operational Plan be deferred for consideration until after the Notion of Motion.

AFTERNOON TEA

Council adjourned for afternoon tea at 3:30pm and resumed at 3:51pm.

3. Review of Purchasing Policy WINT/2014/00389

150 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that Council adopt the Walcha Council Purchasing Policy as presented with a further amendment:

“The General Manager, in special circumstances, may permit the purchasing officer to purchase goods and services outside this policy **and the Council are to be informed of these instances.** In this case the General Manager must provide the purchasing officer authority to depart from this policy in writing, stating the reasons for departing from the policy.”

PURCHASING POLICY



INTRODUCTION:

Walcha Council regularly contracts for the purchase or supply of a wide range of goods and services, to pursue its commitment to efficiently deliver services to meet the needs of the community. Purchases can vary from year to year, but generally cover road making materials, trade supplies and services, parks requirements, plant and machinery, office supplies and professional services.

POLICY

Council is committed to purchasing processes which ensure compliance with legal obligations provided for in the Local Government Act 1993 and Local Government (General) Regulation 2005. Such processes will consider the Tendering Guidelines for NSW Local Government



issued by the Department of Local Government and comparable State and Federal Government policy frameworks and guideline documents.

Council decisions will be based on value for money in considering the life cycle of a product rather than lowest initial cost. Decisions will be made having regard to the need:

- ❖ To conduct all tendering, procurement and business relationships with honesty, fairness and probity at all levels.
- ❖ To ensure that the process for awarding contracts is open, clear, fully documented and defensible.
- ❖ To ensure consistency not only in the conditions of tendering but in the evaluation and selection of tenderers.
- ❖ For Councillors or staff with an actual or perceived conflict of interest to address that interest without delay in accordance with Council's code of Conduct and the Model Code of Conduct for NSW Councils.
- ❖ To ensure that no potential tenderer is given advantage over others, nor is there any form of collusive practice.
- ❖ To ensure the identification and management of risks is built into Council's procurement processes.

When purchasing goods and services Council will consider the impact on human health, wellbeing and the environment. Council have integrated sustainable procurement principles into Councils purchasing procedures.

All employees must adhere to Councils Policies and Procedures.

Local Preference Premium

For the purchase of goods and services a price advantage will be given to Local suppliers. Local suppliers will be deemed to be those based in or operating predominately within the boundaries of Walcha Council Local Government Area. The price advantage will be nominally deducted from the local supplier price when evaluating the quotes. The price advantage will be calculated on the following sliding scale:

0-\$5,000	5%
\$5001-\$50,000	2%
>\$50,000	no price advantage

Freight and establishment costs will be included in the comparison of quotes from suppliers.

Statutory Exemptions for contracts

The guidelines contained in this Purchasing procedure do not apply where the purchase is made for a contract that is listed under the following exemptions for tendering contained in Section 55 (3) of the NSW Local Government Act 1993 apply.

- a. subject to the regulations, a contract for the purchase of goods, materials or services specified by a person prescribed by the regulations made with another person so specified, during a period so specified and at a rate not exceeding the rate so specified
- b. a contract entered into by a council with the Crown (whether in right of the Commonwealth, New South Wales or any other State or a Territory), a Minister of the Crown or a statutory body representing the Crown
- c. a contract entered into by a council with another council
- d. a contract for the purchase or sale by a council of land



- e. a contract for the leasing or licensing of land by the council, other than the leasing or licensing of community land for a term exceeding 5 years to a body that is not a non-profit organisation (see section 46A)
- f. a contract for purchase or sale by a council at public auction
- g. a contract for the purchase of goods, materials or services specified by the NSW Procurement Board or the Department of Administrative Services of the Commonwealth, made with a person so specified, during a period so specified and at a rate not exceeding the rate so specified
- h. a contract for the employment of a person as an employee of the council
- i. a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders
- j. contract for which, because of provisions made by or under another Act, a council is exempt from the requirement to invite a tender
- k. a contract made in a case of emergency
- l. a contract to enter into a public-private partnership
- m. if a council has entered into a public-private partnership—a contract entered into by the council for the purposes of carrying out a project under the public-private partnership (but only to the extent that the contract is part of the project that has been assessed or reviewed under Part 6 of Chapter 12)
- n. a contract that is an environmental upgrade agreement (within the meaning of Part 2A)
- o. a contract or arrangement between a council and the Electoral Commissioner for the Electoral Commissioner to administer the council's elections, council polls and constitutional referendums

PROCEDURE TO BE FOLLOWED

The following procedure should be followed when purchasing goods and services:

- ❖ Where the value of the goods or service is below \$1,000, or in case of emergency, the Purchase Officer may purchase goods from a supplier without the need for a quote;
- ❖ Where the value of the goods or service is greater than \$1,000 and less than \$5,000, a minimum of one (1) written quote must be obtained for the supply of goods or services,
- ❖ Where the value of goods or services is greater than \$5,000 and less than \$50,000, a minimum of three (3) written quotes must be obtained for the supply of goods or services,
- ❖ Where the value of the goods or services is greater than \$50,000 and less than \$150,000 a formal Expression of Interest is to be prepared. This formal expression of interest is to be provided to a select number of suppliers or be publicly advertised. ; and
- ❖ Where the value of the goods or services is greater than \$150,000, all purchases must be made in accordance with the Local Government Tendering Regulation.

In the case of local plant hire engagements that require quotes (Ie greater than \$1,000) it will be the responsibility of the Works Supervisors engaging the contractor to obtain quote/s and keep a record of these so that there is a documented record to prove the purchasing policy guidelines have been followed.

The General Manager, in special circumstances, may permit the purchasing officer to purchase goods and services outside this policy and the Council are to be informed of these instances. In this case the General Manager must provide the purchasing officer authority to depart from this policy in writing, stating the reasons for departing from the policy.



DELEGATIONS FOR PAYMENT

Decision making on purchasing is delegated to the natural levels of job ownership in the organisation.

Delegation to this level recognises that people at a hands-on level are in the best position to determine operating needs. It also leads to increased awareness of the timing, delivery and pricing of goods and services received.

Purchasing delegations will be issued which support the responsibilities of the Delegate at the Business Program, Project, Portfolio or Job levels of the corporate scheme of program budgeting.

PRINCIPLES

A delegate shall not authorise purchases if the matter involves expenditure of funds outside Council's adopted budget, where payment is for reimbursement of the delegate's own expenses, where authorisation might involve, or be seen to involve, a "conflict of interest", or in any way breaches the requirements of Council's Code of Conduct. The officer will use an official Council order for all purchases.

Before committing any expenditure, documentation must be reviewed to ensure that clerical detail is accurate; authorisation is in accordance with the delegated authority. Necessary supporting documentation is to be attached, ie. purchase order, work instruction containing estimates/quotes, invoice.

The General Manager shall be authorised to determine which staff members have authority to purchase goods and services and their dollar ceiling on purchase. In general, the following delegations will be made:

1. Director - Engineering Services	\$150,000
2. Director - Environmental Services	\$ 50,000
3. Manager - Corporate Services	\$ 50,000
4. Works Manager	\$ 50,000
5. Storeman	\$ 50,000
6. Relieving Storeman	\$ 50,000
7. Human Resources Manager	\$ 10,000
8. Library Manager	\$ 2,000
9. General Manager's Assistant	\$ 2,000
10. Engineering Services Assistants	\$ 2,000
11. Preschool Nominated Supervisor	\$ 2,000
12. Community Care Co-ordinator	\$ 2,000
13. Mayor	\$ 2,000
14. Tourism Manager	\$ 1,000

All delegations from the General Manager are to be in writing, and no Officer, including those mentioned above, can make a purchase without this written authority.

The placing of a \$ value ceiling on a delegation only applies to the situation where the delegate is making a decision to commit expenditure. It does not limit staff who administratively process a transaction, eg. the Council resolves to donate \$5,000 as a Community Grant. The Administrative Officer asking for the cheque to be issued does not need \$5,000 delegation as



the Officer is not committing the expenditure. A copy of the Council resolution is required to be attached to the cheque requisition is required.

The Accounts Payable Officer is to maintain a current list of all Purchase/Payment Delegations to ensure that all creditor payments have been made in accordance with delegations.

The aggregate total of the purchase order may exceed the Officer's purchase delegation so long as each line item is a separate purchase and each line item does not exceed the Officer's purchase delegation limit.

4. EnvironMentors – Primary School Environmental Education

WO/2014/00481

It was **NOTED** that Councillor Heazlett and Ferrier **AGREED** to participate in the Media opportunity at St Patricks Catholic School between 9:00am and 11:00am on Tuesday, 6 May 2014.

5. Councillor Training

WO/2014/00472

It was **AGREED** that the General Manager arrange a one day training focussing on "Long Term Strategic and Financial Planning" and "Financial Issues in Local Government" and then bring a range of dates back to Council.

6. Renaming of Keaten's Bridge

WO/2014/00440

151 **RESOLVED** on the Motion of Councillors Schmutter and Lyon that Council approve the renaming of the bridge to McKeaten's Bridge and proceed in accordance with the normal statutory and consultative requirements set down for the naming of bridges.

6.7 Debt Recovery Policy Review

WO/2014/00491

152 **RESOLVED** on the Motion of Councillors Schmutter and Ferrier that Council adopt the Walcha Council Debt Recovery Policy as amended.

DEBT RECOVERY POLICY

Objective:

To have a formal and concise plan for the recovery of outstanding Rates and Charges, Water Accounts and Sundry Debtor Accounts including Preschool Fees.

Policy:

Rates and Charges, and Water and Sewerage Charges Notices

Annual rates and charges notices are issued in July each year, with either the total amount or the first installment due for payment by 31 August. Subsequent installments are due at the end of November, February and May.





Water and sewerage notices are issued after meter readings in approximately February, May, August and November, with accounts due thirty (30) days after issue.

A reminder notice is sent 7 days after the rates installment or water and sewerage account due date, which offers the following options:

- ❖ payment by the due date (a further two (2) weeks)
- ❖ make a payment arrangement (using direct debit or Centrepay or payroll deduction {staff only})
- ❖ arrange another due date
- ❖ all payment arrangements must be approved by the General Manager.

This letter will also state that legal action may be pursued to recover amounts that are still outstanding at the end of this period. All legal costs will be the responsibility of the ratepayer. Interest will be calculated throughout this process.

New legal action is commenced by Council's debt recovery agents, when two or more installments or accounts remain outstanding, or the total amount outstanding is over \$2000. Water restrictors may be fitted to water meters when accounts are issued with a Letter of Demand from the debt recovery agent.

Once action has commenced and legal fees have been accrued, legal action will only be suspended doing one of the following:

- ❖ paying the outstanding amount in full
- ❖ by signing a direct debit application which authorises Council to debit payments from their bank account
- ❖ or signing a Centrepay deduction authority. If the debtor refuses, then legal action will continue.
- ❖ By authorising a payroll deduction (Council staff only)

The debt recovery agency is notified when payments or arrangements are made. Legal action that has been suspended may be reactivated (and water restrictors refitted) at any time of the year if the arrangement is broken.

Sundry Debtors and Preschool Debtors

Invoices are issued at any time throughout the month, with a due date of twenty one days (21) days from the invoice date.

Any invoices remaining unpaid at the end of the month (regardless of their issue date) will be sent a statement of account, with a due date of fourteen (14) days from the statement date.

A reminder notice will be sent 7 days after the statement due date, which offers the following options:

- ❖ payment within 14 days
- ❖ make a payment arrangement (using direct debit or Centrepay or payroll deduction for Council staff in writing)
- ❖ arrange another due date
- ❖ all payment arrangements must be submitted in writing and approved by the General Manager.



This letter will also state that legal action may be pursued to recover amounts that are still outstanding at the end of this period. All legal costs will be the responsibility of the debtor and account credit will be suspended (sundry debtors).

New legal action may be commenced by Council's debt recovery firm, when accounts remain outstanding for sixty (60) days or the total amount outstanding exceeds \$2000.

Credit will be suspended once an account is sixty (60) days overdue. Suspension will be lifted only when all outstanding invoices have been paid in full.

Once action has commenced and legal fees have been accrued, legal action will only be suspended/stopped by doing one of the following:

- ❖ paying the outstanding account in full
- ❖ by signing a direct debit application which authorises Council to deduct payments from their bank account
- ❖ or signing a Centrepay deduction authority. If the debtor refuses, then legal action will continue.
- ❖ Signing a payroll deduction authority (Council staff only).

The debt recovery agency will be notified when payments or arrangements are made. Legal action that has been suspended may be reactivated at any time of the year if the arrangement is broken or in default.

Preschool Fees

Due to the unique nature and regulations controlling the operations of the preschool, the following provisions will also be put in place in regards to preschool fees.

The preschool reminder notice will **also** state the following:

- ❖ Enrolment will be cancelled (preschool room) or restricted to two days per week (transition room) if fees remain outstanding and an acceptable payment arrangement is not in place.

6.8 Request for Donation towards the Co-Opera's *Madama Butterfly* via Walcha Together WO/2014/00424

153 **RESOLVED** on the Motion of Councillors Woods and Heazlett that Council underwrite the production *Madama Butterfly*, organised by Walcha Together, to a maximum of \$1,500.

6.9 Request for Assistance with Legal Costs for Canterbury City Council WO/2014/00487

154 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that Council agree to contribute an amount of \$181.17 to Canterbury City Council legal costs as requested by Local Government NSW.



6.10 Namoi Councils Top 20 Regional Issues for next State Election

WO/2014/00499

The Meeting **AGREED** that the General Manager circulate the list, below, as prepared in the Meeting and further items from Councillors up until Monday, 31 March 2014.

1. Library Funding
2. Access to Kingsford Smith Airport
3. Drought proof Country Water Supply
4. State Government Infrastructure Fund
5. Delay in Processing Land Claims
6. Reintroduce Local Boards for Schools and Health
7. No forced Amalgamations or the reduction of Status
8. Wind Farms Renewable Energy
9. Preschool Funding

6.11 NSW Public Libraries Funding

WO/2014/00505

155 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that Council:

1. Provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:
 - a. Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;
 - b. Writing to the Hon George Souris, Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
 - c. Approving the distribution of NSW Public Library Associations campaign information in Council libraries;
 - d. Taking a lead role in activating the campaign locally.

6.12 Update Council Credit Card Policy

WO/2014/00510

156 **RESOLVED** on the Motion of Councillors Schmutter and Lyon that Council approve the cancellation of the ATSI HACC Coordinator and the Asset Services Manager credit cards as well as increasing the Mayor's credit card limit to \$2,000 and the Credit Card Policy be amended to reflect these changes.

157 **RESOLVED** on the Motion of Councillors Lyons and Heazlett that Council increase the Mayor's purchasing delegation to \$2,000.



CREDIT CARD POLICY

Objective

To provide a framework for the efficient and effective administration of Council and ensure that the community is well informed of Council's decisions.

Policy

That employees holding the following positions with Council shall be issued with Credit Cards to operate on Council's Business Card Expense Account for use on official Council business:

<u>Position</u>	<u>Set Limit of Card</u>
General Manager	\$6,000
Director – Engineering Services	\$6,000
Director – Environmental Services	\$3,000
Works Manager	\$3,000
Manager Corporate Services	\$3,000
Human Resources Manager	\$3,000
Storeman	\$2,000
Preschool Nominated Supervisor	\$2,000
Walcha Council Community Care Co-ordinator	\$2,000
Library Manager	\$2,000
Mayor	\$2,000

Reason

To reduce the administration and financial costs associated with the payments of accounts primarily resulting from employees carrying out Council business outside the Walcha Council area, through the efficient use of credit cards.

6.13 Staffing of Waste Transfer Station over Easter Long Weekend

WO/2014/00434

The Report was **NOTED** by Council.

6.14 Walcha Stores Stocktake as at 5 February 2014 WO/2014/00511

158 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that the stock value adjustments totalling \$1,283.80 write off be made to inventory items detailed in the schedule.

6.15 Committee of the Whole Referral – Sale of Land for Unpaid Rates & Charges AND Legal Action AND Mirani School Bus Committee Inc

WO/2014/00498

159 **RESOLVED** on the Motion of Councillors Ferrier and Thomson that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Sale of Land for unpaid rates and charges be referred to be discussed in Committee of the Whole for the reason that the report relates to personal hardship of any resident or ratepayer **FURTHER THAT** the matter of Legal Action be referred to be discussed in Committee of the Whole for the reason that it relates to advice concerning litigation, or advice that would otherwise be privileged from production in



legal proceedings on the ground of legal professional privilege **STILL FURTHER THAT** the matter of Mirani School Bus Committee Inc be referred to be discussed in Committee of the Whole for the reason that it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

7. NOTICE OF MOTION

7.1 Proposal to Change Meeting Day from Wednesday to a Monday or Tuesday WO/2014/00517

160 **RESOLVED** on the Motion of Councillors Lyon and Schmutter that Council give consideration to Councillor Lyon's Notice of Motion to alter the Council Meeting from a Wednesday to a Monday or Tuesday.

161 **RESOLVED** on the Motion of Councillors Schmutter and Heazlett that future Council Meetings be held on the last Monday of the month commencing at 2:00pm.

6.2 Special Meeting to Adopt 2014-2015 Draft Budget WO/2014/00506

162 **RESOLVED** on the Motion of Councillors Lyon and Levingston that Council hold a Workshop at 5:30pm on 19 May 2014 to consider the draft Budget 2014-2015 and also hold a Workshop on Advertising Signs.

8. MATTERS OF URGENCY

Nil.

9. MANAGEMENT REVIEW REPORTS WO/2014/00447

163 **RESOLVED** on the Motion of Councillors Levingston and Thomson that items included in the Management Review Report, numbered 1 to 8 inclusive, be **NOTED** by Council.

10. COMMITTEE REPORTS

10.1 Minutes of the Walcha Council Tourism Advisory Committee Meeting held at Council Chambers on Monday, 17 January 2014.

WO/2014/00513

3.4 Ideas for utilizing the old Walcha Veterinary Supplies site to develop Tourism

164 **RESOLVED** on the Motion of Councillors Ferrier and Schmutter that Council agree to approach the Stoner Family to investigate the prospect of a museum dedicated to Casey.



10.2 Minutes of the Walcha Town & District Beautification & Tidy Towns Committee Meeting held at Council Chambers on Thursday, 6 March 2014. WO/2017/00512

4.3 Tree Removal Application 53.2014.2 – 14W Hamilton Street

165 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that Council approve Tree Removal Application Number 53.2014.2 to remove seven elms and poplars along the Apsley River Street boundary of 14W Hamilton Street.

4.4 Tree Removal Application 53.2014.3 – 25 Walsh Street

166 **RESOLVED** on the Motion of Councillors Schmutter and Lyon that Council agree to the request to remove the tree.

10.3 Minutes of the Walcha Preschool Advisory Committee Meeting held at the Walcha Preschool on Monday, 10 March 2014. WO/2014/00504

167 **RESOLVED** on the Motion of Councillors Lyon and Levingston that Council make further representations to our Local Member on the preschool funding seeking further information.

11. DELEGATE REPORTS

11.1 Minutes of the Ordinary Meeting of Namoi Councils held at Walcha Council Chambers on Thursday, 13 February 2014. WI/2014/00732

11.2 Minutes of the Uralla Shire Council Tablelands Community Transport Advisory Committee Minutes held on Tuesday, 4 March 2014. WI/2014/01337

12. COMMITTEE OF THE WHOLE

168 **RESOLVED** on the Motion of Councillors Levingston and Lyon that Council resolve into Committee of the Whole and that the press and public be excluded from the entire proceedings of the Meeting of the Committee of the Whole for the reason that for the reason that the report relates to personal hardship of any resident or ratepayer **AND** that it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege **AND** it relates to commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

169 The Meeting resumed in **OPEN** Council on the Motion of Councillors Levingston and Thomson.



The Mayor reported whilst in Committee of the Whole the following matters were discussed.

PRESENT: Present and IN Attendance were the same as listed in the Minutes of the Ordinary Meeting with the exception of the press and the public.

ADOPTION OF COMMITTEE OF THE WHOLE

12.1 Sale of Land due to Unpaid Rates & Charges – Frank Sloan
WINT/2014/00387

170 **RESOLVED** on the Motion of Councillors Schmutter and Thomson that Council proceed with the sale of Lot 33 DP 746038 for unpaid Rates and Charges in accordance with the provisions of Section 713 of the Local Government Act, 1993.

12.2 Sale of Land due to Unpaid Rates & Charges – Estate of Sophie Potapcyk
WINT/2014/00388

171 **RESOLVED** on the Motion of Councillors Schmutter and Woods that the Motion be put to the VOTE first.

172 **RESOLVED** on the Motion of Councillors Schmutter and Woods that Council proceed with the sale of Lot 231 DP 753836 for unpaid Rates and Charges in accordance with the provisions of Section 713 of the Local Government Act, 1993.

12.3 Legal Action against Lehman Brothers Australia WINT/2014/00391

173 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that Council authorise the General Manager, John Gregory O'Hara, to sign the Claims Resolution Process Deed and any other associated documentation relating to Council's claim against Lehman Brothers (Australia) (in liquidation) **FURTHER THAT** Council approve the affixing of the Common Seal to all necessary documentation **STILL FURTHER THAT** the affixing of the Common Seal be attested to by the Mayor and the General Manager.

12.4 Mirani Bus Committee Inc – Surplus of Funds WINT/2014/00392

174 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that Council accept the unspent funds of the Mirani School Bus Committee Inc when it is dissolved subject to the following:

1. An Agreement being developed between the Mirini School Bus Committee Inc and Walcha Council that will detail:
 - a. How Walcha Council will identify and treat the funds within the Council's Financial Statements.
 - b. How the funds, and interest received, are to be managed and divested.
 - c. How the funds will be protected in the event Walcha Council ceases to exist.



2. That Council approve the affixing of the Common Seal to the Agreement and that the affixing of the Common Seal be attested to by the Mayor and General Manager.
3. That a Section 355 Committee be established under the Local Government Act:

Membership:

- o Representative Councillor – The Mayor
- o Alternate Representative Councillor – Chairperson of the Walcha Preschool Advisory Committee
- o General Manager
- o Director - Environmental Services
- o Mirani School Bus Committee Representatives Tim Nivison and Sarah Nivison.

Meetings:

- o Meet yearly, or as required. The appointed Councillor to act as Chairperson. The quorum to be 3 including at least one representative of the Mirani School Bus Committee (when dissolved – to be either Tim Nivison or Sarah Nivison).

Purpose:

- o To advise Council on funding opportunities for a new Preschool.
- o Council to provide the Committee with audited Financial Statement indicating where funds (and any interest) have been expended within the last financial year.

The Chairman publicly declared the recommendations passed by the Committee whilst in Committee of the Whole.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:35PM.