

**MINUTES OF MORNINGTON SHIRE COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, MISSION ROAD, GUNUNA
ON WEDNESDAY, 21 OCTOBER 2020 AT 9:00AM**

1 OPENING OF MEETING

The meeting was opened by Mayor K Yanner at 9.15am.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor K Yanner acknowledged the traditional custodians of the land on which the meeting took place.

3 PRESENT

Mayor Kyle Yanner, Deputy Mayor Dwayne Rogers, Councillor Bob Thompson, Councillor Roxanne Thomas, Councillor David Barnes

Peter Stewart (Acting Chief Executive Officer), Owen Jensen (Acting Executive Manager, Finance and Human Services), Darren Foster (Acting Executive Manager, Governance and Communications), David Torr (Acting Executive Manager, Technical Services and Infrastructure), Deborah Woolfenden (Minute Taker)

4 APOLOGIES

Nil.

5 DISCLOSURE OF INTEREST – COUNCILLORS AND STAFF**5.1 Prescribed Conflicts of Interest**

Pursuant to section 150EL of the Local Government Act 2009, the following declarations were raised:

Councillor B Thompson informed the meeting of a prescribed conflict of interest for item 19.3 as he is a current Director of Mundalbe Enterprises Limited.

5.2 Declarable Conflicts of Interest

Pursuant to section 150EQ of the Local Government Act 2009, the following declarations were raised:

Mayor K Yanner informed the meeting of a declarable conflict of interest for item 14.4 as the item relates to the replacement of the Mayor's vehicle.

6 CONDOLENCES AND MEMORIALS

A minute silence was undertaken for the late Mr John Hills and the late Cheryl Anne Thompson.

7 CONFIRMATION OF MINUTES

Resolution 20-10/01

That the minutes of the Ordinary Meeting held on 16 September 2020 and the Special Meeting held on 23 September 2020 be confirmed.

Moved: Mayor K Yanner
Seconded: Councillor D Rogers

Initial: KY

CARRIED 5/0

At 9.42am Mayor K Yanner left the meeting.
The Deputy Mayor D Rogers assumed the Chair.
At 9.45am Mayor K Yanner returned to the meeting.
Mayor K Yanner reassumed the Chair.

8 BUSINESS ARISING

The Mayor K Yanner advised the meeting with changes to legislation, item 19.4 needed to be removed from the Confidential Reports section and added to the Ordinary Meeting for consideration.

Resolution 20-10/02

That item 19.4 be taken out of Confidential Reports and added to the Ordinary Meeting agenda.

Moved: Councillor B Thompson
Seconded: Councillor D Barnes

CARRIED 5/0

9 ACTION SCHEDULE

9.1 Action Schedule

Resolution 20-10/03

That Council note and receive the Mornington Shire Action Schedule as tabled and that Council endorse the removal of all completed items from the schedule as tabled.

Moved: Councillor D Barnes
Seconded: Mayor K Yanner

CARRIED 5/0

10 CALL FOR ITEMS OF GENERAL BUSINESS

Nil

RECEPTION & CONSIDERATION OF COMMITTEE REPORTS

11 COMMITTEE REPORTS

Nil.

RECEPTION & CONSIDERATION OF OFFICERS REPORTS

12 MAYOR AND COUNCILLORS REPORTS

Nil.

13 CHIEF EXECUTIVE OFFICER'S REPORTS

13.1 ACTING CHIEF EXECUTIVE OFFICER'S REPORT

Resolution 20-10/04

That Council receive and note this report.

Initial: KY

Moved: Councillor D Barnes
Seconded: Councillor B Thompson

CARRIED 5/0

13.2 SPECIAL PROJECTS REPORT

Resolution 20-10/05

That Council notes and supports this report and the planned works.

Moved: Councillor D Barnes
Seconded: Deputy Mayor D Rogers

CARRIED 5/0

The meeting adjourned for morning tea at 10.15am.
The meeting resumed at 10.45am, with Mayor, all Councillors and Officers present.

13.3 FUNDING PROGRAMS REPORT

Resolution 20-10/06

That Council notes and supports this report.

Moved: Deputy Mayor D Rogers
Seconded: Councillor D Barnes

CARRIED 5/0

14 STAFF REPORTS - FINANCIAL SERVICES

14.1 FINANCIAL REPORT AS AT 30 SEPTEMBER 2020

Resolution 20-10/07

That Council receives and notes the information in this report.

Moved: Mayor K Yanner
Seconded: Councillor D Barnes

CARRIED 5/0

At 11.01am Deputy Mayor D Rogers left the meeting.
At 11.02am Deputy Mayor D Rogers returned to the meeting.

14.2 FINAL 2020 AUDIT CLOSING REPORT

Resolution 20-10/08

That Council receives and notes the information in this report.

Moved: Deputy Mayor D Rogers
Seconded: Councillor B Thompson

CARRIED 5/0

Meeting adjourned at 11.23am

Meeting resumed at 11.49am, with Mayor, all Councillors and Officers present.

14.3 ANNUAL FINANCIAL STATEMENTS (FOR THE YEAR ENDED 30 JUNE 2020)

Resolution 20-10/09

That Council receives and notes the information in this report.

Moved: Councillor D Barnes
Seconded: Councillor B Thompson

CARRIED 5/0

At 12.03pm Mayor K Yanner left the meeting. Deputy Mayor D Rogers assumed the Chair.

At 12.05pm Mayor K Yanner returned to the meeting and reassumed the Chair.

14.4 LATE ITEM – PLANT AND EQUIPMENT – NEW PURCHASE – MAYOR’S VEHICLE REPLACEMENT

Declarable Interest

Pursuant to section 150EQ of the Local Government Act 2009, the following declarations were raised:

Mayor K Yanner informed the meeting of a declarable conflict of interest for item 14.4, given that the discussion on this item was to be about the replacement of the Mayor’s Council vehicle. Mayor K Yanner believed that he could act in the public interest in discussing this agenda item and proposed to participate in the discussion and vote on the matter.

Councillors considered the Mayor’s explanation and resolved that the Mayor be allowed to participate and vote on the matter.

Resolution 20-10/10

Moved: Deputy Mayor D Rogers
Seconded: Councillor R Thomas

CARRIED 3/1

Resolution 20-10/11

1. That Council endorses the Chief Executive Officer, after collaboration with the Executive Management team to procure the replacement vehicle for the Office of the Mayor.
2. That Council amend and increase Capital Expenditure budget by \$100,000 to acquire recommended plant and equipment.

Moved: Councillor D Barnes
Seconded: Councillor R Thomas

CARRIED 5/0

14.5 Disaster Recovery Funding Arrangements - Koppens Developments Pty Ltd - 2019 Event Claim Number 6 for Approval

Initial: KY

At the request of Mayor K Yanner, this item was moved from the confidential section of Council's Ordinary meeting. A report is attached to the minutes.

Resolution 20-10/12

Moved: Deputy Mayor D Rogers
Seconded: Councillor D Barnes

CARRIED 5/0

15 STAFF REPORTS - GOVERNANCE AND COMMUNICATIONS

15.1 ACCEPTABLE REQUESTS GUIDELINES POLICY

Resolution 20-10/13

That in accordance with Section 170A of the Local Government Act 2009, the revised Acceptable Requests Guidelines for Councillors Policy, as presented be adopted.

Moved: Deputy Mayor D Rogers
Seconded: Mayor K Yanner

CARRIED 5/0

15.2 GOVERNANCE AND COMMUNICATIONS OCTOBER MONTHLY REPORT

Resolution 20-10/14

That Council receives and notes the information in this report.

Moved: Councillor B Thompson
Seconded: Councillor D Barnes

CARRIED 5/0

At 1.02pm Darren Foster left the meeting.
At 1.04pm Darren Foster returned to the meeting.

16 STAFF REPORTS - INFRASTRUCTURE AND TECHNICAL SERVICES

16.1 HOUSING REPORT

16.2 TECHNICAL SERVICES MONTHLY REPORT

Resolution 20-10/15

That the council note and receive this report.

Moved: Deputy Mayor D Rogers
Seconded: Councillor B Thompson

CARRIED 5/0

At 1.16pm Councillor R Thomas left the meeting.
At 1.24pm Owen Jensen left the meeting
At 1.25pm Owen Jensen returned to the meeting
At 1.27pm Councillor R Thomas returned to the meeting.
At 1.43pm Councillor B Thompson left the meeting
At 1.45pm Councillor B Thompson returned to the meeting.

16.3 LATE ITEM – DISPOSE MACHINERY – SURPLUS TO COUNCIL REQUIREMENTS*Resolution 20-10/16*

That Council instruct the Acting Chief Executive Officer to dispose of the following Council owned plant and equipment items determined to be redundant or surplus to requirements.

- Cat 426C Backhoe #051
- Cat 428C Backhoe #053
- Cat 140G Grader #129
- Cat 140G Grader #132

Assorted Machines

- Massey Ferguson Tractor
- Toyota Forklift
- Dresser Dozer
- Skid Steer

Moved: Councillor B Thompson

Seconded: Mayor K Yanner

CARRIED 5/0**17 STAFF REPORTS - HUMAN SERVICES****17.1 ACTING EXECUTIVE MANAGER FINANCE AND HUMAN SERVICES***Resolution 20-10/17*

That Council receives and notes the information in this report.

Moved: Mayor K Yanner

Seconded: Councillor B Thompson

CARRIED 5/0**17.2 FACILITIES DEPARTMENT SEPTEMBER 2020 QUARTERLY REPORT***Resolution 20-10/18*

That Council receives and notes the information in this report.

Moved: Councillor D Barnes

Seconded: Councillor R Thomas

CARRIED 5/0

At 2.41pm Councillor R Thomas left the meeting

At 2.44pm Councillor R Thomas returned to the meeting.

17.3 MAYOR'S COMMUNITY MEETING - 17 SEPTEMBER 2020*Resolution 20-10/19*

That Council receives and notes the information in this report.

Moved: Councillor D Barnes
Seconded: Councillor B Thompson

CARRIED 5/0**17.4 WORKPLACE HEALTH AND SAFETY RISK AUDIT AND COMPLIANCE REPORT - SEPTEMBER 2020***Resolution 20-10/20*

That Council receives and notes the information in this report.

Moved: Mayor K Yanner
Seconded: Councillor B Thompson

CARRIED 5/0**18 GENERAL BUSINESS**

Councillor R Thomas raised a request for Council to consider providing accommodation for Peter Cleary and Cassie Nancarrow whilst they attend the funeral of former Mayor Cecil Goodman scheduled for 3 December 2020.

Resolution 20-10/21

That Council approves accommodation for Peter Cleary and Cassie Nancarrow for a one week period prior to and after the funeral of former Mayor Cecil Goodman on 3 December 2020.

Moved: Mayor K Yanner
Seconded: Councillor B Thompson

CARRIED 5/0**19 CONFIDENTIAL REPORTS**

At 3.09pm Darren Foster left the meeting.
At 3.09pm Deborah Woolfenden left the meeting

Resolution 20-10/22

Moved: Councillor B Thompson
Seconded: Deputy Mayor D Rogers

CARRIED 5/0

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 254J (3) of the Local Government Regulation 2012:

19.1 Workers Compensation Claim - Chief Executive Officer's Position

This matter is considered to be confidential under Section 254J(3)(b) of Local Government Regulation 2012, as the Council is satisfied that discussion of this matter in an open

meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees

19.2 Gulf Lynx Dynamic Pty Ltd (Carpentaria Electrical) - Review of current contractor arrangements

This matter is considered to be confidential under Section 254J(3)(g) of the Local Government Regulation 2012, as the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

19.3 Mundalbe Enterprises Limited

This matter is considered to be confidential under Section 254J(3)(g) of the Local Government Regulation 2012, as the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Council moved into Confidential at 3.10pm.

At 3.11pm Darren Foster returned to the meeting.

At 3.11pm Deborah Woolfenden returned to the meeting.

Councillor B Thompson declared a Prescribed Conflict Of Interest in item 19.3 Mundalbe Enterprises Limited and left the meeting and did not participate in this item.

Council moves out of Closed Council into Open Council

Resolution 20-10/23

Moved: Deputy Mayor D Rogers

Seconded: Councillor D Barnes

CARRIED 5/0

Council moved out of Confidential at 3.45pm.

19.1 Workers Compensation Claim - Chief Executive Officer's Position

This matter is considered to be confidential under Section 254J(3)(b) of the Local Government Regulation 2012, as the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with industrial matters affecting employees.

Resolution 20-10/24

1. That the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Sections 254J(3)(b) and that the document remain confidential unless council decides otherwise by resolution;
2. That the report be noted for Councillor's information

Moved: Councillor D Barnes

Seconded: Mayor K Yanner

CARRIED 5/0

19.2 Gulf Lynx Dynamic Pty Ltd (Carpentaria Electrical) - Review of current contractor arrangements

This matter is considered to be confidential under Section 254J(3)(g) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Resolution 20-10/25

1. That the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Section 254J(3)(g) and that the document remain confidential unless council decides otherwise by resolution;
2. That Council delegate to the Acting CEO to enter into negotiations with Carpentaria Electrical to provide electrical contract works to Mornington Shire Council. Any proposed contractual agreement between the two parties be tabled for Council's consideration and approval.

Moved: Mayor K Yanner
Seconded: Councillor Barnes

CARRIED 5/0

That Councillor B Thompson left the meeting at 3.28pm and did not participate in discussion or decision on item 19.3

19.3 Mundalbe Enterprises Limited

This matter is considered to be confidential under Section 254J(3)(g) of the Local Government Regulation 2012, as the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Resolution 20-10/26

1. That the report and attachments be deemed a confidential document and be treated as such in accordance with Local Government Regulation 2012, under Section 254J(3)(g) and that the document remain confidential unless council decides otherwise by resolution;
2. That Council de-register Mundalbe Enterprises Limited (ACN 633 876 178) with the Australian Securities and Investment Commission and consider creating a new corporate entity in the future as the projects and objectives of that entity mature;
3. That McDonnell Law be requested to undertake necessary actions to de-register Mundalbe Enterprises Limited (ACN 633 876 178) on behalf of Council.

Moved: Deputy Mayor D Rogers
Seconded: Councillor D Barnes

CARRIED 5/0

Councillor B Thompson returned to the meeting at 3.46pm and was informed of the decision of Council of item 19.3.

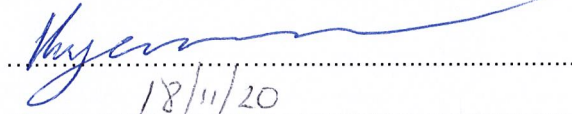
20 NEXT MEETING

The next meeting will be held on 18 November 2020.

21 CLOSURE

Mayor Yanner closed the meeting at 3.49pm.

Minutes Confirmed:

Mayor 
Date: 18/11/20

Peter Stewart
Acting Chief Executive Officer

Initial: KY