



MINUTES 15 MARCH 2012

**ORDINARY MEETING
OF COUNCIL**



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**SHIRE OF WONGAN-BALLIDU
MINUTES
FOR THE ORDINARY MEETING OF COUNCIL**

Held in the Council Chambers
on Thursday 15 March 2012



1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President Cr Michael Brennan declared the meeting opened at 3.02pm.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE PREVIOUSLY GRANTED

ATTENDANCE:

Cr Michael I Brennan	Cr Norma Walton
Cr David Armstrong	Cr Brad West
Cr Alfreda Lyon	Cr David Brown
Cr Hugh Barrett-Lennard	Cr Tracey deGrussa

STAFF:

Stuart Taylor	Chief Executive Officer
Bob White	Manager Works & Services
Len deGrussa	Manager Building Services
Irene Myring (Minutes)	Executive Assistant

APOLOGIES:

Cr Michael Godfrey

3. PUBLIC QUESTION TIME

Nil

4. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Sue Middleton and Elizabeth Brennan will be attending dinner

5. PETITIONS AND PRESENTATIONS

Nil

6. APPLICATION/S FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

7.1 CONFIRMATION OF THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON THURSDAY 16 FEBRUARY 2012

STAFF RECOMMENDATION:

That the minutes of the Ordinary meeting of Council held on Thursday 16 February 2012 be confirmed as a true and correct record of the proceedings.

MOTION: MOVED Cr Lyon/Cr Armstrong

That the minutes of the Ordinary meeting of Council held on Thursday 16 February 2012 be confirmed as a true and correct record of the proceedings.

**CARRIED: 8/0
RESOLUTION NO: 010312**

7.2 CONFIRMATION OF THE MINUTES OF THE SPECIAL MEETING OF COUNCIL HELD ON FRIDAY 2 MARCH 2012

STAFF RECOMMENDATION:

That the minutes of the Special meeting of Council held on Friday 2 March 2012 be confirmed as a true and correct record of the proceedings.

MOTION: MOVED Cr deGrussa/Cr Walton

That the minutes of the Special meeting of Council held on Friday 2 March 2012 be confirmed as a true and correct record of the proceedings.

**CARRIED: 8/0
RESOLUTION NO: 020312**

8. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil

9. REPORTS OF OFFICERS AND COMMITTEES

9.1 ADMINISTRATION & FINANCIAL SERVICES

9.1.1 ACCOUNTS SUBMITTED

FILE REFERENCE:	F1.4
REPORT DATE:	9 May 2012
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Grace French, Deputy Chief Executive Officer
ATTACHMENTS:	February 2012

PURPOSE OF REPORT:

That the accounts as submitted be received.

BACKGROUND:

This information is provided to the Council on a monthly basis in accordance with provisions of the Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

COMMENT:

Refer to attachment.

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Local Government (Financial Management) Regulations 1996 Sections 12 & 13 require the attached reports to be presented to Council.

Lists of Accounts

Section 6.10 of the Local Government Act regulation 12 of the Financial Management Regulations (FMR's) requires a list of accounts paid for the month, and where the Council has delegated the payment of these accounts to the CEO under regulation 13 there must be a list of accounts paid, and the listing shall disclose the following:

- The payee's name
- The amount of the payment
- The date of the payment
- The fund from which it is paid; and
- Sufficient information to identify the transaction.

STRATEGIC IMPLICATIONS:

There are no strategic implications in relation to this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with the proposals.

➤ **Economic**

There are no known environmental implications associated with the proposals.

➤ **Social**

There are no known environmental implications associated with the proposals.

FINANCIAL IMPLICATIONS:

All payments are within the confines of Councils adopted budget. There have been no other material outstanding creditors since the cheques were prepared.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: No

STAFF RECOMMENDATION:

1. That the accounts submitted from 1 February 2012 to 29 February 2012 on Municipal cheque numbers: 19019-19045 plus Electronic Funds Transfers 7956-8062 totalling \$430,976.08 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

COMMITTEE RECOMMENDATION:

1. That the accounts submitted from 1 February 2012 to 29 February 2012 on Municipal cheque numbers: 19019-19045 plus Electronic Funds Transfers 7956-8062 totalling \$430,976.08 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.

MOTION: MOVED Cr Barrett-Lennard/Cr Armstrong

- 1. That the accounts submitted from 1 February 2012 to 29 February 2012 on Municipal cheque numbers: 19019-19045 plus Electronic Funds Transfers 7956-8062 totalling \$430,976.08 having been checked and certified in accordance with the requirements of the Financial Management Regulations 12 be received, as shown on the summary of accounts paid schedule and the payroll EFT batches.**

**CARRIED: 8/0
RESOLUTION NO: 030312**

9.1.2 FINANCIAL REPORTS

FILE REFERENCE:	F1.4
REPORT DATE:	9 May 2012
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Grace French, Deputy Chief Executive Officer
ATTACHMENTS:	Financial Reports

PURPOSE OF REPORT:

That the following statements and reports for the month ended February 2012 be received:

BACKGROUND:

Under the Local Government (Financial Management) Regulations 1996 the Council is to prepare financial reports outlining the financial operations at the previous month end date.

Listed below is a compilation of the reports that will meet compliance, these are listed under Sections and the relevant regulations below.

Financial activity statement report

Section 6.4 of the Local Government Act regulation 34.1 of the FMR requires a Local Government to prepare each month a statement of financial activity reporting on the sources and application of funds, as set out in the annual budget containing the following detail:

- Annual budget estimates
- Budget estimates to the end of the month to which the statement relates (known as YTD Budget)
- Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates (known as YTD Actuals)
- Material variances between the comparatives of Budget v's Actuals
- The net current assets (NCA) at the end of the month to which the statement relates

Regulation 34.2 - Each statement of financial activity must be accompanied by documents containing:-

- An explanation of the composition of the net current assets of the month to which it relates, less committed assets and restricted assets containing the following detail:
- An explanation of each of the material variances
- Such other supporting information as is considered relevant by the local government

Regulation 34.3 - The information in a statement of financial activity may be shown:

- According to nature and type classification
- By program; or
- By business unit

Each financial year a Local government is to adopt a % value, calculation in accordance with AAS5, to be used in reporting material variances.

COMMENT:

Refer to attachment.

POLICY REQUIREMENTS:

Policy F64 - Monthly Financial Reporting Requirements

LEGISLATIVE REQUIREMENTS:

- 1. Local Government Act 1995
- 2. Local Government (Financial Management) Regulations 1996

STRATEGIC IMPLICATIONS:

There are no Strategic Implications relating to this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with the proposals.

➤ **Economic**

There are no known economic implications associated with the proposals.

➤ **Social**

There are no known social implications associated with the proposals.

FINANCIAL IMPLICATIONS:

The financial reports for the period ending February 2012 are attached to the Council agenda.

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: YES

STAFF RECOMMENDATION:

That the following Statements and reports for the month ended February 2012 be received:

- 1. Monthly Statements as follows;
 - a. Statement of Financial Activity (by Nature and Type) FM Regs 34
 - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34
 - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34
 - d. Statement of Net Current Assets (NCA) FM Regs 34
 - e. Rate setting statement Discretionary
 - f. Disposal of Assets Discretionary
 - g. Bank Reconciliation Report Discretionary
 - h. Reserve Account Balances Report Discretionary
 - i. Loans Schedule Discretionary

COMMITTEE RECOMMENDATION:

That the following Statements and reports for the month ended February 2012 be received:

- 1. Monthly Statements as follows;
 - a. Statement of Financial Activity (by Nature and Type) FM Regs 34
 - b. Statement of Operating Activities by Programme/Activity (Summary) FM Regs 34
 - c. Statement of Capital Expenses by Program/Activity (Summary) FM Regs 34
 - d. Statement of Net Current Assets (NCA) FM Regs 34
 - e. Rate setting statement Discretionary
 - f. Disposal of Assets Discretionary
 - g. Bank Reconciliation Report Discretionary
 - h. Reserve Account Balances Report Discretionary
 - i. Loans Schedule Discretionary

MOTION: MOVED Cr Walton/Cr Barrett-Lennard

That the following Statements and reports for the month ended February 2012 be received:

1. Monthly Statements as follows;

- | | |
|---|----------------------|
| a. Statement of Financial Activity (by Nature and Type) | FM Regs 34 |
| b. Statement of Operating Activities by Programme/Activity (Summary) | FM Regs 34 |
| c. Statement of Capital Expenses by Program/Activity (Summary) | FM Regs 34 |
| d. Statement of Net Current Assets (NCA) | FM Regs 34 |
| e. Rate setting statement | Discretionary |
| f. Disposal of Assets | Discretionary |
| g. Bank Reconciliation Report | Discretionary |
| h. Reserve Account Balances Report | Discretionary |
| i. Loans Schedule | Discretionary |

**CARRIED: 8/0
RESOLUTION NO: 040312**

9.2 GENERAL PURPOSES

9.2.1 APPOINTMENT OF AUTHORISED PERSONS FOR ANIMAL ACTIVITIES

FILE REFERENCE:	A2.22.4
REPORT DATE:	7 March 2012
APPLICANT/PROPONENT:	N/A
OFFICER DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	Nil
AUTHOR:	Stuart Taylor – Chief Executive Officer
ATTACHMENTS:	Nil

PURPOSE OF REPORT:

Council to appoint staff authorising them to perform the function associated with animal activities.

BACKGROUND:

Council is required to appoint officers to carry out duties in relation to animal activity prior to advertising in the Government Gazette

COMMENT:

Animal control is an important function of Local Government

POLICY REQUIREMENTS:

There are no known policy requirements related to this item.

LEGISLATIVE REQUIREMENTS:

Dog Act 1976 and Regulations
Local Government Act (Miscellaneous Provisions) 1960 Part XX (Ranger/Poundkeeper)
Shire of Wongan-Ballidu Local Laws

STRATEGIC IMPLICATIONS:

There are no strategic implications in relation to this item.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
None
- **Economic**
None
- **Social**
Control of dogs is essential to provide a safe community.

FINANCIAL IMPLICATIONS:

There are no known financial implications in relation to this item, apart from the minimal cost of advertising.

**VOTING REQUIREMENTS:
ABSOLUTE MAJORITY REQUIRED: NO**

STAFF RECOMMENDATION:

The following persons be authorised as Registration Officers in accordance with the Dog Act 1976 and Regulations-

Wayne Smith
Marian Schindler
Erica Mitchell
Deb Taylor
Kahlia Harder

All previous appointments are hereby cancelled.

MOTION: MOVED Cr West/Cr Walton

The following persons be authorised as Registration Officers in accordance with the Dog Act 1976 and Regulations-

**Wayne Smith
Marian Schindler
Erica Mitchell
Deb Taylor
Kahlia Harder**

All previous appointments are hereby cancelled.

**CARRIED: 8/0
RESOLUTION NO: 050312**

9.2.2 DELEGATED AUTHORITY TO CEO TO SELL 1 ACKLAND STREET

FILE REFERENCE:	A500
REPORT DATE:	8 March 2012
APPLICANT/PROPONENT:	
OFFICER DISCLOSURE OF INTEREST	Nil
PREVIOUS MEETING REFERENCES:	
AUTHOR:	Stuart Taylor, Chief Executive Officer
ATTACHMENTS:	

PURPOSE OF REPORT:

To delegate authority to the CEO to negotiate the private sale of 1 Ackland Street in accordance with Councils indicated parameters and Sections 3.58(3)(4) of the Local Government Act 1995.

BACKGROUND:

The Council has approved the disposal of the dental surgery.

COMMENT:

The process is a relatively simple task that requires advertising and the review of submissions on the proposed sale value to the Valuation

POLICY REQUIREMENTS:

There are no known policy requirements in relation to this item.

LEGISLATIVE REQUIREMENTS:

The Local Government Act 1995 section 3.58 states:

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property-

*It gives local public notice of the proposed disposition-
describing the property concerned and
giving details of the proposed disposition and
inviting submissions to be made to the local government before a date to be specified
in the notice, being a date not less than 2 weeks after the notice is first given: and
it considers any submissions made to it before the date specified in the notice
and, if its decision is made by the council or a committee, the decision and the
reasons for it are recorded in the minutes of the meeting at which the decision
was made.*

*(4) The details of a proposed disposition that are required by subsection (3) (a)(ii) include-
the names of all other parties concerned and*

*the consideration to be received by the local government for the disposition and
the market value of the disposition-
as ascertained by a valuation carried out not more than 6 months before the
proposed disposition or
as declared by a resolution of the local government on the basis of a valuation
carried out more than 6 months before the proposed disposition that the local
government believes to be a true indication of the value at the time of the proposed
disposition*

5.42. DELEGATION OF SOME POWERS AND DUTIES TO CEO

- (1) *A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.*

** Absolute majority required.*

- (2) *A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.*

[Section 5.42 amended by No. 1 of 1998 s. 13.]

5.43. LIMITS ON DELEGATIONS TO CEO'S

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) appointing an auditor;*
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) borrowing money on behalf of the local government;*
- (g) hearing or determining an objection of a kind referred to in section 9.5;*
- (h) any power or duty that requires the approval of the Minister or the Governor; or*
- (i) such other powers or duties as may be prescribed.*

STRATEGIC IMPLICATIONS:

There are no known strategic requirements in relation to this item.

SUSTAINABILITY IMPLICATIONS:

➤ **Environment**

There are no known environmental implications associated with this item.

➤ **Economic**

There are no known economic implications associated with this proposal.

➤ **Social**

There are no known social implications associated with this item.

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

ABSOLUTE MAJORITY REQUIRED: Yes

STAFF RECOMMENDATION:

That Council

- (1) Delegate authority to the Chief Executive Officer to negotiate in regard to the sale of 1 Ackland Street in accordance with Councils indicated parameters and Sections 3.58(3)(4), 5.42 and 5.43 of the Local Government Act 1995.
- (2) Delegate authority to the Chief Executive Officer to review submissions in accordance with Section 3.58 (3)
- (3) That Council declare that the Valuation carried out more than 6 months before the proposed disposition to be a true indication of the value at the time of this proposed disposition.

MOTION:

MOVED

Cr Barrett-Lennard/Cr Armstrong

That Council

- (1) Delegate authority to the Chief Executive Officer to negotiate in regard to the sale of 1 Ackland Street in accordance with Councils indicated parameters and Sections 3.58(3)(4), 5.42 and 5.43 of the Local Government Act 1995.
- (2) Delegate authority to the Chief Executive Officer to review submissions in accordance with Section 3.58 (3)
- (3) That Council declare that the Valuation carried out more than 6 months before the proposed disposition to be a true indication of the value at the time of this proposed disposition.

**CARRIED: 8/0
RESOLUTION NO: 060312**

9.3 WORKS & SERVICES

Nil

9.4 HEALTH, PLANNING & BUILDING COMMITTEE

Nil

9.5 BUSH FIRE ADVISORY COMMITTEE

Nil

10. QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

11. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Nil

12. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

13. CLOSURE

There being no further business the President, Cr Brennan declared the meeting closed at 3.14pm.

These minutes were confirmed at a meeting on April 2012.

Signed _____
Date April 2012
President