

Shire of Menzies



MINUTES

**MINUTES OF THE ORDINARY
COUNCIL MEETING HELD ON
FRIDAY 15 JUNE 2007, AT THE
COUNCIL CHAMBERS, MENZIES**



COMMENCING AT 9.20 am



SHIRE OF MENZIES

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President welcomed all elected members and declared the meeting open at 9.20 am.

He also extended a warm welcome to newly appointed Manager of Works and Services, Mr Ray Pepper.

2 RECORD OF ATTENDANCE / APOPOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED

Present:	Cr S Tonkin	Shire President
	Cr A Kelly	Deputy President
	Cr I Tucker	Member
	Cr J Dwyer	Member
	Cr I McGregor	Member
	Cr K Purchase	Member
Staff:	Mr P Crawford	Chief Executive Officer
	Mr B Pepper	Deputy Chief Executive Officer
	Mr R Pepper	Manager of Works and Services
Visitors	Nil	

3 PUBLIC QUESTION TIME

Nil

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 DECLARATIONS OF INTEREST

Nil

6 ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION

1. Attended a meeting with John Bowler discussing the status of the Police Station and the Menzies to Kalgoorlie Cycle Race.
2. He and the CEO attended a meeting with Peter Twigg discussing the Service Agreement with Tjuntjuntjarra.
3. The President and the CEO went to Leonora to discuss: upcoming Council Elections, Status of the Police Station and the Wild Dog problem with Minister Ravlich on her visit.

COUNCIL DECISION**ITEM 6**

Moved Cr Kelly

Seconded Cr Tucker

That the Presidents Report as presented be received.

Carried 6 / 0

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**7.1 MINUTES OF ORDINARY MEETING OF COUNCIL 18 MAY 2007****COUNCIL DECISION****ITEM 7.1**

MOVED Cr Purchase

SECONDED Cr Dwyer

That the minutes of the Ordinary Meeting held on Friday 18 May 2007 as previously circulated be confirmed as a true and accurate record.

CARRIED 6 / 0

8 STATUS REPORT**8.1 STATUS REPORT TO 31 MAY 2007****COUNCIL DECISION / OFFICER RECOMMENDATION ITEM 8.1**

Moved Cr Tucker

Seconded Cr McGregor

That the Status Report to 31 May 2007 be received.

Carried 6 / 0

*The CEO commented on various issues contained in the Status Report.***9. FINANCIAL REPORTS****9.1 Financial Statements to 31 May 2007**

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103a

DISCLOSURE OF INTEREST: None

DATE: 7 June 2007

AUTHOR: Brad Pepper, Deputy Chief Executive Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER:

Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR

OFFICER:

BACKGROUND:

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, Haines Norton and printed in our office.

COMMENT:

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) is a rates report and a report on reserves funds

CONSULTATION:

Ms Mandy Wynne, Haines Norton.

STATUTORY ENVIRONMENT: As per Local Government (Financial Management) Regulations 1996 Regulation 34

34. Financial activity statement report - s. 6.4

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
- (b) budget estimates to the end of the month to which the statement relates;*
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
- (e) the net current assets at the end of the month to which the statement relates.*

(2) Each statement of financial activity is to be accompanied by documents containing -

- (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
- (b) an explanation of each of the material variances referred to in sub regulation (1)(d); and*
- (c) such other supporting information as is considered relevant by the local government.*

(3) The information in a statement of financial activity may be shown -

- (a) according to nature and type classification;*
- (b) by program; or*
- (c) by business unit.*

(4) A statement of financial activity, and the accompanying documents referred to in sub regulation (2), are to be -

- (a) presented to the council -
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;

and

- (b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

- (6) In this regulation -
 - committed assets*~ means revenue unspent but set aside under the annual budget for a specific purpose;
 - restricted assets*~ has the same meaning as in AAS 27.

[Regulation 34 inserted in Gazette 31 Mar 2005 p. 1049-50.]

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.1
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Moved Cr McGregor

Seconded Cr Kelly

That the Financial Statements to 31 May 2007 as presented, be adopted

Carried 6 / 0

9. Financial Reports Cont.

9.2	Accounts for Payment – May 2007
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103

DISCLOSURE OF INTEREST: The Senior Officer has an interest to the extent that he is the co-owner of the local roadhouse, one of the creditors and the author is in receipt of a reimbursement cheque.

DATE: 7 June 2007

AUTHOR: Brad Pepper, Deputy Chief Executive Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER:
SIGNATURE OF
SENIOR OFFICER:

Peter Crawford, Chief Executive Officer

BACKGROUND:

Cheque numbers 4435 to 4502 and bank statement transfers totalling \$264,268.35 are presented for payment as per the submitted lists.

COMMENT:

Nil

CONSULTATION:

Ms Mandy Wynne, Haines Norton

STATUTORY ENVIRONMENT: Local Government (Financial Management)
Regulations 1996 Regulation 13

13. LIST OF ACCOUNTS

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared -

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.*

(2) A list of accounts for approval to be paid is to be prepared each month showing -

- (a) for each account which requires council authorisation in that month -*
 - (i) the payee's name;*
 - (ii) the amount of the payment; and*
 - (iii) sufficient information to identify the transaction;*

and

(b) the date of the meeting of the council to which the list is to be presented.

(3) A list prepared under sub regulation (1) or (2) is to be -

- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and*
- (b) recorded in the minutes of that meeting.*

[Regulation 13 inserted in Gazette 20 Jun 1997 p. 2838-9; amended in Gazette 31 Mar 2005 p. 1048.]

POLICY IMPLICATIONS: All signing of cheques were carried out as per Policy 3.8.
(All amounts over \$15,000 were counter signed by a Council Member).

FINANCIAL IMPLICATIONS: Reduction to the Municipal Fund Balance

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.2
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Moved Cr Kelly

Seconded Cr Purchase

That cheques numbered 4435 to 4502 and direct bank payments totalling \$264,268.35 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

Carried 6 / 0

9. Financial Reports Cont.

9.3	Investments – May 2007
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 105 - investments
DISCLOSURE OF INTEREST: None
DATE: 7 June 2007
AUTHOR: Brad Pepper, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

SUMMARY:

This item is to advise Council of the investment transaction for the month of April 2007.

BACKGROUND:

The Chief Executive Officer is currently delegated authority to invest funds into interest bearing accounts under Delegation 043 – Investments and Policy No 3.9 Investments details the reporting requirements

COMMENT:

The Reserve funds currently invested with the National Bank matured on 20 May 2007. The total of the funds invested were \$984,398.72 which accumulated an amount of interest on maturity of \$15243.35 giving an investment total of \$999,642.07

Part of the maturity payout of the investment was portioned back to the Municipal Account to cover money spent on Roads to Recovery programs. The following points detail these events.

The following transaction has been actioned on 20 May 2007:

Place of investment	National Bank
Term of investment	90 days (Mature 18 August 2007)
Interest rate	6.27%pa
Name of funds invested	Surplus Reserve Account
Amount	\$605,479.31

The following transaction has been actioned on 20 May 2007:

Place of investment	Municipal Trading Account
Amount	\$394,162.76

CONSULTATION:

CEO – Peter Crawford

STATUTORY ENVIRONMENT: As per Local Government (Financial Management) Regulations 1996 Regulation 19

19. Management of investments

(1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

(2) The control procedures are to enable the identification of —
(a) the nature and location of all investments; and
(b) the transactions related to each investment.

POLICY IMPLICATIONS:

Policy No. 3.9 - INVESTMENTS

The Chief Executive Officer be authorised to invest monies, not required for immediate need, in short term interest bearing deposits, thereby securing the best advantage to Council. This action should be cognisant of the need to ensure that sufficient operating funds are available to offset day to day expenses.

The Chief Executive Officer is to prepare a monthly report to be presented to Council showing details of all previous month's transactions including:

- a) place of investment*
- b) term of investment*
- c) interest rate*
- d) name of funds invested (eg. municipal, sweeper, reserve, trust)*

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

Moved Cr Dwyer

Seconded Cr McGregor

That Council receive the above report detailing investment transactions for the month of May 2007.

Carried 6 / 0

9. Financial Reports Cont.**9.4 Proposal to Write-Off Unpaid Rates**

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 302

DISCLOSURE OF INTEREST: None

DATE: 7 June 2007

AUTHOR: Brad Pepper, Deputy Chief Executive Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

SUMMARY:

This Item is to advise Council of the proposal to write-off unpaid rates from Dead Mining Tenements.

BACKGROUND:

The Menzies Ratebook has many existing creditors and debtors that may never be finalised for one reason or another. Ratebook Online was implemented in early 2003 and there are 38 assessments that have not been rated since then. With previous data relating to these assessments being lost or destroyed it makes it impossible to prove the make-up of the amounts outstanding if court action to reclaim funds was to prevail.

COMMENT:

The aim is to clean up the Ratebook for ease of management, for in this case a rate notice for each assessment will be printed, posted and sometimes returned, all which is wasting time and money.

It is extremely unlikely that Council would be able to recoup these funds and if chose to do so and would incur a large cost for the court and lawyer fees. In nearly all cases the cost to reclaim unpaid rates would amount to more that owed by each property.

The Write-off amounts have been calculated to 30 June 2007 so as to give time to administer any changes before the 2007-2008 financial year.

Assessment	Property	Balance	check	Bal to 30 June 2007	Notes
2378	P31/01453 (2378)	\$104.38		\$114.79	GME Resources
2379	P31/01454 (2379)	\$104.38		\$114.79	GME Resources
2380	P31/01455 (2380)	\$104.38		\$114.79	GME Resources
2381	P31/01456 (2381)	\$104.38		\$114.79	GME Resources
2382	P31/01457 (2382)	\$104.38		\$114.79	GME Resources
2383	P31/01458 (2383)	\$104.38		\$114.79	GME Resources
2391	E31/00165 (2391)	\$99.35		\$109.26	GME Resources
2494	M31/00134 (2494)	\$1,376.64		\$1,513.94	Dean S Webb
2582	P40/01048 (2582)	\$115.13		\$126.61	Gabriel resources NL
2761	P31/01559 (2761)	\$230.20		\$253.16	Westland Gold NL
3049	P40/01099 (3049)	\$362.91	paid most	15.36 owing	Graham Alfred Hawks
6038	M29/00084 (6038)	\$555.32	passed away	\$555.32	Peter Warren Clark
6044	M29/00119 (6044)	\$397.14	passed away	\$362.14	Peter Warren Clark
6092	E29/00130 (6092)	\$30.42		\$33.45	Joseph Frank Anania
6099	E77/00437 (6099)	\$804.94		\$885.22	Barclay Holdings LTD
6197	P29/01329 (6197)	\$323.07		\$355.29	Brian Galan
6230	E77/00503 (6230)	\$57.11		\$62.81	Barclay Holdings LTD
6287	M77/00622 (6287)	\$6,749.10		\$7,422.23	Barclay Holdings LTD
6288	M77/00623 (6288)	\$3,527.54		\$3,879.36	Barclay Holdings LTD
6314	P29/01454 (6314)	\$52.82		\$58.09	Kim G Pollock
6401	E77/00633 (6401)	\$261.45		\$287.53	Barclay Holdings LTD
6407	P31/01495 (6407)	\$105.55		\$116.08	Gerald F Sidworthy
6411	E77/00556 (6411)	\$420.65		\$462.60	Barclay Holdings LTD
6439	E77/00680 (6439)	\$213.55		\$234.85	Barclay Holdings LTD
6444	E77/00679 (6444)	\$376.48		\$414.03	Barclay Holdings LTD
6445	P29/01444 (6445)	\$66.69		\$73.34	Kim G Pollock
6479	E77/00704 (6479)	\$498.98		\$548.75	Evanston Resources NL
6551	E77/00725 (6551)	\$269.03		\$295.86	Barclay Holdings LTD
6581	P29/01554 (6581)	\$208.85		\$229.68	George L Pollock
6619	P29/01565 (6619)	\$637.93		\$701.55	Gerard V Brewer
6620	P29/01566 (6620)	\$637.93		\$701.55	Gerard V Brewer
6625	E77/00761 (6625)	\$278.15		\$305.89	Barclay Holdings LTD
6651	E77/00762 (6651)	\$825.55		\$907.89	Barclay Holdings LTD

6775	P29/01680 (6775)	\$268.71		\$295.51	Gerard V Brewer
6873	E29/00363 (6873)	\$9.78		\$10.76	Malanti Pty Ltd
6875	E30/00208 (6875)	\$33.94		\$37.33	Malanti Pty Ltd
6888	E29/00362 (6888)	\$9.78		\$10.76	Malanti Pty Ltd
6889	E29/00479 (6889)	\$3.10		\$3.41	Chadwick Doughton Everett
			TOTAL	\$21,942.99	

CONSULTATION:

M Wynne – Haines Norton, CEO Mr Peter Crawford, Melanie Hunt – Austral Mercantile.

STATUTORY ENVIRONMENT:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may -

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS:

Financial loss of \$21,942.99.

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.4
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Moved Cr Tucker

Seconded Cr Dwyer

That Council Resolve to write-off the following unpaid assessments for the amount of \$21,942.99 for the purpose of cleaning up the Ratebook.

Assessment	Property	Balance	check	Bal to 30 June 2007	Notes
2378	P31/01453 (2378)	\$104.38		\$114.79	GME Resources
2379	P31/01454 (2379)	\$104.38		\$114.79	GME Resources
2380	P31/01455 (2380)	\$104.38		\$114.79	GME Resources
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6099	E77/00437 (6099)	\$804.94		\$885.22	Barclay Holdings LTD
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6287	M77/00622 (6287)	\$6,749.10		\$7,422.23	Barclay Holdings LTD
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6314	P29/01454 (6314)	\$52.82		\$58.09	Kim G Pollock
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6620	P29/01566 (6620)	\$637.93		\$701.55	Gerard V Brewer
6625	E77/00761 (6625)	\$278.15		\$305.89	Barclay Holdings LTD
6651	E77/00762 (6651)	\$825.55		\$907.89	Barclay Holdings LTD
6775	P29/01680 (6775)	\$268.71		\$295.51	Gerard V Brewer
6873	E29/00363 (6873)	\$9.78		\$10.76	Malanti Pty Ltd
6875	E30/00208 (6875)	\$33.94		\$37.33	Malanti Pty Ltd
6888	E29/00362 (6888)	\$9.78		\$10.76	Malanti Pty Ltd
6889	E29/00479 (6889)	\$3.10		\$3.41	Chadwick Doughton Everett
			TOTAL	\$21,942.99	

Carried 6 / 0

10.	WORKS REPORT
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10.1	Works Supervisors Report
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10.1.1	Roadworks and General Report
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SUBMISSION TO: Ordinary Meeting of Council, Friday
15 June 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 405a

DISCLOSURE OF INTEREST: None

DATE: 6 June 2007

AUTHOR: Quenton Senior, Works Supervisor

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

COMMENT:

Garry Miller has finished the Menzies North West and Menzies Evanston Roads.

He has now started on the Yarri Road from the southern boundary which we are going to water bind in conjunction with Breakaway Transport.

We have set up the tanks but have had trouble with the submersible pump which is in at Flyght being repaired at the moment.

The Shire gang is still working on the Menzies North West road pulling in the sides, rolling and sheeting.

STATUTORY ENVIRONMENT: As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 10.1.1
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Moved Cr Kelly

Seconded Cr McGregor

That the Works Supervisors report, as tabled, be received

Carried 6 / 0

11. HEALTH / BUILDING / TOWN PLANNING / RANGERS REPORT

11.1 Principal Environmental Health Officer / Building Surveyor's Report

Nil

11. HEALTH / BUILDING / TOWN PLANNING / RANGERS REPORT

11.2 Ranger's Report

Nil

12. Chief Executive Officer's Report.
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12.1 Private Road to Reserve 24144

SUBMISSION TO: Ordinary Meeting of Council Friday,
21 June 2007
LOCATION: Menzies
APPLICANT: Menzies Hotel
FILE REF: 400
DISCLOSURE OF INTEREST: None
DATE: 7 June 2007
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to request Council to agree to the creation of a private road into Reserve 24144.

BACKGROUND:

In May of 2006, a request was received from the Menzies Hotel seeking assistance in having a public road reserve created into Reserve 24144 (See attachment "A-1").

Kingston Surveys were contracted to carry out the survey, following which a letter of request was forwarded to the Department of Planning and Infrastructure. A response has been received detailing the options available to Council (See attachment "A-2").

COMMENT:

There are two options at Council's disposal with one option being to create a public road. This would then make the road a Council responsibility for care and maintenance which is not in Council's best interests.

Option 2 is to have an amendment to the Reserve to include an area nominated for a road access.

In order to comply with either option, an excision from Reserve 8509 is required to allow for the road. The road then becomes the property of the leaseholder of Reserve 24144.

CONSULTATION:

Ms Grace Pacecca – Department of Planning and Infrastructure

STATUTORY ENVIRONMENT: As per Section 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION ITEM 12.1

Moved Cr Dwyer

Seconded Cr Kelly

That Council Resolve to excise a portion of Reserve 8509 (Current Purpose – Common) to allow for an area for road access to be nominated into Reserve 24144.

Carried 6 / 0

12. Chief Executive Officer's Report Cont.

12.2 Policy Manual

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Shire of Menzies

APPLICANT: N/A
FILE REF: 113b
DISCLOSURE OF INTEREST: None
DATE: 6 June 2007
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

Council's Policy Manual is again due for review.

BACKGROUND:

Council last reviewed their Policy Manual in August 2006

COMMENT:

During the past twelve months, Council has not Adopted any new Policies but has added a clause to the following :

Policy No. 2.5 – TENDER POLICY (PROCEDURES)

Clause 7 was added in February 2007

It is probable that some Policies may be reviewed during the next twelve months when further information on some issues becomes available.

Council's Policy Manual is attached (See Appendix "A").

CONSULTATION:

None

STATUTORY ENVIRONMENT: LOCAL GOVERNMENT ACT 1995 - SECT 2.7

The role of the council

2.7 . The role of the council

(1) The council —

- (a) directs and controls the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

POLICY IMPLICATIONS: As per the Policy Manual

FINANCIAL IMPLICATIONS: Policies are provided for in the Annual Budget

VOTING REQUIREMENTS: Simple Majority required

Moved Cr Tucker

Seconded Cr Dwyer

That Council resolve to Adopt the Policy Manual as presented.

Carried 6 / 0

12. Chief Executive Officer's Report Cont.**12.3 Delegation Manual**

SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 113b

DISCLOSURE OF INTEREST: None

DATE: 6 June 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

The list of delegation duties conferred on the Chief Executive Officer by Council are required to be reviewed on an annual basis.

BACKGROUND:

Section 5.46 (2) of the Local Government Act 1995 states that the delegations made during under the Act must be reviewed at least once during the financial year (See Appendix "B").

The attached list of Delegations, numbers 001 – 047 were last Reviewed at the Ordinary Meeting of Council, held 16 August 2006.

Since

COMMENT:

It is customary for Councils to delegate to the Chief Executive Officers, the powers and authority to enable the efficient management of the Operational and Financial Functions of the Shires without delaying decisions until future Council Meetings.

Some Delegations have been sub-delegated to the Deputy Chief Executive Officer. Those Delegations are:

Delegation 006	Staff – Housing Bonds
Delegation 007	Recovery of Debts
Delegation 031	Telephones (Private) Use by Employees for Council Business

Delegation 046 Councillors, Approval of Travel and Other Expenses

As with all decisions made during the course of this Management, some Delegations have Statutory Reporting responsibilities to Council, State and Federal Governments which the Officer is bound to comply with.

CONSULTATION:

None

STATUTORY ENVIRONMENT:

LOCAL GOVERNMENT ACT 1995 - SECT 5.46

Register of, and records relevant to, delegations to CEO's and employees

5.46 . Register of, and records relevant to, delegations to CEO's and employees

(2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

POLICY IMPLICATIONS: There are no current policies in place relating to delegated authority, however the proposed delegations work in conjunction with the Shire's policies outlined in the Policy Manual.

FINANCIAL IMPLICATIONS: Some of the delegations authorise the Chief Executive Officer to expend funds as indicated in the Council's budget. No direct financial implications are apparent.

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 12.3
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Moved Cr Kelly

Seconded Cr Dwyer

That Council delegates the following delegations to the Chief Executive Officer:

Delegation	Delegation Subject	Page
Number	Number	
001	Buildings – Issue of Licenses	3
002	Buildings - Removal of Neglected and Dilapidated	4
003	Buildings - Unlawful Works	5
004	Buildings - Demolition Licences	6
005	Bush Fire - Use of Council Plant	7
006	Staff - Housing Bonds	8
007	Recovery of Debts	9
008	Staff - Private Use of Council Vehicles	10
009	Legal Advice	11
010	Land Valuations	12
011	Tenders for Equipment Purchases	13
012	Staff - Attendances at Conferences and Training Courses	14
013	Plant - Use by Employees	15

014	Roads and Footpaths - Damage to	16
015	Private Works	17
016	Signs - Roads and Streets	18
017	Roadtrain Permits	19
018	Payment of Accounts Between Meetings	20
019	Hire Charges - Council Property & Equipment	21
020	Liquor - Sale of from Council Property	22
021	Contract Variations	23
022	Rate Book	24
023	Road Closures, Temporary	25
024	Disposal of Surplus Equipment, Materials, Tools etc	26
025	Buildings - Dangerous	27
026	Buildings - Certificates of Classification	28
027	Septic Tank Approvals	29
028	Finance - Preparation of Annual Financial Report	30
029	Award/Industrial Matters	31
030	Native Title	32
031	Telephones (Private) – Use by Employees for Council Business	33
032	Impounding Goods – Authorised Employee	34
033	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods	35
034	Insurance – Contracts of	36
035	Insurance – Public Liability Claims	37
036	Staff Housing	38
037	Contractors – Use on Works	39
038	Burning, Prohibited and Restricted Times (Variation)	40
039	Offences – Bush Fires Act	41
040	Mining Tenements	42
041	Proceedings under Dog Act	43
042	Dogs, Limitation as to the Number of	44
043	Investments	45
044	Staff Matters, Casual Employment	46
045	Issue of Notice on Private Land	47
046	Councillors, Approval of Travel and other Expenses	48
047	Menzies Youth and Community Group	49

Carried 6 / 0

12. Chief Executive Officer's Report Cont.

12.4	Local Government Week 2007
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 136

DISCLOSURE OF INTEREST: None

DATE: 8 June 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to advise Council of the opportunity too nominate Councillors to attend Local Government Week 2007.

BACKGROUND:

Each year, Council authorises nominated Members representing the Shire of Menzies to attend Local Government Week in Perth. This year, that convention is being held from 4th to 6th of August at the Burswood Convention Centre.

COMMENT:

Councillors wishing to attend the convention must be nominated by Council.

CONSULTATION:

None

STATUTORY ENVIRONMENT: As per Section 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Will be included in the Budget for next year.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 12.4
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Moved Cr McGregor

Seconded Cr Kelly

That Council Resolve to nominate no Councillors will attend Local Government Week in August 2007 as representatives of the Shire of Menzies.

CARRIED 6 / 0

Council expressed their disappointment at the Agenda for this year’s Local Government Week in that there seemed to be little of interest in the program offered.

12. Chief Executive Officer’s Report Cont.

12.5	Tender MN 139 – Supply of Housing
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 408
DISCLOSURE OF INTEREST: N/A

DATE: 8 June2007
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with the submissions received in response to Tender MN 130 – Supply of Housing.

BACKGROUND:

Council previously Resolved in April 2007 to invite tenders for an additional house in the 2007/2008 Financial Budget.

COMMENT:

Tender MN 139 – Supply of Housing was advertised in the West Australian newspaper on Saturday, 21 April 2007 and closed at 4 pm on Friday, 18 May 2007.

Tenders were opened in the Shire of Menzies Council Office at 4.25 pm on Friday, 18 May 2007 in the presence of;

Mr Ian Tucker	Councillor
Mr Peter Crawford	Chief Executive Officer
Mr Brad Pepper	Deputy Chief Executive Officer

There was only one tender received, that being from McGrath Homes.

A description of that tender is as follows:

1 only “Hilton” 4 bedroom x 2 bathroom transportable home	\$226,330
1 only “Hamilton Mk II” 4 bedroom x 2 bathroom transportable home	\$244,295

Both prices include GST.

CEO left the room at 9.51am and returned at 9.52am

Cr McGregor left the room at 9.57am and returned at 9.58.

CONSULTATION:

None

STATUTORY ENVIRONMENT: As per section 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: To be provided for from Staff Amenities and Building Reserve funds in the 2007 / 2008 Financial; Budget.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 12.5

Moved Cr Tucker

Seconded Cr McGregor

That Council resolve to award Tender MN 139 – Supply of Housing to McGrath Homes for the provision of a 1 only “Hamilton Mk II” 4 bedroom x 2 bathroom transportable home at a purchase price of \$244,295 which includes GST.

CARRIED 6 / 0

13. REPORTS

13.1 COUNCILLORS REPORTS

- Cr McGregor - Said the Kookynie Rubbish Tip needs pushing up – will be done On Monday
- There are 2 bad corners on the Yarri Road in the Gindalbie region that need addressing; and someone has hit one of the grids.
 - The visibility at the Rail Crossing on the Kookynie Road is bad – CEO explained about it being a Blackspot Project in 2007 – 2008.
- Cr Dwyer - There are a lot of new tracks being made in Kookynie that are causing concern. Someone is also driving on the Airstrip at Kookynie

13.2 CHIEF EXECUTIVE OFFICERS SUPPLEMENTARY REPORT

1. RRG Funding, details of the 2007/2008 program were outlined to Council.
2. Strategic Plan for the Shire of Menzies, CEO informed Council of the proposal to prepare a strategic plan in the coming year
3. MYCG, information from the previous week’s meeting were conveyed to Council
4. LGMA Symposium, no Members were interested in attending
5. A letter of support was received from the WA Country Health Service assuring the community of their concern at the possible closure of the Menzies Police station.

14. NEW BUSINESS OF A URGENT NATURE

14.1 ELECTED MEMBERS

Nil

14.2 CHIEF EXECUTIVE OFFICER

COUNCIL DECISION

ITEM 14.2

Moved Cr McGregor

Seconded Cr Dwyer

That Council Resolve to move into New Business of an Urgent Nature

CARRIED 6 / 0

COUNCIL DECISION	ITEM 14.2.1
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Moved Cr McGregor

Seconded Cr Tucker

That Council resolve to vote on Item 14.2.1

CARRIED 6 / 0

14.2.1	Proposal to Write-Off Rates
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007
LOCATION: Menzies Shire
APPLICANT: N/A
FILE REF: 302
DISCLOSURE OF INTEREST: None
DATE: 13 June 2007
AUTHOR: Brad Pepper, Deputy Chief Executive Officer
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Peter Crawford, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:

SUMMARY:

This Item is to advise Council of the proposal to write-off unpaid rates from Dead Mining Tenements.

BACKGROUND:

The Menzies Ratebook has many existing creditors and debtors that may never be finalised for one reason or another. Ratebook Online was implemented in early 2003 and there are 38 assessments that have not been rated since then. With previous data relating to these assessments being lost or destroyed it makes it impossible to prove the make-up of the amounts outstanding if court action to reclaim funds was to prevail.

COMMENT:

The aim is to clean up the Ratebook for ease of management, for in this case a rate notice for each assessment will be printed, posted and sometimes returned, all which is wasting time and money.

It is extremely unlikely that Council would be able to recoup these funds and if chose to do so and would incur a large cost for the court and lawyer fees. In nearly all cases the cost to reclaim unpaid rates would amount to more that owed by each property.

The Write-off amounts have been calculated to 30 June 2007 so as to give time to administer any changes before the 2007-2008 financial year.

CONSULTATION:

M Wynne – Haines Norton, CEO Mr Peter Crawford, Melanie Hunt – Austral Mercantile.

STATUTORY ENVIRONMENT:

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may -
(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money;*
(b) waive or grant concessions in relation to any amount of money; or
(c) write off any amount of money,
which is owed to the local government.

** Absolute majority required.*

(2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.

(3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.

(4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

[Section 6.12 amended by No. 64 of 1998 s. 39.]

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS:

Financial loss of \$1,315.18

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 14.2.1
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Moved Cr Dwyer

Seconded Cr Kelly

That Council Resolve to write-off the following unpaid assessments for the amount of \$1,315.18 for the purpose of cleaning up the Ratebook.

CARRIED 6 / 0

Cr Tucker declared a financial interest in the next Item due to the fact that the applicant was his wife and left the room at 10.41am

COUNCIL DECISION	ITEM 14.2.2
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Moved Cr McGregor

Seconded Cr Dwyer

That Council resolve to vote on Item 14.2.2

CARRIED 5 / 0

14.2 Chief Executive Officer's Report Cont.

14.2.2	Proposal to Excise Portion of Lot 302 Gregory Street
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SUBMISSION TO: Ordinary Meeting of Council Friday,
15 June 2007

LOCATION: Menzies Shire

APPLICANT: Mrs Joan Tucker

FILE REF: 204

DISCLOSURE OF INTEREST: None

DATE: 13 June 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to provide non financial support to the applicant to excise a portion of Lot 302 Gregory Street

BACKGROUND:

The applicant is considering purchasing the Lot 302 Gregory Street and a water main traverses through the front corner of the block. Watercorp had indicated that it would cost around \$20,000.00 to move the water main to allow the sale of the Lot (See Attachment "B").

COMMENT:

Subsequent discussions with the water Corporation has revealed that they are agreeable to allowing the water main to remain in it's current location if the applicant agrees to the excision of a portion of the land from the Lot.

The applicant has indicated that they will agree to the conditions and have requested Council support their proposal.

There is no obligation on Council's part in supporting this proposal.

CONSULTATION:

Mrs J Tucker – applicant & Mr Rod Botica – Watercorp.

STATUTORY ENVIRONMENT:

As per Sections 2.7 and 3.1 of the Local Government Act 1995 relating to General Functions provisions.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 14.2.2
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Moved Cr McGregor

Seconded Cr Dwyer

Council Resolve to support the applicant's proposal to excise a portion of Lot 302 that contains a water main from the remainder of Lot 302 in order for the Lot to be sold to the applicant.

CARRIED 5 / 0

Cr Tucker returned to the Chambers at 10.44am

The matter of the Ward review and representation was discussed at length without any decision being reached. The CEO was requested to research the subject further and present a report to each Councillor for their opinion.

15. CONFIDENTIAL BUSINESS TO BE HEARD BEHIND CLOSED DOORS.

Mover Cr I Tucker

Seconded Cr J Dwyer

That Council go behind closed doors to discuss the current situation regarding the lack of a Police presence in Menzies.

CARRIED 6/0

Mr Brad Pepper, DCEO and Mr Ray pepper, MWS left the Chambers at 11.24 am.

Mover Cr J Dwyer

Seconded Cr I Tucker

That Council come out from behind closed doors.

CARRIED 6/0

No Resolution of Council was made.

16. NEXT MEETING

The next meeting will be held on Friday, 20 July 2007 at the Council Chambers, Menzies, commencing at 9.00 am

17. MEETING CLOSED

There being no further business to discuss, the President declared the meeting closed at 11.38am

These Minutes were confirmed as a true
and accurate record of proceedings at the
Ordinary Meeting of Council, held Friday 20 July 2007

UNCONFIRMED

SHIRE PRESIDENT