

SHIRE OF MENZIES

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF THE SHIRE OF MENZIES, HELD AT THE COUNCIL CHAMBERS, MENZIES ON FRIDAY 17th NOVEMBER 2006 COMMENCING AT 9.12AM

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS:

The Shire President welcomed all elected members and declared the meeting open at 9.12am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED:

Present:	Cr S Tonkin	Shire President
	Cr A Kelly	Deputy President
	Cr I Tucker	Member
	Cr K Purchase	Member
	Cr I McGregor	Member
Staff:	Mr P Crawford	Chief Executive Officer
	Mr B Pepper	Senior Admin Officer
Apologies	Cr P Kennedy	Member
	Cr J Dwyer	Member
Leave of Absence	Nil	
Visitors	Nil	

3. PUBLIC QUESTION TIME:

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

5. ANNOUNCEMENTS BY SHIRE PRESIDENT WITHOUT DISCUSSION

The President advised that he had attended the Local Government Managers Association conference in Perth with the CEO recently at the invitation of the LGMA. This conference was very similar to Local Government Week but was aimed more at the senior management of the industry.

He also presided over a meeting with the Hon Minister for Indigenous Affairs, Tourism, Culture and the Arts in Menzies on Thursday, 16 November 2006. The

main topic was the Gormley exhibition at Lake Ballard, ownership of the statues and the future of the site.

COUNCIL DECISION	ITEM 5.
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MOVER Cr I Tucker SECONDED Cr A Kelly

That the President's report be received

CARRIED 5/0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETING:

**6.1 MINUTES OF THE ORDINARY MEETING OF COUNCIL, HELD
FRIDAY,
20th OCTOBER 2006**

COUNCIL DECISION	ITEM 6.1
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MOVED Cr A Kelly SECONDED Cr I McGregor

That the minutes of the Ordinary Meeting held on Friday 15th September 2006 as previously circulated be confirmed as a true and accurate record.

CARRIED 5/0

7. STATUS REPORT:

COUNCIL DECISION	ITEM 7.1
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MOVED Cr K Purchase SECONDED Cr I McGregor

That the Status Report as at 31st October 2006, be received.

CARRIED 5/0

The CEO reported on the items in the Status Report.

No Resolution of Council was made.

8. FINANCIAL REPORTS

8.1	Financial Statements to 30th October 2006
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SUBMISSION TO:	Ordinary Meeting of Council Friday, 17 th November 2006
LOCATION:	Menzies
APPLICANT:	N/A
FILE REF:	103a
DISCLOSURE OF INTEREST:	None

DATE: 8th November 2006
AUTHOR: Brad Pepper, Senior Admin 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 (i) (e)

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Reporting on Financial Activity

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 8.1
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MOVED Cr K Purchase

SECONDED Cr I Tucker

That the Financial Statements to 31st October 2006 as presented, be adopted

CARRIED 5/0

8.2	Accounts for Payment
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SUBMISSION TO: Ordinary Meeting of Council Friday,
17th November 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103
DISCLOSURE OF INTEREST: None
DATE: 8th November 2006
AUTHOR: Brad Pepper, Senior Admin Officer
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

BACKGROUND:

Cheque numbers 4027 to 4084 and bank statement transfers totalling \$741,352.92 are presented for payment as per the submitted lists.

COMMENT:

None required.

CONSULTATION:

Ms Mandy Wynne, Haines Norton

STATUTORY ENVIRONMENT: Local Government (Financial Management) Regulations 1996 Regulation 13(2)

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 8.2
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MOVED Cr I Tucker

SECONDED Cr K Purchase

That cheques numbered 4027 to 4084 and direct bank payments totalling \$741,352.92 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

CARRIED 5/0

8.3	Investments – October 2006
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SUBMISSION TO: Ordinary Meeting of Council Friday,
17 November 2006
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103a
DISCLOSURE OF INTEREST: None
DATE: 6 November 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This item is to advise Council of the investment transaction for the month of October 2006.

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 5 October 2006.

The total of the funds invested were \$1,245,459.29 which accumulated an amount of interest on maturity of \$18,149.59 giving an investment total of \$1,263,608.88

The following transaction has been actioned on 5 October 2006:

Place of investment	National Bank
Term of investment	90 days (Mature 3 January 2007)
Interest rate	6.13%pa
Name of funds invested	Reserve Account
Amount	\$1,263,608.88

Attached are the supporting documents for that transaction.

Current balance of all accounts as at 31 October 2006 is as follows:

Municipal Acct.	\$241,743.29	Interest rate 3.15%pa
Sweeper Acct.	\$540,009.33	Interest rate 5.20%pa
Reserve Acct.	\$1,263,608.88	Interest rate 6.13%pa
Surplus Funds Reserve Acct	\$955,000.00	Interest rate 6.12%pa

CONSULTATION:

None

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

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 8.3
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MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council receive the above report detailing investment transactions for the month of October 2006.

CARRIED 5/0

8.4	Inter-Account Transfer of Funds – October 2006
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SUBMISSION TO: Ordinary Meeting of Council Friday,
17 November 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 103a

DISCLOSURE OF INTEREST: None

DATE: 6 November 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This item is to advise Council of the Inter Account Transfer of Funds for the month of October 2006.

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 Municipal Trading Account had surplus funds that were not in immediate need and so a sum of \$450,000 was transferred into the Sweeper Account which attracts a higher rate of interest.

The Reserve funds currently invested with the National Bank matured on 5 October 2006.

The total of the funds invested were \$1,245,459.29 which accumulated an amount of interest on maturity of \$18,149.59 giving an investment total of \$1,263,608.88

The following transaction has been actioned on 31 October 2006:

Place of investment	National Bank
Term of investment	On call as required
Interest rate	5.20%pa
Name of funds invested	Sweeper Account
Amount	\$540,009.33

Attached are the supporting documents for that transaction.

Current balance of all accounts as at 31 October 2006 is as follows:

Municipal Acct.	\$241,743.29	Interest rate 3.15% pa
Sweeper Acct.	\$540,009.33	Interest rate 5.20% pa
Reserve Acct.	\$1,263,608.88	Interest rate 6.13% pa
Surplus Funds Reserve Acct	\$955,000.00	Interest rate 6.12% pa

CONSULTATION:

None

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:

- c) place of investment*
- d) 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

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 8.4
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MOVED Cr I Tucker

SECONDED Cr K Purchase

That Council receive the above report detailing Inter Account Transfer of Funds for the month of October 2006.

CARRIED 5/0

That Council receive the above report detailing Inter Account Transfer of Funds for the month of October 2006.

9. WORKS REPORT:

9.1 WORKS SUPERVISORS REPORT

9.1.1 Roadworks and General Report

SUBMISSION TO: Ordinary Meeting of Council, Friday
17 November 2006

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 405a

DISCLOSURE OF INTEREST: None

DATE: 8 November 2006

AUTHOR: Quenton Senior, Works Supervisor

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

MAINTENANCE GRADING:

The forming up of the Mt Ida –Leonora Road has been finished.

The road crew is working on the Yarri Road between Sparks Well and the Carosue Cross Road gravelling sections which has rock exposed.

Lloyd is still in hospital.

Garry Miller has finished all roads in the Kookynie area and is grading the Cranky Jack Road at the moment. He will be starting on the Yarri Road this week.

Breakaway Earthmoving has nearly finished dozing on the Kookynie-Yarri Road.

The water pipeline has been installed from the dam to the oval.
We have been carting waste water from dam to tanks at oval.
The new 150,000 litre water tank will be installed on the 27th November.
The grass is coming through on the oval, if somewhat sparingly.

The new temporary toilet block has arrived and is working.
I took Paul Hill from Cardno BSD and we checked all roads in the shire except the Tjuntjuntjarra Roads. This inspection was to update our ROMAN road inventory.

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 9.1.1
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MOVED Cr K Purchase

SECONDED Cr I McGregor

That the Works Supervisors report, as tabled, be received

CARRIED 5/0

10. HEALTH, BUILDING AND TOWN PLANNING BUSINESS

10.1 Chief Executive Officer

9.34am *Cr A Kelly declared a financial interest in Item 10.1.1 and left the meeting*

10.1.1	Caravan residence on Private Property
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SUBMISSION TO: Ordinary Meeting of Council Friday,
17 November 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: H14

DISCLOSURE OF INTEREST: None
DATE: 3 November 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

BACKGROUND:

This Item is to advise Council of an application to live in a caravan on private property in Menzies.

COMMENT:

An application has been received from a Ms Aileen Kelly, seeking permission to live in a caravan on her property at Lot 57 Goldfields Highway, Menzies (See attached). Ms Kelly's house recently burnt to the ground and her caravan is her only means of accommodation at present.

Under the Caravan Park Bylaws, this permission is only valid for a period of three months after which permission from the Minister must be forthcoming for the status quo to remain

CONSULTATION:

Staff have discussed the matter with Ms Kelly regarding the application and can verify the current situation.

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 REQUIREMENT: Simple Majority required

COUNCIL DECISION/OFFICER RECOMMENDATION ITEM 10.1.1

MOVED Cr I McGregor

SECONDED Cr I Tucker

That Ms Aileen Kelly be permitted to remain in her caravan on her property for the statutory period of three months as permitted under the caravan park bylaws

CARRIED 4/0

9.39am *Cr A Kelly returned to the meeting*

11. Chief Executive Officer's Report.

11.1 Motion of No Confidence

SUBMISSION TO: Ordinary Meeting of Council Friday,
17 November 2006
LOCATION: Menzies Shire
APPLICANT: WALGA
FILE REF: 200
DISCLOSURE OF INTEREST: None
DATE: 6 November 2006
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

The attached circular was received from the Western Australian Local Government Association asking local governments to pass a motion of no confidence in the Minister for Local Government over his handling of the Proportional Preferential Voting system proposed to be introduced for local government elections.

COMMENT:

This request from WALGA is for Council to debate the issues involved and pass the motion of no confidence in the Minister for his handling of the proposed legislation.

CONSULTATION:

None

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

OFFICER RECOMMENDATION	ITEM 11.1
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That Council consider the information contained in the circular and make a Resolution regarding the matter.

COUNCIL DECISION	ITEM 11.1
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MOVED Cr I McGregor

SECONDED Cr K Purchase

That Council direct the Chief Executive Officer to advise the Minister for Local Government of their disappointment in the lack of consultation, and their opposition to the proposed changes to the Local Government voting system from its current form to the Proportional Preferential Voting system.

11.2	Ward Boundaries and Representation Review
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SUBMISSION TO: Ordinary Meeting of Council Friday,
17 November 2006

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 119

DISCLOSURE OF INTEREST: The author of this item has been retained as a casual employee to assist in the ward boundaries and representation review process

DATE: 23 October 2006

AUTHOR: Lance Croft, Casual Employee

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

SUMMARY:

The Shire of Menzies is required by the Local Government Advisory Board (the Board) to carry out a review of its ward boundaries and representation.

BACKGROUND:

The last review of the Shire of Menzies ward boundaries and representation was initiated in February 2000. At this time the Council sought to retain the existing arrangements and there was no apparent finalisation of the review. Subsequently, following an amendment to the Local Government Act (the Act) in 2004, the Board in 2005 conducted a review to determine which local governments had elector/member ratios that exceeded the one vote one value tolerance deemed acceptable by the Minister for Local Government.

As a consequence, the Shire of Menzies was required by the Board to undertake a further review, a requirement that was subsequently deferred until the outcome of a proposal to excise a portion of the Shire to neighbouring Laverton was known.

COMMENT:

To enable public consultation, a draft discussion paper to facilitate that exercise has been prepared and is appended at APPENDIX "A" for Council consideration.

CONSULTATION:

Officers of the Board have provided information and documentation relating to this matter. The Department of Land Information has been consulted about suitable mapping for the exercise.

STATUTORY ENVIRONMENT:

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of ward boundaries and the number of members from each ward from time to time so that not more than eight years elapse between successive reviews.

Furthermore, a local government is to carry out a review at any time if required by the Local Government Advisory Board.

POLICY IMPLICATIONS:

No known policy implications.

FINANCIAL IMPLICATIONS:

Costs in relation to this exercise relate primarily to advertising (local public notice), and retaining the author of this item to assist with the process.

VOTING REQUIREMENTS: Simple Majority required.

COUNCIL DECISION/OFFICER RECOMMENDATION	ITEM 11.2
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That a review of the ward boundaries and representation of the Shire of Menzies be initiated as required by the Local Government Advisory Board, which shall have due regard for the impending excision of a portion of the Shire in the eastern sector to the Shire of Laverton; and the Discussion Paper at APPENDIX "A" be adopted for this purpose.

CARRIED 5/0

12. REPORTS:

12.1 REPORTS FROM COUNCILLORS:

Cr McGregor Kookynie Rubbish Tip is full, can some action be taken

 Someone has been running over signs along the Kookynie-Yarri Rd in the Yerilla region

Cr Tonkin CEO Review was discussed and Council will do the next review

 Saracen Mining are opening the Porphyry pit and traffic is increasing along the Yarri Rd

 Enquired about Verge Clearing and Grid Cleaning on the Yarri Rd

12.2 CHIEF EXECUTIVE OFFICER'S SUPPLEMENTARY REPORT:

Chief Executive Officer:

- A letter from the Federal Member Barry Hasse seeking a donation towards a road safety campaign to be run this Christmas period.
- Christmas Carols to be held in the garden of the menzies Hotel on Friday, 8 December 2006
- Some small changes to the rating system to be introduced next year
- A recent attack from two local dogs necessitated the Ranger being called in to deal with the matter
- A letter from the City of Kalgoorlie-Boulder seeking support in an industrial study of the region
- Caravan Park plans are available for Council's are available for Council's perusal

13. NEW BUSINESS OF AN URGENT NATURE

13.1 ELECTED MEMBERS

Nil

13.2 CHIEF EXECUTIVE OFFICER

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 13.2
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MOVED Cr I McGregor

SECONDED Cr I Tucker

That Council receive New Business of an Urgent Nature

CARRIED 5/0

13.2.1	2005/2006 Annual Report
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SUBMISSION TO: Ordinary Meeting of Council Friday,
17 November 2006

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 112

DISCLOSURE OF INTEREST: None

DATE: 14 November 2006

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to advise Council of the presentation of the 2005/2006 Annual Report at the December 2006 Ordinary Meeting of Council.

BACKGROUND:

As part of the requirements under the Local Government Act 1995, the Annual Report must be presented to Council, an electors meeting held and the Annual Report provided to the Local Government Department, prior to December 31 of this year.

COMMENT:

The 2005/2006 Auditors Report will be presented to the Audit Committee on Friday, 15 December 2006 and the Minutes of that Meeting will be tabled at the Ordinary Meeting of Council on the same day.

Owing to the time constraints in this matter, it is proposed that the Annual Report will be presented to Council at the December 2006 Ordinary Meeting of Council. Upon receiving this report, an electors meeting will be held at the completion of the Ordinary Meeting.

This will allow the Annual Electors Meeting to be advertised to be held at 3.00 pm on Friday, 15 December 2006.

CONSULTATION:

None.

STATUTORY ENVIRONMENT: Section 5.53 of the Local Government Act 1995 states:

5.53. *Annual reports*

(1) *The local government is to prepare an annual report for each financial year.*

(2) *The annual report is to contain —*

(a) *a report from the mayor or president;*

(b) *a report from the CEO;*

[(c), (d) deleted]

(e) *an overview of the plan for the future of the district made in accordance with section*

5.56, including major initiatives that are proposed to commence or to continue in the next financial year;

(f) *the financial report for the financial year;*

(g) *such information as may be prescribed in relation to the payments made to employees;*

(h) *the auditor's report for the financial year;*

(ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*

(i) *such other information as may be prescribed.*

[Section 5.53 amended by No. 44 of 1999 s. 28(3); No. 49 of 2004 s. 42(4) and

(5).]

Table of Provisions

5.54. *Acceptance of annual reports*

(1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

[Section 5.54 amended by No. 49 of 2004 s. 49.]

Table of Provisions

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: None

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 13.2.1
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MOVED Cr A Kelly

SECONDED Cr I McGregor

That Council Resolve to Receive the 2005/2006 Annual Report at the December 2006 Ordinary Meeting of Council and authorise the Chief Executive Officer to advertise the Annual Electors Meeting to be held at 3.00 pm on Friday, 15 December 2005.

CARRIED 5/0

14. CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS:

Nil

15. NEXT MEETING:

The next Ordinary Council Meeting is scheduled for Friday 15th December 2006 at the Council Chambers, Menzies, starting at 1.00pm.

16. CLOSURE:

There being no further business to discuss, the Shire President declared the Meeting closed at 11.02am

These Minutes were confirmed as a true and accurate record of proceedings, at the

Ordinary Council Meeting held on 15 December 2006

CONFIRMED

SHIRE PRESIDENT.....