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AGENDA

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS:

THE PRESIDENT CR HUTCHINSON DECLARED THE MEETING OPEN AT 11.00 AM

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

ATTENDANCE

CR HUTCHINSON (PRESIDENT)

CR O'DWYER

CR BAIN

CR SMITH

CR BURROWS

CR BAJRAI

CR TRENFIELD

TA HARTMAN CEO

NATALIE HOPE DEPUTY CEO

APOLOGIES

CR HOWDEN

CR NICHOLS

APPROVED LEAVE OF ABSENCE

NIL

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

NIL

4. PUBLIC QUESTION TIME:

NIL

5. APPLICATIONS FOR LEAVE OF ABSENCE:

NIL

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

6.1 ORDINARY MEETING HELD 20th August 2005.

Council Resolution

RESOLVED:(Moved by Cr Trenfield Seconded by Cr Smith)

THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF MEEKATHARRA HELD IN THE COUNCIL CHAMBERS ON 20th AUGUST BE CONFIRMED

CARRIED 7.0

7. PETITION/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS:

NIL

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

NIL

9. REPORTS OF COUNCILLORS:

NIL

10.1 CHIEF EXECUTIVE OFFICER REPORT SUBMITTED TO THE FULL COUNCIL MEETING TO BE HELD 17TH SEPTEMBER 2005.

10.1.1 PRIME MOVER TRUCK TENDER

File Ref: T/35

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil

Date of Report: 13th September 2005

Summary: Report submits tenders received for the replacement of Council's P/320, 1998 Inter Acco 235og/250.

Background: Council resolved at the August 2005 meeting, to invite tenders for the replacement of Council's 1998 Inter Acco 235og/250 Prime Mover.

Comment: Tenders were invited and closed on Friday September 9, 2005. The tenders received are attached for Council's consideration. The tenderers documents will be tabled at the meeting for further information. Please note that varying sized trucks were requested as an optional extra for Council's consideration. The existing tipping body was also included after tender documents were released, again for consideration.

Consultation: Councillors and Staff

Statutory Environment: Section 3.57 Local Government Act.
Part 4 Local Government (Functions and General) Regulations 1996

Policy Implications: Nil.

Financial Implications: Council have provided funds in the 2005/06 budget of \$100,000 to changeover the vehicle for an equivalent sized vehicle.

Strategic Implications: Nil.

Voting Requirements: Simple majority.

Recommendation:

THAT COUNCIL ACCEPT THE TENDER RECIVED FROM AV TRUCK SERVICES FOR A UD NISSAN CW 445 PRIME MOVER FOR \$163,979 WITHOUT TRADE AND ACCEPT THE TENDER RECIVED FROM WA PROFILING FOR THE OUTRIGHT PURCHASE OF P320 FOR \$62, 000.

Council Resolution:
RESOLVED:(Moved by Cr Burrows Seconded by O'Dwyer

THAT COUNCIL ACCEPT THE TENDER RECIVED FROM AV TRUCK SERVICES FOR A UD NISSAN CW 445 PRIME MOVER FOR \$163,979 WITHOUT TRADE AND ACCEPT THE TENDER RECIVED FROM WA PROFILING FOR THE OUTRIGHT PURCHASE OF P320 FOR \$62, 000.

CARRIED 7.0

10.1.2 **MOTOR GRADER TENDER**

File Ref: T/35

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil

Date of Report: 13th September 2005

Summary: Report submits tenders received for the replacement of Council's P/328, 1999 CAT 12 H Grader.

Background: Council resolved at the August 2005 meeting, to invite tenders for the replacement of Council's 1999 CAT 12 H Grader.

Comment: Tenders were invited and closed on Friday September 9, 2005. The tenders received are attached for Council's consideration. The tenderers documents will be tabled at the meeting for further consideration.

Consultation: Councillors and Staff

Statutory Environment: Section 3.57 Local Government Act.
Part 4 Local Government (Functions and General) Regulations 1996

Policy Implications: Nil.

Financial Implications: Council have provided funds in the 2005/06 budget of \$200,000 to changeover the vehicle for an equivalent sized vehicle.

Strategic Implications: Nil.

Voting Requirements: Simple majority.

Recommendation:

THAT COUNCIL ACCEPT THE TENDER RECIVED FROM WESTRAC FOR A CATERPILLAR 12 H GRADER AND TRADE P328 FOR A CHANGEOVER OF \$209,800

Council Resolution:

RESOLVED:(Moved by Cr Trenfield Seconded by Cr Burrows)

THAT COUNCIL ACCEPT THE TENDER RECIVED FROM WESTRAC FOR A CATERPILLAR 12 H GRADER AND TRADE P328 FOR A CHANGEOVER OF \$209,800

CARRIED 7.0

10.1.3 CONTRACT TO MANAGE MEEKATHARRA SWIMMING POOL

File Ref: S/65

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil

Date of Report: 13th September 2005

Summary: Report submits details to allow Council to enter into a contract for the management of the Meekatharra Swimming Pool.

Background: Advertising for a pool manager for the 05/06 season did not attract a satisfactory applicant. However, Contract Aquatic Services submitted a proposal to manage the Meekatharra Pool on a contract basis for a period of three years.

Comment: Contract Aquatic Services currently operate the swimming pools at Morowa, Encabba and Dowerin. Contact with these organisations reveal that generally the operation of the pools have been satisfactory.

Whilst in Perth recently I interviewed the Contract Aquatic Services personnel and considered that they could provide the required management of the Meekatharra Pool.

They also indicated that in addition to the day to day management and maintenance of the pool and surrounds, they also can provide community activities.

For a lump sum, Contract Aquatic Services provide management, public liability, product liability, professional liability and workers compensation insurance.

Council will continue to provide housing but not relocation expenses or superannuation.

A draft contract is attached for perusal and amendment if necessary.

Consultation: Idea reported to Council through information bulletins
Shire of Morowa
Shire of Irwin
Shire of Dowerin

Statutory Environment: Local Government Act Section 3.18 and 5.36

Policy Implications: Nil.

Financial Implications: The contract price is \$62,000 and Council has in the budget funds for salaries, superannuation, training, insurance and relocation expenses that add to \$67,405.

Strategic Implications: May have positive outcomes for the community.

Voting Requirements: Simple majority.

Recommendation:

THAT COUNCIL AGREE TO ENTER INTO A CONTRACT WITH CONTRACT AQUATIC SERVICES FOR THE MANAGEMENT OF THE MEEKATHARRA SWIMMING POOL AND AUTHORISE THE PRESIDENT AND CEO TO SIGN THE AGREEMENT WHEN FINALISED.

Council Resolution:

RESOLVED:(Moved by Cr Smith Seconded by Cr Bain)

THAT COUNCIL AGREE TO ENTER INTO A CONTRACT WITH CONTRACT AQUATIC SERVICES FOR THE MANAGEMENT OF THE MEEKATHARRA SWIMMING POOL AND AUTHORISE THE PRESIDENT AND CEO TO SIGN THE AGREEMENT WHEN FINALISED.

CARRIED 7.0

10.1.4 RUBBISH REMOVAL CONTRACT REQUEST FOR PRICE INCREASE

File Ref: R/50

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil

- Date of Report:** 13th September 2005
- Summary:** The operator of Meekatharra Rubbish Disposal has requested Council review the contract price due to the increase in fuel prices.
- Background:** The contractor, Greg Byrne has submitted the attached letter and supporting information, requesting Council consider a 5% increase in the contract price.
- Comment:** The contract between Council and Greg Byrne expires in December 2006 and includes two clauses that provide for cost adjustments.
- Clause 5 (c) states –
“Should the number of services provided by the contractor in each category (domestic, commercial or daily) increase or decrease in number by more than 10% continuously for more than one week than a price adjustment in direct proportion to the contract price shall be made.”
- and -
- Clause 5 (d) –
“At the conclusion of each twelve month period of the contract an inflationary adjustment figure as provided by the Australian Bureau of Statistics for the previous financial year will be applied to the contract price.”
- The contract commenced in December 2001, and since that time the following yearly increase have applied. –
- | | | |
|---------------|---|-----------------------------------|
| December 2002 | = | 2.8% |
| December 2003 | = | 2.8% |
| December 2004 | = | 3.6% not paid due to staff change |
| May 2005 | = | 2.6% back dated to December 2004 |
- Due to the staff change late 2004 the inflationary 3.6% was not added to the contract price. In May 2005 the CEO raised the matter of this yearly adjustment and requested that it be paid to the contractor. What occurred was that although the December 2004 inflationary figure was not paid, it was used to adjust the figures in the spread sheet. When the May adjustments were carried out the 2.6% (the May 2005 inflationary figure) was added to the spread sheet figure and paid to the contractor. What this means is that the contractor has been receiving an extra 2.6% since December 2004.
- In the figures that have been provided the cost of fuel has increased 39% over the four year period, which averages 9.75% per year.
- The current fuel cost is impacting on all consumers at present and may be a justification for Council to consider the proposal submitted by Meekatharra Rubbish Disposal.

However, I would suggest that the extra 2.6% that is being paid now be considered as a contribution towards the contractors extra costs and the impact of rising fuel costs be considered when the yearly inflationary adjustment is made in December 2005.

- Consultation:** Discussion with Greg Byrne
- Statutory Environment:** Local Government Act Section 3.18 and 5.26
- Policy Implications:** Nil.
- Financial Implications:** The current payments to the contractor and the yearly adjustment is within the 2005/06 budget estimates.
- Strategic Implications:** Nil
- Voting Requirements:** Simple majority.

Recommendation:

THAT COUNCIL ADVISE GREG BYRNE THAT THE COUNCIL HAS INCREASED THE CONTRACT PRICE BY AN ADDITIONAL 2.6% SINCE DECEMBER 2004 AND THAT HIS REQUEST FOR A FURTHER INCREASE WILL BE CONSIDERED IN DECEMBER 2005 WHEN THE INFLATIONARY FIGURES WILL BE ADDED TO THE CONTRACT PRICE AS PER CLAUSE 5 (d).

Council Resolution:

RESOLVED:(Moved by Cr O'Dwyer Seconded by Cr Bajrai)

THAT COUNCIL ADVISE GREG BYRNE THAT THE COUNCIL HAS INCREASED THE CONTRACT PRICE BY AN ADDITIONAL 2.6% SINCE DECEMBER 2004 AND THAT HIS REQUEST FOR A FURTHER INCREASE WILL BE CONSIDERED IN DECEMBER 2005 WHEN THE INFLATIONARY FIGURES WILL BE ADDED TO THE CONTRACT PRICE AS PER CLAUSE 5 (d).

CARRIED 7.0

-
- 10.2 DEPUTY CHIEF EXECUTIVE OFFICER REPORT SUBMITTED TO THE FULL COUNCIL MEETING TO BE HELD 17th SEPTEMBER 2005

10.2.1 **FINANCIAL REPORTING REVIEW**

File Ref: F/6

Reporting Officer: Natalie Hope - Deputy CEO

Disclosure of Interest: Nil

Date of Report: 19th August 2005

Summary: Advice to Council of new financial reporting requirements effective from 01 July 2005.

Background: In March of 2005 the Local Government Amendment Act was published. This act effectively updated the existing Local Government Act 1995 by changing various Regulations associated with the Act.

The Regulations changed are:
L G Administration Regulations
L G Audit Regulations
L G Constitution Regulations
L G Financial Management Regulations
L G Functions and General Regulations

This Agenda concerns only the changes made to the LG Financial Management Regulations and in particular those changes made to the monthly financial reporting requirements for Council.

Comment: The following new clauses are relevant.

33a. Review of Budget

- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for the year.*
- (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.*
- (3) *A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- (4) *Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.*

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.
(Items 3 and 4 are not relevant for this agenda.)
- (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.**

The end result of these changes requires two additional pages (The Rate Setting Statement and the Net Current Assets) to be presented to Council each Month. Council is also required to adopt a “certain” percentage which if exceeded requires an explanation monthly. The percentage is adopted on

program totals and compares year to date budgets with year to date expenditure. Unfortunately this process is only meaningful if accurate monthly budgets are compiled, which in a smaller Shire such as Meekatharra is difficult due to the uncertain timing in receiving grants or expending capital works. During the early months of a financial year the resultant

percentage is not meaningful, although as the year progress’s the results improve.

The previous requirement to provide quarterly reports has been repealed.

The financial report provided for July is the full report produced by management. The green pages are required by regulation and Council can choose with other statements it would like to see.

It is suggested that Council adopt the following percentages.

- Income > (greater than) -30%. Represents less than expected income.
- Expenditure > (greater than) + 20%. Represents over expenditure.

It is not considered that excess income or under expenditure will be of interest to Council and therefore no percentages have been set.

Voting Requirements: Absolute majority

Recommendation:

THAT COUNCIL ADOPT THE FOLLOWING PERCENTAGES:

- INCOME > (GREATER THAN) - 30%
- EXPENDITURE > (GREATER THAN) + 20%

IN RELATION TO AAS5 MATERIALITY

Council Resolution:

RESOLVED:(Moved by Cr Trenfield Seconded by Cr Smith)

THAT COUNCIL ADOPT THE FOLLOWING PERCENTAGES:

- INCOME > (GREATER THAN) - 30%
- EXPENDITURE > (GREATER THAN) + 20%

IN RELATION TO AAS5 MATERIALITY

CARRIED 7.0

10.2.2 **PROPOSED WRITE OFFS**

File Ref: R/20/11

Reporting Officer: Natalie Hope Deputy CEO.

Disclosure of Interest: Nil.

Date of Report: 13th September 2005

Summary Proposed Write Offs.

Background: Each year a list of unrecoverable debts are presented to Council for approval to be written off.

Comment: This year the list of proposed write offs is made up of sundry and rate debtors. The attached list details the amounts of each debtor and the reason for proposing the write off.

**SHIRE OF MEEKATHARRA
PROPOSED LIST OF WRITE OFFS
2004/2005**

SUNDRY DEBTORS

DEBTOR	DR	AMOUNT	INVOICE NO.	INVOICE DETAILS	REASON OR WRITE OFF
Peak Hill Manganese	P026	\$ 3,500.00	6419	Contributions towards maintenance Ashburton Downs Road.	Company Dissolved
Adrian Rees	R022	\$ 28.70	7162	Lost Library Books	Untraceable
	Total	\$ 3,528.70			

RATE DEBTORS

OWNER	ASST NO.	TOTAL	CURRENT	ARREARS	INTEREST CURRENT	INTEREST ARREARS	LEGAL CHARGES	REASON FOR WRITE OFF
Peak Hill Manganese	A5437	\$ 3,407.24		3078.06	296.57	32.61	0.00	Company Dissolved
Yaluning Aboriginal Corporation	A42	\$ 6,889.05		5033.48	1855.57			Aboriginal Corp – Claiming Exemption
Lee Christian Pascu	A5261	\$ 11, 235.40		7906.87	2556.47		772.06	Untraceable – Tenement since died.
	Total	\$ 21,531.69						

- Consultation:** Nil.
- Statutory Environment:** Local Government Act Section 6.12(1)(C)
- Policy Implications:** Nil.
- Financial Implications:** Will reduce the amount of debtors outstanding.
- Strategic Implications:** Local Government Act Section 3.18
- Voting Requirements:** Absolute majority

Recommendation:

THAT COUNCIL APPROVE THE LIST OF DEBTORS TOTALLING \$25,060.39 BE WRITTEN OFF IN ACCORDANCE WITH SECTION 6.12(1)(c) OF THE LOCAL GOVERNMENT ACT.

Council Resolution:

RESOLVED:(Moved by Cr O'Dwyer Seconded by Cr Bain)

THAT COUNCIL APPROVE THE LIST OF DEBTORS, LESS ASSESSMENT NO A42, TOTALLING \$18,171.34 BE WRITTEN OFF IN ACCORDANCE WITH SECTION 6.12 (1)(c) OF THE LOCAL GOVERNMENT ACT.

CARRIED 7.0

NOTE: THE RESOLUTION DIFFERS TO THE RECOMMENDATION DUE TO COUNCIL REQUESTING FURTHER INFORMATION REGARDING THE EXEMPTION.

10.2.3 ACCOUNTS TO BE PAID

File Ref: F/6
Reporting Officer: Natalie Hope - Deputy CEO.
Disclosure of Interest: Nil.
Date of Report: 13th September, 2005

Summary: The following accounts are presented to Council for payment:

Municipal	Voucher No.s 21047-310805	Amount:\$399,109.21
Trust Account	Voucher No.s 100778-100781	Amount:\$2,556.80
Air BP Account	Voucher No.s 120805-260805	Amount:\$4,169.32

Voting Requirements: Simple majority.

Recommendation:

THAT THE ACCOUNTS AS DETAILED BE PAID.

Council Resolution:

RESOLVED:(Moved by Cr O'Dwyer Seconded by Cr Bujrai)

THAT THE ACCOUNTS AS DETAILED BE PAID.

CARRIED 7.0

10.2.4 MONTHLY FINANCIAL REPORT FOR THE PERIOD TO 31ST JULY 2005

File Ref: F/6

Reporting Officer: Natalie Hope - Deputy CEO

Disclosure of Interest: Nil

Date of Report: 15th August 2005

Summary: Monthly Report

Background: A monthly financial report is to be presented to Council at the next ordinary meeting following the end of the reporting period.

Comment: Nil

Consultant: Nil

Statutory Environment: Local Government Act 1995 Section 6.4
Financial Management Regulations 34 & 35

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Voting Requirements: Simple majority

Recommendation:

THAT THE FINANCIAL REPORT FOR THE PERIOD ENDING 31ST JULY 2005 BE RECEIVED.

Council Resolution:

RESOLVED:(Moved by Cr Bain Seconded by Cr Smith)

THAT THE FINANCIAL REPORT FOR THE PERIOD ENDING 31ST JULY 2005 BE RECEIVED.

10.2.5 MONTHLY FINANCIAL REPORT FOR THE PERIOD TO 31ST AUGUST 2005

File Ref: F/6

Reporting Officer: Natalie Hope - Deputy CEO

Disclosure of Interest: Nil

Date of Report: 12th September 2005

Summary: Monthly Report

Background: A monthly financial report is to be presented to Council at the next ordinary meeting following the end of the reporting period.

Comment: Nil

Consultant: Nil

Statutory Environment: Local Government Act 1995 Section 6.4
Financial Management Regulations 34 & 35

Policy Implications: Nil

Financial Implications: Nil

Strategic Implications: Nil

Voting Requirements: Simple majority

Recommendation:

THAT THE FINANCIAL REPORT FOR THE PERIOD ENDING 31ST AUGUST 2005 BE RECEIVED.

Council Resolution:

RESOLVED:(Moved by Cr O'Dwyer Seconded by Cr Bain)

THAT THE FINANCIAL REPORT FOR THE PERIOD ENDING 31ST AUGUST 2005 BE RECEIVED.

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

NIL

12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:

NIL

13. CLOSURE OF MEETING:

THE PRESIDENT CR HUTCHINSON DECLARED THE MEETING CLOSED AT 11.40 PM.