

Shire of Menzies



MINUTES

**MINUTES OF THE ORDINARY
COUNCIL MEETING HELD ON
FRIDAY 20 JULY 2007, AT THE
COUNCIL CHAMBERS, MENZIES**



COMMENCING AT 9.06 am



SHIRE OF MENZIES

DISCLAIMER

No responsibility whatsoever is implied or accepted by the **Shire of Menzies** for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with Staff. The **Shire of Menzies** disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the **Shire of Menzies** during the course of any meeting is not intended to be and is not taken as notice of approval from the **Shire of Menzies**. The **Shire of Menzies** warns that anyone who has an application lodged with the **Shire of Menzies** must obtain and only should rely on **Written Confirmation** of the outcome of the application, and any conditions attaching to the decision made by the **Shire of Menzies** in respect of the application.

The Shire President welcomed all elected members and declared the meeting open at 9.06 am.

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	

6	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION
----------	--

The President explained that the format of this Meeting would be somewhat different today as there was to be a public question time with townspeople and the Kalgoorlie Police in attendance. The purpose of their attendance at the Meeting was for the Police to explain to the community the reasons for the Menzies Police Station closure and what arrangements were in place to cover the absence of the officers.

The President then adjourned the meeting at 9.08am until the guests arrived from the Kalgoorlie Police Station where the Meeting would then reconvene in the town hall.

The meeting was reopened at 9.45am

6	ANNOUNCEMENTS BY PRESIDENT WITHOUT DISCUSSION – Cont.
----------	--

The President welcomed the members of the community and the Police contingent to the Meeting.

1. The President then delivered an emotional address to the public forum in respect to the closing of the Menzies Police Station.
2. He advised that he had received a letter from GEDC in support of the Menzies Police Station not closing.
3. He advised that he had received a letter from GECZ in support of the Menzies Police Station not closing
4. He also had attended a forum held by Global Mine training in Kalgoorlie that are able to train aboriginal people in the operation of plant.

COUNCIL DECISION	ITEM 6
-------------------------	---------------

Moved Cr McGregor

Seconded Cr Dwyer

That the Presidents Report as presented be received.

Carried 6 / 0

3 PUBLIC QUESTION TIME

The President then invited Superintendent Kevin Looby of the Kalgoorlie Police Station to address the Meeting.

Mr Looby commenced by having his team introduce themselves to the Meeting

Mr Looby then delivered a short lecture on the ramifications of the townspeople indulging in any acts of civil disobedience.

He then advised all present to keep their emotions out of all discussions.

A long debate was had and many questions directed at Superintendent Looby. Responses to most of those questions did nothing to allay the concern that the community felt.

The general feeling from the community was that the Menzies district had been the victim of economic mismanagement by the Police Department and that they were not considered important in the big picture.

By his own admission, Supt. Looby stated that the Police Department would not be delivering a better service to Menzies in the future.

It was made very clear from the start that the decision to close the station had been made by Mr Looby and was irreversible.

Despite promises of regular patrols through the area, the community felt abandoned and disillusioned at the future prospects of assistance from the Police.

The Shire President then presented the Supt. with a number of petitions signed by many people objecting to the closure of the station.

The President then thanked all persons for their attendance at Public Question time and adjourned the Meeting at 10.55 am..

The President reconvened the Meeting at 12.35 pm.

4 APPLICATIONS FOR LEAVE OF ABSENCE
--

Nil

5 DECLARATIONS OF INTEREST

Nil

7 CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

7.1 MINUTES OF ORDINARY MEETING OF COUNCIL 15 JUNE 2007

COUNCIL DECISION ITEM 7.1

MOVED Cr Tucker

SECONDED Cr Kelly

That the minutes of the Ordinary Meeting held on Friday 15 June 2007 as previously circulated be confirmed as a true and accurate record.

CARRIED 6 / 0

8 STATUS REPORT

8.1 STATUS REPORT TO 30 JUNE 2007

COUNCIL DECISION / OFFICER RECOMMENDATION ITEM 8.1

Moved Cr Dwyer

Seconded Cr McGregor

That the Status Report to 30 June 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 30 June 2007

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007
LOCATION: Menzies
APPLICANT: N/A
FILE REF: 103a
DISCLOSURE OF INTEREST: None
DATE: 5 July 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, UHY 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
--	-----------------

Moved Cr Purchase

Seconded Cr Dwyer

That the Financial Statements to 30 June 2007 as presented, be adopted

Carried 6 / 0

9.2	Accounts for Payment – June 2007
------------	---

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 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: 5 July 2007

AUTHOR: Brad Pepper, Deputy Chief Executive Officer

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

BACKGROUND:

Cheque numbers 4503 to 4621 and bank statement transfers totalling \$316,769.12 are presented for payment as per the submitted lists.

COMMENT:

Attached is Cheque No 4570 that has been cancelled due to a printing error.

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

Moved Cr Kelly

Seconded Cr Dwyer

That cheques numbered 4503 to 4621 and direct bank payments totalling \$316,769.12 which have been paid by the Chief Executive Officer under delegated authority, be adopted.

Carried 6 / 0

9.3	Investments – June 2007
------------	--------------------------------

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 105 - investments

DISCLOSURE OF INTEREST: None

DATE: 5 July 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 June 2007.

BACKGROUND:

The Menzies Shire had two investment accounts with the National,

- 1 Reserve Account – 086-712 58-347-8929 - \$1,302,855.73
- 2 Surplus Reserve Account – 086-712 79-866-9169 - \$605,479.31.

They both earned the same interest rates but matured on different dates.

These two accounts have been rolled into the one account called

- 3 Reserve Account – 086 712 85-384-4432 - \$1,908,335.04.

This will mature on the 28th of the month each time it is reinvested, which will mean that on the 28th of June each year; final annual transactions can be done in accordance with the budget at the end of the financial year.

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 new Reserve Account has funds totalling \$1,908,335.04. As per the 2006 – 2007 Adopted Budget \$430,000.00 was earmarked to go into the Main Street Reserve, this

has been actioned. After reviewing surplus monies in the bank at the end of the financial year and with the Main Street Development Project expected to cost over a million dollars in the next 2-3 years, a further \$100,000.00 was added to the Main Street Reserve.

With this \$530,000.00 added to the Reserve Account it has now increased to \$2,462,412.45 and is due to mature on 28th of September 2007.

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

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.3
--	-----------------

Moved Cr Tucker

Seconded Cr McGregor

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

Carried 6 / 0

10. WORKS REPORT

10.1 Manager of Works and Services Report
--

SUBMISSION TO: Ordinary Meeting of Council, Friday
20 July 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 405a

DISCLOSURE OF INTEREST: None

DATE: 11 July 2007

AUTHOR: Ray Pepper, Manager of Works and Services

SIGNATURE OF AUTHOR:

SENIOR OFFICER: Peter Crawford, Chief Executive Officer

SIGNATURE OF SENIOR OFFICER:

SUMMARY:

Nil

COMMENT

ROAD INSPECTION

I went with the CEO on a road inspection to the west section of the shire, Checking out construction work on Menzies North West road, Looked at future upgrades to Lake Ballard, Section for reconstruction on Mt Ida road, Back along Riverina Snake Hill road to Menzies Evanston road, Along Daveyhurst Mulline road, Stopped in at Daveyhurst mine site check up about tourist signage, Back along Daveyhurst road to Menzies Evanston road then back to Menzies.

The second inspection was some of the east side of the shire, Covering Kookynie road upgrade, Morapoi bend upgrade, Re-aligning section of road and railway crossing, Dropped into Morapoi Station to met Greg Stubbs, Went into Niagara Dam, Discussed a couple of items before looking at the Kookynie Airstrip and where the new hall is going to be erected. Looked at the first few kilometres of Kookynie Malcom road still needing to be cleared, Back to Kookynie Yarri road to Porphyry, From there we headed along Yarri road to our boundary.

WORKS

The construction crew is forming up a section of Menzies North West road; also they have re-sheeted a one section closest to town.

Gary and Bob have been maintenance grading Yarri road plus water binding the southern end, with the help of Breakaway Earthmovings water truck.

A report came in about two corners on Yarri road being a bit dangerous due to the falling elevation on the top side of the bend, On inspection the problem was evident that once you were about three quarters high on the bend it would throw the vehicle the wrong way causing concerns about completing the corner safely.

The construction crew along with Gary Miller will rectify the cross fall of the corner by means of importing material and re-shaping. Corners in question are – slk 7.9, 17.1 and 21.8 south of Pianto road, Work will commence on Monday July 9th.

GOONGARRIE LAKE

Assistance from the Shire was asked for by the Kalgoorlie police to help remove four vehicles which were stuck in Goongarrie Lake, Ranging from approximately 200 metres to the closest and about 300 metres to the furthest.

Next morning after contact from the police we mobilised our loader to the site extracted two vehicles from the lake, A mining company supplied around 350 metres of cable so the loader was well away from the edge of the lake during the operation.

ENTRY STATEMENTS

The entry statements have been picked up from Neve Fabrications and are in the depot shed, Work will commence shortly on the tourist parking bays around the 23rd July ?

PLANT

Caps Australia Pty Ltd serviced and carried an inspection of the depot compressor on Monday June 18th.

A new tyre was replaced on the low loader also to the tip truck MN23 and one repair.

Side tipper trailer P04 is having the hoist replaced at Kalmech, due to one stage of the hoist has expanded not allowing the body to lower completely.

INFORMATION SESSION

I attended an information session held at Main Roads Kalgoorlie for Traffic Management For Works on Roads and for Events, The speakers were –

Brian Kidd on – Overview of Traffic Management in WA

Changes to Australian Standards 1742 part 3

John Moore on - Changes to Traffic Management for Works on Roads Code of Practice.

Traffic Management for Events Code of Practice.

Mike Kyne on - Traffic Management Plans for Works on Roads.

MEETINGS ATTENDED

Davyhurst Gold Pty Ltd

Anglogold Ashanti

Desert Ore Contracting

Main Roads

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**

Moved Cr Purchase

Seconded Cr Dwyer

That the Manager - Works and Services 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.

12.1 Ward Review and Representation

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007
LOCATION: Shire of Menzies
APPLICANT: N/A
FILE REF: 119
DISCLOSURE OF INTEREST: None
DATE: 13 July 2007
AUTHOR: Peter Crawford, Chief Executive Officer
SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with a report on the progress of the Ward Review and Representation of the Shire of Menzies as required by the Local Government Advisory Board.

BACKGROUND:

Each local authority in Western Australia is required to carry out a Ward Review and Representation at least once every eight years and present that report to the Local Government Advisory Board for their inspection.

Due to the fact that Tjuntjuntjara was initially being examined to decide if the community would remain within the Shire of Menzies or be excised into the Shire of Laverton, the Board gave the Shire of Menzies permission to defer the review until the future of Tjuntjuntjara had been determined.

The exact future of Tjuntjuntjara has only just been confirmed by the Minister in that the community will remain within the Menzies Shire (See attached letter).

COMMENT:

The implementation of a Ward Review and Representation is not a simple matter and requires consultation with the community to assess their views on how they (the community) can be best represented on Council.

There are a number of criteria to be considered when deciding on wards in respect of the number of elected members in contrast to the number of electors. The current directions from the Advisory Board is that there should not be a deviation of more than + or – 10% between the wards in relation to the members versus electors.

Following a meeting between our Shire President and Chief Executive Officer with officers from the Department of Local Government in Perth last Friday, 22 June, it appears that there is only a remote possibility of completing out a review in the remaining time frame.

In a preliminary review, if wards are to be contained across the Shire, there will be three seats created in the Tjuntjuntjara area. This would be inline with the one vote one value platform of the Government of today.

However, there would need to be a reduction of one Councillor in the rest of the Shire if the deviation rate were to be conformed to. Previous discussions with Council have revealed that they do not want to reduce the number of elected Members from the current seven. This then creates a problem with almost exactly the same number of electors in Tjuntjuntjara as against the rest of the Shire. Somewhere in the report there would then be a deviation that the Advisory Board may not find acceptable.

One solution would be to abolish the ward system altogether but this option is also not popular with either the voters or the current Council.

Even with the option of reducing the number of elected Members to six, this still creates it's own problems of the three new seats in Tjuntjuntjara..

This would bring in three very raw and unqualified members into the Chambers with absolutely no experience in Local Government matters. To expect these three Members to have a constructive input into the everyday decisions of Council would be extremely unfair to all concerned and place unnecessary pressure and a huge burden of responsibility on those Members.

It is also on concern that there have been no discussions with the community in regards to the ward review and to “dump” the decision on them without adequate consultation would be irresponsible. The original advertisement and discussion papers were on the assumption that Tjuntjuntjara was going to be excised into the Shire of Laverton. As such, the whole process should commence from the very beginning again with the community being involved in the consultation process.

In continuing with the ward review in its present form, it is extremely doubtful if the entire process would be completed in time for the October Local Government elections if we were to follow the consultation procedures correctly. It is certainly definite that to begin the whole review again would absolutely guarantee that the report would not be completed this year!

It would be far more practical to seek the permission of the Advisory Board to defer the Ward Review until the 2009 election by which time, the Shire of Menzies could have implemented the review with input from the whole community.

It would also allow time to ensure that training and information sessions could be carried out to inform the Tjuntjuntjara community of the role of a Local Government and the duties and responsibilities of elected Members.

CONSULTATION:

Shire President and CEO, Messrs Quentin Harrington, Ross Earnshaw and Lindsay Bridge from the DLGRD,

STATUTORY ENVIRONMENT:

Local Government Act 1995

Schedule 2.2 Provisions about names, wards and representation

[Heading amended by No. 64 of 1998 s. 53.]

6. Local government with wards to review periodically

(1) A local government the district of which is divided into wards is to carry out reviews of

(a) its ward boundaries; and

(b) the number of offices of councillor for each ward,

from time to time so that not more than 8 years elapse between successive reviews.

Local Government Act 1995

Part 2-Constitution of local government
Division 1-Districts and wards

2.2. Districts may be divided into wards

(1) *The Governor, on the recommendation of the Minister, may make an order $\frac{3}{4}$*

(a) dividing a district into wards;

(b) creating new wards in a district that is already divided into wards;

(c) changing the boundaries of a ward;

(d) abolishing any or all of the wards into which a district is divided; or

(e) as to a combination of any of those matters.

(2) *For the purposes of this Act*

(a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and

(b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.

(3) *Schedule 2.2 (which deals with wards and representation) has effect.*

(4) *The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.*

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Will incur some costs to be provided for in the 2007/2008 Financial Budget

VOTING REQUIREMENTS: Absolute Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION ITEM 12.1

Moved Cr Dwyer

Seconded Cr McGregor

That Council Resolve to:

- (i) Seek permission from the Local Government Advisory Board to defer the current Ward Review and Representation,

- (ii) Recommence the Ward Review and Representation process again from the beginning to include the whole of the Shire, now that written confirmation has been received that Tjuntjuntjara is to remain within the Shire of Menzies
- (iii) Implement adequate information and training sessions to the Tjuntjuntjara community to ensure that full details of a Ward Review and Representation are fully understood by the community, and,
- (iv) That the community is fully informed through local workshops of the duties and responsibilities of a Local Government and its elected Members.

Carried 6 / 0

12.2	Common Seal
-------------	--------------------

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007

LOCATION: Menzies

APPLICANT: N/A

FILE REF: 146

DISCLOSURE OF INTEREST: None

DATE: 2 July 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

It is a requirement that the use of the Common Seal of the Shire of Menzies be endorsed by Council.

COMMENT:

During the previous month, the Shire President and the Chief Executive Officer witnessed the affixing of the Common Seal of the Shire of Menzies to the following document:

1. Local Laws

This document was to advertise the Local Laws that the Shire of Menzies has recently Adopted.

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.

Moved Cr Kelly

Seconded Cr Dwyer

That Council endorse the affixing of the Common Seal to the following document:

1. Shire of Menzies's Local Laws

Carried 6 / 0

12.3**Disability Access and Inclusion Plan 2006 - 2010**

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 229

DISCLOSURE OF INTEREST: None

DATE: 6 July 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This item is to present Council with the updated Disability Access and Inclusion Plan for the period 2006 to 2010 (See attached Appendix "A").

BACKGROUND:

Local Governments are required to produce and adopt a Disability Access and Inclusion Plan prior to 31 July 2007. This plan is to supersede the previous Disability Services Plan that was formerly Adopted by Council on 20 December 1995.

COMMENT:

The Western Australia Disability Services Act requires all Local Governments to prepare a Disability Access and Inclusion Plan by 31 July 2007.

Attached is a draft of that plan.

The plan is currently being advertised for public comment. Any submissions will be considered and an Agenda Item will be presented to Council in August 2007 for the adoption of the plan

The purpose of this Item is to allow Council to peruse the plan and consider their thoughts on the matter prior to the August Meeting.

CONSULTATION:

Mr Brian Willoughby – Consultant, Officers from the Disability Services Commission.

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: All improvements will be budgeted for if required.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 12.3
--	------------------

Moved Cr McGregor

Seconded Cr Dwyer

That Council Receive the draft copy of the Disability Access and Inclusion Plan

Carried 6 / 0

12.4	Draft Budget for 2007 /2008 Financial Year
-------------	---

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 113

DISCLOSURE OF INTEREST: None

DATE: 11 July 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with the draft Budget for the 2007 / 2008 Financial Year.

BACKGROUND:

Council is required to prepare and adopt their Annual Budget prior to the 31 August each financial year.

Contained in the attached Appendix “B” are the details and proposals for the 2007 / 2008 Financial Year.

COMMENT:

The financial position of Council as of 30 June 2007 was a non reserved cash surplus of some \$1,231,107. However, of that surplus, the following amount was to be set aside:

- \$430,000 is to be placed into the Main Street Reserve Account. This originates from the 2006/2007 Financial Budget where this amount was to be allocated to this reserve account from any surplus monies.

As well, because there was also further monies surplus, an additional \$100,000 was also placed in the Main Street Reserve Account.

This leaves the Shire to go into the next financial year with an operating cash budget of \$701,107.

This surplus has been brought about by either cost savings in expenditure or non expenditure (not proceeding) on budgeted projects.

Permission has been received from the Minister for Local Government to impose differential rates for this financial year. Accordingly, all rates will increase by the Local Government Cost Index factor of about 6%, the exception being UV Mining rates which will increase by 20% and the Minimums by 10%. This UV Mining rate is still only approximately 80% of other local governments average mining rates.

Council is required to adopt a penalty interest levy amount on rates and rubbish not paid by their due date.

A discount allowance has been made within the income budget document of \$42,206, a substantial increase on the amount expended last year (\$20,105). This of course can vary, depending on when a ratepayer chooses to make their payment, however, the rates base has increased dramatically and the estimate is conservative.

Council will need to resolve the penalty amount (%) for outstanding rates and service charges unpaid at the expiry of the 35 day prescribed time or unpaid instalment on the due date. A penalty rate of 10% pa (maximum is 11%) for the one payment option and 5% pa (maximum is 5.5%) for the instalment option, both to be calculated on a daily basis from their due dates, is suggested.

The FESA levy, which is currently at \$38 on around 75% of lots and mining tenements in the District, will attract 11% for late payment.

Fees and charges have remained constant except plant hire rates which have been increased by an average of 13% to cover rising fuel costs.

CONSULTATION: Proposed rate charges have been advertised and sent to the Department of Local Government & Regional Development for approval. Approval was received June 2007.

STATUTORY ENVIRONMENT:

Local Government Act 1995
Part 6-Financial management
Division 2-Annual budget

6.2. Local government to prepare annual budget

(1) During the period from 1 June in a financial year to 31 August in the next financial year, or such extended time as the Minister allows, each local government is to prepare and adopt, in the form and manner prescribed, a budget for its municipal fund for the financial year ending on the 30 June next following that 31 August.*

** Absolute majority required.*

(2) In the preparation of the annual budget the local government is to have regard to the contents of the plan for the future of the district made in accordance with section 5.56 and to prepare a detailed estimate for the current year of —

(a) the expenditure by the local government;

(b) the revenue and income, independent of general rates, of the local government; and

(c) the amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue and income.

(3) For the purposes of subsections (2)(a) and (b) all expenditure, revenue and income of the local government is to be taken into account unless otherwise prescribed.

(4) The annual budget is to incorporate —

(a) particulars of the estimated expenditure proposed to be incurred by the local government;

(b) detailed information relating to the rates and service charges which will apply to land within the district including —

(i) the amount it is estimated will be yielded by the general rate; and

(ii) the rate of interest (if any) to be charged by the local government on unpaid rates and service charges;

(c) the fees and charges proposed to be imposed by the local government;

(d) the particulars of borrowings and other financial accommodation proposed to be entered into by the local government;

(e) details of the amounts to be set aside in, or used from, reserve accounts and of the purpose for which they are to be set aside or used;

(f) particulars of proposed land transactions and trading undertakings (as those terms are defined in and for the purpose of section 3.59) of the local government; and

(g) such other matters as are prescribed.

(5) Regulations may provide for —

(a) the form of the annual budget;

(b) the contents of the annual budget; and

(c) the information to be contained in or to accompany the annual budget.

[Section 6.2 amended by No. 49 of 2004 s. 42(8) and 56.]

POLICY IMPLICATIONS: Council Policy 3.5 states that all projects and proposals should be submitted to the CEO prior to 30 April 2007. This policy also states that the Budget must be adopted by the 31 August 2007.

FINANCIAL IMPLICATIONS: This is the adoption of Council's Budget for the 2007 / 08 Financial Year.

VOTING REQUIREMENTS: Absolute Majority required

Cr Kelly left the room at 1.04pm and returned at 1.05pm.

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 12.4
--	------------------

Moved Cr Tucker

Seconded Cr Dwyer

That Council Resolve the following:

1. That the following rate levels to be imposed for the 2007/2008 financial year:
 - a) General rates

Unimproved values (except Pastoral)	9.8300 cents in the \$
Unimproved values (Pastoral)	3.8690 cents in the \$
Gross Rental values	5.6021 cents in the \$
Minimum Rate – all land	\$160
 - b) Payment Plan A – paid in full by due date
A discount of 5% be offered on all rates paid in full by 4pm on Friday 24 August 2007
 - c) Payment Plan B – four equal payments

Dates due for each payment

First Instalment	7 September 2007
Second Instalment	7 November 2007
Third Instalment	7 January 2008
Fourth Instalment	7 March 2008

and for each instalment following the first payment, an administration fee of \$7 per assessment shall apply.

Note* This payment plan is not available for rates and service charges of less than \$200.

- d) Part Minimum Rate
50% of minimum rate is payable on prospecting leases which overlap other Shire boundaries.
 - e) Rubbish Charges
A Rubbish charge of \$110 per annum per 240 litre mobile garbage bin, be levied on serviced properties within the Menzies townsite, be adopted.
2. That the Schedule of Fees & Charges for the 2007 / 2008 financial year as listed in Section 7 of the budget document be adopted
 3. That the transfers to or from Reserve accounts as listed in Section 6 of this budget document, be adopted.
 4. That, in accordance with Section 5.98 (1) of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration) Regulations 1996, the maximum level of Councillor meeting attendance fees of \$140 per Council meeting, as well as the maximum level of meeting fee for the Shire President of \$280 per Council meeting, be adopted.
 5. That:
 - (a) In accordance with Section 5.98 (5) of the Local Government Act 1995 and Regulation 33 of the Local Government (Administration) Regulations 1996, the Shire President be paid an allowance of \$8,480 pa, and,
 - (b) In accord with section 5.98 (A) of the Local Government Act 1995 and Regulation 33 a of the Local Government (Administration) Regulations 1996, the Deputy President be paid an allowance of \$2,120 pa.
 6. That the significant Accounting Policies, as listed in Section 1 of this budget document, be adopted.
 7. That a penalty rate of 10% be charged for late payment of rates under the 1 payment option and 5% be charged under the instalment option.
 8. That the proposed budget (as amended by Council where deemed appropriate) be adopted for the 2007 / 2008 financial year and the levels of income and expenditure be authorised.

12.5	Ordinary Council Meeting Dates for 2007/2008
-------------	---

SUBMISSION TO: Ordinary Meeting of Council Friday,
20 July 2007

LOCATION: Menzies Shire

APPLICANT: N/A

FILE REF: 108

DISCLOSURE OF INTEREST: None

DATE: 13 July 2007

AUTHOR: Peter Crawford, Chief Executive Officer

SIGNATURE OF AUTHOR:

SUMMARY:

This Item is to present Council with a recommendation to change the dates for Ordinary Meetings of Council.

BACKGROUND:

Traditionally, the Shire of Menzies has conducted their Council Meetings on the third Friday of each month. The Meetings begin at 9.00 am and are now being completed by lunchtime.

COMMENT:

The author would like to suggest that consideration be given to changing the Meeting days to 5.00 pm on the third Thursday instead.

There are a number of reasons for this change which will make it less arduous for all Councillors to attend.

- Currently, with Councillors from outlying districts, they have to lose one full day when attending a Meeting. Regardless of when the Meeting finishes, by the time that they get back home, the day is usually too far gone to begin any meaningful tasks.

A Thursday evening Meeting means that the same Councillors would only have to begin getting ready for the Meeting at about 3.00 pm on the day, thereby being fully productive in their business for almost the entire day.

After the Meeting, an evening meal and some drinks for Councillors and staff would be arranged with accommodation for those outlying Councillors. This would allow Councillors to discuss the day's events with each other and staff. As these Councillors overnighing are generally early risers, they could be back home by 7.00 am the next morning to begin a full days work.

TOTAL TIME LOST IN THEIR PRIVATE BUSINESS WOULD BE LESS THAN FOUR HOURS OVER TWO DAYS.

- Many other meetings that the President, CEO and other staff need to attend are usually scheduled for Fridays. As a consequence, many meetings are not attended by Council staff which can disadvantage staff gaining valuable information to assist in the day to day operations of the Shire.

Less than 5% of all Councils in the state have their Meetings on a Friday, in contrast to a Thursday which is 25%, Wednesday 29%, Tuesday 35% and Monday 6%

- By having the Meetings on a Thursday evening, it gives the Councillors and staff an opportunity to socialise. Currently, this only happens once per year at the Christmas social. It is essential that this relationship is encouraged between the staff and Councillors to regularly assist in fostering a strong and healthy respect and understanding of each other's roles.
- By having the Meetings on a Thursday evening, it also creates the opportunity for the ratepayers to catch up with them to discuss various issues. Too often, in an environment like ours, Councillors are often viewed as "invisible or sinister" people, coming into town to make various decisions and then bolting from the area before anyone has a chance to catch up with them for an explanation of proceedings or to ask for advice.
- By far and large, one of the most important opportunities would be for the Councillors to spend some time with their counterparts. All too often, Councillors in a remote Shire such as ours never really get to know what the other Members views are on certain topics. Currently Councillors only meet together once per month for a few hours. When debating any issues, it is imperative that the Members have some knowledge of what the other Member's opinions are on day to day matters. It can only make for a more informed decision being reached.

CONSULTATION:

Cr S Tonkin – Shire President, Shire staff.

STATUTORY ENVIRONMENT:

LOCAL GOVERNMENT ACT 1995 - SECT 5.25

Regulations about council and committee meetings and committees

5.25 . Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to:

(g) the giving of public notice of the date and agenda for council or committee meetings;

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS: Any costs involved are provided for in the Budget.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 12.5
--	------------------

Moved Cr McGregor

Seconded Cr Kelly

That Council Resolve to Adopt the following Meeting dates, places and time for the Ordinary Meetings of Council, from August 2007 until July 2008:

16 August 2007	Council Chambers, Menzies	5.00 pm
20 September 2007	Grand Hotel, Kookynie	5.00 pm
18 October 2007	Council Chambers, Menzies	5.00 pm
15 November 2007	Council Chambers, Menzies	5.00 pm
20 December 2007	Council Chambers, Menzies	5.00 pm
January 2008	No Meeting	
21 February 2008	Council Chambers, Menzies	5.00 pm
20 March 2008	Council Chambers, Menzies	5.00 pm
17 April 2008	Council Chambers, Menzies	5.00 pm
15 May 2008	Council Chambers, Menzies	5.00 pm
19 June 2008	Council Chambers, Menzies	5.00 pm
17 July 2008	Council Chambers, Menzies	5.00 pm

CARRIED 6 / 0

13. REPORTS

13.1 COUNCILLORS REPORTS

- Cr Purchase - Some corners on the Pianto Road need widening and re-aligning
- Cr Tucker - The Leonora Mt Ida Road in the Bottle Creek region is a nasty section of road. CEO – Blackspot funding is currently being applied for to address that section.
- Cr McGregor - Is it possible to get a sign made up that says “drive with your lights on” and erect it at the south end of the Yarri Rd. The boundary sign on the Mt Remarkable Road needs to be corrected as it is in the wrong place.
- Cr Dwyer - Mt Remarkable Road needs some gravel on some flood crossings and there is a grid that is very sharp in its approaches.

13.2 CHIEF EXECUTIVE OFFICERS SUPPLEMENTARY REPORT

1. Elections – Options to use WALGA advertising for the upcoming elections, costs were approx. \$1400, generally agreed to take up the offer.
2. Elections – Have had a quote from the Electoral Commission to conduct a postal vote for \$6,500 plus some other costs. Would probably not take up the offer.
3. A workshop was being held in Kalgoorlie on 24 August 2007, any Councillor wishing to attend to contact the CEO.
4. All Councillors had received a draft copy of the GVROC Memorandum of Understanding – it was agreed that all Crs were supportive of this MOU

5. Listing of the Old Menzies Post Office on the state heritage listing – the CEO would be the nominated person
6. A reply from MRWA re dead animals on the road in Menzies townsite – Shire will commence removing carcasses and monitor time, dates, etc for future negotiations with MRWA.
7. Gave Council an update on the progress with Anglogold re a road into the Tropicana site.
8. MAC have written to the Shire offering Lot 447 Walton Street to the Shire as it is no longer needed by them, Council will accept with thanks.
9. CEO will write to DLGRD requesting a legal statement on what powers and obligations the Shire of Menzies has in the Tjuntjuntjara community.
10. Much discussion ensued regarding the sale of lots in Menzies and Kookynie, CEO to present an Agenda Item to the next Meeting.

14. NEW BUSINESS OF A URGENT NATURE
--

14.1 ELECTED MEMBERS

Nil

14.2 CHIEF EXECUTIVE OFFICER

Nil

15. CONFIDENTIAL BUSINESS TO BE HEARD BEHIND CLOSED DOORS.

16. NEXT MEETING

The next meeting will be held on Thursday, 16 August 2007 at the Council Chambers, Menzies, Commencing at 5.00pm.

17. MEETING CLOSED

There being no further business to discuss, the President declared the meeting closed at 2.51pm

These Minutes were confirmed as a true
and accurate record of proceedings at the
Ordinary Meeting of Council, held Thursday, 16 August 2007

UNCONFIRMED

SHIRE PRESIDENT