



## **MINUTES**

# **SPECIAL COUNCIL MEETING**

Thursday October 13<sup>th</sup> 2011  
Commencing At 9.06am

# SHIRE OF MENZIES



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**SHIRE OF MENZIES**

## SPECIAL COUNCIL MEETING

October 13<sup>th</sup> 2011  
commencing at 9.06 am

# A G E N D A

### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Gregory Dwyer) declared the meeting open at 9.06am and immediately adjourned the meeting at 9.07am.

The meeting resumed at 9.21am.

### 2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED

*Anticipated attendance:*

Councillors	Cr G. Dwyer	President
	Cr G. Stubbs	Deputy President
		By teleconference
	Cr I.R Tucker	Councillor
	Cr J.A Dwyer	Councillor
		By teleconference
Staff:	Mr L.P Strugnell	Acting Chief Executive Officer
	Ms C. McAllan	Deputy Chief Executive Officer

### 3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

Not Applicable

### 4 PUBLIC QUESTION TIME

Not Applicable

### 5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

Nil.

### 6 PETITIONS / DEPUTATIONS / PRESENTATIONS

Not Applicable

### 7 CONFIRMATION OF PREVIOUS MINUTES

Not Applicable

### 8 QUESTIONS ON NOTICE.

Not Applicable

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- 9.1 Adoption of the 2011/2012 Municipal Budget and Fees and Charges for the year ending 30<sup>th</sup> June 2012. Financial Statements and Reports to June 30<sup>th</sup> 2011

*dceo vacates chambers at 9.34am  
dceo returns to chambers at 9.38am*

**No: 9.1 ADOPTION OF THE 2011/2012 MUNICIPAL BUDGET AND FEES  
AND CHARGES FOR THE YEAR ENDING 30<sup>TH</sup> JUNE 2012**

<b>SUBMISSION TO:</b>	Special Meeting of Council
<b>LOCATION:</b>	Shire of Menzies - Admin
<b>APPLICANT:</b>	N/A
<b>FILE REF:</b>	B/3/1
<b>DISCLOSURE OF INTEREST:</b>	None by Officers
<b>DATE:</b>	7 <sup>th</sup> October 2011
<b>AUTHOR:</b>	L.P. Strugnell Chief Executive Officer
<b>SIGNATURE OF AUTHOR:</b>	
<b>SENIOR OFFICER:</b>	L.P. Strugnell, Chief Executive Officer
<b>SIGNATURE OF SENIOR OFFICER:</b>	

**SUMMARY:**

The Budget of the Shire of Menzies is complete and now ready for adoption by Council

**BACKGROUND:**

The Local Government Act 1995 requires that Council adopt its Annual Budget by 31<sup>st</sup> August 2011. Council sought an extension of time from the Minister for Local Government to adopt the Budget and this was granted. The Budget must now be adopted by 31<sup>st</sup> October 2011 to comply with the approved extension.

**COMMENT:**

The Budget is comprised of the following:

- A Statement of Comprehensive Income by Nature and Type.
- A Statement of Comprehensive Income by Program.
- A Cash Flow Statement.
- A Rate Setting Statement.
- Notes to and forming part of the Budget.
- Trust Fund Budget.

Elected Members have been presented with working papers of the Budget and will be issued with the above Statutory Statements. There will be some minor adjustments to the final documents and Elected Members have the opportunity to review and amend the budget.

It is necessary to adopt a Schedule of Fees and Charges for the 2011/2012 Financial Year either prior to or at the time of accepting the Budget.

The Local Government Act 1995 – section 6.4(5) requires that each year a Local Government is to adopt a percentage or value to be used in variances. The recommendation is to adopt a \$10,000 or 10% dependant on which is an appropriate variance.

**CONSULTATION:** Ms Mandy Wynne, Haines Norton.  
Mr. Eddie Piper, Consultant.

**STATUTORY ENVIRONMENT:** Local Government Act 1995 section 6.2  
Local Government Act 1995 section 5.63(1)(b)

## 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.]*

- (1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —
- (a) an interest common to a significant number of electors or ratepayers;
  - (b) an interest in the imposition of any rate, charge or fee by the local government;
  - (c) an interest relating to a fee, reimbursement of an expense or an allowance to which section 5.98, 5.98A, 5.99, 5.99A, 5.100 or 5.101(2) refers;
  - (d) an interest relating to the pay, terms or conditions of an employee unless —
    - (i) the relevant person is the employee; or

- (ii) either the relevant person's spouse, de facto partner or child is the employee if the spouse, de facto partner or child is living with the relevant person;

*[(e) deleted]*

- (f) an interest arising only because the relevant person is, or intends to become, a member or office bearer of a body with non-profit making objects;
- (g) an interest arising only because the relevant person is, or intends to become, a member, office bearer, officer or employee of a department of the Public Service of the State or Commonwealth or a body established under this Act or any other written law; or
- (h) a prescribed interest.

Additionally, the declaration provisions of the Act do not apply to Council business reimbursements or to Members sitting fees. Any other interest, be it Financial, Proximity or Impartiality must be declared.

**POLICY IMPLICATIONS:** Not Applicable

**FINANCIAL IMPLICATIONS:** The Budget is already over 1 month late and this has impacted on the Shire's ability to earn interest on Investments. Any further delay will compound this situation.

**VOTING REQUIREMENTS:** Absolute Majority required

*Pres. G. Dwyer vacates chambers at 1.45am  
Pres. G. Dwyer returns to chambers at 1.50pm.*

<b>OFFICER RECOMMENDATION / OFFICER RESOLUTION No: 0059</b>
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MOVED Cr J.A. Dwyer

SECONDED Cr I.R. Tucker

That Council:

1. Adopt the Budget for the Shire of Menzies for the year ended 30<sup>th</sup> June 2012, incorporating:
  - (a) Statement of Comprehensive Income by Nature or Type for the year ending 30 June 2012.
  - (b) Statement of Comprehensive Income by Program for the year ending June 30 2012.
  - (c) Cash Flow Budget for the year ending June 30 2012.
  - (d) Rate Setting Statement for the year ending June 30 2012.
  - (e) Notes to and forming part of the Budget.
  - (f) Trust Fund Budget.
  - (g) Schedule of Fees and Charges.
2. Adopt the following Rates and Charges for the 2011/2012 Financial year:
  - (a) GRV – Vacant 0.0614 cents in the dollar.

- (b) GRV – Residential 0.0614 cents in the dollar
- (c) GRV – Commercial 0.0614 cents in the dollar
- (d) UV – Pastoral 0.0212 cents in the dollar
- (e) UV – Mining 0.1235 cents in the dollar
- (f) Minimum Rate for all classes - \$200.00
- (g) Refuse Removal Charge – Incorporating a weekly refuse removal collection.
  - (1) \$125.00 per annum for one (1) refuse service per week.
  - (2) \$125.00 plus GST per annum for each additional 240 litre refuse service.

3. Authorise the Chief Executive Officer to apply the interest rate of eleven percent (11%) per annum on all overdue rates, including instalment payments and service charges, with this to apply in accordance with the Local Government Act, section 6.51(1), which reads as follows:

**6.51. *Accrual of interest on overdue rates or service charges***

- (1) *A local government may at the time of imposing a rate or service charge resolve\* to impose interest (at the rate set in its annual budget) on —*
  - (a) *a rate or service charge (or any instalment of a rate or service charge); and*
  - (b) *any costs of proceedings to recover any such charge,**that remains unpaid after becoming due and payable.*

4. Authorise the Chief Executive Officer to apply the interest rate of five point five percent (5.5%) on rate instalments options provided by Council other than option 1, where payment is made in full within 35 days of the date of service, and an administration charge of \$7.00 per instalment (i.e. option of 4 (Four) payments - \$21.00.)

5. Instalment Options available for Payment of Rates and Service Charges:

The Financial Management Regulation No: 27 requires Council to detail the following in relation to Payment of Rates and Service Charges by Instalment.

- (a) One (1) Instalment due 35 days after date of service of notice.
- (b) Four Instalments with the first due 35 days after service of notice, the second due on 5<sup>th</sup> of February 2012 the third due on 5<sup>th</sup> of April 2012 and the final due on 5<sup>th</sup> of June 2012.
- (c) In all cases, interest of 5.5% per annum will be applied to instalment options.
- (d) In all cases an administrative charge of \$7.00 per instalment excluding the first payment, will be applied
- (e) A discount of 5% will apply to all rates paid in full by the due date. (35 days after service.)

6. The 2011/2012 Monthly Statement of Financial Activity report to be presented to Council during the Financial Year for review and comparison to Budget will indicate Variance Value plus (+) or minus (-) of 10% or \$10,000 as appropriate.

7. Authorise the CEO to call Tenders for Goods and Services where there is provision in the 2011/2012 Budget, with Council to determine the outcome of all tenders.

**Carried 4/0  
Absolute Majority**

**10 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Not Applicable

**10.1 ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE**

**10.2 CONFIDENTIAL BUSINESS TO BE HELD BEHIND CLOSED DOORS**

**10.3 REPORTS OF COUNCILLORS AND STAFF**

Not Applicable

**11. NEXT MEETING / MEETING CLOSURE**

There being no further business to discuss, the President declared the meeting closed at: 1.59pm.

The next meeting will be the Ordinary Meeting of Council on Thursday October 27<sup>th</sup> 2011.