

## **SHIRE OF TAMMIN**

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Donnan Street, Tammin, on Tuesday, 1 March 2005, commencing at 1:00pm

### **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

1:20pm - The Shire President declared the meeting open.

### **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

#### **Present**

Cr. B. Leslie	President (Presiding Person)
Cr. L. Caffell	Deputy President
Cr. R Stokes	Member
Cr. D Thomson	Member
Cr. M Greenwood	Member
Cr M. Wheeldon	Member
Mr F. Peczka	Chief Executive Officer (Minutes)
Mr T Applegate	Manager Works & Services (from 4:05pm – 5:04pm)

#### **Apologies**

NIL

#### **Leave of Absence**

Nil

### **MEETING GUESTS**

#### **TAMMIN BOWLING CLUB REQUEST FOR FINANCIAL ASSISTANCE AND BEAUTIFICATION OF CARPARK SIDE OF COUNCIL BUILDING**

2:18pm – Tammin Bowling Club Representatives Garry Caffell, President and Joan Button entered Council Chambers.

2:38pm – Garry Caffell and Joan Button left Council Chambers.

**RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil.**

**PUBLIC QUESTIONS TAKEN ON NOTICE - Nil**

**APPLICATIONS FOR LEAVE OF ABSENCE – Nil**

#### **DECLARATION OF INTEREST**

Cr Wheeldon declared an impartiality interest in item 11.2.1 as she is treasurer of the bowling club.

Cr Caffell declared an impartiality interest in item 11.2.1 as she is a member of the bowling club and a financial interest in item 11.1.1 cheque no. 14874 being recipient of the gravel.

Cr Thomson declared an impartiality interest in item 11.2.1 as he is a member of the bowling club.

Cr Greenwood declared an impartiality interest in item 11.2.1 as he is a member of the bowling club.

**PRESENTATIONS - Nil**

**CONFIRMATION OF MINUTES PREVIOUS MEETING**

**MINUTES OF ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 2<sup>nd</sup> FEBRUARY 2005**

**MIN 20/05 MOTION - Moved Cr. Caffell 2<sup>nd</sup> Cr. Stokes**

*That the minutes of the Ordinary Meeting of the Shire of Tammin held on 2 February 2005 at Council Chambers, Tammin be confirmed as a true and correct record.*

CARRIED 6/0

**BUSINESS ARISING FROM MINUTES - Nil**

<b>2004 COMPLIANCE AUDIT REPORT</b>
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**MIN 21/05 MOTION - Moved Cr. Wheeldon 2<sup>nd</sup> Cr. Greenwood**

1. Council receives the draft 2004 compliance audit report document.
2. Council authorizes the president to execute the compliance audit report after councillors consideration of the final document and subject to no councilor queries being presented to the President by 21<sup>st</sup> March 2004.

CARRIED 6/0

**Special Council Meeting – Minutes held on 22<sup>nd</sup> February 2005**

**MIN 22/05 MOTION - Moved Cr. Thomson 2<sup>nd</sup> Cr. Caffell**

*That the minutes of the Special Council Meeting held on 22 February 2005 at Council Chambers, 1 Donnan Street, Tammin be confirmed as a true and correct record.*

CARRIED 6/0

Tammin and Kellerberrin Joint full Council Meeting to be held on Wednesday, 13 April 2005 from 9:00am to 12:00noon (subject to all Councillors available and follow on with Tammin Council Ordinary Meeting in the afternoon.)

**ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil**

**10. COMMITTEE/COUNCILLOR REPORTS - NIL**

**11. AGENDA ITEMS - CORPORATE SERVICES**

<b>Agenda Reference:</b>	11.1.1
<b>Subject:</b>	January Cheque List
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	16 <sup>th</sup> February 2005
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

## BACKGROUND

### Accounts for Payment from 1<sup>st</sup> January 2005 to 31<sup>st</sup> January 2005

#### Municipal Fund

10830	-	10831	\$1,043.99
10834	-	10843	\$18,430.21
14871	-	14900	\$80,396.57
14901			TEST RUN
14902	-	14911	\$73,108.00
			<u>\$172,978.77</u>

#### Trust Fund

Nil

## COMMENT

During the month of January 2005 the Shire of Tammin made the following significant purchases:-

Western Australian Treasury Corporation Principal & Interest Repayment for Loan 76	\$12,160.44
Total Toro Toro Reelmaster Mower	\$40,150.00
Hanson Construction Materials Pty Ltd Tammin Wylie Road Widening, Carrabin Depierres Reseal	\$36,161.56
Shire of Kellerberrin Resource Sharing Works / Plant Maintenance Costs	\$26,637.93

## FINANCIAL IMPLICATIONS

Shire of Tammin 2004/2005 Operating Budget

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS –

Local Government (Financial Management) Regulations 1996

Regulation 13 (2) – Where a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing –

- 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.

- (3) The list referred to in sub regulation (2) is to be –
- a) Presented to the council at the next ordinary meeting of the council following the preparation of the list; and
  - b) Recorded in the minutes of the meeting at which it is presented.

**STAFF RECOMMENDATION**

1 That the accounts submitted from 1<sup>st</sup> January to 31<sup>st</sup> January 2005 be accepted.

**VOTING REQUIREMENT – ABSOLUTE MAJORITY**

**COUNCIL RECOMMENDATION**

**MIN 23/05 MOTION** - Moved Cr. Thomson 2<sup>nd</sup> Cr. Stokes

1 *That the accounts submitted from 1<sup>st</sup> January to 31<sup>st</sup> January 2005 be accepted.*

CARRIED 6/0  
**BY ABSOLUTE MAJORITY**

<b>Agenda Reference:</b>	11.1.2
<b>Subject:</b>	January Financial Management Report
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	16 <sup>th</sup> February 2005
<b>Author:</b>	Raymond Griffiths, Manager Corporate Services

**BACKGROUND**

Enclosed is the monthly report for the month of January 2005.

Direct Debit list for the month of January 2005:-

**Municipal Fund**

12.01.2005 Net Pay for F/E 12.01.05	\$11,646.52
04.01.2005 National On-Line Fee for January 2005	\$63.39
25.01.2005 Lease Repayment for 928 H Cat Grader	\$5,641.53
25.01.2005 Net Pay for F/E 25.01.05	\$12,402.97
31.01.2005 Reserve Fund Bank Fees for January 2005	\$20.00
31.01.2005 Trust Fund Bank Fees for January 2005	\$42.80
31.01.2005 Municipal Fund Bank Fees for January 2005	\$90.80

## Trust Fund

31.01.2005 Police Licensing Debits for January 2005 \$11,611.10

## COMMENT

The following capital purchases were made during the month of January 2005:-

Cole's Computer Pix	\$2,510.00
Acer Travelmate Laptop	
Total Toro	\$40,150.00
Toro Reelmaster Mower	
McGrath Homes	\$33,000.00
Progress Claim No. 3 – Completion of House In Builders Yard	

## FINANCIAL IMPLICATIONS

➤ Financial Management of 2004/2005 budget

## POLICY IMPLICATIONS - Nil

## STATUTORY IMPLICATIONS –

Local Government (Financial Management) Regulations 1996

Regulation 34 – Financial reports to be prepared – s. 6.4

- (1) A local government is to prepare –
  - a) Monthly financial reports in such form as the local government considers to be appropriate; and
  - b)
  - c) Quarterly financial reports for the periods ending on 30 September, 31 December, 31 March and 30 June (or where a 4 weekly period system is used, the period to the end of the week closest to each of those dates) in accordance with regulation 35.
- (2) A monthly or quarterly financial report is to be –
  - a) Presented to the council –
    - i. At the next ordinary meeting of the council following the end of the period to which the report relates; or
    - ii. If the report is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of council after that meeting;

and

  - b) Recorded in the minutes of the meeting at which it is presented.
- (3) A quarterly report may be presented to a local government in lieu of a monthly report.

## STAFF RECOMMENDATION

- 1 That Council approve the Monthly Financial Statements for the period ending 31<sup>st</sup> January 2005.
- 2 That the Direct Debit List be accepted for the month of 31<sup>st</sup> January 2005.

## COUNCIL RECOMMENDATION

**MIN 24/05 MOTION** - Moved Cr. Caffell 2<sup>nd</sup> Cr. Wheeldon

- 1 *That Council approve the Monthly Financial Statements for the period ending 31<sup>st</sup> January 2005.*

2 That the Direct Debit List be accepted for the month of 31<sup>st</sup> January 2005.

CARRIED 6/0

<b>Agenda Reference:</b>	11.1.3
<b>Subject:</b>	Banners in the Terrace
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	OLGOV-03
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	22 February 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## **BACKGROUND**

*“The “Banners in the Terrace” competition is one of the State’s largest single community arts projects. It is widely acknowledged that the Local Government week banners are the most colourful and vibrant banners flown in the Terrace each year. I do hope that your Local Government will once again be part of this magnificent display.*

*The Banners will be on display in St George’s Terrace and the winners will be announced at the 2005 Local Government Week Convention on Monday, 8 August 2005.”*

## **FINANCIAL IMPLICATIONS**

\$94.00 for banner + GST and \$15.50 for delivery + GST. Also approximately \$50.00 for paints.

## **STATUTORY IMPLICATIONS**

**STRATEGIC PLAN IMPLICATIONS - Nil**

**PRINCIPAL ACTIVITY PLAN IMPLICATIONS - Nil**

## **STAFF RECOMMENDATION**

That Banners in the Terrace Information be advertised and a closing date for expressions of interest be Friday, 1 April 2005.

## **COUNCIL RECOMMENDATION**

**MIN 25/05 MOTION - Moved Cr. Caffell 2<sup>nd</sup> Cr. Thomson**

*That Banners in the Terrace Information be advertised and a closing date for expressions of interest be Friday, 1 April 2005.*

CARRIED 6/0

## DEVELOPMENT SERVICES – AGENDA ITEMS

<b>Agenda Reference:</b>	11.2.1
<b>Subject:</b>	Request for Financial Assistance and Beatification of Area adjoining Council Carpark
<b>Location:</b>	Donnan Street – Council Carpark Area
<b>Applicant:</b>	Tammin Bowling Club
<b>File Ref:</b>	SPREC-07
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	24 <sup>th</sup> February 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

### BACKGROUND

Tammin Bowling Club writes;

*The Bowling Club has raised a number of matters summarized as follows;*

- a) *Club Insurance – seeking Council advice as to whether the premiums paid by the Club on their insurances would be less if grouped under the umbrella of the Shires' and paid to the Council on a recoup basis. The Bowling Club seeking to reduce expenses.*
- b) *Carpark and Green Beautification – east side – club seeking to define the boundary of the greens and Council Carpark. The Club seeks to erect a limestone wall 1 metre from the edge of the carpark kerb line. Seeking Council assistance to carry out this proposal and are willing to discuss this with Council.*
- c) *Lights and Watering System Expenses – with the cost of the mentioned upgrades the Club may face a short fall in funds for the next six month period and seeking the advancement of agreed payments in lieu of the agreed schedule of dates.*
- d) *Interest Free Self Supporting Loan – the Club is seeking Council consideration towards providing an interest free loan of \$5,000.00 for a twelve month period. Given the cost of recent upgrades and improvements, the loan would avoid overdraft and interest fees for the remainder of the financial year.*
- e) *Council Support and Contribution – the club is aware of Councils support and contribution towards its greens maintenance programs with contribution towards its labour costs. The Club acknowledges this generous support.*

### COMMENT

Summary comments to the matters raised by the Tammin Bowling Club;

- a) Club Insurance – this matter is being researched for the benefit of the Club. At this date preliminary discussions have been had with Councils Local Government Insurers, who have stated that Public Liability Insurance and Workers Compensation cover cannot be assumed under the umbrella of local government. The Club is not a local government operation (ie owned and operated) therefore insurance policies will need to remain with the Club to seek adequate coverage from Insurers and/or insurance brokers.  
Property Insurance can be considered for the coverage of the Clubs Policy as it is deemed to have the property listed on Councils inventory in terms of actual ownership.

Councils insurers have invited the opportunity to have a read of the Clubs Policies (copy has been provided to the Office for this) and provide comments and suggestions as to how the Policy can be improved and/or premiums reduced.

- b) Carpark and Green Beautification – preliminary discussions has been had with some members of the Executive Committee regarding this in terms of initially the Club seeking to plant suitable species of shrubs/bushes on an agreed line. The Chief Executive Officer indicated at the time that a contribution of \$100.00 towards the plant purchase would be deemed to be an acceptable partnership for the proposal at the time. In addition Club Members were advised that at least a one metre setback would be required for vehicles reversing out over the kerb line would be required.

In reference to constructing a limestone wall, this would enhance the area and the Bowling Clubs Facilities as well as the previous considerations. Costs need to be identified for this proposal by the Club to give Council further guidance in considering the proposal. Issues that need to be considered is the amount Council may or may not consider to be appropriate towards a limestone wall vs a planted area, the agreed height of the wall, sufficient footings to ensure that the wall remains in the expected condition, responsibility for cleaning of the wall on both sides, the left over area in between the wall and kerb line and what should be undertaken to finish off Councils defined carparking side if agreed to.

- c) Lights and Watering Systems Expenses – Council Administration can advance remaining funds to the Club and forego any interest that may be earned on this payment amount ie cashflow and investment and expenses of the Council for the remaining period.
- d) Interest Free Self Supporting Loan – If this request is accepted by the Council, formal procedures need to be implemented for a self supporting loan on the basis of interest free, or the Council may provide the funds out of budget, or agree to over expend its budget to cater for the request or the Club negotiate privately for the funds indicated. Any option considered by the Council will obviously benefit the Club and based on today's loan borrowing rates of ...% equates to \$.... the Club will save from a commercial agreement for borrowing of funds. Council will incur advertising costs for the self supporting loan requested.

## FINANCIAL IMPLICATIONS

2004/2005 Budget – finance expense

\$5,000.00 borrowed by the Council = \$325.00 estimated interest @ 6.5% pa.

\$250.00 advertising costs estimated for local advertising

\$5,000.00 (option on overdraft) interest @ 12% = \$600.00 estimated

- out of budget expenditure consideration

account 113.1.341 Be-Active Co-ordinator Contribution – it is anticipated that this amount may not be required by the scheme and based on this assumption, it is suggested for Councils consideration of accounting for the proposed “out of budget expenditure”, that monies be debited against this account for endorsement of accounting for the out of budget expenditure. Council has budgeted \$5,000.00 for a contribution towards the Be-Active Co-ordinator Scheme.

**POLICY IMPLICATIONS: N/A**

## STATUTORY IMPLICATIONS

Local Government Act 1995 (as amended)

Section 6.20 Power to Borrow – subsection (1) *Subject to this Act, a local government may-*

- a) *borrow or re-borrow money;*
- b) *obtain credit; or*
- c) *arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit,*

*to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law.*

Section 6.20 subsection (2) – where, in any financial year, a local government proposes to exercise a power under subsection (1) and details of that proposal have not been included in the annual budget for that financial year-

- (a) *unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and*
- (b) *the resolution to exercise that power is to be by absolute majority.*

Section 6.8 Expenditure from Municipal Fund not included in annual Budget;

Section 6.8 (1) *a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*



- (a) is incurred in a financial year before the adoption of the annual budget by the local government;
  - (b) is authorized in advance by resolution; or
  - (c) is authorized in advance by the mayor or president in an emergency
- 1(a) In subsection (1) –  
*“additional purpose” means a purpose for which no expenditure estimate is included in the local government’s annual budget.*

- (2) where expenditure has been incurred by a local government-
- (a) pursuant to subsection (1) (a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1) (c), it is to be reported to the next ordinary meeting of the council.

**Local Government (Financial Management) Regulations 1996**

Regulation 20 – provides for circumstances in which local public notice not required for exercise of power to borrow in reference to LGA s6.20 (2) (a).

Regulation 48 (f) – the annual financial report is to include in relation to the repayment of money borrowed , details by program, of –

- (i) *the unpaid principal sum brought forward on 1<sup>st</sup> July;*
- (ii) *the total interest and other charges incurred during the financial year;*
- (iii) *the total expense incurred in the reduction of the principal sum during the financial year;*
- (iv) *the principal liability remaining at 30 June; and*
- (v) *the amount financed by income other than genral purpose grants, rates, service charges, fees or charges.*

**STRATEGIC PLAN IMPLICATIONS: N/A**

**PRINCIPAL ACTIVITY PLAN IMPLICATIONS: N/A**

**STAFF RECOMMENDATION**

That Council approves of the following;

1. granting of \$5,000.00 as financial assistance to the Tammin Bowling Club Inc. on an interest free basis for a maximum twelve (12) month period.
2. That repayments of the approved \$5,000.00 be on a quarterly basis, equal repayments as per the following payments schedule;
  - Payment No 1 - \$1,250.00 DUE Tuesday 31<sup>st</sup> May 2005
  - Payment No 2 - \$1,250.00 DUE Wednesday 31<sup>st</sup> August 2005
  - Payment No 3 - \$1,250.00 DUE Thursday 31<sup>st</sup> November 2005
  - Payment No 4 - \$1,250.00 DUE Friday 28<sup>th</sup> February 2006
3. Penalty Interest/Fees – should repayments be not made on the agreed due dates, a penalty interest/fee/charge of \$50.00 applies for each occurrence.
4. expenditure from municipal fund and 2004/2005 budget, is acknowledged as “out of budget expenditure”.
5. Approved payment of \$5,000.00 is to be debited against account 113.1.341 – Be-Active Co-ordinator Scheme Contribution (allocation of \$5,000.00 made).

BY ABSOLUTE MAJORITY

**COUNCIL RECOMMENDATION**

**MIN 26/05 MOTION - Moved Cr. Stokes 2<sup>nd</sup> Cr. Thomson**

1. *That the Tammin Bowling Club be advised and approval is given to undertake the identified beautification works as presented to the east side adjoining councils carpark area.*

## REASON

*Council did not believe that the Bowling Club required financial assistance.*

## WORKS & SERVICES – AGENDA ITEMS

4:05pm – Tom Applegate, Manager Works and Services entered Council Chambers.

<b>Agenda Reference:</b>	Late Item 1
<b>Subject:</b>	Tender 1/05 – Side Tipping Trailer
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	Tender 1/05
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 March 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## COUNCIL RECOMMENDATION

**MIN 27/05 MOTION** - Moved Cr. Thomson 2<sup>nd</sup> Cr. Greenwood

*That Council accepts the tender submitted by Howard Porter for the Supply and Delivery of One (1) 2005 side tipping trailer manufactured by Howard Porter, subject to the following conditions and terms being accepted;*

1. 2005 Howard Porter Tandem Axle Side Tipping Trailer
2. 2005 Howard Porter Tandem Axle Dolly
3. Supply and delivery price \$80,910.00 Excl. GST  
\$89,001.00 Incl. GST
4. As per Councils Tender Specification Schedule.

CARRIED 6/0

<b>Agenda Reference:</b>	Late Item 2
<b>Subject:</b>	Tender 2/05 – Tandem Axle Truck
<b>Location:</b>	Shire of Tammin
<b>Applicant:</b>	Shire of Tammin
<b>File Ref:</b>	Tender 2/05
<b>Disclosure of Interest:</b>	N/A
<b>Date:</b>	1 March 2005
<b>Author:</b>	Frank Peczka, Chief Executive Officer

## COUNCIL RECOMMENDATION

**MIN 28/05 MOTION** - Moved Cr. Stokes 2<sup>nd</sup> Cr. Thomson

*That Council accepts the tender submitted by Major Motors for the supply and delivery of one (1) 2004 Compliance Plate Tandem Axle Drive Two Way Tip Truck, subject to the following conditions and terms being accepted;*

1. 2004 GIGA series Isuzu Tandem Axle truck price incl. GST \$205,942.00  
Less trade in of Council's used Mitsubishi Tandem Axle Drive End Tipper Truck \$30,000.00

<i>Less Discount pricing for 2004 truck model</i>	<i>\$4,592.00</i>
<i>Less GST (For Net Pricing)</i>	<i>\$17,135.00</i>
<i>Net Cost</i>	<i><u>\$155,773.00</u></i>
<i>2004/2005 Budget</i>	<i>\$151,500.00</i>

2. *SFM 11m3 two way tipping body included in truck pricing*
3. *Trade-in of used 1989 Mitsubishi Tandem Axle Truck*
4. *Council acknowledges and authorizes over expenditure on budget allocation of \$151,500.00 to purchase truck.*
5. *Compliance with Council's specifications schedule.*

CARRIED 6/0

5:04pm – Tom Applegate, Manager Works and Services left Council Chambers.

## **COUNCIL RECOMMENDATION**

**MIN 29/05 MOTION** - Moved Cr. Thomson 2<sup>nd</sup> Cr. Wheeldon

*That Council accept:*

1. *President Cr Leslie's Report on the recent Golden Pipeline Meeting in Cunderdin.*
2. *the Chief Executive Officers Report and the following Sub reports:*

- *Manager Corporate Services*
- *Manager Works and Services*
- *Community Development Officer Report*

CARRIED 6/0

## **CLOSURE OF MEETING**

5:36pm – There being no further business the Presiding Person, Cr Barry Leslie closed the meeting.

## **NEXT MEETING DATES**

- Wednesday, 6 April 2005 to commence at 1:00pm (Councillors please note that this meeting date is proposed to be changed to Wednesday 13<sup>th</sup> April 2005)
- Wednesday, 13 April 2005 – Joint Full Council Meeting 9:00am – 12 noon - POSTPONED
- Friday, 15 April 2005 – Staff/Council Development Day 12noon – 5pm – Tammin Bowling Club