

SHIRE OF TAMMIN

Minutes of the Ordinary Council Meeting held at Council Chambers, 1 Donnan Street, Tammin, on Wednesday, 10 August 2005, commencing at 1:00pm

DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

1:38pm - The Presiding Person, Cr Leslie declared the meeting open.

RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Cr. B. Leslie	President (Presiding Person)
Cr. R Stokes	Member
Cr. M Greenwood	Member
Cr M Wheeldon	Member
Cr S Jefferies	Member
Mr F. Peczka	Chief Executive Officer
Miss G. Stewart	Personal Assistant (Minutes)

Apologies

Cr. L Caffell	Deputy President
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Leave of Absence

Nil

RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE- Nil

PUBLIC QUESTIONS TAKEN ON NOTICE

APPLICATIONS FOR LEAVE OF ABSENCE - Nil

DECLARATION OF INTEREST

Cr Greenwood declared a financial interest in item 11.1.4 because he received a payment.

Cr Stokes declared a proximity interest in item 11.4.1 – CEO Report point 11 as his children use the bus service.

PRESENTATIONS

Chief Executive Officer, Frank Peczka addressed Council on his meeting with AG WA Representatives Cec McConnell and Chris Sharp regarding winery and vineyard proposal. Representatives could not be present at this Council Meeting.

MEETING GUEST - NIL

CONFIRMATION OF MINUTES PREVIOUS MEETING

MINUTES OF KELLERBERRIN TAMMIN RESOURCE SHARE MEETING HELD ON TUESDAY, 5 JULY 2005

MIN 118/05 MOTION - Moved Cr. Jefferies 2nd Cr. Wheeldon

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 5 July 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 5/0

MINUTES OF ORDINARY COUNCIL MEETING HELD ON WEDNESDAY, 13 JULY 2005

MIN 119/05 MOTION - Moved Cr. Greenwood 2nd Cr. Wheeldon

That the minutes of the Ordinary Meeting of the Shire of Tammin held on 13 July 2005 at Council Chambers, Tammin be confirmed as a true and correct record.

CARRIED 5/0

BUSINESS ARISING FROM MINUTES – Nil

ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION - Nil

7. MINUTES OF PREVIOUS MEETINGS

11. AGENDA ITEMS - CORPORATE SERVICES

2:03pm – Frank Peczka and Gemma Stewart left Council Chambers.

Agenda Reference:	11.1.1
Subject:	Resource Sharing Agreement Review Matters
Location:	Shire of Kellerberrin
Applicant:	Shire of Kellerberrin
File Ref:	ADM26
Disclosure of Interest:	N/A
Date:	1 st August 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

Recent;

Shire of Kellerberrin Letter of Response and includes Ordinary Council Meeting Minute dated 19th July 2005 reads;

MIN 196/05 MOTION - Moved Cr. Leake 2nd Cr. Morrell

That the Shire of Kellerberrin, advise the Shire of Tammin the following response to their discussion points:

- 1. That the Shire of Kellerberrin expresses disappointment to the Shire of Tammin's response regarding motion RS16/05 in that the points raised in motion RS16/05 were to deal with renewal of the CEO Employment Contract and not to do with Roadworks and Cost Analysis Report as stated in the Shire of Tammin letter dated 14 July 2005 and Shire of Tammin motion MIN117/05.*
- 2. That the Shire of Kellerberrin requests the Shire of Tammin provide written response as directed by the Resource Share Committee Meeting in motion RS16/05 and in accordance with agreement reached at that meeting.*

CARRIED 6/1

Previous;

Shire of Tammin Ordinary Council Meeting Minute dated 13th July 2005 reads;

LATE ITEM 3
Resource Sharing

MIN 117/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Stokes

That the Shire of Tammin submit the following discussion points to the Shire of Kellerberrin

Discussion Points

1. *Merits of individual shires completing their own roadworks programs before Resource Sharing outside staff and equipment.*
2. *Await completion of financial Cost Benefit Analysis Report to analyse cost savings of Resource Sharing.*

CARRIED 4/0

Kellerberrin Tammin Resource Sharing Committee Meeting Minutes of 5th July 2005 reads;

COMMITTEE RECOMMENDATION

MIN RS16/05 MOTION - Moved Cr. Jefferies 2nd Cr. Morrell

That in order to progress the renewal of the CEO Employment Contract this Committee recommends that the Shire of Tammin outline to the Shire of Kellerberrin changes they require to current resource sharing agreement.

That the information be presented to the next Ordinary Meeting of the Shire of Kellerberrin on Tuesday 19th July 2005.

CARRIED 8/0

COMMENT

The Chief Executive Officer is only able to comment on the response from the Shire of Kellerberrin to the Shire of Tammin's recent motion put forward as stated above. The comment is on the basis that the Shire of Kellerberrin has expressed disappointment at the lack of agreed written information being presented by the Shire of Tammin to the Shire of Kellerberrin for consideration at their July Ordinary Meeting resulting from discussions held at the last Resource Sharing Committee Meeting.

Acknowledging that the Chief Executive Officer was not present during the mentioned discussions at the last Resource Sharing Committee Meeting held in Tammin, therefore is unable to comment on the discussions and intent of what seem to be required for agreed direction for presentation to the Shire of Kellerberrin, from the Shire of Tammin at the July Ordinary Meeting.

It is also noted that the Chief Executive Officer relayed the Shire of Kellerberrin's Meeting (19th July 2005) Minute the following day at the Office of the Council (Tammin) to the President, Cr Leslie on Thursday 21st July 2005. Councillors have been circulated with a copy of the Shire of Kellerberrin's written response.

FINANCIAL IMPLICATIONS: Nil (not known at this stage)

POLICY IMPLICATIONS

Kellerberrin Tammin Resource Sharing Agreement – dated November 2004

STATUTORY IMPLICATIONS

Kellerberrin Tammin Resource Sharing Meeting held on 5th July 2005 Minute RS 16/05

STRATEGIC PLAN IMPLICATIONS

Shire of Tammin Strategic Plan 2003-2006

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS: Nil (not known at this stage)

COMMUNITY CONSULTATION: Nil (not known at this stage)

STAFF RECOMMENDATION

That the Shire of Tammin advise the Shire of Kellerberrin, the following in response to the agreed written submission and in consideration of the Council Meeting Minute presented by the Shire of Kellerberrin;

- 1.
- 2.
- 3.

2:27pm – Cr Jefferies left Council Chambers

2:32pm – Cr Jefferies returned to Council Chambers.

COUNCIL RECOMMENDATION

MIN 120/05 MOTION - Moved Cr. Jefferies 2nd Cr. Wheeldon

- 1. *That the Shire President of the Shire of Tammin write a letter to the President of the Shire of Kellerberrin to advise the Shire of Tammin’s intentions and decisions regarding Resource Sharing and CEO Contract Renewal.*
- 2. *Letter to be delivered before the next Ordinary Council Meeting of the Shire of Kellerberrin on Tuesday, 16 August 2005.*

CARRIED 5/0

2:47pm – Gemma Stewart entered Council Chambers.

Agenda Reference:	11.1.2
Subject:	Annual Review of Delegations of Authority to CEO
Location:	Shire of Tammin
Applicant:	Shire of Tammin - Administration
File Ref:	Delegations File
Disclosure of Interest:	Chief Executive Officer – being the delegated person
Date:	2 nd August 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

The Local Government Amendment Act 2004, The Associated Regulations and the Compliance Report requires the Local Government to review its delegation of Powers/Authority to the Chief Executive Officer at least once in every twelve months and then for the Chief Executive Officer to review his Delegation of Authority to identified Senior Staff and Management Staff within the same review period.

COMMENT

The proposed delegations are summarised as per the enclosed Delegations Schedule and has been presented on the basis of;

1. Statutory Requirement to do so under the Local Government Amendment Act 2004, Associated Regulations of the Local Government Amendment Act 2004, the Bush Fires Act 1954 and the Compulsory Annual Compliance Report.
2. For continued and efficient Management of daily Functions of the Staff to completing Business and Administrative requirements of the Council.
3. The proposed Delegations are in accordance with Local Government Industry Standards of a Local Government Operation of this size.
4. The attached Delegations Schedule has been amended to include Local Government Act changes and associated Regulations changes to keep the list at a minimum standard for efficient and effective management of Councils daily business requirements and in accordance with the statutory functions of the Council and that of the Chief Executive Officer.

FINANCIAL IMPLICATIONS: Nil (not known at this time)

POLICY IMPLICATIONS

STATUTORY IMPLICATIONS

Local Government Amendment Act 2004

- Section 5.41 functions of the CEO
- Section 5.42 delegation of some powers and duties to the CEO
- Section 5.43 limits on delegations to the CEO. A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.
- Section 5.44 CEO may delegate powers and duties to other employees
- Section 5.45 other matters relevant to delegations under Division 4 of the LGA 2004 and a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and, any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- Section 5.46 register of, and records relevant to, delegations to the CEO and Employees and at least once in every year, delegations made under this Division (Division 4) are to be reviewed by the Delegator.

Bushfires Act 1954

Authorised Officer appointments relating to the CEO of the local Government.

Compliance Audit Report

STRATEGIC PLAN IMPLICATIONS: Nil (not known at this time)

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS: Nil (not known at this time)

COMMUNITY CONSULTATION: Nil

(not required – a statutory function of the Council and the Chief Executive Officer)

STAFF RECOMMENDATION

In accordance with the Local Government Amendment Act 2004 and the Bush Fires Act 1954, Council delegates to the Chief Executive Officer the following delegations as identified in the attached schedule

titled – “Council to CEO Delegations Schedule” and these delegations are endorsed as of Wednesday, 10 August 2005.

COUNCIL RECOMMENDATION

MIN 121/05 MOTION - Moved Cr. Greenwood 2nd Cr. Jefferies

In accordance with the Local Government Amendment Act 2004 and the Bush Fires Act 1954, Council delegates to the Chief Executive Officer the following delegations as identified in the attached schedule titled – “Council to CEO Delegations Schedule” and these delegations are endorsed as of Wednesday, 10 August 2005.

CARRIED 5/0

2:52pm – Frank Peczka entered Council Chambers.

Agenda Reference:	11.1.3
Subject:	Quotation to Increase Street Lighting – Tammin Townsite
Location:	Tammin
Applicant:	Western Power
File Ref:	OSGOV10
Disclosure of Interest:	N/A
Date:	4 th August 2005
Author:	Frank Peczka, Chief Executive Officer

BACKGROUND

A written request from the administration for a quotation to improve and increase street lighting standards further within the townsite of Tammin, was forwarded to Western Power, Council letter dated 14th June 2005. The quote presented by Western Power in reply to Councils written request, totals \$19,325.00 including GST.

COMMENT

Discussions were had with Terry Linley Design Project Manager to ascertain the desired lighting standard that the Council has directed/desired to be achieved.

The scope of works includes;

1. removal of 50 watt lamp lighting standard
2. supply and install 8 x 80 watt mercury vapour street lights
3. supply and install 19 x 125 watt mercury vapour street lights
4. relocation of 10 x 125 watt mercury vapour street lights to improve lighting standard
5. supply and install 1 x 125 watt mercury vapour street light
6. supply and installation of all Western Power’s LV cables, including trenching
7. termination of Western Power’s LV cable at the pillar
8. this quote includes the full chargeable cost of the work, based on Western Powers policy for capital works
9. Network Connection conditions are described in documents that can be downloaded for further detailed reading as follows;
 - a. DSB 95/5 General Conditions for Individual Customers; and
 - b. DSB 95/6 Substation Installation Requirements (if substation is required)

The scope and design for the required street lighting improvements are noted by Western Power as not being to the Australian Standards for Street light illumination and does not include the area for street lighting installation along the east section of Donnan Street (Great Eastern Highway) commencing at Little Underwood Road.

No provision has been made for metering costs in the quotation, once connected Council will be advised of the appropriate metering costs, determined by the tariff selected.

Council were successful previously in 2003/2004 in receiving a State Government grant under the community safety funding banner, to improve street lighting by installation and upgrade of 13 x street lighting lamps at the time.

Councillors have been circulated with a copy of Western Powers quote on 5th July 2005.

FINANCIAL IMPLICATIONS

2005/2006 Budget – capital expense to upgrade street lighting

- quote received totals \$19,325.00 including GST of \$1,756.82. Quote valid for 90 days from the date of letter, in accordance with section 3.1 of DSB 95/5 General Conditions for Individual Customers. This includes the full chargeable cost of work, based on western Powers policy for capital works. There is no charge for initial quotes. However, Western Power reserves the right to charge for any additional time spent re-doing quotes where the customer's requirements have changed.

POLICY IMPLICATIONS: Nil (not known at this time)

STATUTORY IMPLICATIONS

Local Government Amendment Act 2004 – section 6.2(1) reads;

Not later than 31 August in each 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 next following 30 June.

- section 6.2(2) reads;

in the preparation of the annual budget the local government is to have regard to the contents of the plan for principal activities (future plan) accepted by a local government under section 5.58 and to prepare a detailed estimate for the current year of;

(a) the expenditure by the local government.

STRATEGIC PLAN IMPLICATIONS

Shire of Tammin Strategic Plan 2003-2006

Theme 2 – Our Economy

2.3 (b) – improve street lighting (for safety reasons)

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS

Shire of Tammin Future Plan 2004-2008

Activity 13 – Street Lighting

Improve street lighting along main townsite roads – improve street lighting for safety reasons

Cost Estimate for 2005/2006 \$10,000.00

COMMUNITY CONSULTATION

Previously via the Strategic Planning process and adoption of Plan

Previously via newsletter advising of a successful community crime safety grant for improvements to street lighting standards within the townsite – 2003/2004

STAFF RECOMMENDATION

1. That Council accepts the quote provided by Western Power and their associated conditions of undertaking the work and receipt of payment, for the upgrading and installation of nominated street

lights within the townsite of Tammin and that a budget provision of \$19,325.00 including GST of \$1,756.82 be included in Councils 2005/2006 Budget adoption for the carrying out of the nominated street lighting works as designed and prepared by Western Power.

2. That further research be undertaken to install street lights at the eastern townsite entry along Donnan Street (Great Eastern Highway) from its intersection from Little Underwood Road.

COUNCIL RECOMMENDATION

MIN 122/05 MOTION - Moved Cr. Wheeldon 2nd Cr. Greenwood

1. That Council accepts the quote provided by Western Power and their associated conditions of undertaking the work and receipt of payment, for the upgrading and installation of nominated street lights within the townsite of Tammin and that a budget provision of \$19,325.00 including GST of \$1,756.82 be included in Councils 2005/2006 Budget adoption for the carrying out of the nominated street lighting works as designed and prepared by Western Power.
2. That further research be undertaken to install street lights at the eastern townsite entry along Donnan Street (Great Eastern Highway) from its intersection from Little Underwood Road.

CARRIED 5/0

Agenda Reference:	11.1.4
Subject:	June Cheque List
Location:	Shire of Tammin
Applicant:	N/A
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	20 th July 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

Accounts for Payment from 1st June 2005 to 30th June 2005

Municipal Fund

10897	-	10910	\$ 17,402.49
15207	-	15209	\$ 1,553.54
15210			TEST RUN
15211	-	15248	\$151,176.69
			<u>\$170,132.72</u>

Trust Fund

860	-	860	\$ 4,467.00
			<u>\$ 4,467.00</u>

COMMENT

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

Bruce Carter 12.10545 Acres @ \$600 P/Acre (Incl. GST)	7,263.27
Deputy Commissioner of Taxation Business Activity Statement for May 2005	5,013.00
Motorcharge Limited Fuel - May 2005	6,407.45
Shire of Kellerberrin Resource Sharing	7,679.71
Western Australian Treasury Corporation Principal and Interest Repayment for Loans	5,539.96
Western Power Design Connection Street Lighting	5,609.00
Western Australian Treasury Corporation Principal & Interest Repayment on Loan 76	12,160.44
Sharon Stivey Settlements Payment for Purchase of 10 Ridley Street, Tammin	85,000.00

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.

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS - Nil

STAFF RECOMMENDATION

1 That the accounts submitted from 1st June 2005 to 30th June 2005 be accepted.

VOTING REQUIREMENT – ABSOLUTE MAJORITY

COUNCIL RECOMMENDATION

MIN 123/05 MOTION - Moved Cr. Stokes 2nd Cr. Wheeldon

1 That the accounts submitted from 1st June 2005 to 30th June 2005 be accepted.

CARRIED 5/0
BY ABSOLUTE MAJORITY

Agenda Reference:	11.1.5
Subject:	June Financial Management Report
Location:	Shire of Tammin
Applicant:	Shire of Tammin
File Ref:	N/A
Disclosure of Interest:	N/A
Date:	8 th July 2005
Author:	Raymond Griffiths, Manager Corporate Services

BACKGROUND

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

Direct Debit list for the month of June 2005:-

Municipal Fund

01.06.2005	Net Pay for F/E 01.06.2005	\$	11,940.60
01.06.2005	National On-Line Fees for June 2005	\$	56.39
09.06.2005	Transfer Funds from Sale of 1 Nottage & 2 Redmond (balance of sale proceeds to reserve fund)	\$	34,952.98
15.06.2005	Net Pay for F/E 15.06.2005	\$	11,418.59
27.06.2005	Lease Repayment for 928 H Cat Grader	\$	5,641.53
29.06.2005	Net Pay for F/E 29.06.2005	\$	11,901.14
30.06.2005	Municipal Fund Bank Fees to 30.06.2005	\$	95.00
30.06.2005	Trust Fund Bank Fees to 30.06.2005	\$	41.00
30.06.2005	Reserve Fund Bank Fees to 30.06.2005	\$	20.90

Trust Fund

30.06.2005	Police Licensing Debits for June 2005	\$	13,728.95
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COMMENT

The following capital purchases were made during the month of June 2005.

Western Power Design Connection Street Lighting	5,609.00
Sharon Stivey Settlements Payment For Purchase of 10 Ridley Street, Tammin	85,000.00
Bruce Carter 12.10545 Acres @ \$600 P/Acre (Incl. GST)	7,263.27
Doodlakine Store Trench Digging	550.00
Western Power New Connection - Single Phase @ 20 Ridley Street	300.00

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) 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.

STRATEGIC PLAN IMPLICATIONS - Nil

FUTURE (PRINCIPAL ACTIVITY) PLAN IMPLICATIONS

COMMUNITY CONSULTATION

STAFF RECOMMENDATION

- 1 That Council approve the Monthly Financial Statements for the period ending 30th June 2005.

2 That the Direct Debit List be accepted for the month of June 2005.

3 That Council approve the Quarterly Financial Statements for the period ending 30th June 2005.

COUNCIL RECOMMENDATION

MIN 124/05 MOTION - Moved Cr. Stokes 2nd Cr. Jefferies

1. *That Council approve the Monthly Financial Statements for the period ending 30th June 2005.*

2. *That the Direct Debit List be accepted for the month of June 2005.*

3. *That Council approve the Quarterly Financial Statements for the period ending 30th June 2005.*

CARRIED 5/0

DEVELOPMENT SERVICES AGENDA ITEMS

NIL

WORKS & SERVICES AGENDA ITEMS

NIL

COUNCIL RECOMMENDATION

MIN 125/05 MOTION - Moved Cr. Stokes 2nd Cr. Jefferies

That Council accept the Chief Executive Officers Report and the following Sub reports:

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

CARRIED 5/0

BUSINESS OF AN URGENT NATURE

LETTER RECEIVED FROM BERNARD STOKES & HAYDN DIXON – FESA BUILDING TAMMIN

MIN 126/05 MOTION - Moved Cr. Greenwood 2nd Cr. Jefferies

That the CEO forward a response to Bernard Stokes' and Haydn Dixon's letter regarding progress of FESA co-located building.

CARRIED 5/0

CLOSURE OF MEETING

3:50pm – There being no further business the Presiding Person, Cr Barry Leslie closed the meeting.

NEXT MEETING DATES

- Special Council Meeting (Budget Adoption) – Thursday, 18 August 2005 at 4:00pm.
- WE-ROC Meeting at Westonia – Wednesday, 24th August 2005 at 10:00am
- Kellerberrin Tammin Resource Share Committee Meeting at Kellerberrin on Friday, 26th August 2005 at 1:00pm.
- Ordinary Council Meeting, Wednesday, 7 September 2005