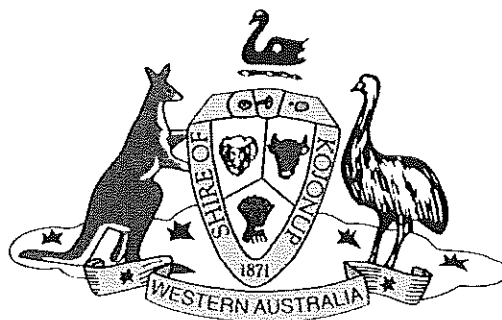


# SHIRE OF KOJONUP



## Council Agenda

**14<sup>th</sup> December 2010**

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SHIRE OF KOJONUP

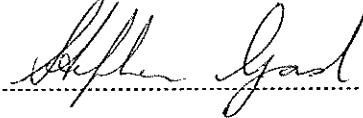
**MEETING NOTICE AND AGENDA – 14<sup>th</sup> December 2010**

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**TO: THE SHIRE PRESIDENT AND COUNCILLORS**

NOTICE is given that a meeting of the Council will be held in Council Chambers, Administration Building Albany Highway, Kojonup on Tuesday 14<sup>th</sup> December 2010 commencing at 3:00pm.

Your attendance is respectfully requested.



**STEPHEN GASH**  
**CHIEF EXECUTIVE OFFICER**  
10 December 2010

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**AGENDA**

**1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President shall declare the meeting open and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meetings attention to the disclaimer below:

*Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

**2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE**

Cr Jill Mathwin  
Cr Jane Trethowan  
Cr Ian Pedler  
Cr Frank Pritchard  
Cr John Benn  
Cr Greg Marsh  
Cr Rosemary Hewson  
Cr Michael Baulch

Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Mort Wignall	Manager of Regulatory and Community Services
Mr Craig McVee	Works Manager
Mrs Heather Marland	Senior Finance Officer

**APOLOGIES**

3 **PUBLIC QUESTION TIME**

4 **SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE**

5 **APPLICATIONS FOR LEAVE OF ABSENCE**

6 **CONFIRMATION OF MINUTES**

ORDINARY MEETING 16<sup>th</sup> November 2010

Corrections:

COUNCIL DECISION

/10 MOVED Cr                      seconded Cr                      that the Minutes of the Ordinary Meeting of Council held on 16<sup>th</sup> November 2010 be confirmed as a true record.

CARRIED/LOST                      /

7 **ANNOUNCEMENTS** by the Presiding Member without discussion

8 **PETITIONS, DEPUTATIONS & PRESENTATIONS**

9 **DECLARATIONS OF INTEREST**

**10 FINANCE REPORTS****10.1 FINANCIAL MANAGEMENT – MONTHLY STATEMENT OF FINANCIAL ACTIVITY**

AUTHOR: Kim Dolzadelli – Manager Corporate Services  
DATE: Wednesday, 8 December 2010  
FILE NO: FM.FNR.2  
ATTACHMENT: 10.1 Monthly Statement of Financial Activity 1<sup>st</sup> July 2010 to 30<sup>th</sup> November 2010

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 30<sup>th</sup> November 2010.

**BACKGROUND**

Preparation and presentation to Council of monthly reports are a statutory requirement, with these to be presented to the next ordinary meeting following the close of a month, or it may be presented to the ordinary meeting in the following month after that.

The reporting requirements, as per Financial Management Regulation 34, for the Statement of Financial Activity came into force from 1<sup>st</sup> July 2005.

**COMMENTS**

The attached Statement of Financial Activity for the period of 1<sup>st</sup> July 2010 to 30<sup>th</sup> November 2010 shows a solid position with 80.04% of rates collected and a total amount of cash holdings of \$3,908,342.56 of which \$2,097,108.92 is held in fully cash backed Reserves as at 30<sup>th</sup> November 2010. Of these cash holdings \$1,000,000 of Municipal funds and \$1,500,000 of Reserve funds have been invested in short term deposits, due to mature 20<sup>th</sup> December 2010.

The Annual Audit has been concluded with the Auditors Management Report, Audit Report and Annual Financial Report being presented to Council in item 13.1 of this meeting.

With the finalisation of the Audit and close of accounts for the 2009/10 financial year the opening balance available for 2010/2011 has increased from \$719,403 to \$722,223, a \$2,820 increase.

With the finalisation of the 2009/10 Annual Financial Audit Depreciation has now been updated.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

Financial Management Regulation 34 sets out the basic information which must now be included in the monthly reports to Council.

**POLICY IMPLICATIONS**

None applicable.

**FINANCIAL IMPLICATIONS**

Occasionally Council may be asked to authorise certain budget amendments/variations by way of separate Senior Officer Reports, but those proposed variations will be taken into account in the monthly Statements of Financial Activity when a full budget review is put before Council. Amendments are not being sought from Council in the attached reports.

**STRATEGIC IMPLICATIONS**

This will only occur where it involves variations to the multiple year proposals previously put forward. Impacts to the "Closing Balance" position will also occur or where a Budget Review highlights the requirement for amendments to occur.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That the Monthly Statement's of Financial Activity for the periods of 1<sup>st</sup> July 2010 to 30<sup>th</sup> November 2010, as attached, be accepted.

**COUNCIL DECISION**

/10      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**10.2 MONTHLY PAYMENTS LISTING**

**AUTHOR:** Kim Dolzadelli – Manager Corporate Services  
**DATE:** Wednesday, 8 December 2010  
**FILE NO:** FM.AUT.1  
**ATTACHMENT:** 10.2 Monthly Payment Listing

**DECLARATION OF INTEREST**

Nil

**SUMMARY**To receive the list of payments that were made from 1<sup>st</sup> November 2010 to 30<sup>th</sup> November 2010.**BACKGROUND**

Not applicable.

**COMMENT**

The attached list of payments is submitted for receipt by the Council.

**CONSULTATION**

No consultation was required.

**STATUTORY ENVIRONMENT**

Regulation 12(1)(a) of the Local Government (Financial Management) Regulations 1996 provides that payment may only be made from the municipal fund or trust fund if the Local Government has delegated the function to the Chief Executive Officer.

The Chief Executive Officer has delegated authority to authorise payments. Relevant staff have also been issued with delegated authority to issue orders for the supply of goods and services subject to budget limitations.

Regulation 13 of the Local Government (Financial Management) Regulations 1996 provides that if the function of authorising payments is delegated to the Chief Executive Officer then a list of payments is to be presented to the Council at the next ordinary meeting and recorded in the minutes.

**POLICY IMPLICATIONS**

Council's Policy F3 provides authorities and restrictions relative to purchasing commitments.

**FINANCIAL IMPLICATIONS**

All payments made are for items where Council has provided a budget authority.

**STRATEGIC IMPLICATIONS**

There are no strategic implications involved with presentation of the list of payments.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION**

That in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority from 01/11/2010 to 30/11/2010 comprising of Municipal Cheques 11429 to 11474, EFT's 6319 to 6422 and Internal Payment Vouchers 2458 to 2492 totalling \$823,345.60 and as attached to this agenda, be received.

**COUNCIL DECISION**

/10      MOVED Cr

seconded Cr

CARRIED/LOST

/

**10.3 FINANCIAL MANAGEMENT – PROPOSED WRITE OFF OF SUNDRY DEBTOR**

AUTHOR:                      Kim Dolzadelli – Manager of Corporate Services  
 DATE:                         Wednesday, December 08, 2010  
 FILE NO                      FM.DEB.3  
 ATTACHMENTS:            Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to consider the write-off of Debtor (# 72513) accounts for the Black Cockatoo Café in the amount of \$3,180.04.

**BACKGROUND**

The former Black Cockatoo Café proprietor took over the lease of the facility in May 2009. The Café is fitted with an electricity sub meter which is used to ascertain their consumption and hence allow for the full recovery of power costs to the Café.

**COMMENT**

Unfortunately there was some confusion with respect to the lease commencement date among officers and to make matters more complicated errors in the rate of recovery also occurred.

The former proprietors were billed an amount of \$1,230.04 which relates to a period that they did not have control over the facility – this amount is not payable and as it relates to a prior year the amount requires formal resolution by Council to be written off.

Due to errors in the billing process which were only discovered in June 2010 an account in the amount of \$7,758.54 was raised, this was to rectify the error which in essence resulted in recovery being calculated at 10% of the amount it should have been recovered at. Once the proprietor was aware of this large increase to consumption cost they markedly reduced their consumption.

Council Officers believe that it is appropriate for Council to consider the further write off of the amount of \$1,950. This is based upon the belief that had the proprietor been billed correctly from the start they would have had the opportunity to adjust their consumption accordingly. The amount calculated of \$1,950 reflects an estimate of the impact of errors in the billing process that removed the proprietor's ability to respond to usage levels until mid 2010, after which time usage levels stayed reduced and fairly consistent.

Council has an amount of \$5,000 in the Operating Statement of the 2010/11 Annual Budget for the provision of Doubtful Debt expenses.

**CONSULTATION**

None necessary.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 section 6.12 - Power to defer, grant discounts, waive or write off debts

**POLICY IMPLICATIONS**

There are no known policy implications.

**FINANCIAL IMPLICATIONS**

Provision to cover the writing off of these amounts is covered in Councils Operating Statement contained in the 2010/11 Annual Budget.

**STRATEGIC IMPLICATIONS**

There are no strategic implications from the adoption of this recommendation.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION**

**That Council approves the write off of \$3,180.04 on Debtor Number 72513.**

**COUNCIL DECISION**

/10      MOVED Cr                              seconded Cr

CARRIED/LOST                              /

11      **ENGINEERING & WORKS REPORTS**

12      **ECONOMIC & ENVIRONMENTAL DEVELOPMENT REPORTS**



**13 CORPORATE & COMMUNITY SERVICES REPORTS****13.1 2009/10 ANNUAL REPORT AND ELECTORS MEETING**

DATE: Thursday, 9 December 2010  
AUTHOR: Stephen Gash, Chief Executive Officer  
FILE NO: FM.AUD.2 & FM.FNR.1  
ATTACHMENTS: 13.1.1 Annual Report 2009-10 including Annual Financial Report  
13.1.2 Audit Report & Audit Management Letter

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

To accept the Shire of Kojonup's 2009/10 Annual Report as circulated with the Agenda, including the Annual Financial Report and Audit report, and then to set a date for the annual electors meeting.

**BACKGROUND**

Each local government is to prepare an annual report for each financial year. The report is a record of the Shire's activities for the financial year and is part of the accountability principles established for local government.

**COMMENT**

The Council is to accept the annual report by 31<sup>st</sup> December following the year end or no later than two months after receiving the audit report. The Audit Report was received on 2<sup>nd</sup> December 2010 and a copy will be forwarded directly to the Department of Local Government and Regional Development following this meeting.

The Audit Report and Management Letter will be the subject of an Audit Committee meeting where the committee will consider any action that may be required from the management letter. The Audit Report forms part of the Annual Report and the management letter is provided as an attachment to this meeting for transparency, even though it will have separate consideration via the Audit Committee.

The Annual elector's meeting must be held within 56 days of accepting the annual report with appropriate notice of the meeting given.

**CONSULTATION**

The annual report includes the financial report and this has been the subject of close examination by the appointed auditors, Lincolns Accountants and Business Advisors.

**STATUTORY ENVIRONMENT**

Section 5.26 to 5.33; 5.53 & 5.54 - Local Government Act 1995  
Regulation 51(2) of the Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil.

**OFFICER RECOMMENDATION 1****VOTING REQUIREMENTS - ABSOLUTE MAJORITY**

**That Council Accepts the Annual Report including the Annual Financial Report for the 2009/2010 year.**

COUNCIL DECISION

/10      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

**OFFICER RECOMMENDATION 2**

**VOTING REQUIREMENTS - SIMPLE MAJORITY**

- That Council:**
- 1. Hold the Annual Electors meeting on Tuesday 8<sup>th</sup> February 2011 in the Lesser Hall, Kojonup, commencing at 7:00pm;**
  - 2. Receives the Audit Report and Audit Management Letter;**
  - 3. Note the minutes of the Audit Committee meeting will be presented to the next ordinary meeting of Council following the Audit Committee meeting.**

COUNCIL DECISION

/10      MOVED Cr                      seconded Cr

CARRIED/LOST                      /

13.2      SETTING OF COUNCIL MEETING DATES 2011

AUTHOR:                      Kim Dolzadelli – Manager Corporate Services  
 DATE:                              Wednesday, December 08, 2010  
 FILE NO:                        GO.CNM.6  
 ATTACHMENT:                Nil

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council is being asked to resolve to adopt Council Meeting dates for the 2011 year.

**BACKGROUND**

In October 2005 Council resolved that Council meetings be held on the third Tuesday of each month commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management.

**COMMENTS**

The above practice has continued since inception with the only variation being no January meeting being held. Regulation 12 of the Local Government (Administration) Regulations 1996 requires that at least once per year a local government is to give local public notice of the dates on which and time and place which the ordinary meetings will be held.

It is proposed that Council continue with what is current practice and adopt the schedule of dates for the 2011 year as contained within the Officers recommendation.

**CONSULTATION**

None necessary

**STATUTORY ENVIRONMENT**

Local Government (Administration) Regulations 1996 – regulation 12 and Local Government Act 1995 section 5.25

**POLICY IMPLICATIONS**

None applicable

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS – SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

1. Council meetings be held on the third Tuesday of each month, excluding January, commencing at 3.00pm except where the date clashes with a public holiday or internal staffing management,
2. The following dates be approved for the 2011 year:
  - Tuesday, 15th February 2011
  - Tuesday, 15th March 2011
  - Tuesday, 19th April 2011
  - Tuesday, 17th May 2011
  - Tuesday, 21st June 2011
  - Tuesday, 19th July 2011
  - Tuesday, 16th August 2011
  - Tuesday, 20th September 2011
  - Tuesday, 18th October 2011
  - Tuesday, 15th November 2011
  - Tuesday, 20th December 2011
3. That Local Public Notice be given of the approved Council Meeting dates for the 2011 year.

**COUNCIL DECISION**

/10      MOVED Cr

seconded Cr

CARRIED/LOST      /

**14      COMMITTEES OF COUNCIL**

**15      MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

16 **NEW BUSINESS**  
of an urgent nature, introduced by a decision of the meeting

17 **CONFIDENTIAL REPORTS**

18 **NEXT MEETING**  
Tuesday, 15<sup>th</sup> February 2011 commencing at 3:00pm.

19 **CLOSURE**  
There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at ..... pm.

20 **APPENDICES AND TABLED DOCUMENTS**

21 **ATTACHMENTS**

Item 10.1	Monthly Statement of Financial Activity 1 <sup>st</sup> July 2010 to 30 <sup>th</sup> November 2010
Item 10.2	Monthly Payment Listing 1 <sup>st</sup> November 2010 to 30 <sup>th</sup> November 2010
Item 13.1.1	Annual Report 2009-10 including Annual Financial Report
Item 13.1.2	Audit Report & Audit Management Letter