



ORDINARY MINUTES

ORDINARY Meeting
of the Council held:

DATE: Tuesday, 24 June 2008

TIME: 2.45pm

VENUE: Council Chambers

Rob Stewart
CHIEF EXECUTIVE OFFICER

MEMBERSHIP – Quorum (5)

Members:

Cr K Forbes - Rocky Gully / West Ward - Shire President
Cr B Hollingworth - Town Ward - Deputy Shire President
Cr K Clements - Town Ward
Cr J Mark - Town Ward
Cr J Moir - South Ward
Cr M Skinner - East Ward
Cr D Nye-Chart - East Ward
Cr S Grylls - Rocky Gully / West Ward
Cr A Budrikis - Kendenup Ward

Information and recommendations are included in the reports to assist the Council in the decision making process and may not constitute the Council's decision until considered by the Council.

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

2:50 PM The Presiding Member declared the meeting open.

Working to Occupational Safety and Health Best Practices, Mr Rob Stewart – Chief Executive Officer, read aloud the emergency evacuation procedures for Councillors, staff and members of the public present in the Council Chambers

Mr Stewart then read aloud the following disclaimer:

'No responsibility whatsoever is implied or accepted by the Shire of Plantagenet for any act, omission or statement or intimation occurring during Council / Committee meetings or during formal / informal conversations with staff.

The Shire of Plantagenet 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 of intimation occurring during Council / Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that 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 or approval made by a member or officer of the Shire of Plantagenet during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Plantagenet. The Shire of Plantagenet warns that anyone who has an application with the Shire of Plantagenet must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Plantagenet in respect of the application.'

2 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

3 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Members Present:

Cr B Hollingworth
Cr A Budrikis
Cr K Clements
Cr S Grylls
Cr J Mark
Cr J Moir
Cr D Nye-Chart
Cr M Skinner

In Attendance:

Mr R Stewart	Chief Executive Officer
Mr J Fathers	Deputy Chief Executive Officer
Mr P Duncan	Manager Development Services
Mr I Bartlett	Manager Works and Services

There was 1 member(s) of the public in attendance.
There were no member(s) of the media in attendance.

4 PUBLIC QUESTION TIME

Mr Lee McInnes – (Proprietor Porongurup Chalets)

1. Where will the present road works on the Mount Barker - Porongurup Road end?

Mr Ian Bartlett responded. He indicated that the present road works will end approximately three kilometres west of Watermans Road just this side of the cooperative winery.

2. Will there be consultation with the community before the next phase of works on the Mount Barker - Porongurup Road commence?

Mr Ian Bartlett responded. He indicated that community consultation would occur when designs were completed.

3. Is it possible that the speed limit through the Porongurup Village could be reduced?

Councillor John Mark indicated that this matter could be referred to the RoadWise Committee which is scheduled to be held on Thursday 26 June 2008.

5 PETITIONS / DEPUTATIONS / PRESENTATIONS

Mr Lee McInnes on behalf of the Porongurup Promotion Association

Mr McInnes advised that the Porongurup Promotion Association had twenty members including eleven wineries and seven accommodation outlets. He wanted to discuss the road works on the Mount Barker - Porongurup Road which were presently occurring. He indicated that the Porongurup Range had been a tourist destination for a century and included in its attractions natural beauty, peace, tranquillity and wineries. He advised that tourism brought \$9m into the community. He noted that the Mount Barker – Porongurup Road was classified as a tourist drive. He said at present mature trees were being removed and that previous works had been over and above what was necessary. He wanted the Council to stop unnecessary works on the road and especially asked whether the trees at the entry to the village could be retained. He was not convinced that widening of the road made it any safer, as speeds increased. He noted that he did not want further work to impact on the environment. He implored Councillors to look at the adopted Rural Road Hierarchy relating to the preservation of roadside vegetation whenever

possible. He noted that vehicles were going through the Porongurup Village at a higher speed than the posted speed limit and could this provide an opportunity to build the road to a different standard and create a safer environment and protect vegetation? Finally he asked whether discussions could be entered into with the local community.

6 DISCLOSURE OF INTEREST

Part 5 Administration Division 6 Disclosure of Financial Interests Local Government Act 1995.

Nil

7 APPLICATIONS FOR LEAVE OF ABSENCE

Section 5.25 Local Government Act 1995

7.1 APPLICANT: CR A BUDRIKIS

Cr A Budrikis requested Leave of Absence from 30 June to 4 July 2008 (inclusive).

Moved Cr J Mark, seconded Cr D Nye-Chart

That Cr A Budrikis be granted Leave of Absence from 30 June to 4 July 2008 (inclusive).

CARRIED (8/0)

NO. 106/08

Previously Approved Leave of Absence

Cr K Forbes	18 June to 28 June 2008 (inclusive)
Cr K Clements	14 July 2008 to 30 July 2008 (inclusive)
Cr D Nye-Chart	03 October 2008 to 20 October 2008 (inclusive)
Cr B Hollingworth	15 October 2008 to 24 October 2008 (inclusive)

8 CONFIRMATION OF MINUTES

Moved Cr M Skinner, seconded Cr J Moir

THAT the Minutes of the Ordinary Meeting of the Shire of Plantagenet, held on 10 June 2008 as circulated, be taken as read and adopted as a correct record.

CARRIED (8/0)

NO. 107/08

9 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

- 11 June 2008 – Attended Great Southern Development Commission dinner for presentation of Natural Resource Management Medals of Excellence. Noted Russell Thompson's good work in Pakistan.
- 13 June 2008 – Attended Australian Institute of Company Directors Finance Workshop in Albany with the Chief Executive Officer.
- 14 to 17 June 2008 – Attended National Roads Congress with Shire President and Manager for Works and Services.
- 19 June 2008 – With Main Roads WA looked at re-vegetation on the old Muirs Highway (Langton Road).
- 20 June 2008 – Attended a meeting in Cranbrook on the Great Southern Mallee project.
- 22 June 2008 – Met with representatives of the South Mount Barker Football Club who requested an extension to their rental arrangements.
- 24 June 2008 – Mount Barker Community College – Schools Volunteer Program.
- 24 June 2008 – Attended a meeting with Chief Executive Officer, Ms Selesnew and Trish Martin to discuss the Recreation Strategy along with Crs Budrikis and Clements.

10 ANNOUNCEMENTS BY COUNCILLORS WITHOUT DISCUSSION

Cr Andrus Budrikis

- 24 June 2008 – Attended a workshop on the Recreation Plan. A lot of work has been done, but still more work is needed.

Cr John Mark

- 10 June 2008 - Attended a meeting of the Visitor Centre along with Cr Nye-Chart. New manager has been appointed for a period of six months. Discussion also took place on the proposed Product Centre.
- 11 June 2008 – Attended a meeting with the Police, Main Roads WA, and Principals of the Mount Barker Primary School and the Mount Barker Community College re crosswalks on Woogenellup Road and Albany Highway. Will re-apply for manned crossings when the primary school closes.

Cr Michael Skinner

- Advised that the saleyard numbers were at 75,000 for 2007 / 2008 which was a high figure.

11 REPORTS OF COMMITTEES AND OFFICERS

11.1 CORPORATE SERVICES REPORTS

11.1.1 ELECTORAL WARD AND REPRESENTATION REVIEW

File No:	GO/25/2
Attachments: (2)	Modification of Existing Wards Existing Wards and Ratios
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Donna Stevens Senior Administration/Human Resources Officer
Proposed Meeting Date:	24 June 2008

Purpose

The purpose of this report is to initiate a review of electoral ward boundaries and councillor representation.

Background

The Local Government Advisory Board has instructed the Council to undertake a review of its existing electoral wards and councillor representation to address the existing imbalances in councillor to elector representation.

The Council last undertook a review in 2005. Currently the Shire has nine (9) councillors elected from five (5) wards as follows:

Ward	Number of Councillors	Number of Electors	Ward Ratio Average	% Ratio Deviation
East	2	620	1:310	10.32%
Kendenup	1	410	1:410	-18.61%
Mount Barker Town	3	1156	1:385	-11.48%
Rocky Gully/West	2	598	1:299	13.50%
South	1	327	1:327	5.40%
TOTAL	9	3,111	1:346	

The percentage (%) ratio deviation gives a clear indication of the percentage (%) difference between the average councillor/elector ratio for the whole Shire and the councillor/elector ratio for each ward.

It can be seen that there are a number of imbalances in representation with East, Rocky Gully/West and South Wards being over represented and Kendenup and Mount Barker Town Wards being under represented. This review will aim to achieve a balanced representation across all wards.

Changes to electoral ward boundaries need to be assessed against the following factors:

- Community of interest;
- Physical and topographical features;
- Demographic trends;
- Economic factors; and
- Ratio of Councillors to Electors in various wards.

Consultation

A discussion paper will be made available to the community for a public submission period of six weeks, after which time the Council will be required to consider all options presented.

Financial Implications

There will be advertising costs associated with this review.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

STATUTORY ENVIRONMENT

Schedule 2.2 of the Local Government Act 1995 refers to the changing of ward boundaries and representation.

Officer Comment

A number of ward alternatives has been explored, with two options being recommended as preferred options. These options are detailed below. The Council has previously been advised that the ratio deviations should be less than 10%.

It is difficult to predict how the electoral population figures will evolve over time and therefore the aim is to reduce all of the ward councillor / elector ratios to as close to zero as possible, to minimise the need for future reviews.

Option 1: No Wards

This means eradicating the current ward system. There has been a recent increase in the number of local governments opting for a no ward system, with a total of 60 local governments having no wards.

Local Governments that currently have no wards include:

Boddington, Bruce Rock, Bunbury, Busselton, Capel, Carnamah, Chittering, Christmas Island, Cocos Island, Collie, Coolgardie, Coorow, Corrigin, Cunderdin, Dardanup, Derby-West Kimberley, Donnybrook Balingup, Dundas, Exmouth, Gnowangerup, Harvey, Jerramungup, Kalgoorlie-Boulder, Katanning, Kellerberrin, Kojonup, Kondinin, Kwinana, Meekatharra, Merredin, Moora, Morawa, Mount

Magnet, Mount Marshall, Narrogin Shire, Narrogin Town, Ngaanyatjarraku, Peppermint Grove, Perth, Pingelly, Port Hedland, Quairading, Sandstone, Tammin, Three Springs, Trayning, Upper Gascoyne, Wagin, Waroona, West Arthur, Wickepin, Williams, Wiluna, Wongan Ballidu, Woodanilling, Wyalkatchem, Wyndham-East Kimberley, Yalgoo, Yilgarn and York.

There is no similarity among these local governments with the number of electors varying from 71 to 20,868, the number of councillors varying from 6 to 12 and the size of local governments varying from 14 km² to 159,948 km².

The Shire of Plantagenet currently has 3,111 electors, nine councillors and an area of 4,792 km².

As the population of Plantagenet shifts between the different localities a ward review becomes necessary after each election to balance the shift of electors. The Shire only has a small number of electors so even a minor shift in where people reside causes an inequity of representation between councillors and electors. The total number of electors has decreased by two since the last ward review in 2005.

Abolishing wards will prevent the need for constant ward reviews.

The Shire of Plantagenet currently has a number of different boundary locations within the Shire. These include ward boundaries, locality boundaries and fire boundaries. Eradicating ward boundaries would reduce confusion by limiting the number of boundary locations.

The number of councillors is not required to change with the eradication of wards.

Option 2: Three Wards – East, West and South

This option involves:

- Combining the current Kendenup Town Ward and East Ward;
- Combining the current Mount Barker Town Ward and Rocky Gully/West Ward; and
- Removing approximately 20 electors from the Rocky Gully/West Ward and adding them to the South Ward.

These wards would be known as East, West and South respectively. Combining the wards as outlined above will result in a near zero deviation between councillor and elector ratio.

As with option one this option will also alleviate the need for constant ward boundary reviews. As the number of electors are spread over larger areas, a movement in the high density areas is absorbed without causing a major imbalance.

The number of councillors is not required to change. East ward would have three (3) councillors, West ward would have five (5) councillors and South ward would have one (1) councillor.

Other Options

Other options that have been explored but are not being recommended are:

Modifying Existing Ward Boundaries

As discussed above the Shire of Plantagenet only has a small number of electors, that are densely distributed in only two to three different areas so even a minor shift in where people reside causes an inequity of representation between councillors and electors.

In order to create equity between councillor and elector ratios with the current system we would be required to remove or add large number of electors which in turn distorts the ward boundaries so that the other assessment factors such as community of interest, demographic trends and economic factors become irrelevant.

In the example of the Mount Barker Ward to bring the ratio between councillor and elector close to a zero deviation, 119 electors would need to be removed from the Mount Barker Ward.

Attachment 2 shows in pink the existing ward boundary and in green the amended boundary. The following streets would need to be removed from the Mount Barker Ward:

- Taylor Road,
- Pearce Road;
- Mondurup (Portion);
- McDonald Ave (Portion);
- Warburton Road;
- Sounness Street;
- Mills Street;
- Martin Street;
- Hassell Street (Portion).

This is a similar situation for the other wards which either need to add or remove significant numbers of electors. Ward boundaries become especially distorted when a number of electors need to be added or removed from a sparsely populated area.

Two Wards – East and West

The option of dividing the Shire into two wards, East and West using Albany Highway as the divide was also explored. This option did not however provide low enough percentage deviations between councillor and elector ratios.

Altering councillor numbers for this option was also tried with no success.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr K Clements, seconded Cr A Budrikis

That:

- 1. Pursuant to schedule 2.2 of the Local Government Act 1995, a review of electoral wards and representation be undertaken.**
- 2. A further report be presented to the Council on conclusion of the statutory public submission period.**

CARRIED (8/0)

NO. 108/08

11.1.2 FINANCIAL MANAGEMENT REVIEW

File No:	FM/19/1
Attachments: (1)	Financial Management Review Report – April 2008
Responsible Officer:	John Fathers Deputy Chief Executive Officer
Author:	Cherie Delmage Accountant
Proposed Meeting Date:	24 June 2008

Purpose

The purpose of this report is to consider the report from the Council's auditors, UHY Haines Norton in relation to their investigation of the Council's financial management systems and procedures.

Background

On 15-17 April 2008, Mr W Chai and Mr G Chan of UHY Haines Norton attended the Shire office to conduct an interim audit for 2007/2008 and to follow-up on matters raised during the 2006/2007 Audit Report.

During this period, a Financial Management Review was also performed to test the financial management system of the Shire and to report on the appropriateness and effectiveness of the control environment within as required by Local Government (Financial Management) Regulation 5(2)(c).

Statutory Environment

Local Government (Financial Management) Regulations 1996 5 (2) (c) states:

'(2) *The CEO is to –*

(c) *undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.'*

Consultation

Consultation has occurred with the Shire's auditors and relevant staff in regard to this report.

Financial Implications

There are no direct financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

A copy of the UHY Haines Norton report has been enclosed. Responses to the recommendations made within that report are as follows:

Payroll / Salaries & Wages

A system generated audit trail is now reviewed at the conclusion of each pay-run to ensure that all changes are authenticated and appropriate. This report is signed and then filed for record keeping.

This report also confirms the integrity of the system data in the creation of the ABA file.

RatesPurchases, Payments & PayablesMonth End Procedures**Voting Requirements**

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

That the interim audit report be received.

11.1.3 FINANCIAL STATEMENT – MAY 2008

File No:	FM/65/1
Attachments: (1)	Financial Statement (separate attachment)
Responsible Officer:	Rob Stewart Chief Executive Officer
Author:	John Fathers Deputy Chief Executive Officer
Proposed Meeting Date:	24 June 2008

PURPOSE

The purpose of this report is to present the financial position of the Shire of Plantagenet for the period ending 31 May 2008.

Statutory Environment

Regulation 34 of the Financial Management Regulations (1996) requires a Statement of Financial Activity to be prepared each month which is to contain the following details.

- (a) annual budget estimates;
- (b) budget estimates to the end of the month;
- (c) actual amount of expenditure and revenue;
- (d) material variances between comparable amounts in (b) and (c) above; and
- (e) the net current assets at the end of the month to which the statement relates (i.e. surplus / (deficit) position).

The Statement is to be accompanied by:

- (a) explanation of the composition of net current assets, less committed assets and restricted assets;
- (b) explanation of the material variances; and
- (c) such other information considered relevant by the local government.

POLICY IMPLICATIONS

There are no policy implications for this report.

Financial Implications

There are no financial implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr D Nye-Chart

That the Financial Statements for 31 May 2008 be received.

CARRIED (8/0)

NO. 110/08

11.1.4 LIST OF ACCOUNTS - MAY 2008

File No: FM/65/3
Attachments: (1) List of Accounts
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna Jo Fawcett
Accounts Officer
Proposed Meeting Date: 24 June 2008

Purpose

The purpose of this report is to present the list of payments that were made during the month of May 2008.

Statutory Environment

Regulation 13 of the Local Government (Financial Management) Regulations 1996 defines the reporting requirements to the Council of the List of Accounts.

Financial Implications

There are no financial implications for this report.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr M Skinner, seconded Cr J Mark

That:

The payment of accounts for the month of May 2008 covering the following:

- a. Electronic Payments totalling \$165,429.93;**
- b. Municipal Cheques 38884 to 38969 totalling \$546,418.91.**

be approved.

CARRIED (8/0)

NO. 111/08

11.1.5 MATERIAL VARIANCE AMOUNT

File No: ED/103/4
Responsible Officer: Rob Stewart
Chief Executive Officer
Author: John Fathers
Deputy Chief Executive Officer
Proposed Meeting Date: 24 June 2008

Purpose

The purpose of this report is to adopt reportable budget variance values.

Background

In accordance with Regulation 34 of the Local Government (Financial Management) Regulations, the Council must adopt a percentage over (or under) which a budget variance would be considered material when it reviews the monthly financial statements and accept the annual budget review. The purpose of this report is to assist the Council in adopting the required annual percentage and minimum value over which budget variances would be considered material.

At its meeting held on 24 July 2007, the Council adopted the following variances for the 2007/2008 financial year.

- (1) Expenditure in excess of 10% of (monthly) budget, to a minimum of \$2,000.00.
- (2) Income less than 90% of (monthly) budget, to a minimum of \$2,000.00.

Statutory Environment

This recommendation is governed by Regulation 34. Financial Activity Statement Report – *Local Government (Financial Management) Regulations 1966*, Part 4 – Financial reports.

Paragraph 5 of Regulation 34 states:

'Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS5, to be used in statements of financial activity for reporting material variances.'

AAS5 defines the term 'material' in Paragraph 4.1 as follows:

'Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect: (a) decisions about the allocation of scarce resources made by users of the financial report; or (b) the discharge of accountability by the management or governing body of the entity.'

Paragraph 4.1.6 goes on to state:

'In the context of the new regulations, councils need to determine a percentage and/or value which, as a general rule, will help avoid adverse affects. The thresholds used as a guide for determining the materiality of an amount of items must, of necessity, be drawn at arbitrary levels. Materiality is a matter of professional

judgement influenced by characteristics of the entity and the perceptions as to who are, or are likely to be, the users of the financial reports and their information needs.'

This same paragraph also gives the following guidance in considering the materiality of any amount:

'An amount which is equal to or greater than 10 per cent of the appropriate base amount may be presumed to be material unless there is a convincing argument to the contrary; and

An amount which is equal to or less than 5 per cent of the appropriate base amount may be presumed not to be material unless there is evidence or convincing argument to the contrary.'

Consultation

Financial consultant, Ron Back provided advice during his recent visit to the Council. The Council's auditors, UHY Haines Norton also provided advice.

Financial Implications

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and the Council. Adoption of this recommendation should assist the Council in making sound financial management decisions.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Both UHY Haines Norton and Ron Back advised that the convention is to review expenditure and income variances over 10% and over \$5,000.00. That means that any expenditure in excess of 10% of (monthly) budget, to a minimum of \$5,000.00 be subject to explanation. In addition, any income less than 90% of (monthly) budget, to a minimum of \$5,000.00 be subject to explanation.

The Figure of \$2,000.00 set for 2007/2008 was considered too low. Material variances should be properly investigated and reported on and reviewed by the Council. Having such a low figure was considered to divert attention away from main problem areas.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr K Clements

That the following be adopted for reporting material variances in assessing statements of financial activity for the 2008/2009 financial year.

- 1. Expenditure in excess of 10% of (monthly) budget, to a minimum of \$5,000.00.**
- 2. Income less than 90% of (monthly) budget, to a minimum of \$5,000.00.**

CARRIED (8/0)

NO. 112/08

11.1.6 WRITE OFF OF OUTSTANDING DEBTS

File No: FM/48/1
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Donna-Jo Fawcett
Accounts Officer
Proposed Meeting Date: 24 June 2008

Purpose

The purpose of this report is to write off bad debts that have been outstanding for an excessive period of time.

Background

A schedule of sundry debts to be written off is detailed below.

1. B McGovern \$140.80

Debt outstanding from December 2004. Due to an error by the Shire this debt was incorrectly transferred from client's rates account and therefore was not recovered at settlement on the sale of the property.

2. D Miragliotta \$180.00;

Debt outstanding from May 2005. This was a dog infringement. Mr Miragliotta made one (1) \$20.00 payment and we have since been unable to locate him.

3. J Morrison \$27.50;

Debt outstanding from May 2006. Mr Morrison owed the Shire \$3,475.84 which was recovered by our debt collection agency. The debt is for unrecovered legal costs which would be time consuming to recover in comparison to the amount owing.

4. J Russell \$252.90;

Debt outstanding from July 2004. Outstanding rates were incorrectly transferred to the debtor account. Property has since changed ownership and we are unable to locate debtor.

5. WA State Treasury \$38,940.82

These debts relate to as far back as 1997 to 2002. The process was that pensioner rebates were journalled to a debtor's account, with the intention being to reduce the rates by the rebate amount and then offset the debtor, i.e. Treasury, when the rebate was received. Unfortunately, this process was not monitored and maintained properly. When the money was received from State Treasury, it was credited to the applicable rates account, but not the

debtor account. The State Treasury debtor account therefore inadvertently built up over time even though the funds were received.

Our records indicate that approximately 99% of all rebates sought from State Treasury are accepted. However the 1% rejected between 1997 and 2002 could have inadvertently been credited to the rate account under the system employed then. It is now impossible to identify those errors

The Shire's Auditors are aware of this situation and an allowance was made in our 2007/2008 Annual Report under Provision for Doubtful Debts. This process was improved about five years ago so that this does not happen any longer.

Numerous attempts have been made to collect the outstanding debts numbered 1 to 4. Previously, the systems used to raise and collect sundry debts were informal which led to problems when trying to recover the debts.

Statutory Environment

Section 6.12(1) (c) of the Local Government Act states:-

- (1) Subject to subsection (2) and any other written law, a local government may –
 - (c) Write off any amount of money, which is owed to the local government.

(An absolute majority is required)

Consultation

Consultation with Cherie Delmage, Accountant and Rob Stewart, Chief Executive officer has taken place for this report.

Financial Implications

It is recommended that a total of \$39,542.02 be written off. This will affect the Council's surplus/deficit position in the 2007/2008 financial year by reducing the amount of current receivables, which will provide a more accurate reflection than in previous years.

Policy Implications

There are no policy implications for this report.

Strategic Implications

There are no strategic implications for this report.

Officer Comment

Significant attempts have been made to recover these bad debts with no success. As such, they are considered unrecoverable and if not written off, they will misrepresent the true financial position of the Council.

It should further be noted that the majority of these debts should never have been posted to sundry debtors as they were debts relating to the rates system.

Current debt recovery processes have been significantly improved. Recovery processes now occur on a regular basis and are documented with sufficient evidence if ever queried. This is evident in the low amount of sundry debtors outstanding and the current status of these debts (excluding those proposed to be written off).

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

That the following sundry debtors totalling \$39,542.02 be written off:

1. B McGovern \$140.80;
2. D Miragliotta \$180.00;
3. J Morrison \$27.50;
4. J Russell \$252.90;
5. WA State Treasury \$38,940.82.

Breaking Down of Complex Question

Pursuant to Standing Order 9.4 the Presiding Member directed that the item relating to WA State Treasury be taken as a separate motion and that amounts be adjusted accordingly.

Moved Cr M Skinner, seconded Cr J Mark

That the following sundry debtors totalling \$601.20 be written off:

- a. B McGovern \$140.80;
- b. D Miragliotta \$180.00;
- c. J Morrison \$27.50; and
- d. J Russell \$252.90.

CARRIED (8/0)

NO. 113/08

(ABSOLUTE MAJORITY)

Moved Cr M Skinner, seconded Cr J Mark

That the following sundry debtor totalling \$38,940.82 be written off:

- WA State Treasury.

AMENDMENT:

Moved Cr A Budrikis, seconded Cr D Nye-Chart

That the following words be added after the word 'debtor': 'funds received but recorded incorrectly'.

CARRIED (8/0)

NO. 114/08

COUNCIL DECISION

That:

1. The following sundry debtors totalling \$601.20 be written off:
 - a. B McGovern \$140.80;
 - b. D Miragliotta \$180.00;
 - c. J Morrison \$27.50; and
 - d. J Russell \$252.90.
2. The following sundry debtor funds received but recorded incorrectly totalling \$38,940.82 be written off:
 - WA State Treasury.

CARRIED (8/0)

NO. 115/08

(ABSOLUTE MAJORITY)

11.1.7 POLICY REVIEW - HALLS

File No: CP/120/2
Responsible Officer: John Fathers
Deputy Chief Executive Officer
Author: Rayona Evans
Administration Officer
Proposed Meeting Date: 24 June 2008

Purpose

The purpose of this report is to review Council Policy A/PA/1 – Halls.

Background

Council Policy A/PA/1 – Halls reads as follows:

'That no function shall be continued after 1:00am on Council controlled property except by special permission of Council. Functions held on property under control of Council on Easter Saturday, Christmas Eve and Thursday prior to Good Friday must cease at 12 Midnight.'

The Policy was last reviewed by the Council at its meeting held on 9 May 2006.

Statutory Environment

There are no statutory implications for this report.

Financial Implications

There are no financial implications for this report.

Policy Implications

The review of this Policy is presented to the Council as part of the ongoing Council policy review cycle.

Strategic Implications

The Council's Strategic Plan Key Results Area, New Initiative 1.4 provides the following:

'1.4 Ensure the administrative systems and framework of the organisation effectively and efficiently permit the functions of the organisation to be undertaken.

To achieve this we will:

- Revise all policies, procedures and delegations to ensure internal consistency and convergence; and
- Promote and provide access to policies, standards and legislation.'

Officer Comment

The Mount Barker Best Practices Liquor Accord was created to assist in the responsible service and consumption of alcohol, therefore ensuring the welfare of patrons. The Accord was a joint innovation between various local businesses and community organisations and government agencies including the Shire of Plantagenet.

The Accord does not specify operating times, however pubs are currently required to cease serving liquor at 12.00 midnight. If the Council wanted to be consistent with this, the policy should state that the conclusion of functions and the service of alcohol is to be at 12:00 midnight. However, no problems have been reported to the administration that would support this.

In addition to this policy, the administration staff have been operating an informal procedure that no events will be held in Council properties on Good Friday Easter, Sunday or Christmas Day. This should either be included in the policy or discontinued, and the latter is recommended. If it is accepted that the religious significance of these days should not be a restriction on the hire of Council property, then the second sentence of the current policy could be deleted, so that all hires could finish at 1.00am.

It is considered that, as this policy relates to Council controlled property, the policy can be renamed 'Hire of Council Controlled Property'. A policy objective has also been added, to be consistent with other policies.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr J Moir, seconded Cr J Mark

That revised Council Policy A/PA/1 – Hire of Council Controlled Property, as follows:

'Objective:

To establish a time limit on the hire of Council controlled property.

Policy:

No function shall be continued after 1:00am on Council controlled property except by special permission of the Council.'

be adopted.

CARRIED (8/0)

NO. 116/08

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

Moved Cr A Budrikis, seconded Cr J Mark

That new business of an urgent nature, namely:

- South Mount Barker Football Club – extension of rental period.

be introduced to the meeting.

CARRIED (7/1)

NO. 117/08

MOTION TO SUSPEND STANDING ORDERS

Moved Cr A Budrikis, seconded Cr D Nye-Chart

3.58 PM That those sections of Standing Orders that would prevent any Councillor from speaking twice to a motion or which would prevent a Councillor speaking when no motion was before the Chair be suspended.

CARRIED (8/0)

NO. 118/08

MOTION TO RESUME STANDING ORDERS

Moved Cr M Skinner, seconded Cr D Nye-Chart

4.20 PM That Standing Orders be resumed.

CARRIED (8/0)

NO. 119/08

13.1 SOUTH MOUNT BARKER FOOTBALL CLUB – EXTENSION OF RENTAL

Moved Cr A Budrikis, seconded Cr D Nye-Chart

That the South Mount Barker Football Club be advised that an extension of the rental period for the Sounness Park clubrooms is granted and will conclude on 31 July 2008.

CARRIED (8/0)

NO. 120/08

14 CONFIDENTIAL

Nil

15 CLOSURE OF MEETING

4:26 PM The Presiding Member declared the meeting closed.

CONFIRMED: CHAIRPERSON _____ **DATE:** ____ / ____ / ____