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- NOTE:**
- a) **The Council Committee Minutes Item numbers may be out of sequence. Please refer to Section 10 of the Agenda – Information Report - Committee Decisions Under Delegated Authority for these items.**
 - b) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

MINUTES OF THE SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS, 6 PATERSON STREET, MUNDIJONG ON FRIDAY 9TH JULY 2010. THE PRESIDING MEMBER DECLARED THE MEETING OPEN AT 5.00pm AND WELCOMED COUNCILLORS, STAFF AND MEMBERS OF THE GALLERY.

1. ATTENDANCE & APOLOGIES:

IN ATTENDANCE:

COUNCILLORS: S TwinePresiding Member
M Harris
C Buttfield
MJ Geurds
C Randall
T Hoyer
E Brown
A Lowry
A Ellis

OFFICERS: Mrs J AbbissChief Executive Officer
Mr A Hart Director Corporate Services
Mr R Gorbunow Director Engineering
Mr B Gleeson Director Development Services
Ms P Kursar Minute Secretary
Mr S WilkesExecutive Manager Planning

APOLOGIES: Mrs S van AswegenDirector Strategic Community Planning

GALLERY: 3

2. PUBLIC QUESTION TIME:

Kay Spencer (312 Lightbody Road, Mardella)

Appalling dust pollution to our homes cannot be denied. Shortly, as the rains cease, we will be back to full on dust. My mother at 98 cannot sit out in the sun because of the dust pollution and we are affected by respiratory problems. Without doubt, our lifestyle is being destroyed and our health is suffering because of dust.

Our question to Council is:

“What is Council going to do about the dust pollution to residents on Lightbody Road caused by its use as a through road?”

The Shire President advised that this question would be taken on notice and a response issued in writing.

3. PUBLIC STATEMENT TIME:

Loretta Oud (301 Lightbody Road, Mardella)

Lack of funds has been the excuse for not sealing Lightbody Road for over 20 years now. Closure of the road was seen as an economic alternative to deal with problems caused by through traffic. However, after a successful campaign by influential non-resident landowners to stop road closure, suddenly funds were available to seal the road. Now we are given the lack of finance excuse yet again to not continue the commitment to seal the road.

We have to question Councils decision to rescind closure of the road when we had been told repeatedly that the Shire had no money to seal Lightbody Road and now has no funds to continue any further sealing.

Of what benefit to the residents and the broader community has the expenditure of \$220,000 been to dealing with Lightbody Road issues. Very minor! It has been of no benefit whatsoever to our dust issue – in actual fact it has increased the dust problem by encouraging more cars on to the road.

Council has decided that the road needs to remain open for the benefit of the broader community but appear to either not comprehend, or choose to let the convenience of the community override the very real detrimental impacts to those of us who live on the road.

Why must we be sacrificed so that Council can put convenience to motorists before the health of and safety of residents whilst funds are channelled into other projects where people are not being as harmfully affected as we who actually reside on Lightbody Road are? You have chosen to keep Lightbody Road open and effectively do nothing about the issue for minimal convenience to a minimal number of ratepayers at the expense of destroying out lifestyle and putting our safety at risk on a daily basis. It's a disgrace.

We ask Council to either allocate funds in this budget to continue sealing Lightbody Road or allocate funds to close the road.

Jackie Marsh (340 Lightbody Road)

I question the whole decision making process by Council in dealing with Lightbody Road. Why, when you clearly had no money and a reported shortfall of \$51 million to fix roads in the Shire, did you rescind the motion to close Lightbody Road, pandering to a minimal number of ratepayers who demanded that the road be kept open?

The financial commitment to that choice seems irresponsible in view of the lack of available funds. I wonder how far \$220,000 could have gone to really solving the through traffic issue on Lightbody Road. Let's not forget that one of the arguments against sealing Lightbody Road (apart from lack of funds) was that there was already a sealed road provided to the community which Lightbody Road would only mirror, this being Kargotich Road which incidentally is currently being upgraded.

If no further sealing is carried out in the immediate future then the \$220,000 already spent effectively has been wasted. It has been of no benefit to the residents most affected and of small benefit to motorists with accidents still occurring. Although you may not see Lightbody Road as a priority because there are only a small number of residents living on it, the difficulties we face daily are tremendous. You may think dust is bad when driving down the road – believe me if you actually lived on the road you would change your outlook on priorities.

Do you truly believe that Council has been fair in its dealings with commitments made in writing, then broken over 20 years? We need Councillors to put Lightbody Road back on the budget to either seal it or to close it.

4. PETITIONS & DEPUTATIONS:

Nil

5. PRESIDENT'S REPORT:

Nil

6. DECLARATION OF COUNCILLORS AND OFFICERS INTEREST:

Nil

7. RECEIPTS OF MINUTES OR REPORTS AND CONSIDERATION FOR RECOMMENDATIONS:

Nil

8. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

SCM001/07/10		ADOPTION OF 2010/2011 STATUTORY BUDGET (A1659)
Proponent:	Serpentine Jarrahdale Shire	In Brief For Council to adopt the proposed 2010/2011 statutory budget.
Owner:	Not applicable	
Author:	Casey Mihovilovich - Executive Manager Finance Services	
Senior Officer:	Director Corporate Services	
Date of Report	1 July 2010	
Previously		
Disclosure of Interest	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act	
Delegation	Council	

Background

Section 6.2 of the Local Government Act 1995 requires local governments to prepare an annual budget not later than 31 August in each financial year. The local government is to prepare and adopt the budget in the form and manner prescribed and by absolute majority.

In the preparation of the budget the local government is to have regard to the contents of the plan for the future/forward financial plan accepted under section 5.58 and is to prepare a detailed estimate for the current year of:

1. The expenditure by the local government,
2. The revenue and income, independent of general rates, and
3. The amount required to make up the deficiency, if any, shown by comparing the estimated expenditure with the estimated revenue.

The budget is to incorporate:

1. Particulars of the estimated expenditure to be incurred by the local government;
2. Detailed information relating to the rate and service charges which will apply to land within the district, including the estimated amount to be yielded by the rate and the rate of interest to be charged by the local government on unpaid rates and service charges;
3. The fees and charges proposed to be imposed;
4. The particulars of borrowings and other financial accommodation proposed;
5. Details of the amounts to be set aside in, or used from, reserve accounts and the purpose for which they are to be used;
6. Particulars of proposed land transactions and trading undertakings; and
7. Such other matters as prescribed.

At the Special Council Meeting held on the 8 June 2010, Council resolved to advertise their intention to increase differential rates by 8%. Section 6.36(1) of the Local Government Act 1995, the local government is to give local public notice of its intention to impose rates. Included in the local public notice and in accordance with the Local Government Act 1995,

an invitation for comment by an elector or ratepayer, in respect to the proposed rates were requested. No comments have been received during the comment period.

Sustainability Statement

This budget aims to achieve a balance between required services and infrastructure improvement projects for the community. It demonstrates the allocation of scarce resources in an efficient and effective manner to provide the outcomes expected by the community.

Statutory Environment:

Section 6.2 of the Local Government Act 1995 requires local governments to adopt a balanced budget prior to 31 August each financial year.

Policy/Work Procedure Implications:

There are no work procedures/policy implications directly related to this item.

Financial Implications:

The proposed budget is presented as a balanced budget. The rates increase provides the minimum requirement from the community to fund all of the services provided within the document.

Strategic Implications:

This proposal relates to the following Focus Areas:-

Vision Category	Focus Area	Objective Number	Objective Summary	Objective	Action Number & Description
OUR COUNCIL AT WORK					
	Leadership				
		4	Leadership throughout the organisation	We are realistic about our capacity to deliver.	4.1 Prior to decisions being made, or opportunities pursued, the impact on service, capacity to deliver and alignment with the Plan for the Future is to be considered. 4.2 Always question do we have to provide this, can someone else do it? 4.3 Ensure we are recovering our costs? 4.4 Actively utilise WALGA contracts that produce cost savings for the Shire.
		6		The Council and Leadership Team drive Strategy and Policy development.	6.1 Prioritise and adequately fund strategic projects and policy development.
		8		Elected members provide a clear and consistent strategic direction.	8.4 Elected members will determine and fund the level of service provided to the community. 8.5 Develop and implement a prioritisation process including reference to the Plan for the Future
	Strategy and Planning				
		27	Strategic Direction	Prepare effectively for future development.	27.4 Implement the fully costed Plan for the Future process.
	Success and Sustainability				
		39	Achieving Sustainability	Projects and goals are realistic and resourced.	39.1 Staff will observe strict cost control and accurately budget. 39.6 Develop a fully costed Plan for the Future.

Community Consultation:

Differential Rate Submissions

A twenty-one (21) day community consultation period was undertaken on the proposed differential rate strategy to be imposed for the 2010/2011 rating year. No submissions have been received on the differential rating strategy during the consultation period.

The Budget document will be published on the Shire's website after it has been adopted by Council and hardcopies will be available from the Shire Office. Included with the rates notice will be a newsletter which will provide a brief snapshot of the 2010/11 Annual Budget.

Comment:

A series of budget workshops have been held with the Councillors in order to prepare the 2010/11 budget. This year, the workshops have been held in accordance with the process outlined in the Plan for the Future. Managers have prepared and presented Service Team Plans to Councillors.

The Service Team Plans fully detailed how each business unit plans to address their outcomes specified in the Plan for the Future. This included the preparation of comprehensive business cases which addressed the resource requirements over and above the 'existing' resources available to fund these initiatives.

A copy of the complete list of business cases is with attachment marked [SCM001.1/07/10](#) (E10/2796).

From the complete list of business cases, a number were recommended by officers as high priority business cases. The business cases were scored against a decision making matrix. The priority list was then further considered at a workshop with Councillors and further refined into 2 categories: High and Medium priority.

A copy of the high and medium priority list of business cases is with attachment marked [SCM001.2/07/10](#) (E10/3462).

The total of all the high and medium priority business cases is \$3,264,199. During the budget process, it was obvious that not all of the business cases could be included in the draft budget. An allocation of \$688,000 has been made in the draft budget to fund the most urgent business cases and it is anticipated that this amount will be allocated by Council over the next 3 months.

A copy of the draft 2009/2010 Budget is with the attachment marked [SCM001.3/07/10](#) (E10/3410).

A copy of the draft Schedule of Fees and Charges is with the attachments marked [SCM001.4/07/10](#) (E10/3478).

To encourage ratepayers to pay their rates on or before the due date, it is recommended that Council have a rate payment incentive draw. If the payment of rates is made in full by the due date, the ratepayer will go into the draw to win \$1,000. Eligibility will be confirmed by ensuring that a valid payment has been made (not dishonoured or rejected) by the specified time. Councillors and staff will be ineligible for the draw.

Differential Rate

The advertising period for submissions relating to the Differential Rating Strategy closed on 5th July 2010. No submissions have been received.

The 2010/2011 draft budget aims to maintain current service levels and deliver an essential capital expenditure program.

Based on the above, it is recommended to Council that the 2010/11 Annual Budget be adopted by Council.

Voting Requirements: ABSOLUTE MAJORITY

SCM001/07/10 COUNCIL DECISION/Officer Recommended Resolution:

Moved Cr Harris, seconded Cr Randall

That Council:

1. In accordance with Sections 6.32 and 6.33 Local Government Act 1995 imposes differential rates for the 2010/2011 financial year.
2. In accordance with Sections 6.32, 6.35 and 6.36 of the Local Government Act 1995, and subject to Ministerial approval being granted, imposes the following differential rates in the 2010/2011 statutory budget:

2010/2011 DIFFERENTIAL RATES			
DIFFERENTIAL RATE CATEGORY	UV RATE IN CENTS	GRV RATE IN CENTS	MIN RATE
Residential Improved		10.3233	961
Residential Vacant		11.6389	931
Commercial		11.2249	961
Special Residential		11.1947	961
Special Residential Vacant		11.6389	961
Units-Rowley Road		10.3233	703
Residential Composite		12.5465	961
Light Industry		12.5465	961
Rural	0.2367		961
Public Purpose	0.4538		961
Intensive Farming	0.6952		961
Farmland	0.1633		961
Rural Living	0.3030		961
Conservation	0.1184		961
Mining Tenements	0.4538		1153

3. Rename the following reserves in line with the Community Improvement Program Policy;
 - a) Mundijong Community Improvements Reserve renamed to Mundijong Locality Funding Reserve
 - b) Jarrahdale Community Improvements Reserve renamed to Jarrahdale Locality Funding Reserve
 - c) Serpentine Community Improvements Reserve renamed to Serpentine Locality Funding Reserve
 - d) Byford Community Improvements Reserve renamed to Byford Locality Funding Reserve
 - e) Oakford Community Improvements Reserve renamed to Oakford Locality Funding Reserve
 - f) Keysbrook Community Improvements Reserve renamed to Keysbrook and Hopelands Locality Funding Reserve

Note: The purpose of the abovementioned reserves remains the same.

4. Payment Incentives

In accordance with the provisions of Section 6.46 of the Local Government Act 1995, offer the following incentive for the payment of rates and charges:

(i) Full Payment:-

Full payment of all current and arrears of rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) by Monday 23 August 2010 (thirty five days after the issue date on the annual rate notice):-

- Eligibility to enter the incentive draw

5. Payment Options

In accordance with Section 6.45 of the Local Government Act 1995, offer the following instalment options for the payment of rates:-

(i) One Instalment

Payment in full by Monday 23 August 2010 (thirty five days after the date of issue of the annual rate notice).

(ii) Two Instalments

The first instalment of 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, plus the total outstanding arrears payable by Monday 23 August 2010 (thirty five days after the date of issue of the annual rate notice).

The second instalment of 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, plus the total outstanding arrears payable by Monday 25 October 2010 (sixty three days after the due date of the first instalment).

(iii) Four Instalments

The first instalment of 25% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, plus the total outstanding arrears payable by Monday 23 August 2010 (within thirty five days of the date of issue of the annual rate notice).

The second, third and fourth instalments each of 25% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) and instalment charge, payable as follows:

- Second instalment due Monday 25 October 2010;
- Third instalment due Tuesday 4 January 2011;
- Fourth instalment due Tuesday 8 March 2011.

6. Late Payment Interest

In accordance with the provisions of Section 6.13 and 6.51 of the Local Government Act 1995, impose interest on all arrears and current charges in respect of general rates, domestic refuse charges and private swimming pool inspection fees (including GST where applicable), Special Area Rate (if applicable) and Emergency Services Levy (ESL) at a rate of 11% per annum, calculated on a simple interest basis on arrears amounts that remain unpaid and current amounts that remain unpaid after thirty five (35) days from the date of issue (Monday 23 August 2010) of the annual rate notice, or the due date of the instalment and continues until the instalment is paid in full.

Excluded are deferred rates, instalment current amounts not yet due under the four (4) instalment payment option, registered pensioner portions and current government pensioner rebate amounts.

7. Instalment and arrangement Administration fees and interest charges

In accordance with the provisions of Section 6.45 of the Local Government Act 1995, for the 2009/2010 financial year, impose the following administration fees and charges for payment of rates, domestic refuse charges and private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL):-

(i) Two Instalment option

An administration fee of \$10 for instalment two (2), together with an interest charge of 5.5% per annum, calculated on a simple interest basis on 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST) calculated thirty five (35) days from the date of issue of the annual rate notice to sixty three (63) days after the due date of the first instalment.

(ii) Four Instalment option

An administration fee of \$10 for each of instalments two (2), three (3) and four (4), together with an interest charge of 5.5% per annum, calculated on a simple interest basis on:-

- 75% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) calculated thirty-five (35) days from the date of issue of the annual rate notice to sixty three (63) days after the due date of the first instalment;
- 50% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) calculated from the due date of the second instalment to the due date of the third instalment;
- 25% of the total current rates, domestic refuse charge, private swimming pool inspection fees (inclusive of GST), Special Area Rate (if applicable) and Emergency Services Levy (ESL) calculated from the due date of the third instalment to the due date of the fourth instalment.

8. Accrual of interest on overdue rates

Apply a penalty interest of 11% per annum to overdue rates in the 2010/2011 rating year.

9. Accrual of interest on outstanding debtors

Apply a penalty interest of 11% per annum to overdue debtors in the 2010/2011 financial year.

10. 2010/2011 Municipal Fund Budget

Adopt the 2010/2011 Municipal Budget, in the form of the Operating Statement, Cash Flow Statement, Rate Setting Statement and notes as presented.

11. Authority to call tenders

Delegate authority to the Chief Executive Officer to invite tenders for works and services in the statutory 2010/2011 budget, where required, in accordance with the provisions of the Local Government Act 1995.

12. Fees and Charges

Adopt the Schedule of Fees and Charges for 2010/2011, as presented.

13. Domestic Refuse Charges

Pursuant to the provisions of Division 5 of Part IV of the Health Act (as amended), impose a charge of \$282.00 for the collection of a 120 litre domestic and 240 litre recycling refuse service for the 2010/2011 financial year:

(i)	Per existing service	\$282.00
(ii)	Rowley Road Units per service	\$105.75
(iii)	New refuse service (pro-rata)	\$282.00
(iv)	Additional 120 litre service	\$282.00
(v)	\$24 per domestic refuse charge to be transferred into the Waste reserve	

14. Monthly Financial Report

- a) In accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, resolve to receive the Monthly Financial Report by Business Unit.
- b) In accordance with Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996, adopt the material variance of 10% or greater.
- c) Applies the 10% or greater material variance to total revenue and expenditure of each Business Unit in the statement of financial activity, forming part of the monthly financial report.

CARRIED 7/2

Cr Geurds voted against the motion

9. URGENT BUSINESS:

Nil

10. COUNCILLOR QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN:

Nil

11. CLOSURE:

There being no further business, the meeting closed at 5.35pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 26 July 2010.

.....
Presiding Member

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Date