



MINUTES

Special Council Meeting

15th September 2022

Notice of Meeting

A Special Council Meeting will be held Thursday 15th September 2022 in the Council Chambers, 37 Gibbons Street, Yalgoo starting at 5pm.



Ian Holland

CHIEF EXECUTIVE OFFICER

12th September 2022

Disclaimer:

The Shire of Yalgoo gives notice to members of the public that any decisions made at the meeting, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1 DECLARATION OF OPENING

The Shire President welcomed those in attendance and declared the meeting open at 5.00pm.

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Shire President	Cr G Payne
Deputy Shire President	Cr G Trenfield
	Cr R Valenzuela
	Cr S Willock
	Cr T Hodder

CEO	Ian Holland
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APOLOGIES

Cr G Simpson

LEAVE OF ABSENCE

NIL

3 DISCLOSURE OF INTERESTS

Councillors and Officers are reminded of the requirements of s5.65 of the Local Government Act 1995, to verbally disclose any interest during the meeting before the matter is discussed or to provide in writing the nature of the interest to the CEO before the meeting.

NIL

**4 PUBLIC QUESTION TIME
REPOSSES TO QUESTIONS TAKEN ON NOTICE**

NIL

QUESTIONS TAKEN WITHOUT NOTICE

NIL

5 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

NIL

6 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS
NIL

7 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL RESOLUTION – S2022 – 09 - 01

Moved: Cr Stanley Willock Seconded: Cr Tamisha Hodder

That Cr Gail Trenfield and Cr Gregory Payne be granted a Leave of Absence for the 30th September 2022 Ordinary Council Meeting.

CARRIED: 5/0

8 BUSINESS AS NOTIFIED

Purpose of Meeting – To consider for adoption

- Differential General Rates 2022-23
- Payment of Rate Charge 2022-23
- Imposition of Fees and Charges for 2022-23
- 2022-23 Annual Budget
- Monthly Statement of Financial Activity Reporting Material Variance
- Attendance to the WALGA Local Government Convention Week

8.1 Differential General Rates 2022-23

Applicant:	Shire of Yalgoo
Date:	10/09/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Letter from the Department of Local Government, Sport and Cultural Industries

SUMMARY

That Council at its Special Meeting held on the 15th July 2022 resolved that it intended to impose the rate in the dollar and minimums for each of the differential rating categories detailed below.

COMMENT

The purpose of the report is for council to adopt the differential general rates imposed on the rateable property within each differential rating category. The differentiated rating categories determined by the Council are as follows.

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.83184 cents	\$290.00
Town site Vacant	7.83184 cents	\$290.00
Mining Infrastructure	29.75000 cents	

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.900787 cents	\$290.00
Mining/Mining Tenement	32.00000 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

In accordance with Section 6.32, 6.33 and 6.36 of the Local Government Act 1995 the following actions were undertaken:

1. The proposed differential general rates and minimums were advertised.
2. No submissions were received.
3. Ministerial approval was obtained in accordance with Section 6.33(3) of the Local Government Act 1995.

A letter dated the 19th August 2022 from the Department of Local Government, Sport and Cultural Industries was received stating that approval has been given to the Shire to impose differential general rates which are more than twice the lowest rate in the dollar for UV Exploration/Prospecting and Mining/Mining Tenement as well as GRV.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council adopts the following differential general rates for the 2022/2023 financial year.

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.83184 cents	\$290.00
Town site Vacant	7.83184 cents	\$290.00
Mining Infrastructure	29.75000 cents	

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.900787 cents	\$290.00
Mining/Mining Tenement	32.00000 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

COUNCIL RESOLUTION – S2022 – 09 – 02

Moved: Cr Stanley Willock Seconded: Cr Raul Valenzuela

That Council adopts the following differential general rates for the 2022/2023 financial year.

Gross Rental Value	Rate in \$	Minimum Rate
Town Imposed	7.83184 cents	\$290.00
Town site Vacant	7.83184 cents	\$290.00
Mining Infrastructure	29.75000 cents	

Unapproved Value	Rate in \$	Minimum Rate
Pastoral/Rural	6.900787 cents	\$290.00
Mining/Mining Tenement	32.00000 cents	\$290.00
Exploration/Prospecting	19.88253 cents	\$290.00

CARRIED: 5/0

8.2 Payment of Rate Charges

Applicant:	Shire of Yalgoo
Date:	10/09/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

That Council consider and impose a rate of interest on overdue rates for the 2022/23 financial year.

COMMENT

Section 6.45 of the Local Government Act 1995 states that Rates charged may be made by single payment or a person may elect to make payment by 4 equal or nearly equal instalments, or such other method of payment by instalments as is set in the annual budget. A local Government may impose an additional charge (including an amount by the way of interest where payment of a rate charge is made by instalments).

The Shire has traditionally offered a four instalment payment option.

Financial Management Regulation 67 and 68 permits a council to impose additional charges where payment of rates is by instalments.

Section 6.50 of the Local Government Act 1995 permits a Council to determine when a rate charge becomes due and payable. The due date cannot be earlier than 35 days after the date noted on the rate notice as the date the rate notice was issued. Where a person elects to pay a rate charge by instalments the second and each subsequent instalment does not become due and payable at intervals of less than 2 months.

It is recommended that the due date of each instalment for the 2022/2023 financial year is as follows:

- 1st Instalment Friday, 4 NOVEMBER 2022
- 2nd Instalment Tuesday, 3 JANUARY 2023
- 3rd Instalment Tuesday, 7 MARCH 2023
- 4th Instalment Tuesday, 9 MAY 2023

Section 6.51 of the Local Government Act permits the Council to impose on a rate or service charge that remains unpaid (including by instalments):

- a) Where no election has been made to pay the rate charge by instalments due
 - (I) After it becomes due and payable; or
 - (II) 35 days after the date of issue of the rate notice whichever is the later.
- b) Where an election has been made to pay the rate charge by instalments and an instalment remains unpaid after its due and payable.

Financial Management Regulation 70 states that the maximum rate of interest on overdue rates to be imposed under Section 6.51 of the Local Government Act is 7%. It is recommended that Council impose a rate of interest of 7% to apply on overdue rates after their due date.

Section 6.45 permits a Council to impose an additional charge for the recovery of the additional cost of administration for payments made by instalment, including an amount by way of interest. Regulation 68 limits the maximum component to be imposed to be of 3.0%. It is recommended that Council impose a rate of interest of 0%.

In recognition of foregone interest earnings the Shire could otherwise have achieved if rates payments were received in one payment earlier in the financial year, together with the increased administrative burden in managing multiple instalments which includes the costs of printing, postage and handling, it is recommended that the Shire apply an instalment Administration charge of \$10 (GST free). This would only be applicable to the second/third/fourth instalment as one charge where ratepayers elect to pay by the prescribed instalment due dates, and any alternative payment plan arrangements established.

STATUTORY ENVIRONMENT

Local Government Act 1995

s.6.45, 6.51 and Financial Management Regulations 67, 68, 70 and 71.

POLICY/FINANCIAL IMPLCATIONS

The 2022/2023 Annual Budget has included \$5,000 for the interest charge on overdue rates.

Financial Management Regulation 71 details the method of calculation of interest on overdue rates.

- 1) Interest on rates and service charges and the cost of any proceedings to recover such charges, that remain unpaid after the due date of becoming due and payable (“the due date”) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.
- 2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.
- 3) If payment is received by the local government during the period 1st July in a financial year until the annual budget for that financial year is adopted, interest referred to in sub regulation (1) for the period is to be at the interest imposed under section 6.51 (1) for the previous financial year.

The 2022/23 Annual Budget has included \$200 for charges to be divided on the instalment plan (administration charge).

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$10 (GST free), and interest of 0%.
2. Pursuant to Section 6.51 of the Local Government Act 1995, Impose an 7% rate of penalty interest on overdue rates for the 2022/23 Financial year.

COUNCIL RESOLUTION – S2022 – 09 - 03

Moved: Cr Stanley Willock Seconded: Cr Gail Trenfield

That Council:

1. Pursuant to Section 6.45 of the Local Government Act 1995, impose an instalment administration charge of \$10 (GST free), and interest of 0%.
2. Pursuant to Section 6.51 of the Local Government Act 1995, Impose an 7% rate of penalty interest on overdue rates for the 2022/23 Financial year.

CARRIED: 5/0

8.3 Imposition of Fees and Charges for 2022/23

Applicant:	Shire of Yalgoo
Date:	10/09/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	Schedule of Fees and Charges for 2022-23

SUMMARY

That Council give consideration to adopting the Fees and Charges detailed in the schedule of Fees and Charges.

COMMENT

Pursuant to Section 6.16 of the Local Government Act 1995 and Financial Management Regulation 25, A Local Government may impose and recover a fee for a charge for any goods or services it provides or proposes to provide other than a service for which a service charge is imposed.

Notes to the Annual Budget No 16 – Fees and Charges information, details total Revenue to be derived from fees and charges for each program as required by Financial Management Regulation 25.

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.16 and Financial Management Regulation 25

POLICY/FINANCIAL IMPLCATIONS

Adoption of Fees and Charges

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges detailed in the “Schedule of Fees and Charges” for the 2022-23 financial year.

COUNCIL RESOLUTION – S2022 – 09 - 04

Moved: Cr Stanley Willock Seconded: Cr Gail Trenfield

That Council pursuant to Section 6.16 of the Local Government Act 1995, adopts the Fees and Charges detailed in the “Schedule of Fees and Charges” for the 2022-23 financial year.

CARRIED: 5/0

8.4 2022/23 Annual Budget

Applicant:	Shire of Yalgoo
Date:	12/09/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Budget Author	Dominic Carbone
Disclosure of Interest:	NIL
Attachments:	Approval of Extension 2022-23 Annual Budget Detailed Budget Worksheets for 2022-23

SUMMARY

That Council give consideration and adopt the 2022/23 Annual Budget.

COMMENT

The 2021/2022 Annual Budget has been prepared in accordance with Section 6.2 of the Local Government Act 1995 and Financial Management Regulations Part 3, Regulations 22 to 33.

The 2022/2023 Annual Budget comprises the following information, which is contained in the Budget Booklet:

- Statement of Comprehensive Income by Nature or Type.
- Basis of Preparation
- Statement of Comprehensive Income by Program
- Statement of Cash flows
- Rate Setting Statement

Index of Notes to the Annual Budget:

Rates
Net Current Assets
Reconciliation of Cash
Asset Acquisitions
Asset Disposals
Asset Depreciation
Borrowings
Reserves
Fees and Charges
Grant Revenue
Revenue Recognition
Elected Members Remuneration
Other Information
Significant Accounting Policies -Other Information

STATUTORY ENVIRONMENT

Local Government Act 1995

s6.2 of the Local Government Act 1995 and Financial Management Regulations 22 to 33

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

(1) Pursuant to Section 6.2 of the Local Government Act 1995 and Financial Management Regulation Part 3, Regulation 22 to 33, adopts the following Annual Budget as attached hereto.

- Statement of Comprehensive Income by Nature or Type.
- Basis of Preparation
- Statement of Comprehensive Income by Program
- Statement of Cash flows
- Rate Setting Statement

Index of Notes to the Annual Budget:

Rates

Net Current Assets

Reconciliation of Cash

Asset Acquisitions

Asset Disposals

Asset Depreciation

Borrowings

Reserves

Fees and Charges

Grant Revenue

Revenue Recognition

Elected Members Remuneration

Other Information

Significant Accounting Policies -Other Information

COUNCIL RESOLUTION – S2022 – 09 - 05

Moved: Cr Raul Valenzuela

Seconded: Cr Stanley Willock

That Council:

(1) Pursuant to Section 6.2 of the Local Government Act 1995 and Financial Management Regulation Part 3, Regulation 22 to 33, adopts the following Annual Budget as attached hereto.

- Statement of Comprehensive Income by Nature or Type.
- Basis of Preparation
- Statement of Comprehensive Income by Program
- Statement of Cash flows
- Rate Setting Statement

Index of Notes to the Annual Budget:

Rates
Net Current Assets
Reconciliation of Cash
Asset Acquisitions
Asset Disposals
Asset Depreciation
Borrowings
Reserves
Fees and Charges
Grant Revenue
Revenue Recognition
Elected Members Remuneration
Other Information
Significant Accounting Policies -Other Information

CARRIED: 5/0

8.5 Monthly Statement of Financial Activity – Reporting of Material Variance

Applicant:	Shire of Yalgoo
Date:	13/09/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

The Local Government Financial Management Regulations 1996 requires a Local Government to prepare monthly Financial Activity Statements and report Material Variance. Council is now required to set the material variance for the 2022/23 financial year.

COMMENT

Regulation 34 of the Local Government (Financial Management) Regulation 1996 require the following in relation to the Financial Activity Statement:

1. A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1) (d). for that month in the following detail-
 - (a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8.
 - (b) Budget estimates to the end of month to which the statement relates:
 - (c) Actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) Material variances between the comparable amounts referred to in paragraphs (b) and (c);
 - (e) The net current at the end of month to which the statement relates.
2. Each Statement of Financial Activity to is to be accompanied by documents containing-
 - (a) An explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) An explanation of each of the material variances referred to in sub regulation (1) (d) ; and
 - (c) Such other supporting information as is considered relevant by the local government.
3. The information in a Statement of Financial Activity may be shown-
 - (a) According to nature and type classification;
 - (b) By program; or
 - (c) By business unit.

4. A Statement of Financial Activity and the accompanying documents referred to in sub regulation (2) are to be
 - (a) Presented to the Council:
 - (i) At the next ordinary meeting of the Council following the end of the month to which the statement relates; or
 - (ii) If the Statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the Council after that meeting; and
 - (b) Recorded in the minutes of the meeting at which it is presented.
5. Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in Statements of Financial Activity for reporting material variances.

6. In this regulation:

“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;

“restricted assets” means an asset the use of which is restricted wholly or partly by a law made or a requirement imposed outside of the control of the local government. Where the restriction is relevant to assessing the performance, financial position or financing and investment of the local government.

Accordingly in order to meet the reporting requirements of the Statement of Financial Activity Council is required to give consideration to setting the following material variances, as per previous years.

- 10% or \$10,000 whichever is the greater

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations and Australian Accounting Standard Number 5, adopts the following material variance for the 2022/23 Financial Year

- 10% or \$10,000 whichever is the greater.

COUNCIL RESOLUTION – S2022 – 09 - 06

Moved: Cr Raul Valenzuela

Seconded: Cr Stanley Willock

That Council in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations and Australian Accounting Standard Number 5, adopts the following material variance for the 2022/23 Financial Year

- 10% or \$10,000 whichever is the greater.

CARRIED: 5/0

8.6 Attendance to the WALGA Local Government Convention Week

Applicant:	Shire of Yalgoo
Date:	14/09/2022
Reporting Officer:	Chief Executive Officer Ian Holland
Disclosure of Interest:	NIL
Attachments:	NIL

SUMMARY

For Council to consider attendance at the WA Local Government Association Annual General Meeting and Convention 3rd and 4th of October 2022.

COMMENT

Due to overwhelming support by Councillors to attend this Convention in the past it is suggested that the core conference be available to any Councillor and the Chief Executive Officer.

Attendance coverage is proposed to include Accommodation Sunday night to Tuesday night, travel reimbursement and registration. Meals provided by the convention registration or venue lunch will not be reimbursed however it is proposed the Shire cover \$50 per attendee for all other meals.

Voting delegates are to be confirmed as part of this item. Apart from the convention sessions there appears to be limited WALGA training scheduled alongside the convention.

On Tuesday the 4th of October Shire Delegates are invited to a Murchison Regional Vermin Council Fence Cell Opening in Mt Magnet at 2pm. The Member for Durack, the Hon Melissa Price and Minister for Regional Development, the Hon Alannah MacTiernan are scheduled to be in attendance.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

Moderate allocation to the Conference Expenses account.

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. appoint the CEO and nominate Cr _____ as voting delegates for the WALGA Annual General Meeting with Cr _____ & Cr _____ listed as proxy delegates
2. Cover all accommodation, registration and travel for Councillors and the CEO for attendance at the 2022 WALGA Convention and limit \$50 for meals not provided as part of the conference and accommodation from Sunday night to Tuesday night.

COUNCIL RESOLUTION – S2022 – 09 - 07

Moved: Cr Raul Valenzuela

Seconded: Cr Gail Trenfield

That Council:

1. appoint the CEO and nominate Cr Raul Valenzuela as voting delegates for the WALGA Annual General Meeting with Cr Stanley Willock & Cr Tamisha Hodder listed as proxy delegates.
2. Cover all accommodation, registration and travel for Councillors and the CEO for attendance at the 2022 WALGA Convention and limit \$50 for meals not

CARRIED: 5/0

ATTENDANCE: 6.00pm Cr Gail Trenfield left the meeting.

ATTENDANCE: 6.03pm Cr Gail Trenfield returned the meeting.

9 NEXT MEETING

The next Ordinary Meeting of Council is due to be held in Yalgoo on Friday 30th September 2022 commencing at 10am.

10 MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at 6.07pm.