

**Shire of Moora
Ordinary Council Meeting
20th January 2010**

NOTICE OF MEETING

Dear Elected Member

The next Ordinary Council Meeting of the Shire of Moora
will be held on **Wednesday 20th January 2010**
in the Moora Performing Arts Centre, Padbury Street, Moora
commencing at **3.30 pm**

LM O'Reilly
Chief Executive Officer
15 January 2010

The Shire of Moora Vision and Mission Statement

Vision

Our vision is that:

The Moora region will be a place of brilliant opportunity over the next twenty years. Sustainable growth will result in a vibrant, healthy, wealthy and diverse community.

Mission

Our mission is:

To identify and stimulate growth through creative leadership and a willingness to get things done.

SHIRE OF MOORA

WRITTEN DECLARATION OF INTEREST IN MATTER BEFORE COUNCIL

Chief Executive Officer
Shire of Moora
PO Box 211
MOORA WA 6510

Dear Sir,

Re: Written Declaration of Interest in Matter Before Council

I, ⁽¹⁾ _____ wish to
declare an interest in the following item to be considered by Council at its meeting to be held on
⁽²⁾ _____.

Agenda Item ⁽³⁾ _____

The type of interest I wish to declare is: ⁽⁴⁾

- Financial pursuant to Section 5.60A of the Local Government Act 1995
- Proximity pursuant to Section 5.60B of the Local Government Act 1995
- Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995
- Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is ⁽⁵⁾

The extent of my interest is ⁽⁶⁾

I understand that the above information will be recorded in the Minutes of the meeting and recorded by the Chief Executive Officer in an appropriate Register.

Yours faithfully,

Signed

Date

1. Insert your name.
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

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SHIRE OF MOORA
ORDINARY COUNCIL MEETING AGENDA
20 JANUARY 2010
COMMENCING AT 3.30 PM

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Item 11.2.5 Annual Report 2008/09

1. DECLARATION OF OPENING & WELCOME OF VISITORS***“Acknowledging of Country”***

I would like to show my respect and acknowledge the traditional owners of this land and acknowledge their contribution to the Shire of Moora as I do for all its people.

2. DISCLAIMER READING

To be read by the Shire President should members of the public be present at the meeting.

No responsibility whatsoever is implied or accepted by the Shire of Moora for any act, omission or statement or intimation occurring during this meeting.

It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council’s decision, which will be provided within fourteen (14) days of this meeting.

3. ATTENDANCE**APOLOGIES**

JL Greay - Manager Engineering Services

PUBLIC**LEAVE OF ABSENCE**

The following Councillor was granted leave of absence for this meeting by Council resolution made at the Ordinary Meeting held on 16 December 2009:

DV Clydesdale-Gebert - Councillor

4. DECLARATIONS OF INTEREST**5. QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH SECTION 5.24 OF THE ACT****6. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE****7. APPLICATIONS FOR LEAVE OF ABSENCE**

8. PETITIONS AND MEMORIALS

9. ANNOUNCEMENTS BY THE SHIRE PRESIDENT

10. CONFIRMATION OF MINUTES OF THE PREVIOUS MEETINGS

10.1 ORDINARY COUNCIL MEETING - 16 DECEMBER 2009

That the Minutes of the Ordinary Meeting of Council held on 16 December 2009, be confirmed as a true and correct record of the meeting.

11. REPORTS OF OFFICERS

Nil

11.1 FINANCIAL DEVELOPMENT

11.2.1 LIST OF PAYMENTS AUTHORISED UNDER DELEGATION 1.31

REPORT DATE: 6 January 2010
OFFICER DISCLOSURE OF INTEREST: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Accounts Paid Under Delegated Authority

PURPOSE OF REPORT

Payments have been made under delegated authority and a listing of these payments is attached for Council to note and endorse.

BACKGROUND

At the December 2005 Ordinary Meeting of Council resolution 276/2005 delegated the authority of payments from Municipal and Trust Funds to the Chief Executive Officer.

COMMENT

Accounts Paid under delegated authority are periodically presented to Council.

POLICY REQUIREMENTS

Delegation 1.31 – Payments from Municipal and Trust Funds.

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995 - Section 6.10

Local Government (Financial Management) Regulations 1996 – Regulations 12 & 13.

STRATEGIC IMPLICATIONS

There are no known strategic implications associated with this proposal.

SUSTAINABILITY IMPLICATIONS

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.
- **Social**
There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS

Payments are in accordance with the adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATION

That Council notes and endorses the Payments from the Municipal and Trust Funds made under delegation 1.31

| | | |
|-----------------------|---|---------------------------|
| <i>Municipal Fund</i> | <i>Cheques 59583 to 59627</i> | <i>\$216,364.63</i> |
| | <i>Direct Debits EFT3517 to EFT3652</i> | <i>\$722,816.16</i> |
| | <i>Credit Card Payments to 14/12/09</i> | <i>\$8,784.52</i> |
| | <i>Net Pays – PPE 8/12/09</i> | <i>\$75,351.28</i> |
| | <i>Net Pays – PPE 2212/09</i> | <i><u>\$88,999.83</u></i> |
| <i>Total</i> | | <i>\$1,112,316.42</i> |

11.2.2 STATEMENT OF FINANCIAL ACTIVITY FOR PERIOD ENDED 31 DECEMBER 2009

REPORT DATE: 6 January 2010
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Statement of Financial Activity for the Period Ended 31 December 2009

PURPOSE OF REPORT:

To note and receive the Statement of Financial Activity for the period ended 31 December 2009.

BACKGROUND:

Council is provided with monthly financial reports to enable monitoring of revenues and expenditures against the adopted budget.

COMMENT:

The Statement of Financial Activity for the Period Ended 30 November 2009 is provided as a separate attachment in Program format. When adopting the budget, Council agreed to set the materiality threshold for monthly financial reporting at plus or minus 10% at program and category levels. It is recommended that in the future, the materiality threshold remain at plus or minus 10%, but that it be for variations of more than \$5,000 so that relatively minor amounts are not included.

The following programs were outside of the 10% threshold as at 31 December 2009.

Governance

Income is approximately \$16,000 more than the year to date budget as a result of Insurance Bonuses being received sooner than anticipated.

Law, Order, Public Safety

Income is approximately \$44,000 less than the year to date budget as a journal to recognise the income from the Emergency Services Levy has yet to be carried out and a number of grants expected to be received have not yet been received. The timing of these grants was not known, so they were applied evenly throughout the budget year.

Expenditure is currently \$15,000 more than the year to date budget as a result of an unexpected Emergency Services Levy Payment for the 2007/08 financial year. This will need to be addressed during the budget review.

Health

Income is approximately \$15,000 less than the year to date budget. This is largely due to rent not having been allocated for the Doctors' Residence, and income not yet being claimed for the reimbursement of podiatry services.

Expenditure is approximately \$8,000 less than the year to date budget. This is largely because a salaries allocation has yet to be made from Governance and less podiatry services being used than anticipated.

Housing

Income is approximately \$10,000 more than the year to date budget, largely due to rent not having been transferred to the health program for the Doctors' Residence.

Community Amenities

Expenditure is approximately \$80,000 under the year to date budget. This is partly a result of various refuse costs being \$38,000 less than budget and a number of Town Planning projects not having been started and the maintenance of the Telecentre being \$15,000 under budget.

Transport

Income is approximately \$12,000 less than the year to date budget, largely due to the disposal of vehicles not having been achieved or updated in the assets register.

Economic Services

Expenditure is under the year to date budget by some \$67,000. This is made up of a number of accounts, including the allocation of overheads (\$20,000), depreciation (\$12,000), operation of the Lifestyle Village (\$12,000), donations (\$5,000) and standpipes (\$5,000).

Other Property and Services

Income is \$33,000 less than anticipated and expenditure \$7,500 less than current budget, largely because the timing of Private Works is not known so it has been spread evenly throughout the year and little works have been done to date.

Overall

At the moment operating income and expenditure are both within 10% of the year to date budget.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Clause 34

STRATEGIC IMPLICATIONS:

Monitoring of actual revenues and expenditures against the adopted budget assists Council in being informed as to the financial health of the organisation.

SUSTAINABILITY IMPLICATIONS:

- **Environment**
There are no known significant environmental implications associated with this proposal.
- **Economic**
There are no known significant economic implications associated with this proposal.

➤ **Social**

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

Year to date income and expenditure is provided by program to enable comparison to 2009/2010 adopted budget.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS

That Council:

- 1) notes and receives the Statement of Financial Activity for the period ended 31 December 2009.*
- 2) amends the materiality threshold for monthly financial reporting to be a variance of plus or minus 10% or \$5,000, whichever is the greater, at program and category levels.*

11.2.3 FINANCIAL REPORT AND INDEPENDENT AUDIT REPORT FOR THE YEAR ENDED 30 JUNE 2009

FILE: F/AUDI
REPORT DATE: 8 January 2010
DECLARATION: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Independent Audit Report for the Year Ended 30 June 2009

BACKGROUND

At the completion of the annual audit, an audit report detailing the scope, audit opinion and statutory compliance is issued and forms part of the audited financial statements of the Shire. In accordance with the requirements of Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the audit report.

COMMENT

The Financial Report for the Year Ended 30 June 2009 forms part of the 2008/2009 Annual Report and Annual Financial Report.

The Independent Audit Report to the Electors of the Shire of Moora is provided as a separate attachment to this agenda and is included in the 2008/2009 Annual Report and Annual Financial Statements/Report as required under the Act.

The Audit Opinion is unqualified in terms of the financial report. There are four matters mentioned under Statutory Compliance, which are:

- **Budget Deficiency**
Ministerial approval was not obtained for the amount estimated to be yielded from general rates to be lower than 90% of the amount of the budget as required by Section 6.34(b) of the Local Government Act 1995.

Comment

It is proposed to address the budget deficiency during the 2009/10 Budget Review in February, but reducing the budget deficiency to be less than 90% of the amount of the budget.

- **Financial Management System Review**
A review of the appropriateness and effectiveness of the financial management systems and procedures has not been undertaken within the last four years.

Comment

A quotation has been received from UHY Haines Norton to conduct a review at a cost of \$5,000.

- **Rate Notice and Its Accompanying Information**
The rate notice and accompanying information did not include a brief statement that the payment of rates by instalments is not available if any rates remain outstanding from the previous year as required by Financial Management Regulation 56(4)(i).

Comment

The rate notice for 2009/10 was amended to include this statement.

- Rate Instalment Notice

The rate instalment notice did not include the valuation of the land to which it relates as required by Financial Management Regulation 57(1)(a).

Comment

The rate instalment notices for 2009/10 was amended to include the valuation of the land.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The 2009/2010 Budget Review will need to address the issues surrounding the budget deficiency and the need to conduct a financial management system review.

STRATEGIC IMPLICATIONS

Presentation of the audit report to the Audit Committee assists to improve the governance role of Council.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION

That it be recommended to Council to note and receive the Independent Audit Report for the year ended 30 June 2009.

11.2.4 AUDIT MANAGEMENT REPORT FOR THE YEAR ENDED 30 JUNE 2009

FILE: F/AUDI
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
REPORT DATE: 8 January 2010
DECLARATION: Nil
ATTACHMENTS: Management Report for the Year Ended 30 June 2009

BACKGROUND

At the completion of the annual audit a management report is issued, addressed to the Shire President. This letter presents the results of the audit not included in the independent audit report. The Management Report may include comments relating to processes and procedures, Council's financial position or suggestions for improvement in areas of non-compliance found during the audit process.

COMMENT

In accordance with the requirements of Section 7 of the Local Government Act 1995 requires the Audit Committee to consider results of the Audit and the audit report, including the management report. The management report for the year ended 30 June 2009 is provided as a separate attachment.

The following matters were raised within the Audit Management Report. The author's comments are provided below each heading:

Financial Position

- a) Actual Carried Forward Deficit Compared to 2009/2010 Budgeted Bought Forward Surplus

The budget was adopted before the 2008/2009 financial statements were finalised. As a result, the shire has \$185,502 less than expected available during the 2009/2010 financial year.

- b) Deficit Carried Forward for 2009/2010 Adopted Budget

The 2009/2010 budget has a closing deficit position of \$402,461. This factor, combined with the shortfall in a), means the Shire will not be in a position to fund \$587,963 of its budgeted expenditure.

- c) Budgeted Overdraft Position as at 30 June 2010

The forecast overdraft position on the municipal bank account is \$1,337,142 which is in excess of the agreed overdraft limit.

The Auditor recommends that the 2009/2010 budget be carefully reviewed and expenditure modified in line with available resources, and recommend that changes be made so that the current ratio and untied cash to trade creditors ratio are 1 or higher.

Comment

Staff will recommend a number of projects to be deferred or areas of savings identified in the 2009/2010 Budget review to address these issues. The Minister for Local Government has recently advised that local governments will not be receiving their 2009/2010 Country Local Government Fund payment until next financial year, which means that a large number of projects included in the budget will need to be deferred.

Fixed Assets Register

The category totals appearing in the fixed asset register do not correspond to the equivalent category totals in the general ledger or the financial report. They do however agree in total. This had no effect on the depreciation calculations for the year.

Comment

The general ledger has now been amended to agree to the fixed assets register.

Depreciation of Infrastructure

The calculation of depreciation on roads was again performed using a weighted average methodology (as in previous years). The auditors recommend implementing a system that will allow each road to be dissected into its component parts for depreciation.

Comment

This has been an item raised in previous Management Reports and should be addressed when the WAAMI program is implemented which will allow further work to be completed within the Asset Register to ensure that the description of the road “component” reflects accurately what it is.

Rate Debtors

Council's outstanding rates ratio of 7.5% is above the recommended 5%. This is a reduction from the previous year (10.4%), however further improvements are required.

Comment

Staff have referred outstanding rates debtors to a collection agency, Austral Mercantile. The rates outstanding at 30 June 2009 were \$232,827, this has been reduced to \$184,490 as at the time of writing this report.

A number of Summons will be issued in January to ratepayers who have not made an arrangement to pay off their outstanding balances, and another round will be sent in April for those who have only paid some of their instalments.

Year End Audit Readiness

The auditors were unable to complete all of their necessary audit procedures during the initial year end visit on 20-21 October 2009. This was due to the audit requirements not being fully met and the first draft annual financial report presented not agreeing to the general ledger.

A proper planning process was not put in place to enable the smooth transition and completion of year end matters which has resulted in a late audit report and significantly increased costs.

Comment

After the initial audit visit was carried out, a consultant was hired to assist the Manager Finance & Corporate Services to address the problems highlighted and prepare a second annual financial report for auditing.

Reconciliations were carried out and changes made to a large number of areas including the balance sheet, general ledgers and asset register. New procedures were put into place which will ensure that any issues will be identified on a monthly basis and the preparations for the next financial audit will be vastly improved.

It is intended to have the consultant come back in March or April 2010 and review the financial management reports and the preparations for the draft budget to ensure that this is the case.

Follow up on Interim Matters Raised

The matters raised at the interim audit had all been dealt with properly except the following:

- Creditors' and employees banking details are not checked before authorising the electronic funds transfer
- Changes to employees' details in the payroll system were only reviewed by a senior staff member independent of processing when presented

These system weaknesses may result in unauthorised changes to banking details for EFT payments and cause losses to Council if not detected at point of authorisation. The auditor recommended that the matter be investigated further and appropriate higher level control measures that are preventative in nature be emphasised.

Comment

Advice is being sought from other local governments as to how they manage changes to banking details in a way that is both efficient and effective. Changes will be made to software and processes before the financial management system review is carried out so they can be assessed during the review.

STATUTORY ENVIRONMENT

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

Presentation of the audit and management reports to the Audit Committee assists to improve the governance role of Council.

VOTING REQUIREMENTS

Simple Majority

MANEX RECOMMENDATION

That it be recommended to Council to note and receive the Management Report for the year ended 30 June 2009 and for Council to respond to its Auditors UHY Haines Norton using the Officer's comments provided.

11.2.5 RECEIPT OF 2008/2009 ANNUAL REPORT

FILE REFERENCE: F/AUD1
REPORT DATE: 12 January 2010
APPLICANT/PROPONENT: Nil
OFFICER DISCLOSURE OF INTEREST: Nil
PREVIOUS MEETING REFERENCES: Nil
AUTHOR: Leanne Parola, Manager Finance & Corporate Services
ATTACHMENTS: Draft 2008/2009 Annual Report

PURPOSE OF REPORT:

To receive and consider the 2008/2009 draft Annual Report and to adopt the report, with or without amendment.

Once the Annual Report has been adopted, Council is to confirm the date for the Annual Electors Meeting.

BACKGROUND:

Council is required by the Local Government Act 1995 to accept the annual report for the financial year no later than 31 December each year [Section 5.54 (1)] unless the audit report is not received prior to 31 December.

Section 5.55 of the Act requires the CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by Council.

Section 5.27(2) requires a general electors meeting to be held not more than 56 days after the local government has accepted the annual report.

A copy of the draft Annual Report for 2008/2009 is circulated with the agenda.

COMMENT:

The Audit Report and audited financial statements relating to the year ended 30 June 2009 were received via e-mail on 22 December 2009 and are being presented to Council as a separate agenda item to this Council Meeting. The Audit Report and audited financial statements form part of the Annual Report.

The acceptance of the Annual Report, either in its current form or as amended by Council at this meeting, then requires Council to set a date for the Annual Electors Meeting. This must be held within 56 days of acceptance of the Annual Report.

As Council has previously indicated its desire to hold the Electors' meeting as early as practicable it is recommended that the Annual Electors Meeting be held on Wednesday 3 February at 6.00pm in the Moora Performing Arts Centre. This date allows for the statutory advertising period giving local public notice of 14 days minimum.

POLICY REQUIREMENTS:

Nil

LEGISLATIVE REQUIREMENTS:

Local Government Act 1995, Sections 5.27, 5.54, & 5.55

STRATEGIC IMPLICATIONS:

The Annual Report is a public document that can be used to promote the Shire of Moora and the principal activities being undertaken by the Shire.

SUSTAINABILITY IMPLICATIONS:**➤ Environment**

There are no known significant environmental implications associated with this proposal.

➤ Economic

There are no known significant economic implications associated with this proposal.

➤ Social

There are no known significant social implications associated with this proposal.

FINANCIAL IMPLICATIONS:

There are no financial implications to Council in relation to this item as costs associated with the printing of the Annual Report and holding of the Annual Electors Meeting are provided for in the Adopted Budget each year.

VOTING REQUIREMENTS

Simple Majority Required

MANEX RECOMMENDATIONS***That Council:***

- 1. Accepts the 2008/2009 Annual Report as presented.***
- 2. Sets the date of the Annual Electors Meeting to be held on Wednesday, 3 February 2010, commencing at 6.00 pm at the Moora Performing Arts Centre.***

11.2 OPERATIONAL DEVELOPMENT

Nil

11.3 COMMUNITY DEVELOPMENT

Nil

11.4 SPORT AND RECREATION

Nil

12. **ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

13. **MOTIONS OF AN URGENT NATURE INTRODUCED BY DECISION OF COUNCIL**

14. **NOTICE ON MOTIONS FOR THE NEXT COUNCIL MEETING**

15. **MATTERS BEHIND CLOSED DOORS**

16. **CLOSURE OF MEETING**