

# **Special Council Meeting**

Minutes for 10 July 2017

**CONFIRMED**



**city of  
kalamunda**

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## MINUTES

### 1.0 OFFICIAL OPENING

The Presiding Member opened the meeting at 5:30pm, welcoming Councillors, Staff and Members of the Public Gallery.

### 2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED

#### 2.1 Attendance

##### Councillors

Andrew Waddell JP	(Mayor) (Presiding Member)	North West Ward
Sara Lohmeyer		North West Ward
Sue Bilich		North Ward
Michael Fernie		South East Ward
John Giardina		South East Ward
Allan Morton		South West Ward
Brooke O'Donnell		South West Ward
Noreen Townsend		South West Ward

##### Members of Staff

Rhonda Hardy	Chief Executive Officer
Natalie Martin Goode	Director Development Services
Gary Ticehurst	Director Corporate & Community Services
Simon Di Rosso	General Counsel & Executive Advisor, Governance & Legal
Donna McPherson	Executive Research Officer to Chief Executive Officer

##### Members of the Public

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##### Members of the Press

0

#### 2.2 Apologies

##### Councillors

Dylan O'Connor	North West Ward
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##### Members of Staff

Dennis Blair	Director Asset Services
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#### 2.3 Leave of Absence Previously Approved

Tracy Destree	North Ward
Geoff Stallard	South East Ward

### 3.0 PUBLIC QUESTION TIME

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

#### 3.1 Nil.

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**4.0 PETITIONS/DEPUTATION**

4.1 Nil

**5.0 ANNOUNCEMENTS BY THE MEMBER PRESIDING WITHOUT DISCUSSION**

5.1 Nil

**6.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

6.1 Nil.

**7.0 DISCLOSURE OF INTERESTS**

**7.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Section 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Section 5.70 of the *Local Government Act 1995*.)

7.1.1 Nil.

**7.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

7.2.1 Nil.

**8.0 REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**SCM12      Correction to Waste Service Fees adopted in 2017/2018 Budget**

Previous Items	SCM 114/2017 and SCM 115/2017
Responsible Officer	Director Corporate & Community Services
Service Area	Finance
File Reference	
Applicant	N/A
Owner	N/A

**EXECUTIVE SUMMARY**

1. This report recommends that Council make corrections to two previously adopted Council resolutions made at the 28 June 2017 Special Council Meeting (**June SCM**), being SCM 114/2017 and SCM 115/2017 in respect to the naming of an attachment to SCM 114/2017 and waste service charges included in SCM 115/2017 respectively.
2. The proposed corrections are minor in nature, however they are required in order to ensure that the correct waste service charge is adopted in accordance with the 2017/2018 Budget and to avoid complications that may otherwise result.
3. The corrections sought will ensure that cross-referencing to attachments is correct and that waste service charge figures referred to in the body of the June SCM agenda are the same as those in the attachments.
4. Specifically, the following corrections are sought -
  - a) Amend reference to '*Attachment 1*' in SCM 114/ 2017 to instead be '*Attachment 2*';
  - b) Amend amount for '*ordinary domestic collection/ disposal service including kerbside recycling service*' from \$530 to instead be \$531;
  - c) Amend amount for '*concession rate for the domestic collection/disposal service including kerbside recycling service*' from \$300 to instead be \$301; and
  - d) Amend amount for '*residential multi-unit eligible pensioners – concession rate*' from \$300 to instead be \$301.

## BACKGROUND

5. The Municipal Fund Budget for the year ended 30 June 2018, representing the Financial Year 2017/2018, together with supporting schedules including striking of the Municipal Fund Rates, adoption of fees and charges and other consequential items arising from the budget papers was adopted by Council at the June SCM (**Municipal Fund Budget Adoption**).

Subsequent to the Municipal Fund Budget Adoption, through continuous ongoing checks, four minor errors were noted in SCM 114/2017 and SCM 115/2017.

In order to correct errors in any Special Council Meeting, or Committee meeting resolution, Council has the following options:

- a) call a Special Council Meeting to rescind the erroneous motion in its entirety and repass a new corrected motion;
- b) call a Special Council Meeting for the purpose of amending the erroneous motion; or
- c) amend the erroneous motion prior to accepting the relevant meeting minutes including the same, at the following Ordinary Council Meeting.

In the circumstances of the current matter, given the adverse knock-on effects that will result from utilisation of incorrect figures in the interim, a Special Council Meeting has been called to allow the correction at the earliest possible opportunity.

## DETAILS

6. The issue is as follows –

Clause 2 of Resolution 114/2017 (see page 23 June SCM), refers to '*Attachment 1*' as being the '*Fees and Charges for Regulatory and Other Services*' when the '*Fees and Charges for Regulatory and Other Services*' were in fact set out Attachment 2 to the 28 June 2017 Special Council Meeting Agenda (**Agenda**). This therefore needs to be amended.

In Attachment 2, the rate for:

- a) Waste Services – Residential Full Service is listed as \$531;
- b) Residential Full Service Pensioner is listed as \$301; and
- c) Residential Multi Unit Pensioner (excludes MGB) is listed as \$301.

### (**Attachment 2 Figures**)

Whereas:

- a) in Clause 1(i)(a) of Resolution 115/2017 (see page 24 June SCM) the '*ordinary domestic collection/ disposal service including kerbside recycling service*' is listed as '\$530 ... ';

- b) in clause 1(i)(b) of Resolution 115/2017 the '*concession rate for the domestic collection/disposal service including kerbside recycling service*' is listed as \$300; and
- c) in clause 1(i)(d) of Resolution 115/2017 the '*residential multi-unit eligible pensioners – concession rate*' is listed as \$300.

### **(SCM 115 Figures)**

According to the set out of the June SCM, both the Attachment 2 Figures *and* the SCM 115 Figures were adopted. The result therefore conflicts which results in the afore described error (**Error**).

The correct figures are the Attachment 2 Figures and these have now been utilised in the printing of the City's rate notices and incorporated into the City's financial accounting systems.

The rate notices data provided to the external printer uses the information provided in the Attachment 2 Figures.

The printer has commenced printing and is expected to mail out rate notices from 11 July 2017.

## **STATUTORY AND LEGAL CONSIDERATIONS**

7. Council has the power to proceed with an amendment of this nature pursuant to Regulation 10(2) of the *Local Government (Administration) Regulations 1996* (WA), which provides –

*If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*

- a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority;*
- b) *in any other case, by an absolute majority.*

## **POLICY CONSIDERATIONS**

8. The Budget has been developed based on the principles contained in the Kalamunda Accountable: Long Term Financial Plan to 2026.

## **COMMUNITY ENGAGEMENT REQUIREMENTS**

### **Internal Referrals**

9. Consideration has been given to the need for this correction by Corporate and Community Services (Finance), the City's General Counsel and the Chief Executive Officer.

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## External Referrals

10. Nil.

## FINANCIAL CONSIDERATIONS

11. To adopt the SCM 115 Figures instead of the Attachment 2 Figures, which is not recommended, would require the administration to issue a revised rate notice thus incurring printing and postage fees which will incur an unanticipated cost of approximately \$20,000 and a further unanticipated cost of \$5,250 to engage IT Vision to update the rates module appropriately.

The differential between the two fee amounts is approximately \$21,500 in income.

In addition to the above, the re-issuance of rate notices will impact on delayed cash flows as due dates would need to incorporate renewed payment deadlines and could potentially confuse the ratepayers as they will end up receiving two sets of rate notices within the space of a few days.

It would therefore be prudent to retain the Attachment 2 Figures as raised in the rate notices based on the cost benefit analyses noted above.

## STRATEGIC COMMUNITY PLAN

### Strategic Planning Alignment

12. *Kalamunda Advancing: Strategic Community Plan to 2026*

OBJECTIVE 6.8 - To ensure financial sustainability through the implementation of effective financial management, systems and plans

Strategy 6.8.1 Develop and regularly review the Long Term Financial Plan for the Shire.

## SUSTAINABILITY

### Social Implications

13. As per June SCM.

### Economic Implications

14. As per June SCM.

### Environmental Implications

15. As per June SCM.

## RISK MANAGEMENT CONSIDERATIONS

16.

**Risk:** Council adopts waste charges of full residential at \$530 and pensioner at \$300, instead of \$531 and \$301 as generated in the rates notices.

Likelihood:	Consequence	Rating
Unlikely	Significant	medium
<b>Action/ Strategy</b>		

Inform Council of the logistics and costs involved in re-issuing the rates notices.

Ensure that Council adopts the correct waste charges for full residential and pensioner rates.

## OFFICER COMMENT

17.

The need for this correction has arisen as a result of an unfortunate, but minor, oversight and the use of attachments to an agenda setting out figures intended to replicate what should have been the same figures within the body of the agenda itself.

In order to avoid the potential for this issue to arise in the future, where figures requiring adoption are to be included in an attachment, the resolution itself should simply request Council adopt the figures set out in the attachment, therefore allowing the attachment to speak for itself.

In the present circumstances, without derogating from the commentary set out above, the effect of the recommendation to Council, as presently put, provides that the figures originally intended to be adopted for each of the said services, will be adopted as anticipated.

For the avoidance of doubt, the recommendation as follows should not be considered to be an introduction of a higher rate than previously intended, but instead an amendment to ensure the correct rate is adopted.

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<b>Voting Requirements: Absolute Majority</b>
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RESOLVED SCM 121/2017

That Council:

1. Amend Resolution SCM 114/2017 by deleting reference to '*Attachment 1*' and instead inserting the words '*Attachment 2*'.
2. Amend the rate listed in Clause 1(i)(a) of Resolution 115/2017 for '*ordinary domestic collection/ disposal service including kerbside recycling service*' from \$530 to instead be \$531.
3. Amend the rate listed in Clause 1(i)(b) of Resolution 115/2017 for '*concession rate for the domestic collection/disposal service including kerbside recycling service*' from \$300 to instead be \$301.
4. Amend the rate listed in Clause 1(i)(d) of Resolution 115/2017 for '*residential multi-unit eligible pensioners – concession rate*' from \$300 to instead be \$301

Moved: **Cr John Giardina**

Seconded: **Cr Sara Lohmeyer**

Vote: **CARRIED UNANIMOUSLY/ABSOLUTE MAJORITY (7/0)**

**9.0 MEETING CLOSED TO THE PUBLIC**

9.1 Nil.

**10.0 CLOSURE**

10.1 There being no further business, the Presiding Member declared the meeting closed at 5.32pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: \_\_\_\_\_  
Presiding Member

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 2017