

SPECIAL COUNCIL MEETING MINUTES – 28 JUNE 2011

Mission Statement:

***To support and develop a sustainable, thriving and resilient Community
through leadership and partnership.***

HELD: Tuesday 28 June 2011 at 4pm

LOCATION: Supper Room, Beechworth

ATTENDEES: Councillors: Senior Management/Officers

Ali Pockley – Mayor

Bernard Gaffney – Deputy Mayor

Peter Croucher

Larry Goldsworthy

Vic Issell

Barbara Murdoch

Peter Graham

Brendan McGrath – CEO

Andre M Kompler

Mark Florence

Greg Pinkerton

Kim Warne

Roberta Baker

Mark Greene

Frank Bonacci

Katie Rizzuto

David Koren

APOLOGIES:

Vision Statement:

INDIGO – A great place to live, work and visit.

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1.0 WELCOME

The Mayor welcomed all those in attendance and presented Mark Greene with the Mobile Muster Award.

2.0 OPENING PRAYER & ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

Cr Graham read the opening prayer and acknowledgement of the traditional owners of the land.

3.0 APOLOGIES AND LEAVE OF ABSENCE

Nil.

4.0 DECLARATION OF CONFLICT OF INTEREST

The Chief Executive Officer declared an indirect conflict of interest in respect to Item 10.2 because of conflicting duties. The nature of this conflict has been provided to the Mayor in writing.

**Moved: Cr Gaffney
Seconded: Cr Goldsworthy**

That this section in Item 10.2 be dealt with separately to the rest of the budget due to the conflict of interest declared by the Chief Executive Officer.

Unanimously Carried

5.0 OPEN FORUM

Nil.

6.0 CONDOLENCES

Nil.

7.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING – 21 JUNE 2011

**Moved: Cr Goldsworthy
Seconded: Cr Croucher**

That the minutes from 14 June 2011 Council Meeting be confirmed, together with the minutes from the Special Council Meeting held on 21 June 2011.

Unanimously Carried



8.0 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil.

9.0 DEPUTATIONS AND PETITIONS

Nil.

10.0 CORPORATE SERVICES

10.1 CONSIDER SUBMISSIONS MADE TO THE 2011/12 DRAFT BUDGET

File No: 11/2773 – Frank Bonacci – Manager Finance

<p>Moved: Cr Gaffney Seconded: Cr Graham</p> <p>That submissions 1 & 9 be considered at the mid year budget review.</p> <p style="text-align: right;">Carried</p>	
For:	Against:
Cr Pockley	Cr Goldsworthy
Cr Gaffney	
Cr Croucher	
Cr Graham	
Cr Murdoch	
Cr Issell	

<p>Moved: Cr Goldsworthy Seconded: Cr Croucher</p> <p>That in respect to submission 2 this matter be considered by Council staff and costed and reported to Council in time for 2012/13 budget.</p> <p style="text-align: right;">Unanimously Carried</p>	
For:	Against:
Cr Croucher	Cr Gaffney
Cr Goldsworthy	
Cr Murdoch	
Cr Pockley	
Cr Issell	
Cr Graham	

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Moved: Cr Croucher
Seconded: Cr Goldsworthy

That in respect to Item 3 an allocation of up to \$14,500 be made to Gundowring North Tennis Club to go toward roof repairs and painting.

Lost

For:	Against:
Cr Croucher	Cr Pockley
Cr Goldsworthy	Cr Gaffney
Cr Murdoch	Cr Issell
	Cr Graham

Moved: Cr Graham
Seconded: Cr Issell

That in respect to submission 3 a formal assessment be provided at the mid year budget review.

Unanimously Carried

Moved: Cr Murdoch
Seconded: Cr Croucher

That in respect to submissions 4 & 5 Council allocate \$15,000 to Greening Chiltern's Watercourses.

Lost

For:	Against:
Cr Murdoch	Cr Pockley
Cr Croucher	Cr Gaffney
	Cr Graham
	Cr Goldsworthy
	Cr Issell

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**Moved: Cr Graham
Seconded: Cr Gaffney**

That in respect to submissions 4 & 5 any surplus funding from the 2010/11 budget be made available to the group and possible funding applications be considered separately.

Carried

For:	Against:
Cr Pockley	Cr Goldsworthy
Cr Gaffney	Cr Murdoch
Cr Graham	Cr Croucher
Cr Issell	

**Moved: Cr Goldsworthy
Seconded: Cr Murdoch**

That in respect to submissions 4 & 5 Council allocate a maximum of \$5,000 to the Chiltern Greening Watercourses to complete the circuit taking into account the 2010/11 balance carried forward.

Carried

For:	Against:
Cr Goldsworthy	Cr Issell
Cr Murdoch	Cr Graham
Cr Pockley	Cr Gaffney
Cr Croucher	

**Moved: Cr Croucher
Seconded: Cr Issell**

That in respect to submission 6 Council allocate an additional \$5,000 to Indigo Tourism Advisory Committee.

Carried

For:	Against:
Cr Pockley	Cr Gaffney
Cr Goldsworthy	Cr Graham
Cr Murdoch	
Cr Croucher	
Cr Issell	

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**Moved: Cr Croucher
Seconded: Cr Goldsworthy**

That in respect to submission 8 a more thorough examination of options and costs report be brought back in view to the mid year budget review.

Unanimously Carried

**Moved: Cr Goldsworthy
Seconded: Cr Graham**

That in respect to submission 11 \$1,500 be allocated to Indigo Shire Council heritage awards.

Carried

For:	Against:
Cr Pockley	Cr Issell
Cr Gaffney	
Cr Goldsworthy	
Cr Croucher	
Cr Murdoch	
Cr Graham	

**Moved: Cr Goldsworthy
Seconded: Cr Graham**

That in respect to submission 12 hire charges be increased by 5% at the Beechworth Memorial Hall.

Unanimously Carried

**Moved: Cr Issell
Seconded: Cr Murdoch**

That in respect to submission 12 an operational analysis of current charges and usage rates and cost of public halls be provided.

Unanimously Carried

**Moved: Cr Graham
Seconded: Cr Issell**

That all budget submissions close on the day the submitters are due to speak at the Council Meeting pending regulations in the Local Government Act.

Unanimously Carried

For Decision

RECOMMENDATION

That Council:

Consider each of the submissions marked Nos 1 to 11 as appended to this Report, in relation to the draft 2011/12 Budget and make a determination on each of those submissions pursuant to Section 129, 130 and 223 of the Local Government Act 1989 (LGA 1989).

INTRODUCTION

As explained in the BACKGROUND section below, any person has the right to make a submission on the draft 2011/12 Budget under Section 223 of the LGA 1989 and any such submission must be considered by Council prior to formal adoption of the Budget.

At the date of preparation of this report, eleven (11) submissions have been received by Council and summary details and the actual submissions are contained in the two attachments to this report.

The formal Sec 223 LGA 1989 submission period for the draft 2011/12 Budget closed at 5pm on 15 June 2011. Any additional late submissions that are received will be distributed to Councillors prior to the Special Council meeting on 28 June 2011.

Persons making submissions can request to be heard at the Council meeting when submissions are considered by Council. A maximum time of five (5) minutes has been set aside for each presenter who has indicated that they seek to be heard. As at 15 June 2011, those requesting to be formally heard are:

- Jane Roots on behalf of the Chiltern Landcare Group; and
- The Rutherglen Swimming & Life Saving Club.

BACKGROUND

Section 129 of LGA 1989 states that:

129. Public notice

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1. As soon as practicable after a Council has prepared a budget or revised budget, the Council must give public notice.
2. A person has a right to make a submission under section 223 on any proposal contained in the budget or revised budget.
3. In addition to any other requirements specified by this Act, the notice referred to in subsection (1) must:
 - (a) contain any details required by the regulations; and
 - (b) advise that copies of the budget or revised budget are available for inspection for at least 14 days after the publication of the notice at-
 - (i) the Council office and any district offices; and
 - (ii) any other place required by the regulations.
4. A copy of the budget or revised budget must be displayed at the places specified under subsection (3)(b).

LGA 1989 – Section 130 - Adoption of budget or revised budget

130. Adoption of budget or revised budget

1. A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.
2. The Council must give public notice of its decision under subsection (1).
3. The Council must adopt the budget by 31 August each year.
4. The Council must submit a copy of the budget to the Minister by 31 August each year.
5. The Minister may extend the period within which a Council must comply with subsection (4).
6. If a Council fails to submit a copy of the budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.
7. A Council must give the Minister any details concerning its budget or revised budget that the Minister requests.
8. A Council must comply with subsection (7)-
 - (a) within 14 days of receiving a request in writing for the details from the Minister; or
 - (b) within any longer period specified by the Minister in the request.
9. A copy of the budget or revised budget must be available for inspection by the public at-

- (a) the Council office and any district offices; and
- (b) any other place required by the regulations.

FINANCIAL IMPLICATIONS

Financial implications will vary and be dependant upon considering each of the draft 2011/12 Budget submissions.

CONCLUSION

Council is scheduled to formally adopt the 2011/12 Budget at a Special Meeting of Council to be convened Tuesday, 28 June 2011.

In order for Indigo Shire to comply with the Act in relation to adoption of the draft 2011/12 Budget, each of the Budget submissions must be considered prior to formal adoption of the Budget.

Attachments:
Budget Submission Summary
Budget Submission Detail

10.2 ADOPTION OF THE INDIGO SHIRE COUNCIL 2011/12 BUDGET

File No: 11/2773 – Frank Bonacci – Manager Finance

The Chief Executive Officer declared an indirect conflict of interest because of conflicting duties.

The Chief Executive Officer departed the meeting at 5.30pm and returned at 5.36pm.

For Decision

Moved: Cr Goldsworthy
 Seconded: Cr Murdoch

That Council:

1. Council adopt the 2011/12 Budget and forward projection as set out in the Budget paper attached along with any adopted amendments stemming from consideration of Budget submissions and forward a copy of the budget to the Minister.
2. Council raise the total amount of rates and charges of \$11,323,697, that the Council declares that the rate in the dollar and charges be set as follows:
 - Residential rate 0.003065
 - Residential 2 rate 0.003678
 - Residential Vacant 0.006130
 - Rural 1 rate 0.002299
 - Rural 2 rate 0.002759
 - Commercial / Industrial rate 0.004138

The Municipal Charge be set at: \$236.00

The following waste management charges be set at:

Domestic garbage charge	\$150.15
Recycle charge	\$63.30
Green Organic waste collection charge	\$103.55
Waste management facility charge	\$55.00

3. That public notice of the adoption of the Budget be given.
4. That the submitters to the Budget process be advised of Council's actions in considering the submissions.

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5. That Council issue rate notices and collect all rates via four instalment plan process, with instalments due on:

Instalment 1	30 September 2011
Instalment 2	30 November 2011
Instalment 3	29 February 2012
Instalment 4	31 May 2012

INTRODUCTION

Council, at various meetings over the past four months, has considered draft operating and capital works budgets. At the May Ordinary Meeting of Council held 10 May 2011, Council “prepared” the Budget in accordance with provisions of the Local Government Act 1989 (the Act), and resolved that notice be given calling for submissions.

BACKGROUND

At the May Ordinary Meeting of Council held 10 May 2011, Council resolved to hear any submissions received in response to the public notice in accordance with Section 223 of the Act. Budget submissions were heard at a Special meeting of Council on 21 June 2011 and are scheduled to be considered at the Special meeting of Council on 28 June 2011. The attached draft 2011/12 Budget is exclusive of the possible effect of Council adopting part or all of those Budget submissions and the 2011/12 Budget that will be submitted to the Minister will be the attached draft 2011/12 Budget plus any amendments resulting from Councils consideration of Budget submissions.

FINANCIAL IMPLICATIONS

The adoption of Council’s Budget is clearly the most fundamental financial decision that the Council must make on an annual basis. It sets in place the framework by which officers can implement Council’s strategic direction contained within the Council Plan, with Council having allocated appropriate resources.

Council will need to advertise the adoption of the Budget, advising ratepayers that the four instalment system will be used with rates notices being forwarded to ratepayers in the near future.

Instalment dates for the year are:

Instalment 1	30 September 2011
Instalment 2	30 November 2011
Instalment 3	29 February 2012
Instalment 4	31 May 2012

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CONCLUSION

This report details the process by which the 2011/12 Budget and Strategic Resources Plan forward projections have been prepared and advertised in accordance with the provision of the Act and recommend that the Budget be adopted in accordance with Section 150 of the Act.

All appropriate statutory consultative procedures have been implemented in accordance with the requirement of the Act, in particular, the advertising and calling of submissions

Attachment:
Draft 2011/12Budget

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11.0 GENERAL BUSINESS

Moved: Cr Graham
Seconded: Cr Goldsworthy

That Council withdraw from North East Roadsafe Committee effective 30 June 2011.

Unanimously Carried

Cr Issell	Requested that investigations be made into Council having a link to the MAV website which provides information on rating/cost pressures.
Cr Pockley	Commented on a letter to the editor by Bob Bennett in the Ovens & Murray Advertiser dated Wednesday 22 June 2011, and clarified that whilst property trust for nature charges are in the draft rating strategy, the strategy has not yet been adopted by Council.

Meeting Concluded: 5.50pm