



CITY OF BAYSWATER

MINUTES

OF THE

SPECIAL MEETING

OF COUNCIL

4 July 2005

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CITY OF BAYSWATER

Minutes of the Special Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Administration Centre, 61 Broun Avenue, Morley on Monday, 4 July 2005.

MINUTES**1 OFFICIAL OPENING**

The Chairperson, His Worship the Mayor CR KENYON, JP welcomed those in attendance and declared the meeting open for the special business of Council at 7.25 pm.

At this point in the meeting, His Worship the Mayor introduced Mr Glen Hall the Acting District Manager from F.E.S.A. Mr Hall made a brief presentation to Council, advising that he has left the role of Manager at the State Emergency Service, Bayswater to take up a full time position with F.E.S.A but wished to thank Council for their involvement over the years in the State Emergency Service. Mr Hall advised that the City of Bayswater's support for its local S.E.S was one of the best in the state and he thanked Councillors and staff for their support and professionalism over many years.

**2 RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)****In Attendance**West Ward

Cr Terry Kenyon JP, Mayor Chairperson
Cr Alan Radford
Cr Marlene Robinson

North Ward

Cr Lou Magro (*arrived at 7.28 pm*)
Cr Ian McClelland JP, Deputy Mayor
Cr Graham Pittaway, OAM

Central Ward

Cr Victor Rosenberg
Cr Barry McKenna

South Ward

Cr Terry Gaunt
Cr Sonia Turkington

Officers

Mr Mario J. Carosella	Chief Executive Officer
Mr Bob Jarvis	Director of Administration and Community Services
Mr Ted Budzinski	Director of Finance
Mr George Rimpas	A/Director of Technical Services
Ms Francesca Lefante	Director of Planning and Development Services

Apologies

Nil.

Leave of Absence

Cr Michael Sabatino

Observers

Nil.

3 PUBLIC QUESTION TIME

In accordance with Section 5.24 of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public.

Nil.

SUSPENSION OF STANDING ORDERS

At 7.29 pm, CR GRAHAM PITTAWAY, OAM MOVED, CR LOU MAGRO SECONDED that Standing Orders be suspended.

CARRIED

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5 CONFIRMATION OF MINUTES

Nil.

6 DECLARATIONS OF INTEREST

In accordance with Section 5.65 of the *Local Government Act 1995*:

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the member must disclose the nature of the interest -

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

Nil.

7 URGENT BUSINESS

Nil.

8 PETITIONS

Nil.

9 DEPUTATIONS

Nil.

10 GENERAL BUSINESS**10.1 Levying of 2005/2006 Rates and Refuse Collection Charges**

Attachments: [Rating Information](#)
[Fees and Charges](#)

File No: 6.2.12

Officer: Director of Finance

Application

The rates and refuse collection charges, as presented in the 2005/2006 Budget, are presented to Council for adoption.

Background*Levying of 2005/2006 Rates*

The rates are set on the basis of taking into account all estimated income (excluding rate income) and expenditure for the coming year. The expenditure is the amount estimated to provide Council's predetermined community needs as a responsible Council. This results in a shortfall, which then determines the levy against the ratepayers for the year in the form of rates.

In arriving at the final rate to be levied for 2005/2006, Council has taken into account the impact of the 'Morley Shopping Centre Redevelopment Agreement Act 1992' which has a significant effect on Council rate income. The Act breaks with the traditional gross rental value concept of setting rate levies by setting a base year which is the lesser of \$700,000 or an amount assessed on gross rental value by a rate of .053692 for a period of 20 years CPI-adjusted. For the purpose of the attached Budget, the levying under the Morley Shopping Centre Redevelopment Agreement Act has been calculated on the basis of a CPI adjustment, resulting in an estimated rate levy from this site of \$918,443.

The rates recommended in the 2005/2006 Budget represent a 2.95% increase in the rate in the dollar with no changes from last year in the differential rate, with the following applicable for the various land usages :

	2005/2006
Business	95%
Office	95%
Showroom/Warehouse	93%
Light Industry	93%
Special Purpose	95%
Maylands - Business	90%

Land Use	Rate In Dollar	Differential Rate	Minimum Rate \$	Gross Current Valuation \$	Total Rates Income \$
Residential	7.61634	100.00%	505	162,132,766	12,532,349
Hotel	7.61630	100.00%	650	801,160	61,019
Business	7.23552	95.00%	676	10,117,765	738,381
Office	7.23551	95.00%	638	1,112,994	80,900
Showroom/Warehouse	7.08321	93.00%	639	6,761,752	479,786
Public Purpose	7.61631	100.00%	655	568,194	43,760
Service Station	7.61632	100.00%	656	635,737	48,420
Light Industry	7.08320	93.00%	809	4,718,695	347,089
General Industry	7.61636	100.00%	844	18,369,633	1,452,625
Special Purpose	7.23550	95.00%	1007	2,443,471	181,425
Access Highway	7.61633	100.00%	525	178,212	13,811
Maylands Residential	7.61634	100.00%	505	53,012,756	4,312,271
Maylands Commercial	6.85471	90.00%	476	2,977,666	206,161
Maylands Industrial	7.61634	100.00%	475	1,347,707	102,863
SUB TOTAL				\$265,178,508	\$20,600,860
Morley Shopping C'tre				32,895,548	918,443
TOTAL				\$298,074,056	\$21,519,303

Differential General Rate

In accordance with Section 6.36(1) of the Local Government Act 1995, Council is not required to obtain Ministerial approval when imposing a differential general rate, providing :

1. The appropriate advertising provision has been complied with in accordance with Section 6.36(1); and
2. The "differentiating general rate" is not "more than twice the lowest differentiating general rate imposed under the Act", in accordance with Section 6.33(3).

Both of the above conditions have been fulfilled and no objections have been received in the statutory period of 21 days from date of advertising. The advertisement was lodged in the 'Eastern Suburbs Reporter' and 'Voice News' on 7 June 2005.

In accordance with Section 6.33 (1)(d) of the Local Government Act 1995, Council may impose differential rates according to a combination of characteristics which include the zoning as stipulated in the Town Planning Scheme and the purpose for which the land is used.

Levying of 2005/2006 Refuse Collection Charges

In accordance with the Health Act, Council may impose a refuse collection charge for the purpose of removal of refuse.

The refuse service comprises of a weekly putrescible waste service, and fortnightly recycling and greenwaste service. The service is performed under contract by Cleanaway and the Eastern Metropolitan Regional Council processes the greenwaste. Council has set the levy for the provision of this service through the whole City at \$195.70 per annum for the domestic service and \$266.85 per annum for the commercial service.

Council has also made provision for single residential ratepayers to receive additional sanitation services where requested. The following additional refuse collection service charges have been set for this area for 2005/2006 :

Additional Domestic Service Charge	\$160.00
Additional Recycling Service Charge	\$ 66.00
Additional Greenwaste Service Charge	\$ 66.00

Current advice from the Australian Taxation Office indicates "that the provision of additional rubbish bins and other sundry 'user pays' charges will attract GST."

Imposition of a Swimming Pool Levy

In accordance with Section 6.16 of the Local Government Act 1995, Council may, for a financial year, fix the charge to be imposed on each owner or occupier of land on which there is a swimming pool, to meet the costs of carrying out inspections. Since the initial accelerated pool inspection programme, Council has continued a rotational inspection programme. The Budget has provided for a \$12.50 charge (excluding GST) per pool to meet the costs of continuing this programme. This fee is GST-taxable due to the changes in taxation legislation.

Imposition of a Waste Landfill Levy

In April 1998, the Governor assented legislation for the imposition of a levy in respect of certain waste under the "Environmental Protection (Landfill) Levy Act 1998". The accompanying regulations determine the levy to be \$3.00 per tonne of waste directed to landfill sites. It is commonly accepted that each household service generates a tonne of landfill waste per annum. Although this State Government levy is payable by the licensed landfill site, it is passed on to Council and in turn in the cost of the service.

Since the introduction of this levy in 1998/99, Council has resolved that this be charged separately to the ratepayers who receive refuse collection services. In line with the precedent set, the 2005/2006 Budget provides for a \$3.00 charge per service (both domestic and commercial) and this will be shown as a separate charge on the rate notice.

Imposition of Fees and Charges - Entrance Fees and Facility Fees

In accordance with Section 6.16 of the Local Government Act 1995, Council may impose fees or charges for the use of facilities that it manages and maintains. All facility fees are reviewed annually and the Manager Recreation Services, in consultation with facility managers, has recommended very modest, if any, fee increases. The recommended fees have been arrived at by comparing fees and charges imposed by other local governments in the surrounding area for similar facilities. All other fees are also reviewed on an annual basis, and a copy of these is ***attached***.

In the taxation legislation, the Federal Treasurer has exempted certain fees and charges under Division 81 of the above legislation. However most recreational, hire, and some service fees, are not exempt from the 10% GST. The ***attached*** schedules clearly show the GST-inclusive fees and charges.

The suggested fees and charges, as per ***Attachment 2*** are recommended for adoption for 2005/2006.

COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)

CR IAN MCCLELLAND, JP MOVED, CR TERRY GAUNT SECONDED the Officer's recommendation:

That:

- 1. The differential general rate, in accordance with Section 6.32(1) of the Local Government Act 1995, be imposed according to the purpose for which the land is zoned or the purpose for which the land is held or used, and a general rate be imposed on the gross rental value as per Attachment 1 for the 2005/2006 financial year;**
- 2. A concessional rate in accordance with Section 6.47 of the Local Government Act 1995 be proposed for the locality of Maylands (the area determined under the Governor's Order gazetted on 31 March 1998);**
- 3. Sanitation charges be approved in accordance with Section 41 of the Health Act 1911 (as amended), being \$195.70 for domestic services and \$266.85 for commercial services.;**
- 4. Additional sanitation charges for single residential properties be approved in accordance with Section 41 of the Health Act 1911 (as amended), being \$160.00 (excluding GST) for additional domestic services, \$66.00 (excluding GST) for additional greenwaste services and \$66.00 (excluding GST) for additional recycling services;**

- 5. A \$3 charge for the State Government (Landfill) Levy per domestic and commercial refuse collection service be added to each rate notice showing a refuse collection service as a separate charge;**
- 6. In accordance with Section 6.16 of the Local Government Act 1995, a swimming pool inspection levy of \$12.50 (excluding GST) be imposed on each owner or occupier of land on which there is a swimming pool, for the 2005/2006 financial year; and**
- 7. In accordance with Section 6.16 of the Local Government Act 1995, the entrance and facilities fees, and planning fees and charges, as per Attachment 2, be adopted for the 2005/2006 financial year.**

CARRIED UNANIMOUSLY WITH AN ABSOLUTE MAJORITY

10.2 Rates - Instalment Charges, Interest Charges and Rates Incentive Scheme**File No: 6.2.12****Officer: Director of Finance**Application

The *Local Government Act 1995* came into operation on 1 July 1996. As a result of this Act, changes were made. Prior to the mailing of its annual rate notices, Council needs to resolve the following :

1. Instalment options for the payment of rates.
2. The administration charge on instalments – Section 6.45(3) of the *Local Government Act 1995*.
3. The interest rate on instalments – Section 6.45(3) of the *Local Government Act 1995*.
4. The interest rate on overdue rates – Section 6.51(1) of the *Local Government Act 1995*.
5. Use of Municipal Funds for the Rates Incentive Scheme – Section 6.46 of the *Local Government Act 1995*.

Background

To offset the costs of offering instalments, Council may impose an administration charge and an interest on instalments fee for those ratepayers choosing to pay their rates by instalments.

The introduction of instalments has cost Council in reduced investment income, postage, stationery and staff resources. Council should attempt to recover all costs through administration and interest charges.

Payment of Rates by Instalment – Instalment Options and Administration Charge – Section 6.45(3) of the Local Government Act 1995 and Regulation 67 of the Local Government (Financial Management) Regulations 1996.

The administration charge is designed to recover only the extra costs to Council that have been incurred as a result of sending additional notices, postage, etc. It does not allow for a profit to be made as per Regulation 67 of the *Local Government (Financial Management) Regulations 1996*. The administration charge for the last seven years has been \$5.00 per instalment to cover the additional costs. It is proposed that the administration charge for 2005/2006 remain the same, i.e. at \$5.00 per instalment.

The proposed payment structure is :

Incentive Draw - Payment in full by 26 July 2005

- No discount. No fees. No interest. Entry in prize draw.

- Option One** - Payment in full by 12 August 2005
- No discount. No fees. No interest.

- Option Two** - 50% payment by 12 August 2005. 50% payment by 12 October 2005
- Administration charge. Interest on instalments fee.

- Option Three** - 4 instalments by 12 August, 12 October, 14 December 2005 and 15 February 2006.
- Administration charge. Interest on instalments fee.

Interest on Instalment Fee – Section 6.45(3) of the Local Government Act 1995 Regulation 68 of the (Financial Management) Regulations 1996

Under the *local Government Act 1995*, Section 6.45(3), Council may adopt an interest rate for payment of rates by instalments up to a maximum rate of 5.5%. The maximum rate is set by Regulation 68 of the *Local Government (Financial Management) Regulations 1996*. In accordance with regulations, Council should take into consideration the following when determining the rate of interest to be charged for interest on instalments :

- Commercial interest rates 3 months prior to the budget
- Any adverse social impact imposed
- Interest rate forecasts for the budget year
- The interest rate for unsecured loans
- The interest rate on investments

A number of local authorities, including the Cities of Stirling and Swan, charge an interest on instalment fee at the maximum rate which is 5.5%. It is proposed to charge this maximum rate for 2005/2006.

Overdue Interest Charged – Section 6.51(1) of the Local Government Act 1995

Council may elect to set an overall penalty interest rate to apply to all overdue rates, with the exception of those of eligible pensioners. The maximum interest rate charged on overdue rates is 11%. This is set by Regulation No. 70. In accordance with regulations, Council must take into consideration the late payment interest charges of government agencies when determining an interest rate.

Last year Council maintained the overdue interest rate at 11% per annum, which is the same as that charged by FESA. It is proposed therefore, that an overdue interest rate of 11% per annum be set for 2005/2006.

Rates Incentive Scheme – Section 6.46 of the Local Government Act 1995

Council also needs to ratify its intention to contribute from the Municipal Fund towards the Rates Incentive Scheme.

Prizes for the scheme are summarised below :

- 1st Prize:** \$2500 Savings Account
Courtesy: Bayswater Community Bank Branch of the Bendigo Bank
- 2nd Prize:** Holiday for two to Broome including airfare and accommodation (to a maximum value of \$2000).
(Booking subject to availability – to be taken prior to 1 July 2006). Prize not transferable to cash.)
Courtesy: Asphaltech/City of Bayswater.
- 3rd Prize:** Savings Account for \$500
Courtesy: City of Bayswater
- 4th – 7th Prizes:** 3-month membership pass to the Y Fitness Club at the Morley Sport & Recreation Centre
Courtesy: YMCA
- 8th – 11th Prizes:** 1-month membership pass to Bayswater Waves Aquatic Centre
Courtesy: City of Bayswater
- 12th – 21st Prizes:** One complimentary round of golf at either Bayswater or Maylands Golf Course
Courtesy: City of Bayswater
- 22nd Prize:** 'Loyalty Offer' Value Deal
Courtesy: AMF Morley

Municipal Funds cash contributed towards this scheme by the City of Bayswater will be:

2 nd Prize (part thereof)	1,000
3 rd Prize	<u>500</u>
	<u>\$1,500</u>

Prizes 4 – 21 are not derived from a direct Municipal Fund cash contribution, however they have a total face value of up to \$1,306.

Council also needs to approve the contribution of Municipal Funds to the Rates Incentive Scheme by absolute majority in accordance with Section 6.46 of the *Local Government Act 1995*.

COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)

CR VICTOR ROSENBERG MOVED, CR IAN MCCLELLAND, JP SECONDED the Officer's recommendation:

That:

1. Council approves the following payment options for ratepayer selection :
 - **Option 1** – Payment in full by 12 August 2005
 - **Option 2** – Payment by two instalments to be made by 12 August 2005 and 12 October 2005
 - **Option 3** – Payment by four instalments to be made by 12 August 2005, 12 October 2005, 14 December 2005 and 15 February 2006
2. Council imposes an administration charge of \$5.00 per instalment to recover administration costs in accordance with Section 6.45(3) of the Local Government Act 1995.

The administration charge is not applicable to registered pensioners.

3. Council imposes an interest rate of 5.5% per annum (calculated daily) on instalments in accordance with Section 6.45(3) of the Local Government Act 1995.

Instalment interest is not applicable to registered pensioners.

4. Council imposes an interest rate of 11% per annum (calculated daily) on overdue rates (rates that are outstanding for a period greater than 35 days from date of issue or on default of instalment payments) in accordance with Section 6.51(1) of the Local Government Act 1995.

Overdue interest is not applicable to registered pensioners.

5. Sanitation and State Government Landfill Levies are to be allocated according to payment options available, i.e.
 - **Option 1** – Payment in full
 - **Option 2** – Payment by two instalments
 - **Option 3** – Payment by four instalments
6. Council approve the funding of the following cash prizes in the Rates Incentive Scheme from Municipal Funds in accordance with Section 6.46 of the Local Government Act 1995.

2 nd Prize (part thereof)	\$1,000
3 rd Prize	<u>500</u>
	<u>\$1,500</u>

Prizes 4 – 21 are not derived from a direct Municipal Fund cash contribution, however they have a total face value of up to \$1,306.

CARRIED WITH AN ABSOLUTE MAJORITY

Cr Alan Radford requested his objection against the Rates Incentive Scheme disallowing family members of Elected Members from entering be recorded.

10.3 **2005/2006 Budget**
 File No: **6.2.3**
 Officer: **Director of Finance**

Application

The 2005/2006 Budget, which has been circulated under separate cover, is presented for Council adoption.

Background

In accordance with Section 6.2 of the Local Government Act 1995, Council has a statutory obligation to adopt a separate budget for each of its funds, being the Municipal Fund, Reserve Fund and the Trust Fund.

The Municipal Fund

The Municipal Fund records all the day-to-day operating income and expenditure of Council - it could be said to be Council's trading fund.

At budget time, all income (excluding rates) and expenditure are estimated, and the deficit - or shortfall - between the income and expenditure, represents the amount which Council is required to levy against the ratepayers for that year.

Income of the Fund includes: rates; licences; government grants; property rental; private works, etc., and the expenditure includes administration costs; health and welfare services; roads and engineering costs; and parks and reserves maintenance.

Council's Municipal Fund Budget and Financial Statements are presented using the compliance income and expenditure programme formats.

Reserve Funds

Under Section 6.11 of the Local Government Act 1995, local governments can set aside money in a reserve for use for a purpose in a future year. The reserves need to be specific. Over the years, Council has created a number of reserves for various purposes. Part of the annual budget process involves a thorough examination of the reserve position of the City prior to setting of the rates.

Trust Fund

Under Section 6.9 of the Local Government Act 1995, local governments are required to hold in the Trust Fund all money, or the value of assets that are required by the Act, or any money held by the local government in trust, e.g. unclaimed monies and special purpose monies. Included in the budget papers is the 2005/2006 Trust Fund Statement with a balance at 30 June 2006 of \$1,050,000.

COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)

CR GRAHAM PITTAWAY, OAM MOVED, CR ALAN RADFORD SECONDED the Officer's recommendation:

That in accordance with Section 6.2(1) of the Local Government Act 1995, Council's Municipal, Reserve and Trust Fund Budgets, as presented in the Statutory Budget Papers 61 to 83 for the 2005/2006 fiscal year be adopted.

CARRIED WITH AN ABSOLUTE MAJORITY

- 10.4 Banking Operations - Delegated Authority**
File No: 6.2.20
Officer: Director of Finance

Application

Council approval is required each year to continue with the use of the Treasurer's Advance Account electronic banking facilities. Accordingly, this approval is required for the 2005/2006 financial year.

Background

Under Regulation 13 (amended 1998), of the *Local Government (Financial Management) Regulations 1996*, Council may delegate to the Chief Executive Officer to exercise its power to make payments from the Municipal Fund.

For a number of years Council has operated its bank accounts in this manner under the old Act and, in 1997/98, the use of electronic banking facilities was added as a result of a change of bankers.

Council now needs to authorise the continued use of the Treasurer's Advance Account (which is the main account through which Council's creditors will be paid for the 2005/2006 financial year) and electronic banking. This needs to be done on an annual basis.

Council currently operates a number of bank accounts, these being :

1. *Municipal Account*

Purpose of Account: Accounts for all ordinary revenue of Council, and as a source of funds for the Treasurer's Advance Account.

2. *Treasurer's Advance Account*

Purpose of Account: To pay all duly-authorized payments.

3. *Trust Fund Account*

Purpose of Account: To account for all monies held as deposits or in trust for other persons.

4. *Reserve Fund Account*

Purpose of Account: To account for all monies held in reserves.

5. ***Rates Clearing Accounts (operating with the Bayswater Community Bank Branch of the Bendigo Bank and the Commonwealth Bank of Australia)***

Purpose of Account: This is an account into which all banks deposit on a daily basis all rate collections both from within the state of Western Australia and interstate. Funds are then moved electronically, on a daily basis, into the Municipal Account. This is basically a clearing account used by the bank as a collection point.

6. ***City of Bayswater Aged Persons Homes Account***

Purpose of Account: To accommodate residents who have made arrangements with their banks to directly remit rental payments to the old (BankWest) account established under the City of Bayswater Aged Persons Homes (Inc) now acting as a clearing account. This account is still being used by some 50 residents.

CURRENT SIGNATORIES

Treasurer's Advance Account

Any two of Mayor, Deputy Mayor, Chief Executive Officer, a Director or Accountant.

City of Bayswater Aged Persons Homes Clearing Account

Either the Chief Executive Officer or Director of Finance, and the Mayor or Deputy Mayor.

All other Accounts

Either the Chief Executive Officer or Treasurer, and countersigned by the Mayor or Deputy Mayor.

ELECTRONIC BANKING

With the introduction of the *Local Government Act 1995* and its accompanying Regulations, local governments are now allowed to use computer encryption devices in banking/payment of accounts. Regulation 11 of the *Local Government (Financial Management) Regulations 1996* gives local governments power to do this provided controls and security measures are in place.

The Regulation states (inter-alia):

“A local government is to develop procedures for the authorisation of payment of accounts to ensure that there is effective security for and properly authorised use of (a) ..., computer encryption devices / passwords ...”

The use of electronic banking does entail the use of computer encryption devices.

Security and Control Mechanisms Currently Employed:

The security of the electronic banking system is governed by:

- a) The need to input **two passwords/pin numbers**: one by the Accountant and the other by the Director of Finance.
- b) **All transactions** using this facility can only be **transferred between the City's bank accounts**, with the exception of the payroll transfer and payments to the Commissioner of Taxation.
- c) The list of electronically-effected cash movements from the Municipal Fund, Rate Collection Account, Reserve Fund, Treasurer's Advance Account and the Trust Fund are approved by Council monthly.
- d) A separate register and transactional journal of all daily movements is kept for audit purposes.

Proposed Fund Transfers

The electronic banking facility is/can be used in the following fund movements:

- | | | | | |
|----|--|----|---|-------------------------------|
| a) | Rates Collection Accounts | to | → | Municipal Fund |
| b) | Municipal Fund | to | → | Treasurer's Advance Account |
| | | | → | Reserve Fund |
| | | | → | Trust Fund |
| c) | Treasurer's Advance Account | to | → | Payroll (employees' accounts) |
| | | | → | Commissioner of Taxation |
| d) | Reserve Fund | to | → | Municipal Fund |
| e) | Trust Fund | to | → | Municipal Fund |
| f) | City of Bayswater Aged Persons
Homes Clearing Account | to | → | Municipal Fund |

Council authorisation is now required for the ongoing use in 2005/2006 of the bank-supplied security computer encryption device / passwords in order that the most effective and efficient banking services can be provided by Bayswater Community Bank branch of Bendigo Bank through electronic banking, as included in their accepted tender.

COUNCIL RESOLUTION
(OFFICER RECOMMENDATION)

CR GRAHAM PITTAWAY, OAM MOVED, CR TERRY GAUNT SECONDED the Officer's recommendation:

That :

- 1. That the following bank accounts be maintained :**
 - a) Municipal Account**
 - b) Treasurer's Advance Account**
 - c) Trust Account**
 - d) Reserve Account**
 - e) Rates Clearing Account**
 - f) City of Bayswater Aged Persons Homes Clearing Account.**
- 2. The Chief Executive Officer be given delegated authority, under Section 5.42 of the Local Government Act 1995 and in accordance with the Local Government (Financial Management) Regulations 1996, to operate the Treasurer's Advance Account for the 2005/2006 financial year.**
- 3. The Chief Executive Officer be given delegated authority under section 5.42 of the Local Government Act 1995 and in accordance with Regulation 13 (amended 1998) of the Local Government (Financial Management) Regulations 1996 to operate the Municipal Fund for the sole purpose of electronic transfers to other fund bank accounts held in the City's name.**
- 4. The following be authorised to continue as signatories :**
 - a) Treasurer's Advance Account :**

Any two of the Mayor, Deputy Mayor, Chief Executive Officer, a Director, the Accountant.
 - b) i) Municipal Account**
ii) Trust Account
iii) Reserve Account
iv) Rates Clearing Account

The Chief Executive Officer or Director of Finance and the Mayor or Deputy Mayor.
 - c) City of Bayswater Aged Persons Homes Clearing Account**

Either the Chief Executive Officer or Director of Finance, and the Mayor or Deputy Mayor.

5. In accordance with Regulation 11 (amended 1998) of the Local Government (Financial Management) Regulations 1996 the City's use of a bank-supplied security computer encryption device / passwords for its electronic banking services be approved.
6. Electronic banking be used for the following :
- a) Rates Collection Accounts to → Municipal Fund
(Bayswater Community Bank Branch of
the Bendigo Bank and the
Commonwealth Bank of Australia)
 - b) Municipal Fund to → Treasurer's Advance Account
to → Reserve Fund
to → Trust Fund
 - c) Treasurer's Advance Account to → Payroll (employees' accounts)
→ Commissioner of Taxation
 - d) Reserve Fund to → Municipal Fund
 - e) Trust Fund to → Municipal Fund
 - f) City of Bayswater Aged Persons Homes
Clearing Account to → Municipal Fund
7. That a register of all electronically-operated fund movements be maintained and reported to Council on a monthly basis along with standard creditor payments by cheque in accordance with Regulations 11 (amended 1998) and 12 (amended 1998) of the Local Government (Financial Management) Regulations 1996.

CARRIED WITH AN ABSOLUTE MAJORITY

10.5 Minor Variations to Contract – Rangers Accommodation**Location:** Lot 25 No 25-27 King Street, Bayswater**Attachments:** [Holton Connor, Project Architect - Information Acceptance of Tender](#)**File No:** PF/141, KIN-12/25-27**Officer:** Director of Planning and Development Services**Refer:** Item 7.6 Special Council Meeting 1-03-05Application

To consider minor variations to the construction contract with Dalcon Construction for the fitout of 25-27 King Street, Bayswater to accommodate the City's Rangers.

Background

- In May 2003 Council adopted the City of Bayswater Delegated Authority Register. A new delegation was introduced, at the time, granting delegated authority to the Chief Executive Officer to accept tenders up to and including an amount of \$150,000 as follows:

Delegation Number FS-D04	Acceptance of Tenders
Chief Executive Officer	Authority to determine all annual tenders (operation and supplies) and all other tenders up to and including an amount of \$150,000 which have been allocated within the approved expenditure budget.
Reference	
Policy FS-P19, <i>Local Government Act 1995</i> , S.5.17 and S.5.42	

- On 1 March, 2005 Council resolved:

“That tenders be called for alterations to offices at Lot 25 No 25-27 King Street, Bayswater to accommodate the City's Rangers, with a tender period of four (4) weeks.”

- Dalcon Construction was the preferred tender, for \$148,346 (inc GST) this was approved by the Chief Executive Officer on 13 May, 2005 in accordance with the delegated authority.
- The contract was subsequently signed by way of letter of acceptance dated 18 May 2005 (O/N 107738 issued 2 June 2005).
- Since Dalcon Construction took possession of the site on 13 June, 2005 and commenced works the following variations to the contract have been identified by the Architect and costed by Dalcon:

a)	Changes to design to accommodate toilets for disabled	\$3,576.00
b)	Termite Treatment	\$ 550.00
c)	Replace termite infested wall	\$ 775.00
d)	Repairs to roof leak	\$4,881.00
	Total Variation	\$9,782.00

Comment

1. The variations to the works result in a contract greater than \$150,000 and hence require determination by the full Council.
2. The proposed works are considered necessary to ensure compliance with BCA requirements and to address the unforeseen matters.
3. In order to address unforeseen matters or minor variations which may arise, it is suggested that a contingency amount of \$3,000.00 be approved.

Officer's Recommendation

That:

1. Council approves the variations of \$9,782 to Tender 25/2005 for the Rangers Office Fitout at Lot 25 No 25-27 King Street, Bayswater.
2. Dalcon Construction contract of \$148,346 be amended to \$158,128 to reflect the variation.
3. A contingency amount of \$3,000 be approved to cater for unforeseen matters and minor variations, with expenditure from this contingency to be approved by the Director of Planning and Development Services on the recommendation of the Project Architect.
4. The Project Architect, Holton Connor be advised of the above.

ABSOLUTE MAJORITY REQUIRED

COUNCIL RESOLUTION

CR BARRY MCKENNA MOVED, CR MARLENE ROBINSON SECONDED an amendment to the Officer's recommendation:

That:

1. **Council approves the variations of \$9,782 to Tender 25/2005 for the Rangers Office Fitout at Lot 25 No 25-27 King Street, Bayswater;**
2. **Dalcon Construction contract of \$148,346 be amended to \$158,128 to reflect the variation;**

- 3. A contingency amount of \$3,000 be approved to cater for unforeseen matters and minor variations, with expenditure from this contingency to be approved by the Director of Planning and Development Services on the recommendation of the Project Architect;**
- 4. The Project Architect, Holton Connor be advised of the above; and**
- 5. The additional funding is to come from the Major Capital Works.**

The Amendment was put and

CARRIED

The Amendment became the Motion.

The Motion was put and

CARRIED WITH AN ABSOLUTE MAJORITY

RESUMPTION OF STANDING ORDERS

At 7.43 pm CR GRAHAM PITTAWAY, OAM MOVED, CR ALAN RADFORD SECONDED, that Standing Orders be resumed.

CARRIED

11 CLOSURE

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE CHAIRPERSON, CR KENYON, JPDECLARED THE MEETING CLOSED AT 7.44 PM.