



SHIRE OF YORK

**MINUTES OF THE SPECIAL
MEETING OF THE COUNCIL
HELD ON 24th FEBRUARY, 2009
COMMENCING AT 6.00PM IN THE
COUNCIL CHAMBERS, YORK**

MISSION STATEMENT

"To build on our history to create our future"

SHIRE OF YORK
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RAY HOOPER
CHIEF EXECUTIVE OFFICER

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SHIRE OF YORK

THE MINUTES OF THE SPECIAL MEETING OF THE COUNCIL
HELD ON TUESDAY FEBRUARY 24, 2009, COMMENCING AT
6.00PM IN THE Council Chamber, Upstairs in the Town Hall, YORK.

1. OPENING

- 1.1 Declaration of Opening
Cr Brian Lawrance declared the meeting open at 6.00pm and welcomed all in attendance.
- 1.2 Chief Executive Officer read the disclaimer
- 1.3 Announcement of Visitors
Nil
- 1.4 Announcement of any Declared Financial Interests
Nil

2. ATTENDANCE

- 2.1 Members
Cr Lawrance, Cr Boyle, Cr Randell, Cr Fisher, Cr Walters
- 2.2 Staff
R Hooper, G Stanley, J Treloar
- 2.3 Apologies
Cr Hooper
- 2.4 Leave of Absence Previously Approved
Nil
- 2.5 Number of People in Gallery at Commencement of Meeting
One

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

- 3.1 Previous Public Questions Taken on Notice
Nil
- 3.2 Written Questions – Current Agenda
Nil

4. PUBLIC QUESTION TIME

Nil

5. APPLICATIONS FOR LEAVE OF ABSENCE
Nil

6. PETITIONS / PRESENTATIONS / DEPUTATIONS
Nil

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

7.1 Not applicable.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

9. OFFICER'S REPORTS

9.1 Development Services Reports

Nil

9.2 Administration Reports

9. OFFICERS' REPORTS
9.2 ADMINISTRATION REPORTS
9.2.1 Annual Report & Electors Meeting

FILE: FR.FRP.2
COUNCIL DATE: 24 February 2009
REPORT DATE: 20 February 2009
LOCATION/ADDRESS: N/A
APPLICANT: N/A
OFFICER: Graham Stanley, Deputy CEO
SENIOR OFFICER: Ray Hooper, Chief Executive Officer
DISCLOSURE OF INTEREST: Nil
APPENDICES: Nil
DOCUMENTS TABLED: 2007/08 Annual Report

Summary:

This report recommends that the Annual Report for the Shire of York for the Year Ended 30th June 2008 be accepted and that the Annual General Meeting of Electors' be held on 16th March 2009.

Background:

The Council prepares an annual report for each financial year ending 30 June. Items to be included in the annual report are prescribed in the Local Government Act 1995.

It includes a summary of the Council's annual activities, including the audited annual financial statements and Independent Audit Report. Where the Council hasn't received the Auditor's report in time for the Annual Report to be accepted by 31st December it is required to accept the Annual Report within 2 months of receiving the Auditor's Report.

Consultation:

Not Applicable.

Statutory Environment:

Local Government Act, 1995 (As Amended)

The following sections of the Act are relevant to the receipt of the Annual Report and the convening of the Annual Electors Meeting:

Section 5.53	Annual Report
Section 5.54	Acceptance of Annual Report
Section 5.55	Notice of Annual Report
Section 5.27	Electors' general meeting "...within 56 days after the Local Government accepts the Annual Report for the previous financial year."
Section 5.29	Convening electors' meetings

Policy Implications: Nil.

Financial Implications: Nil.

Strategic Implications: Nil.

Voting Requirements:

Absolute Majority Required: Yes

Site Inspection:

Site Inspection Undertaken: Not applicable

Triple bottom Line Assessment:
Economic Implications: Nil

Social Implications: Nil

Environmental Implications: Nil

Comment:

The Audit Report noted two instances of non-compliance with statutory requirements as follows:

“During the course of our audit we became aware of the following instances where the Council did not comply with the Local Government Act 1995 (as amended) and the Local Government (Financial Management) Regulations 1996:

- (i) *Annual Financial Report was not submitted by the Shire of York to its auditors by 30 September 2008 as prescribed under Section 6.4(3) of the Local Government Act 1995.*
- (ii) *The Auditor’s report for the year ended 30 June 2008 was not issued and received by the Shire of York by 31 December 2008 as prescribed under Section 7.9(1) of the Local Government Act 1995.*

Except as detailed above, we did not during the course of our audit become aware of any instances where the Council did not comply with the requirements of the Local Government Act and Regulations under that Act”.

However in the opinion of the Auditor:

“the financial report of the Shire of York:

- (i) *gives a true and fair view of the financial position of the Shire of York as at 30 June 2008 and of its financial performance for the year ended on that date; and*
- (ii) *complies with the Local Government Act 1995 (as amended), the Local Government (Financial Management) Regulations 1996 (as amended) and the Australian Accounting Standards (including the Australian Accounting Interpretations).”*

In relation to the two items of non-compliance the first led to the second occurring. Delays were experienced in the completion of the annual financial report due to a variety of reasons and this resulted in the financials not being available for the auditor by 30th September. Because of the lateness in receiving the Annual Financial Report the auditor was unable to schedule the audit visit until just prior to Christmas. As the Auditor’s office was then closed for 3 weeks over the Christmas–New Year Period the Audit Report wasn’t completed until 19th January 2009. Steps are being taken to ensure that future annual financial reports are available to the auditor within the statutory timeframe.

The Statutory period for holding the Annual Electors Meeting is within 56 days of receiving the annual report, in this instant 21st April 2009. To minimise disruption to both Councillors and staff it is suggested that the Electors’ Meeting be held at 5.00pm on Monday 16th March 2009 to follow on from the March Council meeting.

OFFICER RECOMMENDATION

**RESOLUTION
240209**

MOVED: Cr Boyle

SECONDED: Cr Fisher

“That Council

- 1. accepts the Annual Report, incorporating the Annual Financial Report and the Audit Report for the year ended 30 June 2008;***
- 2. gives local public notice of the availability of the Annual Report; and***
- 3. authorises the Chief Executive Officer to convene the Annual Electors’ Meeting, providing a minimum of 14 days’ local public notice, to be held on Monday 16th March 2009 at 5.00pm.”***

CARRIED (5/0)

9.3 Finance Reports

Nil

9.4 Confidential Reports

Nil

9.5 Late Reports

Nil

10. NEXT MEETING

The next Ordinary Meeting of the Council will be held on Monday March 16, 2009, commencing at 3.00pm in the Lesser Hall, York.

11. CLOSURE

Cr Lawrance thanked everyone for their attendance and declared the meeting closed at 6.08pm.