

# **AGENDA**

## **SPECIAL COUNCIL MEETING**

**THURSDAY 11<sup>th</sup> SEPTEMBER, 2014**

**9.00AM, LGANT MEETING ROOM**

**UNIT 1/21 PARAP RD (Next to Council Office)**

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A handwritten signature in blue ink, appearing to read 'Daly', with a checkmark at the end.

Signed: Acting Chief Executive Officer

# AGENDA

## ORDINARY COUNCIL MEETING

TO BE HELD AT THE LGANT MEETING ROOM

ON 11<sup>TH</sup> SEPTEMBER, 2014

COMMENCING AT 9.00 AM

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Mayor of the West Daly Regional Council Harold Wilson declared the meeting open at 9.00 am and welcomed all in attendance.

### 1 PERSONS PRESENT

#### ELECTED MEMBERS PRESENT

Mayor	Harold Wilson
Deputy Mayor	Andrew Brown
Councillor	Wally Minjin
Councillor	Tobias Nganbe
Councillor	Mark Martin
Councillor	Gary Ariuu

#### STAFF

Acting Chief Executive Officer	Lee Farrell
Regional Service Manager Wadey	Peter Curwen-Walker
Regional Service Manager Palumpa	Fred Graham
Regional Service Manager Peppimenarti	Rose Peckham
Director Corporate Services	Melissa Kerr

#### PERSONS PRESENT

Incoming Chief Executive Officer	Glenda Teede
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## 2 APOLOGIES AND LEAVE OF ABSENCE

<b>Applicant:</b>	N/A
<b>Location/Address:</b>	N/A
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	NIL
<b>Date:</b>	11 <sup>th</sup> September 2014
<b>Author:</b>	Acting Chief Executive Officer, Lee Farrell
<b>Attachments:</b>	Nil

### SUMMARY

This report is to table, for Council's record, any apologies and requests for leave of absence received from Elected Members for the Ordinary General Meeting held 11<sup>th</sup> September, 2014.

### BACKGROUND

Not applicable.

### COMMENT

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absence without notice.

### CONSULTATION

Not applicable.

### STATUTORY ENVIRONMENT

As per the Local Government Act s.39 (1) A person ceases to hold office as a member of a council if the person:  
(d) is absent, without permission of the council, from 2 consecutive ordinary meetings of the council.

### POLICY IMPLICATIONS

Not applicable.

### FINANCIAL IMPLICATIONS

Not applicable.

### VOTING REQUIREMENT

Simple majority

### RECOMMENDATION

That Council receive and notes apologies and grants a leave of absence for the Special Meeting held 11 September, 2014.

**Moved:** Clr.

**Seconded:** Clr

### 3 REVIEW AND AMENDMENT OF 2014/2015 BUDGET

<b>Applicant:</b>	Director of Corporate Services, Melissa Kerr
<b>Location/Address:</b>	Darwin
<b>File Ref:</b>	N/A
<b>Disclosure of Interest:</b>	
<b>Date:</b>	11 September 2014
<b>Author:</b>	Acting Chief Executive Officer, Lee Farrell
<b>Attachments:</b>	2014/2015 Budget

#### SUMMARY

Council adopted a budget for the financial year 2014/2015 at the meeting on 16<sup>th</sup> July 2014

16/07/2014/019	That Council adopts the 2014/2015 Council Budget as presented.	Clr. Brown	Clr. Martin	Carried 5/0
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#### BACKGROUND

Council staff have undertaken a review of the budget adopted on 16/7/2014 and have worked with CouncilBiz to have this information recorded and local community budgets finalised.

#### COMMENT

The attached document provides information in relation to the 2014/2015 Budget. Considerable work has been undertaken on finalising grants and staff and undertaking a cost neutral process. Where Council funding is required this will be presented to Council for consideration.

#### CONSULTATION

Lee Farrell, Acting Chief Executive Officer  
Melissa Kerr, Director Corporate Services  
Harold Wilson, Mayor  
Meeta Ramkumar, Director Local Government Sustainability  
Ritesh Parikh- Accountant/WDRC Team Leader CouncilBiz

#### STATUTORY ENVIRONMENT

##### Section 127 of the Local Government Act

Part 10.5 Annual budgets

127 Annual budgets

(1) A council must prepare a budget for each financial year.

(2) The budget for a particular financial year must:

(a) outline:

(i) the council's objectives for the relevant financial year; and

(ii) the measures the council proposes to take, during the financial year, towards achieving those objectives; and

(iii) the indicators the council intends to use as a means of assessing its efficiency in achieving its objectives; and

- (b) contain estimates of revenue and expenditure for the financial year (differentiating between operating and capital expenditure); and
  - (c) state the amount to be allocated to the development and maintenance of each class of infrastructure for the financial year; and
  - (d) state the amount the council proposes to raise by way of rates, and set out the rates structure, for the financial year; and
  - (e) contain an assessment of the social and economic effects of its rating policies; and
  - (f) state the allowances for members of the council for the financial year and the amount budgeted to cover payment of those allowances; and
  - (g) contain any other information required by any guidelines that the Minister may make.
- (3) Subject to the regulations, a council must not budget for a deficit.

**128 Adoption of budget or amendment**

- (1) A council must adopt its budget for a particular financial year on or before 31 July in the relevant financial year.
- (2) A council may, after adopting its budget for a particular financial year, adopt an amendment to its budget (but once allowances for the members of the council, or of a local authority established by the council, for a particular financial year have been set, they cannot be changed by amendment).
- (3) As soon as practicable after adopting its budget, or an amendment to its budget, for a particular financial year, a council must:
  - (a) publish the budget or the amendment as adopted on the council's website; and
  - (b) notify the Agency in writing of the adoption of the budget or amendment; and
  - (c) publish a notice in a newspaper circulating generally in the area informing the public that copies of the budget or amendment may be downloaded from the council's website or obtained from the council's public office.
- (4) The council's budget forms part of the council's municipal, regional or shire plan.

**POLICY IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**VOTING REQUIREMENT**

Simple majority

**RECOMMENDATION**

That Council adopts the amendments to the 2014/2015 Council Budget as presented.

**Moved:**                      **Clr.**

**Seconded:**                **Clr.**

#### 4 OPENING, REVIEW AND ACCEPTANCE OF VEHICLE TENDERS

<b>Applicant:</b>	Tender 2014-001 – 2 Ride on Mowers Tender 2014-002 – 1 twin Cab Tipper Tender 2014-003 – 1 Coaster Bus
<b>Location/Address:</b>	West Daly Regional Council area
<b>File Ref:</b>	Tenders
<b>Disclosure of Interest:</b>	
<b>Date:</b>	11 September 2014
<b>Author:</b>	Acting Chief Executive Officer, Lee Farrell
<b>Attachments:</b>	Tenders – Unopened

#### SUMMARY

The Regulations require the tenders to be opened by Council itself as staff have not been delegated to open the tenders.

The invitation for tenders was advertised in the NT News on the 9<sup>th</sup> August 2014 and on the WDRC web site

Council called for tenders for the following vehicles:

Contract 2014-001 Two Ride on Mowers

Contract 2014-002 One Twin Cab Tipper Truck

Contract 2014-003 One Coaster Bus

Contract 2014-004 Two 4 WD Troop Carriers

Contract 2014-005 One Single Cab 4WD Tray Back

**Tender Closing Date:**

4.00pm Friday 5<sup>th</sup> September, 2014.

#### BACKGROUND

Council needs to replace old vehicles in the 3 communities and following consultation it was decided to call for tenders.

#### COMMENT

Tenders were asked to provide a price with and without a trade in vehicle. The unopened tenders have been placed in Council's safe.

Tenders were not received for Contract 2014-004 Two 4 WD Troop Carriers and Contract 2014-005 One Single Cab 4WD Tray Back. Council will need to source quotes for the purchase of these vehicles.

#### CONSULTATION

Lee Farrell Acting Chief Executive Officer  
Peter Curwen- Walker Regional Service Manager Wadeye  
Fred Graham - Regional Service Manager Palumpa  
Rose Peckham - Regional Service Manager Peppimenarti

#### STATUTORY ENVIRONMENT

Compliance with Local Government Accounting Regulations 201 Part 13 division 1- 29

(1) A council must not enter into a contract for the provision of supplies to the Council at a cost of more than \$100,000, unless it has first called tenders for that contract by public notice published in a newspaper circulating in the Council's area.

(1A) A notice must contain a statement to the effect that the notice of the successful tender will be published on council's website.

(2) A tender received in response to the public notice may only be opened in the presence of ;

(a) The Council itself

(b) A committee of three members of the council's staff delegated by the Council to open and consider the tenders and report to the council on the tenders.

(3) If a council accepts a tender for the provision of supplies to the council at a cost of more than \$100,000, it must:

(a) Accept the tender by written notice to the person who submitted the successful tender; and

(b) Give notice of the successful tender;

(i) In writing to each person who submitted a tender; and

(ii) By publishing the notice on the Council's website.

(4) Notice for sub regulation (3)(b) must

(a) The name of the person who submitted the successful tender; and

(b) The supplies to be provided; and

(c) The tender price.

## **POLICY IMPLICATIONS**

Council's Procurement Policy 1.2.3

*All tenders shall be carried out in accordance with the Regulations.*

1.1 Where the value of the goods and services is expected to exceed \$100,000, public tenders must be called through public notices in local newspapers, i.e. The *NT News*, and a further notice placed on Council's website. This notice will include:

- a description of the goods or services required;
- how a prospective tenderer can source specific details of the goods or services required including contact details of the employee handling the tender process;
- how tenders should be lodged; and
- the tender closing date and time.

1.2 All tenders shall be kept confidential until their official opening and marked accordingly. All tenders delivered, mailed or e-mailed to specified addresses should be received in sealed envelopes (or sealed in the case of e-mails) and lodged in a locked tender box at the Council office. Faxed tenders will not be accepted for security and privacy reasons.

1.3 Following the advertised closing date and time of a public tender, any tenders received in response to a public advertisement as outlined in Clause 5, shall be opened either before Council itself, a Council Committee established for that purpose or a panel of three (3) members of Council staff comprising one executive member, one Program Manager and a person from Council's Finance area.

1.4 Any member of a tender evaluation committee should declare any conflict of interest to a senior manager and, if possible, should not take any further involvement particularly with tender assessment.

1.5 If, following tender evaluation, no tender is acceptable in its presented form, negotiations will be conducted with any/all of the tenderers with preference being given to the highest assessed tenderer.

1.6 In the event that a tender called for in Clause 5 is accepted, Council should advise the outcome in writing to all tenderers and on Council's website.

- 1.7 Public tenders will include details of where full specifications can be obtained, closing date and lodgement of tenders and contact point for queries.
- 1.8 The tender period will only be extended if there is a late or complex addendum to the specifications or if the original period specified is insufficient for contractors to obtain prices from suppliers or subcontractors. When there is a late addendum, tenderers should note on their tenders that they have taken this addendum into account.
- 1.9 The report prepared for Council following the opening of tenders, especially when the proposed expenditure is outside the Chief Executive Officer’s delegation, will outline the tenders received, a comparison of prices and performance reports, results of any interviews and reference checks, financial considerations and recommendation.

**FINANCIAL IMPLICATIONS**

Council has received a Special Purpose Grant (SPG) to fund the purchase of these vehicles as follows:

- 2 Ride on Mowers \$80k (total)
- 1 twin Cab Tipper \$150k
- 1 Coaster Bus \$120k
- 2 Troop Carriers \$160k (total)
- 1 Single Cab tray back Ute \$60k
- Total \$570k**

**VOTING REQUIREMENT**

Simple majority

**RECOMMENDATION**

That Council accepts the tenders received as below:

Tender 2014-001 – 2 Ride on Mowers from.....for .....

Tender 2014-002 – 1 twin Cab Tipper from .....for .....

Tender 2014-003 – 1 Coaster Bus from .....for .....

**Or**

That Council appoint the Acting CEO, Director of Corporate Services and Regional Service Managers to open the Tenders:

Tender 2014-001 – 2 Ride on Mowers  
 Tender 2014-002 – 1 twin Cab Tipper  
 Tender 2014-003 – 1 Coaster Bus

And prepare a report for Councils consideration at its September Ordinary General Meeting.

**Moved:**

**Seconded:**

**RECOMMENDATION**

That Council authorise the CEO to obtain quotes for the supply of:

2 x Troop Carriers	\$160k (total)
1x Single Cab tray back Ute	\$60k

And that following consultation with the Mayor and RSM's, orders be placed without further referral to Council.

**Moved:**

**Seconded:**

**RECOMMENDATION**

That Council appoint until the next General Council election the CEO, Director of Corporate Services and Regional Service Managers to open Council's tender's immediately after closing times and prepare reports for Council's consideration.

**Moved:**

**Seconded:**

**5 MEETING CLOSURE**