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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 20 May 2010, commencing at 11.02 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.02am

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr TK Iturbide, Shire President Cr EC Rowe, Deputy President Cr MR Valenzuela Cr LJ Terry
STAFF	Ms SH Daishe, Chief Executive Officer Mrs H Duffey, Senior Administration Officer Mr CF Hodder; Works Foreman
GUESTS:	Mr V Ware from Yalgoo MEEDAC (apology)
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr MJ Forster Cr L Hodder

3. DISCLOSURE OF INTERESTS

Disclosures of interest made prior to the meeting

Ms SH Daishe

- 14.1 CEO Review of Probationary period
Disclosure of financial interest and proximity interest

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

None

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 Review of Probationary period, CEO, Ms SH Daishe

6. APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

C2010-0501 Application for leave of absence

Moved Cr LJ Terry, seconded Cr MR Valenzuela

**Cr EC Rowe applied for leave of absence for Council meeting of 19 August and 23 September 2010
Motion put and carried 4/0**

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

- 28 April Attended Western Australia Local Government Association (WALGA) luncheon with the Hon Brendon Grylls MLA in Geraldton with Chief Executive Officer Ms SH Daishe
- 3 May Attended Murchison Regional Vermin Council (MRVC) meeting in Mount Magnet with Cr L Hodder
- 6 May Attended Regional initiative meeting with CEO Ms SH Daishe at the Shire of Cue
- 7 May Attended Murchison Country Zone (MCZ), Cue Parliament in Shire of Cue with Deputy President Cr EC Rowe and Chief Executive Officer of the Shire of Yalgoo Ms SH Daishe
- 11 May Attended leaving a legacy workshop (Mid West Hinterland Sustainable Communities Working Group) at the Shire of Perenjori organised by mid west Development Commission (MWDC) with CEO, Ms SH Daishe
- 17 May Attended Local Emergency Management Meeting in the Yalgoo Shire Council with Tex McPherson and CEO Ms SH Daishe

7.2 COUNCILLORS

Cr EC Rowe

7 May Attended Murchison Country Zone (MCZ), Cue Parliament in Shire of Cue

Cr L Hodder

3 May Attended Murchison Regional Vermin Council (MRVC) Meeting in Mount Magnet

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

BACKGROUND

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0502 Confirmation of Minutes

Moved Cr EC Rowe, Seconded Cr LJ Terry

That the Minutes of the Ordinary Council Meeting held on 22 April 2010 be confirmed.

Motion put and carried 4/0

9. MINUTES OF COMMITTEE MEETINGS

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS

11.1.1 WORKS ACTIVITY REPORT

File: N/A
Author: Cliff Hodder, Works Foreman
Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 May 2010
Attachments: None

MATTER FOR CONSIDERATION
Works Report for the past month

BACKGROUND
Overview of works for the past month

STATUTORY ENVIRONMENT
None

STRATEGIC IMPLICATIONS
None

POLICY IMPLICATIONS
None

FINANCIAL IMPLICATIONS
None

CONSULTATION
None

COMMENT

- a) Construction – nil this month
- b) Maintenance
 - Gravel on Tardie Gabyon Road and gravel patching on North Road.
 - Maintenance grade Yalgoo Ninghan Road, North Road and Gabyon Pindathuna Road
 - Lay shale Yalgoo Ninghan Road
 - Commence patching and watering, Morawa Road
 - Replaced cement on grid on Tardie Gabyon Road
- c) Plant
 - Provided information to office re plant & equipment replacement for 10/11 budget
 - Repairs required for seized alternator on roller
- d) Other
 - Clean up yard as recommended by David Painter from Local Government Insurance Services re occupational safety and health
- e) Private Work
 - 5 hours drill pads for Venus Metals Corporation Ltd
- f) Councillor Local Roads Tour
 - The works foreman will arrange for Councillors to inspect local roads as per usual practice and asks Councillors to nominate date/s for this to occur. The road tour is split into one day to the north and one day to the south.

VOTING REQUIREMENTS
Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0503 Works Activity Report

Moved Cr EC Rowe, Seconded Cr LJ Terry

That Council receives the works report for the period ended 13 May 2010.

Motion put and carried 4/0

11.2 DEVELOPMENT

11.3 FINANCE

11.3.1 DEPUTY CEO – ACTIVITY REPORT – MONTH OF APRIL 2010

File: N/A
 Author: Heide Duffey, Senior Administration Officer
 Interest Declared: No interest to disclose
 Date: 13 May 2010
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1048,345.15	29 April 2010	4.25	1,049,235.70	No
Reserve	Suncorp	1,075,558.15	31 May 2010	5.60	1,080,673.68	No

Comparative investment rates

WA Treasury (Overnight):	4.25
WA Treasury 30 days:	4.39
Macquarie 30 Days	4.51

Caravan Park:

Inspector Bristow from Horizon Power Carnarvon came to inspect the Caravan Park after receiving a complaint that someone had received an electric shock while staying at the caravan park. (No further information was supplied).

Upon further inspection an itemised list was presented for repairs. These jobs have been completed.

Hall Damage:

Over the past weeks Ruth Burmeister has reported damage to the Community Hall. At this time it is unclear if the damage is caused while activities are being conducted in the hall or after hours.

These incidents have been reported to the Yalgoo Police.

Renovation of Shamrock Street

Still waiting on final quotes for the renovation of Shamrock Street. Expect these to be finalised by the next council meeting.

Meetings

- 27th April Patrick McDonald (Venus Resources)
- 30th April Victor Ware (MEEDAC) expression of interest in tearooms.
- 4th May Pete Smith (Ranger) Dog Licence Training)
- 4th May Robert Duffey (Yalgoo Police) damage to hall
- 5th May J Bristow (inspector Horizon Power) Caravan Park
- 10th May Kumar Arunachalam & Matt (Venus)
- 12th May Tony Watson Director of Regional Schools Midwest (morning tea at the school)
- 12th May Victor Ware & Sally MEEDAC (tearooms)

Future meetings

- 26th May Geraldton Disability Services (Disability Access and Inclusion Plans)

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0504 Deputy CEO Report

Moved Cr MR Valenzuela, Seconded Cr LJ Terry

That the Acting Deputy CEO's Activity Report for April 2010 be received.

Motion put and carried 4/0

11.3.2 FINANCIAL ACTIVITY STATEMENTS –April 2010

File:
Author: Heide Duffey, Senior Administration Officer
Interest Declared: No interest to disclose
Date: 15 May 2010
Finance (green) p.1 Financial Activity Statements for April 2010
p.20 Balance Sheet
p.32 Income Statement Summary by Program
p.34 Income Statement by Nature & Type
p.36 Income Statement Detail

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for April 2010.

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.4–Specifies that a local government is to prepare such other financial reports as prescribed.

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

CONSULTATION

None

COMMENT

A copy of the Statement of Financial Performance is attached to this item including additional information that council deemed appropriate to receive.

The areas where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in the material variance attachment which will be given to council as a late item

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0505 Financial Activity Statement for the month of April 2010

Moved Cr EC Rowe, Seconded Cr LJ Terry

That Council adopt the financial statements for the period ending 30 April 2010, as attached.

Motion put and carried 4/0

11.3.3 ACCOUNTS PAID DURING THE MONTH OF APRIL 2010

File: N/A
Author: Heide Duffey, Senior Administration Officer
Interest Declared: No interest to disclose
Date: 15 May 2010
Finance: p48 Listing of accounts paid
(green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of April 2010

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

Reg 13(1)–Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account

CONSULTATION

None

COMMENT

Payments made during the month of April 2010 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0506 Accounts Paid during the Month of April 2010

Moved Cr EC Rowe, Seconded Cr LJ Terry

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 - 40 totalling \$367,767.56 paid during the month of April 2010, be received;**
- 2. Cheque payments covering cheque numbers 11411-11411 totalling \$38,773.52 paid during the month of April 2010, be received; and**
- 3. Salaries and Wages totalling \$52,706.49 paid during the month of April 2010 be received.**

Motion put and carried 4/0

11.3.4 BUDGET 2010/2011- DONATIONS

File: B3-1
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 3 May 2010
Attachments: None

MATTER FOR CONSIDERATION

To consider proposals for donations for the 2010/2011 financial year.

BACKGROUND

In preparing Council's Draft Budget, approval of donations prior to the budget meeting is required. Once this schedule has been approved Council may adopt it, with or without amendment, however this will not occur until the annual budget is adopted.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- S.6.2- requires that each year a local government prepare and adopt an annual budget.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 7.6- Budget – Preparation Timetable

FINANCIAL IMPLICATIONS

Any donations approved by Council will be included in the 2010/2011 draft Budget. Council in its 2009/2010 Budget had included \$1,500 for donations.

CONSULTATION

None

COMMENT

An increase of \$500 to total amount of \$2000 is proposed for the 2010/2011 draft budget. This will be the first increase in donations allowance since at least 2006.

Previously donated and proposed to be included in the in 2010/2011 budget

- \$100 Midwest Group Affiliated Agricultural Societies display at the Royal Show
- \$100 Meekatharra School of the Air for graduation gifts to student(s) as per Shire policy 7.9
- \$240 (~\$20/month) to pay for the Medical oxygen supplied to the Paynes Find Royal flying doctor Service
- 3 Year rolling scholarship as per Shire policy 7.9 totalling \$610
 - 2009/2010 successful students \$305 (to be indexed at LGCI)
 - 2010/2011 successful student \$305 (as above)

Discretionary Members Donations

\$950 is to remain unallocated and will be determined by council approval as the donation request arises

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0507 Budget 2010/11 – Donations

Moved Cr EC Rowe, Seconded Cr LJ Terry

That proposed donations totalling \$2000 in the 2010/2011 draft Budget and that the donations to specific organisations be those detailed as follows –

- \$100 Midwest Group Affiliated Agricultural Societies display at the Royal Show**
- \$100 Meekatharra School of the Air for graduation gifts to student(s) to be increased in 2009–10**
- \$240 approx. (~\$20/month) medical oxygen supplied to the Paynes Find Royal Flying Doctor Service clinic**
- \$610 Yalgoo Primary School – for Year 1 and 2 of rolling 3 year scholarships**
- \$950 discretionary allowance**

Motion put and carried 4/0

11.3.5 ELECTED MEMBERS FEES AND ALLOWANCES 2010/2011

File: B3-1
 Author: Violet Rowe, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 3 May 2010
 Attachments: None

MATTER FOR CONSIDERATION

To determine the following elected members allowances and fees for inclusion in the 2010/2011 draft budget:

- Per meeting attendance fee for President, Deputy President and Councillors
- President’s allowance
- Deputy President’s allowance
- Monthly telecommunications allowance

BACKGROUND

The Local Government Act 1995 requires Council to determine the fees and allowances payable to Elected Members each year. The following fees and allowances were adopted by Council at its meeting on 23 April 2009 (refer Council Minute C2009-0417) and were included in the 2009/2010 Budget:

- Attendance fee for elected members of \$140 per council and special meetings,
- Attendance fee for the President of \$220 per council and special meetings,
- Allowance for the President of \$6,300 per annum,
- Allowance for the Deputy President of \$1,050 per annum,
- Monthly telecommunication allowance \$55 per month for elected members,
- Travel allowance to be paid at Local Government Officers’ Award, currently \$0.737 per kilometre.

All fees and allowances are to be paid monthly in arrears.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that each year a local government prepare and adopt an annual budget.

Meeting Attendance Fees – Sections 5.98 and 5.99 of the Local Government Act 1995 and Regulations 30 and 34 of the Local Government (Administration) Regulations 1996.

President’s Allowance – Section 5.98 of the Local Government Act 1995 and Regulation 33 of the Local Government (Administration) Regulations 1996.

Deputy President’s Allowance - Section 5.98A of the Local Government Act 1995 and Regulation 33A of the Local Government (Administration) Regulations 1996.

Telecommunications Allowance – Section 5.99A of the Local Government Act 1995 and Regulation 34A of the Local Government (Administration) Regulations 1996.

Local Government (Administration) Regulations 1996 prescribe the maximum annual allowances payable and these are:

- Regulation 33 specifies the maximum annual allowance for a mayor or president is \$12,000 or 0.002 of the local government’s operating revenue, up to a maximum of \$60,000;
- Regulation 33A specifies the maximum annual allowance for a deputy is 25% of the mayor or president;
- Regulation 34 specifies the minimum annual attendance fee for elected members is \$2,400 and the maximum \$7,000. The minimum annual attendance fee for a mayor or president is \$6,000 and the maximum \$14,000; and
- Regulation 34A specifies the maximum annual telecommunications allowance is \$2,400.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 7.6 Preparation timetable

FINANCIAL IMPLICATIONS

Allowances and fees endorsed by Council will be included in the 2010/2011 draft Budget.

CONSULTATION

None

COMMENT

Fees and allowances payable to elected members in accordance with the Local Government Act 1995 are either entitlements or discretionary.

Entitlements

Entitlements are fees, expenses and allowances that an elected member must receive should they request to receive them. Generally, Council can determine the amount to be paid within minimum and maximum parameters specified by legislation. Examples are elected members' attendance fees, the President's allowance and reimbursement of telecommunication equipment rental charges for a phone line and a fax line.

Elected members are entitled to attendance fees and these can be paid per meeting in which case the minimum amount payable is \$60 and the maximum \$140 and the amount paid cannot exceed \$7,000 per year; alternatively an annual attendance fee ranging from a minimum of \$2,400 to a maximum of \$7,000 can be set. The President is also entitled to attendance fees and on a per meeting basis they can range from \$120 to \$280 with the amount paid not exceeding \$14,000 per year; or an annual attendance fee ranging from \$6,000 to \$14,000 can be paid.

An allowance in recognition of the additional duties required of the President is entitled to be paid and can range from \$600 to \$12,000 or 0.002% of the local government's operating revenue provided the result does not exceed \$60,000.

Discretionary

Discretionary fees, expenses and allowances are those that Council has the right to determine whether they should be provided, and if so their amount. (For example, the Deputy President's allowance and annual telecommunications allowance.) Should Council decide to continue to pay a Deputy President's allowance, the maximum amount of the allowance is 25% of the President's allowance.

Council has previously determined that elected members will be provided a telecommunications allowance rather than reimbursement of telecommunication equipment rental charges. The maximum annual amount allowed is \$2,400 per member.

Suggested Fees for 2010/2011

A comparison of fees and allowances for the current financial years and the fees and allowances proposed for 2010/2011 are shown in the following table. The proposed allowances (president, deputy president and telecommunications) are based on the 2009/2010 allowances plus a minimum increase by the Local Government Cost Index. The Local Government Cost Index for the year to March 2010 is 1.9%. It is proposed all meeting attendance fees remain the same in the 2010/2011 draft budget as they did in the 2009/2010 budget. It is proposed that the telecommunications allowance is increased for the President and Deputy President to reflect the higher amount of communication they have in relation to council matters compared to other councillors.

	2009/2010	2010/2011
PRESIDENT		
- Council and Special Meeting Attendance Fee	\$220	\$220
- Committee Meeting Attendance Fee	\$70	\$70
- President's Allowance	\$6,300	\$6,420
- Telecommunications Allowance	\$55	\$70
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	\$0.943
DEPUTY PRESIDENT		
- Council and Special Meeting Attendance Fee	\$140	\$140
- Committee Meeting Attendance Fee	\$70	\$70
- Deputy President's Allowance	\$1,050	\$1,090
- Telecommunications Allowance	\$55	\$60
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	\$0.943

COUNCILLOR		
- Council and Special Meeting Attendance	\$140	\$140
- Committee Meeting Attendance Fee	\$70	\$70
- Telecommunications Allowance	\$55	\$56
- Travel Allowance-Local Government Officers' Award, per kilometre	\$0.737	\$0.943

VOTING REQUIREMENTS

Absolute majority

<p>OFFICER RECOMMENDATION/ COUNCIL DECISION</p> <p>C2010-0508 <u>Elected Members Fees and Allowances 2010/11</u></p> <p>Moved Cr MR Valenzuela, Seconded Cr EC Rowe</p> <p>That Council –</p> <ol style="list-style-type: none"> 1. Set a per meeting attendance fee for elected members of Council for Ordinary and Special Council meetings of \$140.00 for 2010/2011 and that this be paid monthly in arrears; 2. Set a per meeting attendance fee for the President for Ordinary and Special Council meetings of \$220.00 for 2010/2011 and that this be paid monthly in arrears; 3. That the President’s Allowance be \$6,420.00 for 2010/2011 and that this be paid monthly in arrears; 4. That the Deputy President’s Allowance be \$1,090.00 for 2010/2011 and that this be paid monthly in arrears; 5. Set a per meeting attendance fee for Committee meetings of \$70.00 for 2009/2010 and that this be paid monthly in arrears; 6. A telecommunications allowance be paid to elected members of \$56.00 per month paid in arrears; \$60 per month in arrears for Deputy President and \$70 per month in arrears for President 7. Determine a travel allowance be paid at the Local Government Officers’ Award Rates currently \$0.943 per kilometre, for travelling to and from council, special council, committee and selected committees as per Council Policy 1.3. <p style="text-align: right;">Motion put and carried by Absolute Majority 4/0.</p>
--

11.3.6 FEES AND CHARGES SCHEDULE – PROPOSALS FOR 2010/2011

File: B3-1
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 12 May 2010
Attachments: p.63 Draft 2010/2011 Schedule of Fees and Charges
(green)

MATTER FOR CONSIDERATION

Adoption of the draft schedule of fees and charges for the draft 2010/2011 budget.

BACKGROUND

In preparing Council's Draft Budget, approval of the draft schedule of Fees and Charges prior to the budget meeting is required. Once this schedule has been approved Council must adopt it, however this will not occur until the annual budget is adopted.

STATUTORY ENVIRONMENT

Section 6.2 of the Local Government Act 1995 requires that each year a local government prepare and adopt an annual budget.

Section 6.16 of the Local Government Act 1995 states in part that a local government may impose and recover a fee or charge for any goods or services it provides or proposes to provide; and that fees and charges are to be imposed when adopting the annual budget.

Section 53 (2) Cemeteries Act 1986 states that a fee or charge set by resolution under subsection (1) shall not come into effect until not less than 14 days notice of the fee or charge has been given in the Gazette.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

7.6 Annual Budget Preparation timetable

FINANCIAL IMPLICATIONS

The draft fees and charges when adopted will determine the amount of revenue to be included in the 2010/2011 draft budget. There is a small cost for placement of Cemetery Fees and Charges in the Government Gazette.

CONSULTATION

None

COMMENT

The schedule attached shows the Fees and Charges that was adopted for the 2009/2010 financial year on the right side of schedule and the proposed Fees and Charges for 2010/2011 are shown on the left side of schedule. The changes that have been made to the 2009/2010 fees and charges can be summarised as follows:

- Yalgoo Bulldust (newsletter) advertising fee increase
- Shire Hall Complex hire fee increase and additional fee added for alcohol consumption permission.
- Old Railway Station Complex Hire fee increase and additional fee added for alcohol consumption permission. User descriptions have been changed to match Shire Hall Complex

VOTING REQUIREMENT

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0509 Fee and Charges Proposals for year 2010/11

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That Council approve the ‘2010/2011 Proposed Fees’ as outlined in the attachment for inclusion in the draft 2010/2011 budget.

Motion put and carried by Absolute Majority 4/0

11.3.7 PLANT REPLACEMENT PROGRAM FOR THE DRAFT BUDGET 2010/2011

File: B3-1
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 13 May 2010
Attachments: p.70 Plant replacement program 2010-2011
(green)

MATTER FOR CONSIDERATION

In preparing Council's Draft Budget, approval of a plant replacement program prior to the budget meeting is required. Once this program has been approved Council may adopt it, with or without amendment, however this will not occur until the annual budget is adopted.

BACKGROUND

During 2007 it was resolved by Council to have a budget process in order to adopt timely budgets resulting in policy 7.6. Part of this policy was to develop a plant replacement program.

STATUTORY ENVIRONMENT

Local Government ACT 1995

Section 6.2–Requires that each year a local government prepare and adopt an annual budget.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 4.9 Preparation of Annual Budget.

FINANCIAL IMPLICATIONS

If the plant replacement program is approved by Council it will be included in the 2009/10 draft Budget.

CONSULTATION

CEO, Shire of Yalgoo

Foreman, Shire of Yalgoo

COMMENT

It was resolved by council at the February 2009 meeting that plant replacement program be reviewed during the budget process.

This review has occurred at an officer level and is now required to be reviewed by council. During the officer review it has been determined that the following listed plant is due for replacement in 2010-2011 and are listed in general priority of importance. Further details on the estimated net cost can be viewed on the plant replacement program attachment.

- Lifting mechanism for Loader YA 424
- Towed M/T roller YA 1538 (was budgeted for in 2009/2010 but did not occur)
- Trade in various light vehicles as per plant replacement program attachment
- Replace Cat 140H Grader YA 465
- Replace Fruehauf water tanker YA 1584
- Backhoe YA 457 replacement
- Car Trailer YA 1590 replacement
- New Compressor

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0510 Plant Replacement Program for the draft Budget 2010/11

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That the general priorities for plant replacement for the 2010/2011 draft budget be as follows:

- **Lifting mechanism for Loader YA 424**
- **Towed M/T roller YA 1538 (was budgeted for in 2009/2010 but did not occur)**
- **Trade in various light vehicles as per plant replacement program attachment**
- **Replace Cat 140H Grader YA 465**
- **Replace Fruehauf water tanker YA 1584**
- **Backhoe YA 457 replacement**
- **Car Trailer YA 1590 replacement**
- **New Compressor**

Motion put and carried 4/0

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT 16 APRIL TO 13 MAY 2010

File: N/A
Author: Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 May 2010
Attachments: p.1 Report of the Regional Initiative Meeting held at Cue on Thursday 6 May 2010
(yellow) p.3 Minutes of the Murchison Zone Meeting held at Cue on Friday 7 May 2010
p.22 Letter from Mid West Development Commission and agenda for Leaving a Legacy Workshop at Perenjori on 11 May
p.25 LGMA Women in Local Government Conference 2010

Use of Common Seal

In accordance with Council resolution C2010-0412, the Shire President and CEO signed and sealed a Country Local Government Fund financial assistance agreement to apply for funding of \$35,000 to develop a Forward Capital Works Plan.

Return to Work, DCEO Violet Rowe

Deputy CEO Violet Rowe returned to work part time (15.2 hours per week) on the week commencing Monday 26 April.

As per Council's original letter of offer, Heide Duffey will continue in the capacity of Senior Administration Officer and is delegated the authority of Acting DCEO when Ms Rowe is not on duty. DCEO Rowe will focus initially on the budget and audit.

Yalgoo Airstrip

The Royal Flying Doctor Service requested the Shire to light the airstrip to allow them to land just after 6pm on Tuesday 4 May to collect a patient for transport to Perth.

Cliff Hodder, Brad Hodder and Andrew McSporran, assisted by the acting DCEO and CEO, lit the strip with diesel flare pots within 90 minutes. The exercise highlighted a number of matters to address regarding readiness for such a call.

I extend my thanks to Acting Deputy CEO Heide Duffey and the above members of the Shire works crew for their rapid and intelligent response.

Yalgoo Caravan Park

In August of 2007, Council resolved (C2007-0827) to negotiate formalisation of the long-standing informal arrangement between the Shire and the Yalgoo General Store regarding Yalgoo Caravan Park.

This formalisation has now been completed with an agreement signed on 10 May 2010 for the period ending 31 December 2010. Note that this is not a lease but is merely documentation to formalise the parameters of the existing arrangements.

Project Update

From next month, I plan to include a summary of activities on capital works, administration projects and other matters so that councillors can follow progress of these matters.

Councillor Information Requests

Please make me aware if you have made other outstanding requests that do not appear below, particularly items lodged before I commenced.

Received From	Details	Status
2010-04-22 Cr Valenzuela	What is the current police policy regarding managing youth issues in Yalgoo?	27/4/10 informal discussion with Senior Constable Duffey – police are implementing various road safety initiatives including a ‘walking school bus’ and they are considering reviving a bicycle education program (bikes previously donated under Rottneest Island program) CEO to meet with school principal and new officer in charge.
2010-04-22 Cr Forster	Council consider placing security cameras at office building, Community Park and sporting venues.	Senior Administration Officer (SAO) Duffey is working on security generally including quotes for security cameras.
2010-03-10 Cr Terry	Request to fit 2 way radio to Paynes Find fire truck	In progress; will be ordered when queries answered.
2010 President Iturbide	Artists to have use of railway tearooms	12/4/10 CEO & SAO met with Midwest Employment and Economic Development Aboriginal Corporation (MEEDAC). MEEDAC will present to Council and develop a formal application to lease the tearooms.

Meetings Attended

Date	Details	Comments
19 April	Phil Bland re cancellation of Yalgoo races and Parliamentary enquiry into Dept Environment & Conservation’s management of former pastoral leases	
20 April	CEO Briefing via Mullewa Community Resource Centre by the Hon John Castrilli MLA, the Hon Wendy Duncan MLC and Wendy Murray, Executive Director Strategic Policy and Structural Reform, Department of Local Government.	Briefing covered four local government reform issues of forward capital works plans, integrated strategic planning, regional business plan framework and local government service in remote indigenous communities.
22 April	Paynes Find on site meeting with councillors	Determined parameters for Paynes Find beautification
28 April	Craig Turley, MMG Golden Grove	Re minor amendment to Memorandum of Understanding (MOU)
28 April	WALGA luncheon with the Hon Brendon Grylls MLA Geraldton (CEO and President)	The Minister urged Councils to take the lead in embracing reform for the betterment of their communities
29 April	John Johnson from Fire and Emergency Service Association (FESA)	Discussed bush fire brigade matters and set date to train members to maintain vehicles & equipment after which brigade will check & document monthly
30 April	Raul Valenzuela	Re Yalgoo General Store’s agreement with the Shire for Yalgoo Caravan Park
3 May	David Painter, Local Government Insurance Services (LGIS) - Desktop Occupational Safety and Health Audit	David reviewed the Shire’s OSH records and informally inspected the Shire depot, noting several immediately obvious safety issues.
6 May	Regional Initiative Meeting (as per Shire resolution), Cue.	Refer attachment
7 May	Murchison Zone Meeting (“Cue Parliament”)	Refer attachment

Date	Details	Comments
11 May	Mid West Hinterland Sustainable Communities Working Group – Leaving a Legacy Workshop, Perenjori (President & CEO)	Inspiring speakers and productive workshop to develop a plan for working together with the mining industry to achieve sustainable regional development. Mid West Development commission to document and progress the workshop outcomes.
12 May	Morning tea at primary school to meet Tony Watson, Director of Regional Schools Mid West.	
12 May	MEEDAC meeting re tearooms at railway complex	MEEDAC will present to Council regarding their proposal to lease the tearooms at the railway complex.
12 May	Environmental Health Officer Bill Atyeo	Re Town Planning Scheme #2 and request from Venus Metals re occupancy of caravan park.

Future Commitments

Date	Details	Comments
17 May	Tex McPherson and President Iturbide re local emergency management	
18 May	Sandstone to draft Murchison Partnership Agreement	Jordan Reid, Local Government Insurance Services (LGIS), will also be present to discuss a regional approach to occupational safety and health (OSH) with the Murchison Executive Group (MEG).
19 May	Ruth Burmeister, Centacare	
20 May	Council, Yalgoo	
24 May	Mike Fitzgerald (with President & Deputy) to discuss representation for country Shires	
25 May	Budget day with DCEO Rowe	
3 June	Local Government Act Course, Perth	
4 June	LGMA Women in Local Government Conference, Perth	
8-9 June	Interim audit visit	
8 June	Department of Sport and Recreation Week 8 program visit to Yalgoo Primary	
9 June	Equipment maintenance training for bush fire brigade with works crew.	
11 June	Community Development Showcase Shire of Geraldton-Greenough	
14 June	Yalgoo Interagency (delegate H Duffey)	
15 June	Staff & Executive meetings	
16-17 June	Housing inspections, staff housing, EHO Bill Atyeo and SAO H Duffey	
30 June	End of financial year (inventory etc)	
9-19 July	Absent on leave (interstate)	

Local Government Managers’ Association Women in Local Government Conference

This conference, particularly the session on Friday 4 June 2010 targets excellence in leadership. The speakers are high calibre and I believe that the course is of significant benefit to my professional development and networking.

Clause 7. of my contract of employment, Performance Criteria, requires me to provide innovative and visionary leadership, establish effective networks and develop and implement change management strategies to enhance service delivery.

Along with the significant networking advantage of attending the conference, the conference sessions on the day are particularly relevant including:

Leaders in Local Government Changing the Culture

'Tough Calls' – Organisational Change and Change Management

Panel Session: How do current leaders in Local Government deal with tough calls?

Panel Session: Preparing for your new role

I will already be in Perth on Thursday 3 June to attend a training course covering the Local Government Act.

I request permission to attend the remainder of the LGMA Women in Local Government Conference after completing the training on Thursday.

The one day conference registration fee is \$330 plus meals and accommodation.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0511 CEO Activity Report

Moved Cr MR Valenzuela, Seconded Cr EC Rowe

- 1. That Council receives the activity report prepared by CEO Sharon Daishe for the period 16 April to 12 May 2010.**
- 2. That Council authorises CEO Sharon Daishe to attend the Local Government Managers' Association Women in Local Government Conference 2010.**

Motion put and carried 4/0

COUNCIL DECISION

C2010-0512 Local Government Managers' Association Conference

Moved Cr TK Iturbide, Seconded Cr MR Valenzuela

That Council authorises Cr EC Rowe to attend the Local Government Managers' Association Women in Local Government Conference 2010.

Motion put and carried 4/0

11.4.2 ELECTED MEMBER'S RECORDS

File:
Author: Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 May 2010
Attachments: p.29 Email from James McGovern, WALGA, regarding Local Government Elected Member's Records.
(yellow) p.30 State Records Office Information Sheet regarding Local Government Elected Member's Records: Which Records to Capture?

MATTER FOR CONSIDERATION

State Records Office guidance on matters relating to records of telephone calls, meetings and other verbal conversations.

BACKGROUND

Council received the attached Information Sheet in April. WALGA has raised some concerns regarding the principals contained in the Information Sheet.

STATUTORY ENVIRONMENT

State Records Act 2000
Regulations 8, 9 and 10 of the Local Government (Rules of Conduct) Regulations 2007

STRATEGIC IMPLICATIONS

Elected members must keep records that are directly related to the decision making processes of Council and committees of Council.

POLICY IMPLICATIONS

This information clarifies the Elected Members' Record Keeping Policy and provides advice to Council in interpreting the State Records Commission Information Sheet dated 23 March 2010.

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

WALGA advises that verbal conversations that do not form part of the formal decision making processes of a Local Government do not need to be recorded and in fact doing so could constitute a potential breach of Regulations 8, 9 and 10 of the *Local Government (Rules of Conduct) Regulations 2007*.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0513 Elected Member's Records

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That Councillors have regard to this information when carrying out obligations under the Elected Member's Record Keeping Policy.

Motion put and carried 4/0

11.4.3 MEMORANDUM OF UNDERSTANDING (MOU) – MMG GOLDEN GROVE

File:
Author: Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 May 2010
Attachments: Nil

MATTER FOR CONSIDERATION

Minor amendment to MOU between the Shire of Yalgoo and MMG Golden Grove.

BACKGROUND

As per Council resolution C2009-1215, the Shire entered into a Memorandum of Understanding with MMG Golden Grove by signing and sealing the MOU document on 28 January 2010.

MMG Golden Grove has subsequently requested, via their solicitors, two minor amendments to the document.

The amendments are administrative in nature and do not affect the form of the agreement.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Craig Turley, MMG Community Relations Adviser

COMMENT

The amendments are as follows:

- Clause 1. (b) - replace text, 'board of directors of MMGGG ('Board')' with text, 'board of directors of MMG Management Pty Ltd ACN 115 312 680 ('Board').

This amendment clarifies the legal identity of the body that is the 'Board' in the agreement.

- Signature page – replace text, 'EXECUTED BY MMG Golden Grove Pty Ltd (ACN:114868325) pursuant to Section 127 of the Corporations Act:' with text, 'Signed for and on behalf of MMG Golden Grove Pty Ltd (ACN: 114 868 325) by its duly authorised representative'.

This amendment clarifies that the signatory is Golden Grove's duly authorised representative.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0514 Memorandum of Understanding – MMG Golden Grove

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That the Council of the Shire of Yalgoo authorises the President and the Chief Executive Officer to sign and affix the Common Seal to the Memorandum of Understanding between MMG Golden Grove Pty Ltd and the Shire of Yalgoo, in accordance with resolution C2009-1215 with the amendments as noted under comments above.

Motion put and carried 4/0

ADJOURNMENT

The meeting adjourned for lunch break at 11.58am and resumed at 1.10pm with all who were in attendance before the adjournment being present at the resumption except Mr CF Hodder.

11.4.4 VENUS METALS CORPORATION LTD– REQUEST TO OCCUPY YALGOO CARAVAN PARK

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date: 13 May 2010

Attachments: p.31 - 12 May 2010 Report from Environmental Health Officer (EHO) Bill Atyeo
(yellow) p.34 - 12 May 2010 Email from Kumar Arunachalam of Venus Metals Corporation Ltd

MATTER FOR CONSIDERATION

Venus Metals Corporation Ltd have requested permission to place donger accommodation and associated infrastructure on the Yalgoo Caravan Park.

BACKGROUND

Venus Metals Corporation Ltd is currently occupying two bays and six dongers in the Yalgoo Caravan Park and has made various verbal requests for permission to locate accommodation and other infrastructure at the Park.

STATUTORY ENVIRONMENT

Caravan Parks and Camping Act and Regulations

Yalgoo Town Planning Scheme

Health Act and Regulations

STRATEGIC IMPLICATIONS

The primary function of the Yalgoo Caravan Park is to provide accommodation for tourists and assist in soliciting tourist investment in the town of Yalgoo.

Established mining projects such as Golden Grove have made substantial contributions to the community of Yalgoo. It is in the Shire's interests to take reasonable measures to assist new mining ventures with their requirements for accommodation and infrastructure, as long as the interests of the town and the Shire of Yalgoo are not compromised and are preferably enhanced.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

The Shire will need to establish a clear agreement with Venus Metals to ensure that the mining company, and not the Shire, bears the cost of development including any necessary approvals, compliance, infrastructure, inspections, power, water, electricity, telecommunications and sewerage.

The Shire will receive income from the mining company's occupation of the Caravan Park.

As the mining company are currently occupying all of the dongers at the Caravan Park, the Shire may incur costs to accommodate tradespersons.

CONSULTATION

Venus Metals Corporation Ltd – Matt Hogan, Managing Director and Kumar Arunachalam
Bill Atyeo, Environmental Health Officer, Shire of Yalgoo

COMMENT

Communication between the Shire and Venus Metals has been predominantly verbal, supported by brief emails including the email from Kumar Arunachalam attached to this report. Relevant information is as follows:

Venus are currently using one bay of the caravan park for their camp kitchen caravan, one bay for a drilling team and six dongers for other exploration staff. They are parking several vehicles at the Caravan Park nightly.

Venus erected a temporary hessian fence in front of the dongers at the park without permission but complied promptly when SAO Duffey asked them to remove the fence.

I have written to Venus to clarify the limitations of their current occupancy of the Caravan Park.

Venus verbally requested to rent the house at the caravan park to use as their office. The provisions of the Yalgoo Town Planning Scheme will not permit the running of a business from the caravan park therefore the Shire cannot consider this request.

I have declined Venus' request to house any equipment at the Shire depot and instead, Venus are negotiating with Main Roads to lease their unused depot for a short term.

Venus is renting the house in town that the Shire previously rented for the now defunct youth centre.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0515 Request to Occupy Yalgoo Caravan Park

Moved Cr LJ Terry, Seconded Cr MR Valenzuela

That Council, in response to the email request received on 12 May 2010 from Kumar Arunachalam, advises Venus Metals Corporation Ltd that:

- 1. Council requires Venus Metals Corporation Ltd to submit a development application that fully outlines their proposal so that Council can evaluate the impact on the community and on tourism and make an informed decision;**
- 2. The application will need to cover the following criterion:**
 - a. The anticipated and maximum duration of occupancy of the site**
 - b. Donger age and specifications – photos and structural certificate will be required**
 - c. Venus must provide their own donger (not a leased donger)**
 - d. Venus must specify what they plan to leave behind and what they plan to remove on vacating the site**
 - e. Area of fencing and material for fencing - material to be aesthetically pleasing such as a brush or rustic looking fence that enhances the visual amenity of the park and screens the site from the park, the highway and Gibbons Street.**
 - f. Maximum number of persons to be housed at any one time**
 - g. Access and egress to the park and maximum number of vehicles to be parked on site at any one time – Council will require Venus to establish a weatherproof access/egress and parking area that is removed from the public area**
 - h. Removal from the park circle and bays of all personnel, including persons servicing the company such as drillers, and all associated vehicles and caravans including the kitchen van.**
 - i. Ablution facilities**
 - j. Laundry facilities**
 - k. Recreation facilities and any associated infrastructure**
 - l. Refuse facilities**
 - m. Maintenance and protection of the grassed area**
 - n. Any other proposed facilities**
 - o. Company policy for conduct of personnel on site**

11.4.5 LOCAL GOVERNMENT CONVENTION 2010

File:
Author: Sharon Daishe, CEO
Interest Declared:
Date: 13 May 2010
Attachments: p.35 Letter re Local Government Convention 2010
(yellow) p.36 Letter re Registration of Voting Delegates – WALGA 2010 Annual General Meeting
p.38 Policy Statement 3.2, Professional Development – Councillors and Staff 2010 Information and Registration Brochure (Separate)

MATTER FOR CONSIDERATION

Attendance at Local Government Convention 2010 and registration of voting delegates.

BACKGROUND

The Local Government Convention 2010 will be held Thursday 5 to Saturday 7 August 2010 in Perth. Member Councils are entitled to two voting delegates at the WALGA 2010 Annual General Meeting and must register delegates by 14 July 2010.

STATUTORY ENVIRONMENT

N/A

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

Please refer Council Policy 3.2, Professional Development – Councillors and Staff

FINANCIAL IMPLICATIONS

Councillors and the CEO are entitled to compensation for meals, travel and accommodation as outlined in the attached policy.

CONSULTATION

COMMENT

Rooms, including parking, have been pre-reserved at the Hyatt for Councillors and the CEO. Please advise the CEO if you require transport from Yalgoo with the CEO. If you wish to attend the conference, please complete the conference registration form and hand to PA Christine Massaga. If you do not intend to attend the conference, please advise PA Massaga or the CEO so that your room/parking can be cancelled

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0516 Local Government Convention 2010

Moved Cr EC Rowe, Seconded Cr LJ Terry

That Councillors receive this information and that the Council registers President TK Iturbide and councillor MR Valenzuela as voting delegates for the WALGA 2010 Annual General Meeting.

Motion put and carried 4/0

11.4.6 MELLEBYE STATION DIVERSIFICATION PERMIT APPLICATION

File:
Author: Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 May 2010
Attachments: p.43 Diversification Permit Application Mellenbye Station Pastoral Lease
(yellow) LA3114/675, Crown Lease 285-1985

MATTER FOR CONSIDERATION

Mellenbye Station has applied to the Pastoral Lands Board for a permit to conduct agricultural activities on the pastoral lease.

The Board has invited the Council to comment on the proposal by 3 June 2010.

BACKGROUND

Refer full details in the attachment.

STATUTORY ENVIRONMENT

Land Administration Act 1975

STRATEGIC IMPLICATIONS

POLICY IMPLICATIONS

FINANCIAL IMPLICATIONS

CONSULTATION

COMMENT

This application is provided to Council without comment as it was received on the day of preparing the Council agenda and the contact person could not be reached to request an extension.

I will research this matter before the Council meeting and provide feedback to Council if I am able to identify any potential concerns.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0517 Mellenbye Station Diversification Permit Application

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That the Council is unaware of any reason to object to the diversification permit application lodged by Mellenbye Station with the Pastoral Lands Board to conduct agricultural activities on Pastoral Lease LA3114/675 and Crown Lease 285-1985.

Motion put and carried 4/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2010-0518 Admission of Urgent Business

Moved Cr LJ Terry, Seconded Cr EC Rowe

That Council admits the following additional matters for discussion and decision –

13.1 – Reserve Fund Transfer

Motion put and carried 4/0

13.1 RESERVE FUND TRANSFERS

File: F8
 Author: Heide Duffey, Senior Administration Officer
 Interest Declared: No interest to declare
 Date: 18 May 2010
 Attachments: Nil

MATTER FOR CONSIDERATION

Council to approve transfer of funds from Staff Housing Reserve to the Municipal Account.
 Council to approve transfer from Plant Reserve to Municipal Account.
 Council to approve transfer from Ninghan Road Reserve to Municipal Account

BACKGROUND

Funding has been kept in a reserve account for approved projects in the 2010 Budget. Listed are some of the projects where allocated monies have been spent.

Yalgoo Ninghan Road,	Budget \$237,496	Actual Cost \$105,419
Patio to 3 Gibbon Street	Budget \$ 15,000	Actual Cost \$ 7,500
Air Conditioners to 30 Selwyn St	Budget \$ 10,000	Actual Cost \$ 9,780
Verandas to 54 Campbell & 6 Henty St	Budget \$ 50,000	Actual Cost \$ 28,000
Prime Mover	Budget \$210,000	Actual Cost \$ 209,168

As the listed projects indicate these jobs have been completed and in all instances have come in under budget.

STATUTORY ENVIRONMENT

Local Government Act 1995

Section 6.11–Provides that where a local government wishes to set aside money for purposes in a future financial year, it is to establish and maintain a reserve account for each such purpose.

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Policy 2.6- Allows for the process of purchasing capital and operational items

FINANCIAL IMPLICATIONS

In line with the adopted budget for 2009/10 transfer from Housing Maintenance Reserve to Municipal Account an amount of \$45,280

In line with the adopted budget for 2009/10 transfer from Plant Reserve to Municipal Account an amount of \$ 209,168

In line with the adopted budget for 2009/10 transfer from Road Reserve to Municipal Account an amount of \$ 105,419.

COMMENT

Nil

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0519 Reserve Fund Transfer

Moved Cr EC Rowe, Seconded LJ Terry

That Council:

- 1. Approve the transfer of \$45,280 in May 2010 from Housing Maintenance Reserve to the Municipal Account.**
- 2. Approve the transfer of \$209,168 in May 2010 from the Plant Reserve to the Municipal Account.**
- 3. Approve the transfer of \$105,419 in May 2010 from the Roads Reserve to the Municipal Account.**

Motion put and carried 4/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

STATUTORY ENVIRONMENT

Reason for confidentiality –

- Local Government Act 1995 –
 - o s 5.23 (2)(a) – A matter affecting an employee or employees.

Meetings being closed to the public – Statutory Environment

Local Government Act 1995 –

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public –
- (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –
- (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal –
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to –
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

5.92. Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to –
- (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law –

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person.

Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Rules of Conduct) Regulations 2007

6. Use of information

- (1) In this regulation –
- “closed meeting” means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
 - “confidential document” means a document marked by the CEO to clearly show that the information in the document is not to be disclosed;
 - “non-confidential document” means a document that is not a confidential document.
- (2) A person who is a council member must not disclose –
- (a) information that the council member derived from a confidential document; or
 - (b) information that the council member acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subregulation (2) does not prevent a person who is a council member from disclosing information –
- (a) at a closed meeting; or

- (b) to the extent specified by the council and subject to such other conditions as the council determines; or
- (c) that is already in the public domain; or
- (d) to an officer of the Department; or
- (e) to the Minister; or
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

Motion to Close the Meeting to the Public

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0520 Close the Meeting to the Public

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That the meeting be closed to the public to discuss the following matters –

14.1 Review of Probationary Period, CEO SH Daishe.

Motion put and carried 4/0

The meeting was closed to the public at 1.40pm.

Remaining in the meeting were – Cr TK Iturbide, Shire President
 Cr EC Rowe, Deputy President
 Cr MR Valenzuela
 Cr LJ Terry

Ms SH Daishe left the meeting at 1.40pm.

14.1 REVIEW OF PROBATIONARY PERIOD, CEO SHARON DAISHE

File:
Author: Sharon Daishe, CEO
Interest Declared: Financial and Proximity Interest
Date: 13 May 2010
Attachments:

MATTER FOR CONSIDERATION

Review of probationary period, Chief Executive Officer Sharon Daishe,

BACKGROUND

The Shire of Yalgoo appointed Sharon Daishe to the position of Chief Executive Officer with a commencement date of 15 March 2010.

The terms of the offer of employment included a three-month probationary period, which is due to expire on 15 June 2010.

STATUTORY ENVIRONMENT

N/A

STRATEGIC IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

FINANCIAL IMPLICATIONS

As per the employment contract and letter of offer, the CEO is entitled to an increase in salary if the council determines that the CEO has satisfactorily completed the three-month probationary period.

CONSULTATION

Self-assessment against contract performance criteria provided 14/5/2010 to President Iturbide and Deputy President Rowe.

COMMENT

If the Council determines that the CEO has not satisfactorily completed the probationary period, the Council may extend the probationary period by a further three months. In this case, the Council should counsel the CEO regarding the areas of performance that the CEO will need to improve to satisfactorily complete the probationary period.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0521 Review of Probationary Period, CEO Sharon Daishe

Moved Cr LJ terry, Seconded Cr MR Valenzuela

That the Council has assessed that CEO Sharon Daishe has satisfactorily completed the three month probationary period at the three month anniversary of 15 June 2010 and confirms all Councillors support.

Motion put and carried 4/0

Ms SH Daishe returned in the meeting at 2.10pm.

Motion to Open the Meeting to the Public

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0522 Open the Meeting to the public

Moved Cr MR Valenzuela, Seconded Cr LJ terry

That the meeting be re-opened to the public.

Motion put and carried 4/0

The meeting was reopened to the public at 2.20pm.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on Thursday, 17 June 2010 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 2.33pm.

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on _____.

Signed: _____
Person presiding at the meeting at which these minutes were confirmed