



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE COUNCIL CHAMBERS, YALGOO

ON THURSDAY 22 OCTOBER 2015

COMMENCING 11.00 AM

SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON THURSDAY 22 OCTOBER 2015 COMMENCING AT 11.00 AM.

Silvio Brenzi
Acting Chief Executive Officer

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Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 22 October 2015, commencing at 11.00 am.

PLEASE TURN OFF ALL MOBILE PHONES PRIOR TO THE COMMENCEMENT OF THE MEETING

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS

STAFF

GUESTS

OBSERVERS

LEAVE OF
ABSENCE

APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1 Consideration of a matter affecting an employee 5.23 (2) (a)

NOTE: *The agenda item and recommendation were provided under separate cover. The agenda item contained a comment that Council may wish to close the meeting to the public to discuss.*

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom

7.2 COUNCILLORS

Date	Details	Councillors

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

Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 17 September 2015 at Paynes Find be confirmed.

Moved:	Seconded:	Motion put and carried/lost
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9. MINUTES OF COMMITTEE MEETINGS

Nil

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g.: matters affecting employee/s or the personal affairs of any person).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.0.1 Technical Services Report October 2015

File:	
Author:	Silvio Brenzi, A/CEO
Interest Declared:	No interest to disclose
Date:	16 October 2015
Attachments	P1 Flood Damage Report – CORE BUSINESS and RRG Nominations 16/17
(Tech Services Report – Blue)	P5 Proposed Gypsum Mine at Lake Moore

Matter for Consideration:

Receive Monthly Technical Service Report and Schedules.

1. Road Construction

a/. Submission made to RRG funding

Yalgoo-Morawa Rd

b/. Submission made to RRG funding

Yalgoo-Ningham Rd

2/. Road Maintenance – Light Grading Works:

Completed/current works on roads are:

1. Cartage of sheeting material to roads being worked on for flood damage is being carried out.
2. Road Safety Audit (RSA) is being conducted on Maranalgo Rd. This will identify issues such as signage and delineators required to meet standards.
3. Flood Damage works are progressing well. A report is attached for reference.

Access Roads/Airstrips:

1. Meka Station light grade

3/. Other Items

Attached is a document referring to a proposed Gypsum Mine at Lake Moore.

4/. Plant & Equipment:

1. Multi Tyre roller has been purchased from Queensland. Delivered price is \$93,000.00 to Geraldton and is below the \$100k tender limit. Three quotes were obtained prior to purchase. Once registered in Geraldton and transported to Yalgoo, a saving within budget limits of \$55,000.00 has been achieved.
2. Light vehicles will be traded next, then heavy plant following.

3. Traxcavator is currently with Pickles Auctions for trade and has a reserve price of \$80,000.00 after 2.5% fee a substantial increase in revenue from the expected \$55,000.00 trade will be made on this disposal.

5/. Parks and Reserves:

1. Automation of irrigation systems in both reserves is underway.

6/. Infrastructure – Capital:

1. Both modular homes are well under way and handover from Fleetwood is expected in November. Fencing materials have been purchased and will be installed with light landscaping over the next couple of months. MWDC have viewed the projects last week and are happy with the progress.
2. Tender documents are being prepared for the Arts Centre. Draft documents will be presented to Council and also the designs to the user group for comment.

Comments: On handover of both homes, Elected Members will be invited to inspect the homes prior to any lease arrangements.

7/. Infrastructure - Maintenance

1. Painting of the Administration building is currently being priced for commencement in November.

8/. Staff

1. New works foreman, Quentin Melbin, has commenced.
2. Yalgoo notification poster requesting interest in shire employment is being responded to well. 6 applications are being held ready for interviews during November.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

11.3 FINANCE

11.3.1 Imposition of Fees and Charges after the 2015 – 2016 Annual Budget was adopted.

File:	
Author:	Dominic Carbone, Carbone & Associates
Interest Declared:	No interest to disclose
Date:	30 September 2015
Attachments (yellow)	Nil

Matter for Consideration

To advertise, make changes and adopt the Schedule of Fees and Charges.

Background

In September 2015 Council adopted the 2015-2016 Annual Budget, inclusive of the Schedule of Fees and Charges.

The following fees and charges were omitted from the Schedule:

Caravan Park and Accommodation	Rate	GST	Total
Shire Employees	\$45.45	4.55	\$50.00
Washing machine hire per load	\$ 2.73	0.27	\$ 3.00
Dryer hire per load	\$ 2.73	0.27	\$ 3.00
Caravan storage fee per day	\$ 1.82	0.18	\$ 2.00
Tea towels (old stock)	\$ 1.82	0.18	\$ 2.00
Power Point (additional per point)	\$ 7.27	0.75	\$ 8.00
Merchandise Sales			
Yalgoo CD per copy	\$ 6.45	0.55	\$ 6.00
Book "Fields of Gold" per copy	\$10.00	1.00	\$11.00
Book "Architectural Gems of John Hawes" per copy	\$22.73	2.27	\$25.00
The following Fee and Charge is to be deleted from the Schedule on the basis that the washing machine is now coin operated.			
Laundry fees			
Non-park residents per day (or part)	\$ 4.55	0.45	\$ 5.00

Statutory Environment

LOCAL GOVERNMENT ACT 1995 - SECT 6.16

6.16 Imposition of fees and charges

- (3) Fees and charges are to be imposed when adopting the annual budget but may be —
 - (a) imposed* during a financial year; and
 - (b) amended* from time to time during a financial year.

*** Absolute majority required.**

6.19 Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges

1.7 Local public notice

- (1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —
 - (a) published in a newspaper circulating generally throughout the district;
 - (b) exhibited to the public on a notice board at the local government’s offices; and
 - (c) exhibited to the public on a notice board at every local government library in the district.

Business Implications

Strategic Community Plan	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Additional revenue

Consultation

Dominic Carbone, Carbone & Associates

Comment

Council is requested to give consideration to amending the Schedule of Fees and Charges by the inclusion and deletion of the fees and charges detailed above and advertise the proposed new fees in accordance with Section 6.19 of the local Government Act 1995.

11.3.2 2015-2016 Budget Statement of Financial Activity

File:	
Author:	Dominic Carbone, Carbone & Associates
Interest Declared:	No interest to disclose
Date:	30 September 2015
Attachments	P1 2015-16 Budget Statement of Financial Activity
(yellow)	Tabled 2015-16 Budget Statement of Financial Activity Work Sheet

Matter for Consideration

Adoption of 2015-2016 Budget Financial Activity Statement.

Background

Council at the Special Meeting of Council held on 11 September 2015 adopted the following resolution:

S2015-0905

“That Council in accordance with regulation 34 (5) of the Local Government (Financial Management) Regulations and Australian Accounting Standard Number 5, adopts the following material variance for the 2015/16 Financial Year -10% or \$10,000 whichever is the greater.”

Statutory Environment

Local Government (Financial Management) Regulations 1996

Regulation 34 of the Local Government (Financial Management) Regulations 1996 require the following in relation to the Financial Activity Statement:

- (1) A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, 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); and
 - (b) budget estimates to the end of the month to which the statement relates; and
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates; and
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets; and
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification; or
 - (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
 - (a) presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and

(b) recorded in the minutes of the meeting at which it is presented.

Business Implications

Strategic Community Plan	Yes
Corporate Business Plan	Yes
Long Term Financial Plan	Yes
Asset Management Plan	Yes
Workforce Plan	Yes
Policy	Nil
Financial (short term/ annual budget)	To allow for analysis of financial data.

Consultation

Dominic Carbone, Carbone & Associates

Comment

Accordingly, in order to meet the reporting requirements of the Statement of Financial Activity a twelve (12) months Budget has been prepared for the 2015-2016 financial year in the required format and is attached for Council consideration.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Adoption of 2015-2016 Budget Financial Activity Statement.

That Council pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 adopts the 2015-2016 Budget Statement of Financial Activity.

Moved:

Seconded:

Motion put and carried/lost

11.3.3 Pay Rates for Election Officers

File:	
Author:	Silvio Brenzi, ACEO
Interest Declared:	No interest to disclose
Date:	2 October 2015
Attachments (yellow)	Nil

Matter for Consideration

For Council to adopt the pay rates for the Returning Officer, Presiding Officers and Poll Clerk for the Local Government Election which were held on 17 October 2015.

Background

The payments will be paid as a separate item, outside the normal pay.

Statutory Environment

Local Government Act 1995

4.4 Ordinary elections

- (1) When the term of office of an elector mayor or president or a councillor is going to end under the Table to section 2.28 an election to fill the office is to be held;
- (2) An election under this section is called an ordinary election;
- (3) This section does not apply to the office of mayor or president if, under section 2.11, the next mayor or president is to be elected by the council.

Business Implications

Strategic Community Plan	Good Governance
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Election expense budgeted for.

Consultation

Dominic Carbone, Carbone & Associates.

Comment

The Shire is conducting an in-person election on Saturday 17 October 2015.

Council is required to confirm the pay rates for officers engaged for the elections being the Returning Officer, two Presiding Officers and the Polling Clerk. It is recommended the pay rates be adopted by Council The calculated method advised, as detailed by the Local Government Officers Award, states as follows:

18.1 Persons engaged by a respondent on duties associated with the conducting of a ballot of ratepayers shall be subject to the provisions of this clause in lieu of all other provisions contained in this award.

18.2 The salary applicable to each classification shall be in accordance with clause 13.5.

18.2.1 Polling Clerk

Level 3

Step 1

$$\$409.75/1976 = \$20.736 \times 1.50\% \text{ (Penalty Loading)} = \$31.10$$

18.2.2 Presiding Officer

1-3 Polling Clerks

Level 4

Step 1

$$\$439.73/1976 = \$22.25 \times 1.50\% \text{ (Penalty Loading)} = \$33.38$$

18.2.4 Returning Officer

(1) Where there are less than 10,000 electors on the electoral roll appropriate to the ballot.

Level 7

Step 1

$$\$53.624/1976 = \$27.16 \times 1.50\% \text{ (Penalty Loading)} = \$40.75$$

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Pay Rates for Election Officers

That Council adopt the pay rates for the officers engaged for the Local Government Election being the Returning Officer @ \$40.75/hr, two Presiding Officers @ \$33.38 /hr and the Polling Clerk @ \$31.10/hr.

Moved:

Seconded:

Motion put and carried/lost

11.3.4 Appointment of Auditor

File:	
Author:	A/ CEO
Interest Declared:	No interest to disclose
Date:	16/10/15
Attachments (yellow)	Nil

Matter for Consideration

To appoint the auditor for the Shire of Yalgoo.

Background

Each year the Shire is required to carry out an audit of its financial position. RSM Bird Cameron has a contract currently with the Shire of Yalgoo to carry out these works. However, it is also required to nominate the individual person to oversee and sign off on these works. There has been a change in this area and Council approval is required before the audit can take place.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

S7.3 LG Act 1995

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Statutory environment

Consultation

Dominic Carbone, Carbone & Associates

Travis Bates, RSM Bird Cameron

Comment

RSM Bird Cameron has completed this statutory task previously and are capable and competent to complete this requirement under the current contract.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

Appointment of Auditor

That Council appoints David Wall of RSM Bird Cameron as auditor in accordance with section 7.3 of the Local Government Act.

Moved:

Seconded: Motion put and carried/lost by absolute majority.

11.4 ADMINISTRATION

11.4.1 Civil Service at St George’s Cathedral 22 November 2015

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	1 October 2015
Attachments (yellow)	P1 WALGA letter re: Civic Service at St George’s Cathedral

Matter for Consideration

Councillors are requested to give consideration to the attendance of a Civic Service at St George’s Cathedral, St George’s Terrace Perth, on Sunday 22 November 2015 at 5:00pm.

Background

This event held annually, is very popular and attracts much interest.

This ecumenical occasion, modelled on the Civic Service that takes place in Westminster Abbey, will be led by the Dean of Perth, the Very Reverend Richard Pengelley.

It is an opportunity for Councillors to gather together collegially to offer thanksgiving and prayer for their undertakings as representatives of their respective communities.

Statutory Environment

Local Government Act 1995

- s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	Nil
Corporate Business Plan	Nil
Long Term Financial Plan	Nil
Asset Management Plan	Nil
Workforce Plan	Nil
Policy	Nil
Financial (short term/ annual budget)	Travel and accommodation costs.

Consultation

Nil

Comment

A letter has been received from WALGA dated 24 August 2015, informing that the Dean of Perth is co-hosting, with WALGA, a Civic Service at St George’s Cathedral, St George’s Terrace, Perth on Sunday 22 November 2015 at 5:00pm.

The Service is to celebrate and give thanks for the work of current and new Mayors, Presidents and Councillors.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Attendance at a Civil Service at St George’s Cathedral 22 November 2015, co-hosted by WALGA and the Dean of Perth.

That Council advise the West Australia Local Government Association (WALGA), the number of Councillors attending the Civil Service at St George’s Cathedral, 5:00pm on 22 November 2015; and

That Council nominate the following Councillors..... to attend the Civil Service at St George’s Cathedral , 5:00pm on 22 November 2015.

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Council Committees and Delegates to Organisations

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	8 October 2015
Attachments	Nil

Matter for Consideration

To nominate Councillors for internal committees and external organisations.

Background

Council currently has two Committees, being the Audit Committee, which is compulsory under the Act and a Finance Committee.

Council nominates representatives for a range of regional organisations and nominates delegates to other organisations from time to time.

Statutory Environment

Local Government Act 1995

s.5.8 to s.5.18 – requirements for the appointment of Committees, membership, delegations etc

s.7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* Absolute majority required.

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

s.5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.

* Absolute majority required.

- (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
- (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
- (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	Policy 1.7 – Representatives to Organisations
Financial (short term/ annual budget)	Nominated delegates to committees may be entitled to reimbursement of necessary travelling expenses to attend meetings.

Consultation

Neil Grinham, Shire President

Silvio Brenzi, ACEO

Comment

Council has historically nominated all Councillors to be members of the Audit committee. Nominations to the Audit Committee must be by absolute majority.

President Neil Grinham has asked for all positions on both internal and external committees to be declared vacant so that the workload on Council members can be re-distributed. Declaring the offices vacant does not preclude a Councillor from re-applying for a role on the same committee.

Current external committees/organisations and previous nominees are as follows:

Committee	Delegate
Murchison Executive Group (MEG) C2014-0114	Delegate: (1) CEO
Regional Road Group (RRG) C2014-0114	Delegate: (1) Cr Neil Grinham <i>(Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</i>
Murchison Sub Group of the Regional Road Group (RRG) C2014-0114	Delegates: (2) Cr Neil Grinham Cr Stanley Willock Deputy Delegate: (1) Cr Raul Valenzuela
Murchison Country Zone of WALGA (Cue Parliament) C2014-0114 <i>Generally (but not compulsory) is President and Deputy President</i>	Delegates: (2) Cr Neil Grinham Cr Raul Valenzuela Deputy Delegate: (1) Cr Adam Fawkes
Murchison Regional Vermin Council (MRVC) C2014-0114	Delegates: (2) Cr Neil Grinham Cr Robert Grinham
Development Assessment Panel 2015-0406	Members: (2) Cr R Valenzuela Cr Neil Grinham Alternates: (2) Cr Stanley Willock Cr Raul Valenzuela <i>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i>
Gundawa Conservation Association C2014-0114	Delegates: (2) Cr Valenzuela Cr Neil Grinham
Audit Committee 2014-0110 Cr P Lawson C2014-0505	Members: All Councillors: Cr Raul Valenzuela Cr Neil Grinham Cr Robert Grinham Cr Stanley Willock Cr Adam Fawkes Cr Percy Lawson
Golden Primary Health Care Service C2014-0114	Delegates: (2) Cr Adam Fawkes Cr Raul Valenzuela
Finance Committee C2014-0112	Delegates: (4) Vacant Cr Raul Valenzuela Cr Neil Grinham Cr A Fawkes Deputy Delegates: (2) Cr Robert Grinham Cr Stanley Willock

Committee	Delegate
Shire of Yalgoo Community Benefit Fund Advisory Committee 2014-1203	A designated officer of the Shire
Shire of Yalgoo Policy Committee C2015-0115	Delegates: All Councillors
Shire of Yalgoo Road Inspection Committee C2015-0409	Delegates: (3) Cr Neil Grinham Cr S Willock A designated officer of the Shire
Mid-West Local Government Emergency Management Network (MWLGEMN) C2014-0913	Delegates: (3) Cr Neil Grinham Cr S Willock A designated officer of the Shire
Yalgoo Chief Bush Fire Control Officer (CBFCO) C2014-0412	Delegate: (1) ACEO, Silvio Brenzi
Yalgoo/Paynes Find Deputy Chief Bush Fire Control Officer (DCBFCO)	Delegate: (1) Vacant
Shire of Yalgoo Tourism Committee C2014 Item 15.6	Delegates: Vacant

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION #6

Nomination of Councillors to External Organisations

That Council makes the nominations to external committees/organisations as listed below:

Committee	Delegate
Murchison Executive Group (MEG) C2014-0114	Delegate: (1) CEO
Regional Road Group (RRG) C2014-0114	Delegate: (1) <i>(Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</i>
Murchison Sub Group of the Regional Road Group (RRG) C2014-0114	Delegates: (2): Deputy Delegate: (1)
Murchison Country Zone of WALGA (Cue Parliament) C2014-0114 <i>Generally (but not compulsory) is President and Deputy President</i>	Delegates: (2): Deputy Delegate: (1)
Murchison Regional Vermin Council (MRVC) C2014-0114	Delegates: (2)
Development Assessment Panel 2015-0406	Members: (2) Alternates: (2) <i>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i>
Gundawa Conservation Association C2014-0114	Delegates: (2)
Audit Committee 2014-0110 Cr P Lawson C2014-0505	Members: All Councillors:
Golden Primary Health Care Service C2014-0114	Delegates: (2)

Committee	Delegate
Finance Committee C2014-0112	Delegates: (4) Deputy Delegates: (2)
Shire of Yalgoo Community Benefit Fund Advisory Committee 2014-1203	
Shire of Yalgoo Policy Committee C2015-0115	Delegates:
Shire of Yalgoo Road Inspection Committee C2015-0409	Delegates: (3)
Mid-West Local Government Emergency Management Network (MWLGEMN) C2014-0913	Delegates: (3)
Yalgoo Chief Bush Fire Control Officer (CBFCO) C2014-0412	Delegate: (1)
Yalgoo/Paynes Find Deputy Chief Bush Fire Control Officer (DCBFCO)	Delegate: (1)
Shire of Yalgoo Tourism Committee C2014 Item 15.6	Delegates:

Moved: _____ **Seconded:** _____ **Motion put and carried /lost**

11.4.3 Appoint an A/CEO Over the Christmas Period and the Shire Staff Party.

File:	
Author:	A/CEO
Interest Declared:	No interest to disclose
Date:	19/10/15
Attachments (yellow)	Nil

Matter for Consideration

To appoint a temporary Acting CEO during leave of the current CEO in the month of December 2015.
 To approve closure of operational works over the Xmas period.
 To select a day in December for the Staff Xmas Party.

Background

During periods of extended leave of the CEO, it is necessary to have administration processes continued for the Shire and thus Council and the community.
 Dominic Carbone has previously been working for the Shire in a consultative way managing Financial and Governance issues. With the approval of council, it is recommended that while Silvio Brenzi takes annual leave during the month of December a replacement A/CEO is endorsed to facilitate the administration processes for the Shire of Yalgoo.

Statutory Environment

Local Government Act 1995

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	Maintain stability
Policy	
Financial (short term/ annual budget)	

Consultation

Neil Grinham, Shire President

Comment

Annual leave has been approved for Silvio Brenzi A/CEO for the month of December, to return to work on Tuesday the 5th January. Normal Xmas shut down with a skeleton staff will be in place from the 21st December to 4th January.
 The nominated dates for Xmas shut down period is to conclude work on the Friday the 18th December and return to work on Tuesday the 5th January 2016. Staff will utilise leave provisions outside of the nominated public holidays.

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to \$10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

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.

14.1 Consideration of a matter (detail) 5.23 (2) (a)

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

Close Meeting to the Public

To consider a matter that is closed to the members of the public under (LGA s. 5.23 (2) (a).

Moved:	Seconded:	Motion put and carried/lost
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The meeting was closed to the public at _____.

Remaining in the meeting were:

-

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION

Open Meeting to the Public

That the meeting be re-opened to the public.

Moved:	Seconded:	Motion put and carried/lost
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The meeting was reopened to the public at _____.

RECORD DECISION MADE DURING CLOSED MEETING

Moved:	Seconded:	Motion put and carried/lost
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15. NEXT MEETING

The next Meeting of Council is the Electors' Meeting due to be held in the Paynes Find Community Centre, Paynes Find on Friday 4 December 2015 commencing at 11.00 am.

16. MEETING CLOSURE