



MINUTES
OF THE ORDINARY MEETING
OF COUNCIL
HELD ON
21 JUNE 2012
AT 11.00AM

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Unconfirmed Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 21 June 2012 commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Terry K Iturbide, Shire President Cr Len J Terry, Deputy Shire President Cr M Raul Valenzuela Cr Laurence Hodder Cr Neil Grinham
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	It is noted that Cr Neil Grinham has returned from leave of absence.
APOLOGIES	

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

Item 14.1 CEO Sharon Daishe disclosed a financial interest in this item.

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)

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

Date	Details	Attended with whom
31 May 2012	Meeting with Minister Collier (Indigenous Affairs)	CEO Sharon Daishe Vince Catania MLA
1 June 2012	Emergency Management Forum - Perth	CEO Sharon Daishe

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/COUNCIL DECISION

C2012-0601 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 28 May 2012 be confirmed.

Moved: Cr L Terry

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

9. MINUTES OF COMMITTEE MEETINGS

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 (eg: matters affecting employee/s or the personal affairs of any person).

Preparations for Funeral – appreciation to staff

The CEO informed Council of the collaborative community effort of Project Executive Ron Adams, MEEDAC and Shire staff in preparing the Shire Hall and the cemetery for the funeral of former Councillor Tom Hodder.

The Shire hall had been unserviceable and required a major cleanup of old equipment, painting, finishing of the toilet project and floor coverings in the entrance. Work at the cemetery included clearing up the parking area and installing posts to identify the cemetery entrance. These projects were unplanned and were achieved at short notice through a collaborative effort.

The President asked the CEO to pass on her appreciation to acknowledge this contribution to community in respect of Tom Hodder and his family.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS AND SERVICES

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.2.1 Ferrowest Option Deed

File:			
Author:	Sharon Daishe, CEO		
Interest Declared:	No interest to disclose		
Date:	12 April 2012		
Attachments (white)	P1	Draft Option Deed as prepared by Shire of Yalgoo lawyer Sze-Hwei Yen, Associate, Civic Legal Pty Ltd with marked up comments/edits by Ferrowest 18/4/2012	

Matter for Consideration

To consider entering into an Option Deed to dispose of 185 Shamrock Street to Ferrowest Limited.

Background

The Shire of Yalgoo formerly agreed to enter into an Option Deed to sell Lot 185 Shamrock Street to Ferrowest Pty Ltd. Statutory advertising was completed however Ferrowest did not proceed with the Option due to the global financial crisis.

Council decisions C07-0728, C2007-1206 and C2008-0608 relate and provide the history of the extensive prior negotiations.

Brett Manning, Managing Director Ferrowest Pty Ltd, requested via an email to the CEO on 31 March 2011 that the Shire revisit the Option Deed with an extended period for the option.

Council considered the request at the Ordinary Meeting of Council held 28 May 2012 and made the following decision:

C2012-0502 Disposal of Property – Option Deed for sale of 185 Shamrock Street to Ferrowest Limited

That Council

1. Indicates intention in principle to dispose of Lot 185 Shamrock Street to Ferrowest Limited by way of entering into an Option Deed as per the attached draft for the consideration of \$80,000 exclusive of GST; and
2. Gives local public notice of the proposed disposition in accordance with section 5.38 (3) of the Local Government Act as follows:

- (a) Local public notice to be by way of advertisement in the Shire of Yalgoo Bulldust and the Geraldton Guardian on or before Wednesday 30 May 2012 inviting submissions to the Local Government by noon Thursday 14 June 2012;
 - (b) The names of the parties concerned are the Shire of Yalgoo and Ferrowest Limited;
 - (c) The consideration to be received by the local government for the disposition is \$88,000 inclusive of GST;
 - (d) The market value of the disposition, as ascertained by a valuation carried out by Landgate on 8 February 2012, is \$120,000 inclusive of GST;
 - (e) The Local Government will consider any submissions received at the Ordinary Council Meeting to be held on 21 June 2012; and
3. Pending the outcome of any submissions received, and final agreement between the Shire and Ferrowest on the terms of the Option Deed, Council will make the necessary arrangements to enter into the Option Deed on or before 1 August 2012.

Moved: Cr LJ Terry Seconded: Cr MR Valenzuela Motion put and carried 3/0

Local Public Notice was given in accordance with the above decision.

As at noon on Thursday 14 June 2012 no submissions were received.

Statutory Environment

Local Government Act 1995

3.58. Disposing of property

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned; and

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;

and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

(4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —

(a) the names of all other parties concerned; and

(b) the consideration to be received by the local government for the disposition; and

(c) the market value of the disposition —

(i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or

(ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

Note that the legislative extract above was downloaded from the State Law Publisher on 12 April 2012.

Strategic Implications

Plan for the Future, 1. Economic Prosperity, 1.3, 'Develop partnerships with mining companies in the Shire area'.

New development of land equivalent to 20 house blocks in Yalgoo has the potential to increase economic prospects in Yalgoo. Locating the mining camp in the town site offers potential to citizens of Yalgoo for increased services.

Policy Implications

None

Financial Implications

The Shire has already incurred significant costs comprised of legal fees, advertising, excessive staff time and the purchase of two land valuations.

If the Shire and Ferrowest enter into the Deed as presented in the attachments Ferrowest must pay to the Shire:

- \$30,000 plus GST within 7 days of entering into the Option Deed
- \$80,000 plus GST if Ferrowest exercises the option and purchases the land
- \$6,000 payable on each anniversary of the Option Deed while the option remains unexercised.

Consultation

- Brett Manning, Managing Director Ferrowest Pty Ltd.
- Sze-Hwei Yen, Associate, Civic Legal Pty Ltd

Comment

As there were no submissions received, it is recommended that Council proceeds.

Note that the Deed should be entered into by 8 August 2012 in order to comply with the legislation regarding date of valuation of land.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0602 Disposal of Property – Option Deed for sale of 185 Shamrock Street to Ferrowest Limited

That, there being no submissions received as at noon on Thursday 14 June 2012 following local public notice on 30 May 2012 in the Geraldton Guardian and the Yalgoo Bulldust, Council:

- 1. Agrees to dispose of Lot 185 Shamrock Street to Ferrowest Limited by way of entering into an Option Deed as per the attached draft for the consideration of \$80,000 plus GST; and**
- 2. Requests the CEO to make the necessary arrangements to enter into the Option Deed on or before 1 August 2012; and**
- 3. Authorises the President and the CEO to sign and seal the Option Deed.**

Moved: Cr L Terry

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the months of April 2012 and May 2012.

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	13 June 2012
Attachments (green)	April Statements:
	P1 Financial Activity Statements April 12
	P21 Balance Sheet April 12
	P28 Income Statement Summary by Program April 12
	P53 Investment Register April 12
	P54 Rate Debt Collection Report April 12
	P55 Schedule of Payments April 12
	May Statements:
	P57 Financial Activity Statements May 12
	P76 Balance Sheet May 12
	P83 Income Statement Summary by Program May 12
	P99 Investment Register May 12
	P100 Rate Debt Collection Report May 12
	P101 Material Variance Report May 12
	P104 Schedule of Payments May 12

Matter for Consideration

Adoption of the monthly financial statements, material variance report, investment register and schedule of payments.

Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.

Statutory Environment

Local Government Act 1995

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

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.

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

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

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

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

Payments from Council’s Municipal Account as disclosed in the budget or subsequently approved.

Consultation

Shire accountants UHY Haines Norton.

Comment

The Shire utilises the services of accountants UHY Haines Norton to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$5000 above or below budget) are commented on in the material variance attachment.

Voting Requirements

Simple Majority

Recommendations #1 and #2 to this item were moved en bloc.

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2012-0603 Adoption of Financial Activity Statements for the months of April and May 2012

That Council adopts the financial statements for the periods ending 30 April 2012 and 31 May 2012 and receives the material variance report for May 2012 as attached.

Moved: Cr MR Valenzuela Seconded: Cr NA Grinham Motion put and carried 5/0

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2012-0604 List of accounts paid for the months of April and May 2012.

That Council receives the Schedule of Payments for accounts paid in the months of April and May 2012

Moved: Cr MR Valenzuela

Seconded: Cr NA Grinham

Motion put and carried 5/0

11.3.2 Budget Variance - part 2012/13 Financial Assistance Grant received 2011/12

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	14 June 2012
Attachments	Nil

Matter for Consideration

The early receipt of Financial Assistance Grants from the State Government.

Background

In May the State of Western Australia advised that the approximate Financial Assistant Grant for the Shire of Yalgoo for the 2012/13 budget year will be \$1,400,000 (untied) and \$580,000 (roads). This funding is to be paid half in advance before the end of the 2011/12 financial year and the remainder in equal quarterly payments in the 2012/13 financial year.

These funds will be recognised as a surplus in the 2011/12 financial year.

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.

Strategic Implications

The amount will have a direct affect on the surplus/deficit carried from the 2011/2012 financial year to the 2012/2013 financial year.

Policy Implications

Nil

Financial Implications

Increase in Surplus/ reduction in deficit carried from 2011/2012 financial year to the 2012/2013 financial year.

Consultation

Department of Local Government

Comment

In May Council requested information from the Department of Local Government on the 2012/2013 Financial Assistance Grants to assist in the budgeting process. The advice was that the Council will receive approximately \$1,400,000 in operational grants and \$580,000 for roads. Half of this funding will be paid to Local Governments prior to the end of June. As this is a government grant there is a requirement to recognise the amount as income when it is received and cannot be carried as income received in advance on the balance sheet.

The affect of this for the Council is that the end of Financial Year will have a larger than anticipated surplus or a reduction in the deficit carried from one financial year to the next.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0605 Recognise Budget Variance 2011/12 re early receipt of part Financial Assistance Grant 2012/13

That Council recognise a budget variance in 2011/12 due to the anticipated early receipt of a portion of the Financial Assistance Grant for 2012/13.

Moved: Cr L Terry

Seconded: Cr L Hodder

Motion put and carried 5/0

11.3.3 Budget Variance Roads to Recovery

File:	
Author:	Heather Boyd, Deputy CEO
Interest Declared:	No interest to disclose
Date:	14 June 2012
Attachments	Nil

Matter for Consideration

The early receipt of Roads to Recovery grant funding.

Background

Money provided under the Roads to Recovery Program is not intended to replace council spending on roads, or State and Territory Government assistance to councils for local road construction or maintenance, but rather is paid on projects nominated by Council each year.

In February 2012 Council reported to the Department of Infrastructure on funds spent to date on the Morawa Road project and advised that the remainder of the grant would be spent by the end of the project.

The Department of Infrastructure interpreted from the report that the Morawa project was due for completion by 30 June 2012 and paid the remainder of the grant on that basis.

The actual project end date is anticipated to be December 2012, which has resulted in the Shire receiving funds in the 2011/2012 financial year for work being undertaken in 2012/2013.

As this is a government Grant these funds must be recognised when received and therefore will increase the surplus/decrease the deficit at the end of the financial year.

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.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Early receipt of grant funding for 2012/2013.

Consultation

- UHY Haines Norton – Accounting consultants
- Project Executive Ron Adams
- CEO Sharon Daishe

Comment

Council had budgeted to receive \$304,692 in Roads to Recovery funding in 2011/2012. The actual amount received was \$609,610 resulting in a budget variance of \$304,918. As this is a government grant there is a requirement to recognise the amount as income when it is received and cannot be carried as income received in advance on the balance sheet.

The affect of this for the Council is that the end of Financial Year will have a larger than anticipated surplus or a reduction in the deficit carried from one financial year to the next.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0606 Budget Variance Roads to Recovery - increase in income in 2011/12

That Council recognise an increase to the 2011/12 budgeted income by \$304,918 for the Roads to Recovery grant.

Moved: Cr L Terry

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

11.3.4 Draft Budget 2012/13 Capital Works and Forward Capital Works Plan

File:	Budget 2012-13
Author:	Christine Harvey, Finance Consultant
Interest Declared:	No interest to disclose
Date:	14 June 2012
Attachments (white)	P19 Capital Works spreadsheet

Matter for Consideration

To consider the forward capital works program for 2012-13 including expenditure within the Forward Capital Works Plan.

Background

Country Local Government Fund

Council has previously determined how the Country Local Government Fund allocations will be expended for the years to 2011-12 as per the decision copied below:

C2011-1205 Country Local Government Fund Individual Component 2010-11 and 2011-12

That Council authorises the CEO to enter into Funding Agreements with the Department of Regional Development and Lands for Country Local Government Fund 2010-11 and 2011-12 projects as detailed below:

FCWP	Project	CLGF 09-10	CLGF 10-11	CLGF 11-12	TOTAL
BD006	Hall Refurbishment		100,000		100,000
BD008	Staff Housing Gibbons St x 2		170,000	180,000	350,000
BD012	Works Depot: Replace Workshop (Planning)	15,000			15,000
CA001	Caravan Park: Caretaker Residence			32,000	32,000
CA002	Caravan Park Redevelopment		85,476	44,524	130,000
OP005	Community Park (formerly sub project military history)		30,000		30,000
OS002	Town Entry Statement Solar Lighting			15,000	15,000
OS003	Payne's Find Beautification/Rest Area		31,000		31,000
OS005	Water wise Reticulation Project	10,000	57,546		67,546
OS006	Cemetery: Gazebo, Niche Wall and Gates			30,000	30,000
RC002	Tank - Payne's Find Community Centre		5,500		5,500
RC003	Yalgoo Community Hub: Covered Sports Facility			120,000	120,000
		25,000	479,522	421,524	926,046

- 2009-2010: these funds are carried over from the Forward Capital Works Plan funding and are only available for the purposes of planning.
- 2010-2011: FAA (Financial Assistance Agreement) is signed and sealed. RDL funds of \$479,522 have been paid to the Shire in 2012. Projects are being carried out.
- 2011-2012: RDL is currently negotiating the draft FAA (Financial Assistance Agreement) for \$421,524.
- 2012-2013: RDL guidelines have been released and the Shire’s allocation will be the same as 2011-12. To apply for these funds, the Shire must first review the Capital Works Plan between October and December 2012. This process will occur in July/August in consultation with Council and community to

determine priority of major projects. The funding should be used on only one or two major strategic projects. Funding may not be available in the 12-13 financial year however if it is, the income and expenditure (net effect zero) will be brought into the budget by way of a budget amendment.

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.

Strategic Implications

To improve the amenities provided by the Shire while building on the performances of the past in accordance with the Plan for the Future.

Policy Implications

Nil

Financial Implications

As per attached spreadsheet and detailed draft 2012-2013 budget.

Consultation

Staff, councillors and community in accordance with policy 7.6.

Comment

The attached worksheet summarises forward capital works for 2012-13.

The following new projects are recommended for inclusion in the Forward Capital Works Plan:

- BD014 Security: Consultants have reviewed security of Yalgoo public facilities and we await their report. The report will recommend the installation of security lighting to be funded by the \$20,000 Community Crime grant which has already been received into the Shires bank account in 2010. Shire keys are often being lost and are hard to replace, ie Caravan Park keys being lost, staff housing keys not returned and the difficulty of attaining the services of a locksmith in a remote location. A report is in progress advising the Shire of electronic keying options, CCTV monitoring and possible funding sources. Whilst costings have not yet been acquired they are estimated to be \$50,000.
- BD015 Museum: The museum inside timber window frames are decayed and necessitate replacing. The work is estimated to cost in the vicinity of \$10,000. Funding is recommended by transfer from the Community Amenities Maintenance Reserve (current balance \$188,000).

Suggested changes to previously recommended projects:

- BD007: Change from “Archive Storage” to “Capital Works Admin Building”. The Shire office building is no longer sufficient to meet business needs. Additional staff are not adequately accommodated with staff desks being inappropriately set up in walkways etc. The proposal is to extend the current office building into the back carpark to provide adequate office accommodation and archive storage. Minor upgrading is required to improve storage in the Kitchen. Data cabling is necessary for the Chambers. Budget allocation of \$50,000 pending preparation of costs.

Other notes:

- BD004 Town Sewerage Upgrade – the Mid West Development Commission have indicated their support for the Shire’s application for funding of this project. However, the application will not be progressed until the planning component (funded by Northern Planning) is completed. A budget allowance of \$1 is made and if funding is received, this will be brought into the budget with a budget amendment.

ATTENDANCE: 11.30 am DCEO Heather Boyd left the meeting.

ATTENDANCE: 11.31 am DCEO Heather Boyd rejoined the meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2012-0607 Forward Capital Works Plan

That Council:

- 1. Endorses the capital works as presented in the attached spreadsheet for inclusion in the draft 2012-2013 budget; and**
- 2. Authorises the CEO to update the Forward Capital Works Plan including the additions and amendments to projects as listed within.**

Moved: Cr MR Valenzuela

Seconded: Cr L Terry

Motion put and carried 5/0

11.4 ADMINISTRATION

11.4.1 LGMA Community Sponsorship

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	12 June 2012
Attachments (white)	P24 Letter re LGMA Community Sponsorship

Matter for Consideration

To consider a request from the Local Government Managers’ Association (LGMA) for financial support for the “Emerging Community Development Frontiers Conference” to be held 20–21 September 2012, at the Esplanade Hotel, Fremantle.

Background

The “Emerging Community Development Frontiers – Creativity, Economics and Results” is expected to be a high calibre event attended by over 150 delegates, including senior decision-makers, officers and elected members from local government, key community organisations and the service sector.

The conference committee is seeking sponsorship to ensure the success of the event and has created a new sponsorship category “Community Sponsor”. Community Sponsorship (\$550+GST) offers Local Governments and other organisations the opportunity to show their support.

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.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Sponsorship will allow non LGMA employees to attend the conference at the discounted member rate.

Council has \$1740.00 remaining in the 2011/12 Discretionary Budget for donations. Sponsorship of \$550 (+GST) is requested.

Consultation

CEO Sharon Daishe

Comment

If the Shire of Yalgoo has recruited a Community and Youth Development Coordinator, the appointee will be requested to attend this professional development opportunity and report back to Council.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0608 LGMA Community Sponsorship

That Council donates \$550+GST for the LGMA “Emerging Community Development Frontiers Conference” to be held 20–21 September 2012, at the Esplanade Hotel Fremantle.

Moved: Cr L Hodder

Seconded: Cr L Terry

Motion put and carried 5/0

11.4.2 Use of Common Seal

File:		
Author:	Sharon Daishe, CEO	
Interest Declared:	No interest to disclose	
Date:	14 June 2012	
Attachments (white)	P25	Extracts from the minutes of the Ordinary Meetings of Council held June, July and August 1993
	P28	Letter from Minister dated 26 April 1996 approving transfer of Lot 75 Weekes Street from Council to itself
	P29	Form T2 Transfer of Land

Matter for Consideration

To authorise the President and CEO to affix the common seal of the Shire to a transfer of land to complete a transaction that the Shire commenced in 1993 to transfer 75 Weekes Street to the Shire.

Background

On 16 June 1993 Council resolved to auction Lot 75 Weekes Street to recover unpaid rates (item 6.3.1) with the auction to be held following the Council meeting on 21 July 1993 (item 5.3.2 of the meeting held 21 July 2012).

Council purchased the land for the consideration of \$200 and this action was confirmed by Council on 25 August 1993 (item 5.3.10).

On 03 May 1996 Council received approval from the Minister of Local Government to transfer Lot 75 Weekes Street, Yalgoo to itself.

Research revealed that the transfer of title however had not been processed.

To complete the transfer of land, the President and CEO must sign and seal Form T2, Western Australia Transfer of Land Act 1983, Transfer of Land.

Statutory Environment

Local Government Act 1995

Section 9.49A (2) of the Local Government Act 1995 prescribes that the common seal of a local government is not to be affixed to any document except as authorised by the local government.

Section 9.49A (3) requires that the common seal is to be affixed to a document in the presence of the President and CEO.

Strategic Implications

NA

Policy Implications

Delegation 2.1 Common Seal does not apply in this instance as the document is not ongoing, and is not a funding agreement.

Financial Implications

NA

Consultation

Rob Warner, Assistant Registrar of Titles, Advice Officer, Customer Advice, Landgate

Comment

This is an administrative matter to authorise use of the Common Seal to complete a transaction that the Shire commenced in 1993 but did not complete.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0609 Use of Common Seal – Transfer (historical) of 75 Weekes Street to Shire of Yalgoo

That Council authorises the President and CEO to affix the Common Seal of the Shire to Form T2, Western Australia Transfer of Land Act 1983, to transfer Lot 75 Weekes Street to itself.

Moved: Cr L Terry

Seconded: Cr NA Grinham

Motion put and carried 5/0

11.4.3 Annual Review of Delegations and Authorisations (Deputy Chief Bush Fire Control Officer)

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	14 June 2012
Attachments (white)	P33 Delegations currently in force as reviewed and adopted 23 June 2011

Matter for Consideration

To review delegations and authorisations made by the Local Government.

Background

Delegations: The Local Government Act requires Council to review delegation of its powers under the Local Government Act 1995 at least once per financial year. Council adopted a Delegations Register on 17 April 2008 and last reviewed its delegated powers on 23 June 2011, in the 2010/11 financial year with assistance from Local Government Consultant Gary Martin. There have been no material variances to operations since the last review.

Authorised Officers: The Bush Fires Act 1954 requires the Local Government to appoint both a Chief and a Deputy Chief Bushfire Control Officer. Currently the Shire of Yalgoo has appointed a Chief Bush Fire Control Officer, but not a Deputy Chief Bush Fire Control Officer. (Former Deputy CEO Violet Rowe was the previously appointed Deputy).

Statutory Environment

Local Government Act 1995

s5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.

Bush Fires Act 1954

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

NB – 38A enables the Local Government to request FESA to appoint a FESA staff member as CBFCO and if this occurs, the LG cannot appoint under 38 (1).

- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs.

- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the Authority, by the Authority.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provisions of Part III.

Strategic Implications

Legislative compliance, including compliance with the Bushfires Act and provision of appropriate personnel with decision making powers during bush fire incidents.

Policy Implications

Nil

Financial Implications

Nil

Consultation

FESA

Comment

Delegations - there are no new or altered delegations recommended.

Authorised officers – CEO Sharon Daishe and Deputy CEO Heather Boyd recently attended the FESA Fire Control Officers course. It is recommended that Council appoints the CEO as Deputy Chief Bush Fire Control officer (DCBFCO).

Note that a recommendation will be made to council at a later date regarding appointment of fire control officers (FCO). FCOs have significant powers under the Bushfires Act. Council can limit the powers and it is suggested that no appointment is made for FCOs until such time as an Instrument has been developed that places appropriate limits on the powers. A separate recommendation will be made to Council in due course and before the fire season.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

C2012-0610 Annual Review of Delegations Local Government Act s5.46 (2)

That in accordance with s5.46 (2) of the Local Government Act 1995, Council reviews the delegations of its powers and confirms the delegations currently in force with no changes.

Moved: Cr NA Grinham

Seconded: Cr L Terry

Motion put and carried 5/0

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

C2012-0611 Deputy Chief Bushfire Control Officer – Bush Fires Act 1954 s

That Council:

1. Revokes all prior appointments of Deputy Bushfire Control Officer under the Bush Fires Act 1954 s38 (1); and
2. Appoints CEO Sharon Daishe as Deputy Chief Bush Fire Control Officer for the Shire of Yalgoo under the Bush Fires Act 1954 s38 (1); and;
3. Issues a certificate of appointment (s38 2E) and publicises the appointment (s38 2A) in accordance with the provisions of the Bush Fires Act 1954.

Moved: Cr L Terry

Seconded: Cr L Hodder

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

13.0 ADMISSION OF URGENT BUSINESS

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0612 Admit Urgent Business

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

13.1 Budget Request Capital Purchase Boomlift ('Cherry Picker')

Moved: Cr MR Valenzuela

Seconded: Cr L Terry

Motion put and carried 5/0

13.1 Budget Request Capital Purchase Boomlift ('Cherry Picker')

File:	
Author:	Ron Adams, Project Executive
Interest Declared:	No interest to disclose
Date:	19 June 2012
Attachment (purple)	Example of used boom lift for sale

Matter for Consideration

Consider the purchase of a boom lift machine ('cherry picker') in the 2011-12 budget.

Background

The shire has a requirement for a cherry picker to perform several tasks associated with current infrastructure and planned building infrastructure in the coming years.

The water park has shade sails and high lighting requirements. When maintenance or quick repairs to sails is required, hiring a machine is exhausting trying to line up the various contractors to perform simple tasks such as replacing light bulbs and shackles on guide wires. The hire cost and the mobilisation from Geraldton is expensive, whether the shire staff or contractors mobilise the piece of equipment.

The new covered complex and rage cage development will require a cherry picker for construction and for maintenance on an ongoing basis.

Construction of staff housing also will require the use of this machine during construction.

The cost to hire a machine is \$48,000 for six months, which will be required in the next construction phase.

The cost of a used machine as per the example attached is around \$12,000 inc GST, plus freight.

This item is brought forward to 2011-12 (rather than 2012-13) to enable prompt purchase so that the water park sails can be repaired before filming of Russell Goodrick's Best Country Towns TV program.

Statutory Environment

Local Government Act 1995

S6 deals with the requirement for an annual budget by each local government and expenditure from the municipal account

- Part 4 – Provision of goods and services

Strategic Implications

Provide appropriate equipment, at a significant cost saving, to enable construction and maintenance programs to be carried out efficiently.

Policy Implications

Nil

Financial Implications

The cost of \$12,000 including GST can be funded from some small savings made in the 2011-12 Capital equipment purchases, therefore having little effect on the shires budget.

Hiring this equipment would cost more than purchasing second hand.

Consultation

Sharon Daishe, CEO

Cliff Hodder, Works Foreman

Comment

Safe operation of performing tasks at heights is required for the existing and planned infrastructure.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0613 Purchase of Boom Lift ('Cherry Picker') – Capital Item Addition to 2011/12 Budget

That Council:

- 1. Approves an amount of up to \$15,000 plus GST in the 2011-12 capital budget to purchase a used boom lift ('cherry picker');**
- 2. Authorises the CEO to make the necessary budget adjustment to recognise the capital purchase.**

Moved: Cr L Terry Seconded: Cr MR Valenzuela Motion put and carried by absolute majority 5/0

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 affecting an employee 5.23 (2) (a)

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0614 Close Meeting to the Public

That the meeting be closed to the public to discuss a matter affecting an employee (*LGA s. 5.23 (2) (a)*).

Moved: Cr MR Valenzuela Seconded: Cr L Hodder Motion put and carried 5/0

The meeting was closed to the public at 11.50am.

ATTENDANCE: 11.50am CEO Sharon Daishe and DCEO Heather Boyd left the meeting.

Remaining in the meeting were: Cr TK Iturbide, Cr LJ Terry, Cr NA Grinham, Cr L Hodder, Cr M R Valenzuela

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2012-0615 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr MR Valenzuela Seconded: Cr NA Grinham Motion put and carried 5/0

The meeting was reopened to the public at 12.15pm.

ATTENDANCE: 12.20pm CEO Sharon Daishe rejoined the meeting.

Motion Regarding Annual Review of CEO Remuneration

Voting Requirements - Simple Majority

COUNCIL DECISION

C2012-0616 Annual Review of CEO Remuneration (CEO Contract 12.2.2)

1. That Council has reviewed the CEO remuneration in accordance with clause 12.2.2 of the CEO Contract; and
 - That the cash component of the salary as at the second year anniversary be \$145,000 per annum; and
 - That the CEO be paid a bonus of \$10,000 on completion of the term of the CEO's current three year contract; and
 - That Council offers the CEO a further bonus of \$10,000 on completion of a further three years.

Moved: Cr Len Terry Seconded: Cr MR Valenzuela Motion put and carried 5/0

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 19 July 2012 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 12.22pm.

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

Common Acronyms

Acronym	Detail
AGM	Annual General Meeting
ASKAP	<i>Australian Square Kilometre Array Pathfinder</i>
BFS	Bush Fire Service
CEO	Chief Executive Officer
CLGF	Country Local Government Fund (Royalties for Regions)
CSRFF	Community Sporting and Recreation Facilities Fund
DCEO	Deputy Chief Executive Officer
DCP	Department of Child Protection
DEC	Department of Environment and Conservation
DEMC	District Emergency Management Committee
DIA	Department of Indigenous Affairs
DITRDLG	Dept of Infrastructure, Transport, Regional Development & Local Government (Federal)
DLG	Dept of Local Government
DPI	Dept for Planning and Infrastructure
EA	Executive Assistant
EA	Executive Assistant
ECC	Emergency Coordination Centre
ERM	Emergency Risk management
FAG	Financial Assistance Grant
FESA	Fire and Emergency Services Authority
FRS	Fire and Rescue Service
GRAMS	Geraldton Regional Aboriginal Medical Service
GTS	Greenfield Technical Services – consulting civil engineers
HMA	Hazard Management Agency
ICC	Indigenous Coordination Centre
ICV	Indigenous Community Volunteers
ISA	Integrated Service Arrangement – replacing MRWA TNCs in 2011 or 2012
ISG	Incident Support Group
LEC	Local Emergency Coordinator
LEMA	Local Emergency Management Arrangements
LEMC	Local Emergency Management Committee
LGMA	Local Government Managers' Association
LRC	Local Recovery Coordinator
LRCC	Local Recovery Coordinating Committee
MCZ	Murchison Country Zone
MEEDAC	Midwest Employment and Economic Development Aboriginal Corporation
MEG	Murchison Executive Group (CEOs)
MGM	Mount Gibson Mining (Extension Hill Haematite)
MMG	Minerals and Mining Group (Golden Grove Mine)
MMGHSRMG	Murchison Mid West Gascoyne Human Services Regional Managers Group
MRVC	Murchison Regional Vermin Council
MRWA	Main Roads WA
MWAC	Municipal Waste Advisory Council
MWDC	Mid West Development Commission
MWIP	Mid West Investment Plan
MWRC	Mid West Regional Council – consisting of 7 Shires

Acronym	Detail
OPR	Oakajee Port and Rail
PE	Project Executive
POC	Plant Operating Costs
PWOC	Public Works Overhead Costs
R2R	Roads to Recovery (Cmwlth)
R4R	Royalties for Regions (State)
RDA	Regional Development Australia
RDL	Dept of Regional Development and Lands
RFT	Request for Tender
RGS	Regional Grant Scheme
RLCIP	Regional and Local Community Infrastructure Program
RRG	Regional Roads Group
ROMAN	Road Management – software system
SAO	Senior Administration Officer
SAT	State Administrative Tribunal
SEC	State Emergency Coordinator
SEMC	State Emergency Management Committee
SES	State Emergency Service
SEWS	Standard Emergency Warning Signal
SLK	Straight line kilometres
SOP	Standard Operating Procedure
SWMP	(Regional) Strategic Waste Management Plan
TNC	Term Network Contract – from MRWA for State roads maintenance
TQUAL	Tourism Quality Projects
VAST	Viewer Access Satellite Television
WACHS	WA Country Health Service
WALGA	WA Local Government Association
WWTP	Waste Water Treatment Plan

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