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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Paynes Find Community Centre,
on Thursday 17 September 2009, commencing at 11.25 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.25am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DE Anderson, Shire President Cr EC Rowe, Deputy President Cr TK Iturbide Cr L Hodder
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy CEO Mr CF Hodder; Works Foreman
OBSERVERS	Mr Len Terry Ms Rachael Grant Mr Kim Cable
LEAVE OF ABSENCE	None
APOLOGIES	Cr DP Morrissey Ms Elaine Taylor Mr Dave Rock

3. DISCLOSURE OF INTERESTS

Mr N Mitchell

- 13.1 CEO Contract Matters
Disclosure of Financial Interest

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

Mr Len Terry

1. Airstrip lighting – Mr Terry noted that there had been 2 evacuations from the airstrip recently, one of which was at night. While the airstrip surface itself is in good condition, there are issues with the current lighting arrangement which include –
 - being portable, they have to be put out and collected every time
 - often only one person available
 - the diesel flares are heavy, dirty, require refilling

Mr Terry suggested the possibility of a flare being permanently mounted under the white cones delineating the edge of the runway, and all enclosed in a cage to prevent damage, with the cage and cone being hinged, so that a single person would only need to flip the two open and light the flare

The President advised that this matter is being investigated by the CEO.

The CEO advised that –

- there are basically two options –
 - permanent lighting
 - portable lighting
- any proposal needs to take into account the possibility of vandalism and theft, and for this reason, portable is tending to be favoured, but permanent installation has not been excluded
- grant application is being prepared now for fencing, and options for lighting could be included,
- no costing has yet been done for permanent lighting
- the best option for portable is an LED emergency lighting flare (ELF) using 2 v 9v batteries.
 - the batteries have been tested to in excess of 12 months shelf life
 - LED lights can be left on for up to 10 days continuously, before the batteries are flat
 - the cost is \$145 FOR each LED ELF or roughly \$6,500 for Paynes Find, being 31 ELF with some spares

There was some general discussion regarding –

- if permanent was considered the best option –
 - it should be wired into the generator, so that it is a simple flick of the switch to operate, as any evacuation is likely to be using the Community Centre anyway
 - Mr Cable indicated he has appropriate machinery which could be used for trenching
- should portable lighting be considered the best solution, Ms Grant indicated her willingness to donate a trailer specifically for the lights, which would avoid much of the handling

In discussion, the option of permanent installation was preferred by Paynes Find residents.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

C2009-0901 Paynes Find Airstrip – lighting options

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the CEO investigate and report to Council regarding the options for permanent and portable emergency lighting for the Paynes Find Airstrip.

Motion put and carried 4/0

Mr Kim Cable

2. Paynes Find Development – Mr Cable queried what the plans were for the \$90,000 allocated for Paynes Find Development

The President advised that there were no specific plans as yet in place, but was a provision for development of the truck parking area opposite the roadhouse, and that the Community Would be consulted prior to finalisation

The CEO advised that Mr Nigel Goode of Greenfields Technical Services would be conducting consultation with the community and preparing the plans for consideration by Council

3. Sealed apron on road approaching Gt Northern Highway – Mr Cable suggested that the approaches of gravel roads to the Highway should be sealed, as there is often difficulty in stopping, and noted the serious accident some 18 months ago.

The President agreed that the loose surface of gravel roads was a significant factor, and that the approaches would require consultation with Main Roads WA.

The CEO advised that he had been contacted in recent days about funding for Black Spots or potential sites of accidents, and would refer the matter to Main Roads.

4. Mt Edon lookout – Mr Cable queried the status of the Mt Edon lookout Road on Goodingnow Station, as a vehicle had suffered some damage, and the road was extremely rough.

The President noted that it was on a station, and that although cleared many years ago, had now been removed from many tourist maps.

The CEO advised that access to the lookout had been raised him some time ago, and referred to Main Roads, who noted –

- the road is on private property and if it were to be open to public use, then –
 - comment sought from the owners regarding public access
 - if the owners opposed public access, a compulsory acquisition would be unlikely
 - liability for the road would have to be accepted by the Shire
- as it is on private property, if public access is permitted by the owners, then they access the liability for the state of the road, and potentially for any damage suffered by users.

5. FESA grant application – Mr Cable expressed concern about the application made to FESA for fire-fighting vehicle, considering the level of training required for medical and emergency response for use of jaws of life etc, and the number of people needed to provide adequate support is beyond the capability of Paynes Find

The CEO advised that the unit applied for and now approved is a Bush Fire Unit, and not a FESA Road Rescue unit. As such it will be equipped for bush fire fighting, and will not have all the gear that is associated with road rescue unit (jaws of life, breathing apparatus etc). Recognising that Paynes Find is isolated, although it is designed and equipped for bush fires and not other roles, it is acknowledged that its main use is likely to be in call-outs to road accidents. In these situations, the capability to prevent a fire starting or spreading, the availability of the emergency lights, provision of foam for the water tank, and perhaps some powder or CO² extinguishers, would be of assistance to any response being made by Paynes Find people. The intention was not to create an additional burden or expectations, but to recognise and support the response to emergency situations being made by the community.

In discussion, it was agreed that the unit would be advantageous, and Mr Terry offered to house the unit at the roadhouse.

6. Grading of access roads – Mr Cable suggested that Council, should grade the homestead roads of people on mining leases, who are resident for more than 6 months of the year, when they apply for it, so that they get something for their rates.

The CEO noted that while the request is quite straightforward, there are implications that need to be addressed, such as would it apply to all minesites, and not just the Paynes Find area, and how long the access roads would be for grading.

The CEO also noted his appreciation for the owners of the Paynes Find Roadhouse over many years (Tony and Diane Moor, and now Len and Shauna Terry) in displaying notices from the Shire that affect Paynes Find, as well as to them and Don and Ashley Bell in erecting road closed signs in wet weather.

ADJOURNMENT

The meeting adjourned for lunch break at 12.15pm and resumed at 1.23pm with all who were in attendance before the adjournment being present at the resumption.

5. NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

None

6. APPLICATIONS FOR LEAVE OF ABSENCE

None

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

- 31 Aug With Cr Rowe and the CEO attended the Murchison Country Zone Special Meeting in Cue regarding structural reform
- 9 Sep With the CEO and Deputy CEO, attended the Public Meeting to discuss structural reform and other matters

7.2 COUNCILLORS

Cr TK Iturbide

- 9 Sept Attended the Crosslands Liaison Committee Meeting in Mt 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

C2009-0902 Confirmation of Minutes

Moved Cr L Hodder, Seconded Cr EC Rowe

That the Minutes of the Ordinary Council Meeting of 27 August 2009 be confirmed.

Motion put and carried 4/0

8.2 SPECIAL COUNCIL MEETINGS

None

9. MINUTES OF COMMITTEE MEETINGS

None

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

None

11.1 WORKS

11.1.1 WORKS ACTIVITY REPORT

File: N/A
Author: Cliff Hodder, Works Foreman
Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 11 September 2009
Attachments: none

MATTER FOR CONSIDERATION

Works Report for the past month

BACKGROUND

Overview of works for the past months

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

- a) Construction –
- Yalgoo-Ninghan Rd form and gravel – the 6.5km between the two passing opportunities near Thundelarra Homestead completed
 - Yalgoo-Morawa Rd form and gravel 5.5km – to the next passing opportunity from the end of the current bitumen seal commence and should be complete late September
- b) Maintenance – some work delayed by rain –
- maintenance grading done or underway –
 - o Paynes Find-Thundelarra Rd
 - o Burnerbinmah Rd
 - o Badja Homestead and Woolshed Rds – re-do V-drains
 - maintenance work due –
 - o Yalgoo-Ninghan Rd – particularly from lake crossing to highway
 - o Yalgoo North Rd
 - o Dalgaranga-Cue-Mt Magnet etc Rds
 - o Uanna Hills Rd
 - o general maintenance throughout the Shire – focussing on the north
 - pipes needed in Maranalgo Rd (near homestead) and some distance south of homestead

- to be picked up in Perth about 25 September with cement and other materials
- within the next few weeks, GTS will be asked to –
 - GPS and peg out several locations for gravel on Ninghan and Morawa Rds
 - prepare bitumen repair schedule prior to reseal work – Ninghan, Morawa, North Rds (near Carlaminda) and town streets
- c) Plant
 - float – pin and plate altered for legal distance to be regained and inspection passed.
 - Iveco truck – still issues with power loss, and turbo
 - ute 453 – windscreen replaced, replacement due on 14 September
 - vibe roller – fuel pump leaking and taken to Geraldton
 - water tanker – repairs to landing legs damaged during Murgoo fire December 2008 (claim to be lodged with FESA), brakes, lights, additional hydraulic lines for road training etc.
 - forklift – to be changed over by TK when in Perth on 24-25 September
 - specifications for prime mover, semi-tipper, service truck and town truck finalised and quotes about to be sought from appropriate suppliers (using WALGA preferred supplier list where able as substantial discounts are available)
- d) Other
 - town maintenance staff –
 - Paynes Find trip for maintenance in Community Centre grounds
 - Fields Find cemetery also tidied up on the way
 - Gullewa cemetery tidies up
 - Depot – new office/lunchroom delivered, and electrician, plumber, telephone etc due for completion by Council meeting
 - Yalgoo Community Park – only final levelling, reticulation and grass planting required to complete
 - Yalgoo Town footpaths – final back fill to be completed prior to inspection and transfer of the grant funds from Trust Account (due by Council meeting)

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0903 Works Activity Report

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Works Report to 11 September 2009 be received.

Motion put and carried 4/0

11.2 DEVELOPMENT

11.2.1 MID WEST DEVELOPMENT COMMISSION – Grant Acceptance

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 9 September 2009
Attachments: p.1 MWDC – Grant Agreement

MATTER FOR CONSIDERATION

To consider acceptance of offer of grant from the Mid West Development Commission

BACKGROUND

In March 2009, application was made to the Commission for assistance to fund the ADSL2+ upgrade to the Yalgoo Telephone exchange for land line broadband.

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

Improved communications

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

\$20,000 committed by Council (CLGF) to the upgrade, and \$55,000 by Telstra

CONSULTATION

Mark Canny, Mid West Development Commission

COMMENT

The Mid West Development Commission administers a portion of the Royalties for Regions funds, and an application was lodged for funding to assist with the upgrade of the telephone exchange with the required ADSL infrastructure

Provision for Council's contribution has been made in the 2009-2010 budget, being funded by the Shire's CLGF allocation, and endorsed at the August 2009 Meeting.

The grant agreement provides for a contribution from the Commission of \$25,000 under the Regional Grants Scheme, towards the cash cost of the upgrade. The most recent information I have is that the upgrade is due to be completed by December 2009.

The Grant Agreement is in the attachments, and is similar to previous agreements made by the MWDC and Council.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0904 MWDC – Grant Agreement

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That the Grant Agreement with the Mid West Development Commission for \$25,000 ex GST for the ADSL upgrade of the Yalgoo Telephone Exchange be accepted, and that the President and CEO be authorised to affix the Common Seal.

Motion put and carried by Absolute Majority 4/0

11.3 FINANCE

11.3.1 Deputy CEO – ACTIVITY REPORT – Month of September 2009

File: N/A
 Author: Violet Rowel, Deputy CEO
 Interest Declared: No interest to disclose
 Date: 9 September
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,014,021.29	24 September 2009	4.26	1,017,453.40	Yes except \$17,453.40
Reserve	Suncorp	1,041,744.83	26 October 2009	3.65	1,051,244.71	Yes
Comparative investment rates		NAB Cash Maximiser		3.00		
		WA Treasury		3.06		
		Macquarie Bank		3.20		

Ranger duties

- visited 200 August 2009
- 1 dog destroyed
- 1 infringement issued
- 1 complaint dealt with
- Supply 4 cat traps

2008/2009 Financial Statements

-have been finalised and are now with auditors. Hope to have statements for October 2009 next council meeting

Meetings

- 24 August Local Government Elections workshop in Geraldton
- 9 September Community meeting

Future meetings

- 15 September Auditors at Shire
- 14 September Interagency meeting
- 13 October Early voting booth- Payne's Find
- 17 October Local Government Elections

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0905 Deputy CEO Activity Report

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That the Deputy CEO's Activity Report to 9 September 2009 be received.

Motion put and carried 4/0

11.3.2 FINANCIAL ACTIVITY STATEMENTS – AUGUST 2009

File:
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 9 September 2009
Finance: p.1 Financial Activity Statements for August 2009
p.20 Balance Sheet
p.26 Income Statement Summary by Program
p.27 Income Statement by Nature & Type
p.28 Income Statement Detail
p.40 Trust balance sheet
p.62 Material Variance

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for August 2009.

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 are 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 area's 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

C2009-0906 Financial Activity Statements – August 2009

Moved Cr EC Rowe, Seconded Cr L Hodder

That Council adopt the financial statements and material variances for the period ending 31 August 2009, as attached.

Motion put and carried 4/0

11.3.3 ACCOUNTS PAID DURING THE MONTH OF AUGUST 2009

File: N/A
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 9 September 2009
Finance: p.41 Listing of accounts paid

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of August 2009

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 August 2009 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0907 Accounts Paid During the Month of August 2009

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That:

1. **The Cheque Detail of payments covering vouchers EFT 1 - 95 totalling \$ 445,249.18 paid during the month of August 2009, be received;**
2. **Cheque payments covering cheque numbers 11165-11206 totalling \$ 74,370.81 paid during the month of August 2009, be received; and**
3. **Salaries and Wages totalling \$49,594.79 paid during the month of August 2009, be received.**

Motion put and carried 4/0

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT – July/August 2009

File: N/A
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 11 September 2009
Attachments: None

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

None

New Yalgoo Health Centre

State Land Services have advised that the Minister has approved the change to Reserve 3225 from Public Utility to Health Centre, and a Management Order issued for the Shire of Yalgoo.

WACHS Mid West advise that their architect had not commenced design as soon as they would have liked but processes are now in train. Plans and specification should be to hand by 18 September 2009.

Regional Communities Local Infrastructure Fund

Confirmation has been received of the next RCLIF grant of \$30,000, and as disclosed in the Budget, this will be targeted to the Shire Hall upgrade project.

The previous RCLIF round was \$250 million, from which Council received a \$100,000 grant. This round is \$220 million, however the Commonwealth changed the criteria so that Shires with a population of under 5,000 received a base amount of \$30,000, and the balance of the funds is shared between Councils with a population over 5,000 on a per capita basis.

This would mean, that if the 6 Murchison Shires had amalgamated into one, there would have been only one grant of \$30,000 to the region as the six shires have a combined population of only 2,700. In effect we would have lost \$150,000 into the region if we were amalgamated.

Hall Upgrade funding

After a recent discussion with Brendin Flanigan of the MWDC, he thought that the project could attract Regional Grant Scheme funding in the next round, which is due to be announced late 2009 with a decision in about March 2010. After discussion with him, regarding the need to get moving on this project, and sending him the draft tender specification for works, he is seeking approval for the work to commence now, but a submission to be made for grant funding on the basis of the work as a whole. If approved, a further \$100,000 may be able to be released from the committed Shire CLGF grant for other works.

Local Government Election 2009

In marked contrast to October 2007 when there were seven nominations for four vacancies, at the close of nominations on 10 September 2009, only two nominations had been received.

Therefore declared elected unopposed were –

- Ellen Rowe
- Mick Forster

As there were insufficient nominations to fill all vacancies, an extraordinary election is required to be held for the remaining vacancy.

Cr Morrissey's service of 31½ years as an elected member of the Shire of Yalgoo therefore concludes on 16 October 2009.

Declarations of office will be the first item of business at the Council meeting to be held on 23 October 2009.

Paynes Find Light Tanker

Advice has been received that \$98,000 has been approved by FESA for a light tanker to be obtained for Paynes Find, and the support of the Shires of Mt Magnet and Sandstone is appreciated.

While designed for bushfire emergencies, the unit will also be useful during other emergencies, particularly where there is a risk of fire.

Approval was not received for a shed to garage the unit, however, dependent on the additional grants being applied for (CSRFF etc), there will be adequate funds from the Country Local Government Fund grants to construct this.

FESA is yet to advice of availability of the unit, and year of supply.

Meetings

24 August	Local Government Elections workshop in Geraldton with Deputy CEO
31 August	Special Zone Meeting re Structural Reform in Cue
4 September	Don Burnside, URS Australia, consultants on behalf of MMG (Golden Grove) regarding community liaison and environmental issues
9 September	Public Meeting re Amalgamation etc

Future commitments

14 September	Yalgoo Inter Agency Meeting
15 September	Auditors for annual audit
21 September	Brendin Flanigan, Mark Canny, Janelle Kopplhuber, Mid West Development Commission
23 September	with Nigel Goode of Greenfield Tech Services, public consultation at School with children and parents re Water Park, in preparation for CSRFF grant application
29 Sep-5 Oct	Annual leave

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0908 CEO Activity Report

Moved Cr EC Rowe, Seconded Cr L Hodder

That the CEO’s Activity Report for the month to 11 September 2009 be received.

Motion put and carried 4/0

COUNCIL DECISION

C2009-0909 Recognition of service

Moved Cr EC Rowe, Seconded Cr L Hodder

That the service of Cr Damian Morrissey over 31½ years from May 1978 to October 2009, be recognised in accordance with Council Policy 1.6, through –

- invitation to join Council at their next meeting for a presentation, and for lunch following,
- a suitable presentation to be arranged to recognise his service to the community, and
- a cheque for the balance of the amount permitted by the Policy.

Motion put and carried 4/0

4.2 QUESTIONS WITHOUT NOTICE

Ms Elaine Taylor joined the meeting at 2.28pm, and noted –

1. The Community Centre had recently been broken into again, and suggested that screens be placed over the two roller shutters for security and that “No Drugs, No Cash” signs be displayed.
2. that the airstrip needed to be fenced and a new windsock would be needed shortly.

Ms Taylor was thanks for her efforts in cleaning and preparing the Community Centre for use by both the RFDS and the Council meeting.

ADJOURNMENT

The meeting adjourned at 2.44pm and resumed at 3.08pm with all who were in attendance before the adjournment being present at the resumption, with the exception of Ms Taylor.

11.4.2 TENDER – RUBBISH SERVICES

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 26 August 2009
9 September 2009
Attachments: p.20 Tender specifications
p.30 Tender received – Veolia Environmental Services
p.61 Tender received – Mt Magnet Waste Disposal
after 78 Copy of EHO's report to Shire of Mt Magnet

MATTER FOR CONSIDERATION

To consider tenders received for rubbish collection services.

Deferred from August 2009 Meeting.

BACKGROUND

Council approved the calling of the tender jointly with the Shires of Mt Magnet and Cue at the July 2009 Council meeting by absolute majority (ref C2009-0722)

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders
- s.6.8 – unbudgeted expenditure requirements – to be authorised in advance by absolute majority

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

David Burton, CEO Shire of Mt Magnet
Bill Atyeo, Environmental Health Officer

COMMENT

Consideration of this matter was deferred to the September meeting by Resolution C2009-0830 at the Council Meeting of 27 August 2009.

The tender was called jointly to try to leverage the combined purchase for improved pricing. The tender was co-ordinated by the Shire of Mt Magnet, and despite a good level of interest, at the close of tenders, the following submissions had been received –

- Shire of Mt Magnet
 - o Mt Magnet Waste Disposal
- Shire of Cue
 - o Mt Magnet Waste Disposal
 - o Greg and Tamika Burn, Meekatharra
- Shire of Yalgoo –
 - o Veolia Environmental Services
 - o Mt Magnet Waste Disposal

The submissions received are attached. Both tenderers are compliant with the tender specification.

Council is not obligated to accept any tender. The tender documentation emphasised that the tenders would be considered by each individual Council, and that each Council would be making their own decision.

Tenders were called on the basis of –

- once per week collection service only
- 70 x 240 l MGBs to be collected – currently 56 bins, but it was predicted that several businesses would need extra bins if only collected once per week
- 5 x 240 l MGBs for recycling – bin bank to be established for recyclables at a suitable location
- Shire would make the landfill site available, and would continue to maintain
- contract would be for three years, if awarded
- Shire to retain ownership of the MGBs and responsibility to replace
- commencement date of tender if awarded to be 1 October 2009

Summary of tenders –

Tenderer	Service Description	No. of bins	Price (ex GST)	GST	Price (incl GST)
Veolia Environmental Services	Refuse	70	8.30	0.83	9.13
	Recycling	5	8.30	0.83	9.13
Mt Magnet Waste Disposal	Refuse	70	779.00	77.90	856.90
	Recycling	5	38.00	3.80	41.80

Costs comparison (ex GST) (tender price in bold) –

Tenderer	Service Description	No. of bins	Weekly		Annual	
			Per bin	Total	Per bin	Total
Veolia Environmental Services	Refuse	70	8.30	581.00	431.60	30,212.00
	Recycling	5	8.30	41.50	431.60	2,158.00
Mt Magnet Waste Disposal	Refuse	70	11.13	779.00	578.69	40,508.00
	Recycling	5	7.60	38.00	395.20	1,976.00

Other relevant matters to note –

Veolia Environmental Services	<ul style="list-style-type: none"> - recycling limited – <ul style="list-style-type: none"> o aluminium – viable o paper, cardboard – viable o other materials – may be viable once Meru site has full integration o Shire to pay any net costs of recycling o any recycling income returned to Shire - multiple collection service options available – 240 l, 1.5m³ to 4.5³ commercial bins, additional costs involved - multiple recycling service options available – 240 l, 1.5m³ to 4.5³ commercial bins, additional costs involved - possibility of Meru Regional landfill site – additional costs involved
Mt Magnet Waste Disposal	<ul style="list-style-type: none"> - recycling limited due to being generally uneconomic – <ul style="list-style-type: none"> o glass – not viable, stockpile only o aluminium – viable, commence immediately o paper, cardboard – commence immediately o plastics – not viable, but may recover o other metals – 50% cost recovery o Shire to pay any net costs of all recycling materials - regionally based

Price escalation

Veolia Environmental Services	- Price variation – agreed as per formula (refer p.16 of their submission)
Mt Magnet Waste Disposal	<ul style="list-style-type: none"> - Fuel escalation surcharge – additional 5 cents per kilometre for every 10 cent rise above \$1.50 per litre - Price variation – agreed as per formula (refer p.16 of their submission)

Recycling

To a very large extent, recycling is currently uneconomic, with only aluminium generating a positive cash flow. All other recyclables (plastic, paper, glass etc), at best only cover costs.

With the St John’s Ambulance Sub-Centre collecting aluminium as a fund raiser, recycling activities would only be undertaken as a way to reduce landfill, and will end up costing Council the net cost of transport, sorting, stockpiling etc.

A bank of bins for recycling could be established at a number of locations –

- near the main depot gate adjacent to the old Ambulance shed
- near the town depot gate adjacent to the Hall
- near the School to encourage participation by the students, in consultation with the School

Current rubbish collection

The Shire currently undertakes the rubbish collection using a 3 tonne tip truck fitted with cage and lifting arm. The main collection is undertaken on Monday mornings, with additional collections from 4 premises (School, Hotel, Shop and Shire Office) during the week, and some additional collections as needed (Hall, Old Railway Station etc).

The direct cost of rubbish collection by the Shire has been budgeted at \$33,700 for the 2009-2010 year, with provision of \$15,000 made for replacement of the lifting arm. The direct cost of collection in 2008-2009 was \$12,321 however, this is not accurate, as the additional and one off services are not always noted on timesheets for costing, and the overheads rate was incorrect. The administration allocation has also been since been reviewed.

Administration allocation is excluded from the figures above. The admin allocation will need to be further reviewed if a contract is accepted.

	Actual 2008-2009	Budget 2009-2010	Comment
Direct cost of collection			
- household	6,477	15,246	Actual figures not accurate
- commercial	5,844	18,475	Budget figures based on actual hours estimated each week
Direct cost – sub-total	12,321	33,700	
Admin allocation	18,690	7,218	Allocations % reviewed
Total	31,011	40,918	

Accordingly, direct cash expenditure of \$48,700 is provided for in the budget, which is in excess of either of the contractors estimates, should the decision be to accept a tender to contract for rubbish collection.

The lifter should be replaced every 5-8 years, and is currently well over-due, with breakdowns now being reasonably regular, and the hydraulics faulty. Allowance of \$3,000 for replacement needs to be factored into the Shire operating costs. If a contract is not accepted, the lifting arm requires urgent replacement, and \$15,000 has been budgeted for this.

The truck itself is needed for town maintenance irrespective of whether the rubbish collection is contracted out or not. However, the cage on the back is specific for rubbish collection and is estimated at \$500 per year to be factored into Shire costs. If a contract is accepted, the truck should also have a mini-Hiab or and Ezi-Lift or similar fitted. Together with a strap or frame, this could be utilised for the occasional additional bin that needs collection, but this arrangement would not be suitable for constant or regular use.

Shire rubbish collection costs are therefore –

Budget direct costs 2009-2010	33,700
Allowance for replacement of lifting arm	3,000
Allowance for cage replacement	<u>500</u>
Total	37,200

Non-economic matters

There are a number of factors not involving direct economic costs or benefit, that need consideration –

- putrescible waste – “wet” rubbish can become very noisome and odious quite quickly in hot weather. At the moment, this is avoided by having multiple collections each week from the School, Hotel and Shop, and very occasionally, other locations if needed. This issue could be addressed by –
 - o make additional bins available, some for dry and some for wet rubbish
 - o “wet” bins to have a different coloured lid to identify them from dry bins
 - o “wet” bins could have a liner for each week supplied by the Shire
- multiple bins – as some premises have multiple bins currently, these can either be added to or commercial bins used (1.5m³ to 4.5³ available with Veolia)
 - o provision has been made in the 2009-2010 Budget for the purchase of 10-15 bins to replace those currently damaged. Additional bins to this number will be required.
- community benefit –
 - o there is distinct benefit in retaining the service in-house and in the community in that it remains available at any time. There is no reliance on an external contractor. If the rubbish collection does go to contract, there will be no easy capability remaining for collection
 - this can be addressed by having a small frame made up and a crane used to lift the occasional bin. It is intended that a crane be fitted to the truck in any event.
 - o although not a major factor, there is a reduced possibility of the collection being delayed due to staff unavailability or breakdown. Currently, there would be 5-6 occasions each year where collection is delayed a day or so (other than as a result of public holidays), or one of the works crew is needed to assist the town crew
- occupational health and safety – if a contract is accepted, it removes several OHS issues –
 - o the need for the truck to drive on the wrong side of the road during collection
 - o risks associated with getting into and out of the truck – minimal but still actual
 - o risks associated with the lifting arm if hydraulics fail, it is left down, and the possibility of snagging on other vehicles or trees etc
- recycling – even though uneconomic at the moment, both tenders provide for options that do not currently exist with a Shire operated collection service

Rubbish tip maintenance

Landfill site maintenance will be continued by the Shire, and is not part of the contract. Tip maintenance costs have not been factored into Shire costs, although tip maintenance may not always have been separated on the timesheets from collection, and may therefore inflate collection costs.

Income

Council is addressing the inconsistencies in income generated, and will need to consider increases over the next few years. Total income for the transitional year of 2009-2010 is estimated at \$9,900 which is well below cost recovery, even if the Shire continued the collection service. Income in 2008-2009 was \$9,520.

Summary

There is a sizeable cost advantage of using Veolia over Mt Magnet Waste, and a distinct cost advantage in Veolia over the existing Shire run service.

Utilising Veolia resolves or eliminates a number of OHS issues, and offers greater options for recycling, disposal at alternative sites reducing Yalgoo land fill needs, and therefore tip maintenance costs.

The main questions to be resolved are around the multiple bins, multiple collections, and the value of retaining the capacity in the community.

NOTE Consideration of the Officer Recommendation 1 was deferred due to procedural motion. If resolved by Council, there may need to be a delay in commencing the service due to the closeness of the intended start date.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

C2009-0910 Acceptance of Tender of Veolia Environmental Services

Moved Cr L Hodder, Seconded Cr TK Iturbide

That the tender of Veolia Environmental Services for rubbish collection services at \$8.30 per bin per week be accepted, for a 3 year period commencing on 1 October 2009 and ending 30 September 2012.

Motion put and carried by Absolute Majority 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-0911 Establishment of Bank of Bins for Recycling

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That a bank of bins for recycling of paper and cardboard only, be established at this time, at a suitable location, and that additional recycling be taken up as it becomes economic to do so.

Motion put and carried 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION

C2009-0912 Multiple Bin Refuse Collection – no additional charge in 2009-2010

Moved Cr TK Iturbide, Seconded CR EC Rowe

That –

- **additional 240 ℓ bins be purchased for those premises requiring multiple bins or collections, without additional charge for 2009-2010**
- **should the EHO deem it appropriate or necessary, bin liners be provided to those premises having identified “wet” bins without additional charge in 2009-2010, and**
- **should these premises choose to use a commercial size bin, an equivalent capacity of the 240 ℓ bins be removed from the location.**

Motion put and LOST 1/3

Ms VJ Rowe left the meeting at 3.38pm and returned at 3.39pm.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

C2009-0913 Multiple Bin Refuse Collection – additional charges 2009-2010

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That –

- **arrangements be made for paper and cardboard recycling as soon as possible,**
- **existing bin numbers at the various commercial premises remain as is,**
- **should the number of bins at each location be insufficient, and Shire staff are required to collect additional refuse, the work be charged at Private Works rates,**
- **should the number of bins at each location need to be increased, the bins are to be charged as per the Refuse Collection charge adopted in the 2009-2010 Budget,**
- **should additional collection of bins be required, the work be charged at Private Works rates.**

Motion put and carried 4/0

REASON FOR VARIATION

Council considered that any additional services by Shire staff, or any additional bins required to be collected, should not be subsidised by householders.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 4/ COUNCIL DECISION

C2009-0914 Use of Meru Landfill Site

Moved CR EC Rowe, Seconded Cr TK Iturbide

That, should it be economic to do so, Veolia be requested to arrange for disposal at the Meru Landfill site, rather than at Yalgoo.

Motion put and carried 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 5/ COUNCIL DECISION

C2009-0915 Option to Improve/ Extend Rubbish Collection

Moved Cr L Hodder, Seconded CR EC Rowe

That options to improve or extend the rubbish collection or recycling services continue to be discussed with Veolia Environmental Services.

Motion put and carried 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 6/ COUNCIL DECISION

C2009-0916 Waste Audit Grant Application

Moved Cr TK Iturbide, Seconded CR EC Rowe

That –

- **in order to pursue viability and options for recycling and further comply with the Shire's obligations under the Waste and Resource Recovery legislation, and**
- **subject to the agreement of the Shires participating in the Yalgoo Group Strategic Waste Management Plan,**

joint application be made to the Dept for Environment and Conservation for regional funding to undertake a waste audit of the participating Shires, as identified in the Yalgoo Group Strategic Waste Management Plan.

Motion put and carried 4/0

11.4.3 DELEGATION – Disposal of Assets

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 9 September 2009
Attachments: p.79 Draft Amended Delegation 2.3 – Disposal of Assets

MATTER FOR CONSIDERATION
Amendment to Delegation 2.3 Sale of Surplus Items

BACKGROUND

The current delegation permits the CEO to dispose of surplus, unwanted, unused, damaged or impounded items, with a value of up to \$1,000.

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.3.58 – Disposal of assets

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Amendment to Delegation

FINANCIAL IMPLICATIONS

None

CONSULTATION

Peter Hayes, Dept of Local Government

COMMENT

In recent discussion with Peter Hayes of the Dept for Local Government, it was clarified that a delegation is needed for outright disposal of assets over \$1,000 in value.

This is relevant mainly where an item is being traded, for which there may be a private purchaser interested, or for items that clearly have no further use to the Shire. For example, a private purchaser may be interested in the purchase of a vehicle, or the old dolly with broken chassis.

The Act and Regulations require that disposal of assets requires Statewide notice, except where through a WALGA Preferred Supplier, or as part the consideration for a new asset (eg trade-in of a vehicle).

The proposed changes to Delegation 2.3 address these issues.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0917 Delegation – Disposal of Assets

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the amended Delegation 2.3 Disposal of Assets, as attached be adopted.

Motion put and carried by Absolute Majority 4/0

11.4.4 MURCHISON COUNTRY ZONE

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 10 September 2009
Attachments: none

MATTER FOR CONSIDERATION

To consider matters to raise at the next meeting of the Zone to be held in Cue on Friday 6 November 2009.

BACKGROUND

The Zone meets every six months to discuss issues of regional importance.

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.
- 3.3.61 to 3.68 – Provisions relating to Regional Local Governments

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

At a special meeting of the Zone held on 31 August 2009, Mr Vince Catania MLA and Cr Graham Cooper of Shire of Cunderdin both spoke about the current push for structural reform.

In particular, Cr Cooper spoke on the researches and efforts of the South East Avon VROC to pursue a model of regional cooperation that enabled the member Councils to continue to exercise control over what happens in their areas.

Under the Local Government Act as it exists at the moment, Councils may resolve to form a Regional Local Government (RLG) for agreed purposes. However, unlike a VROC, a RLG then exercises complete control of the activity delegated to it, and may instruct its members Councils on actions, contributions etc required. In effect, the members become responsible to the RLG. The Act does not prevent the RLG from seeking consensus, but it is not required to. In the metro area, a number of RLGs have been formed, and the relationship is not always easy between the RLG and its members.

SEAVROC have identified the South Australian subsidiary model of RLG as being the preferred direction. This model fits halfway between the informal VROC arrangements which are not recognised by the Act, and the RLG at the moment. It does this by making the Subsidiary RLG responsible to the member Councils, so that in effect it is a formalised joint venture, without the compliance overload.

In many ways, the MRVC has operated more as a subsidiary through requesting increased contributions and seeking consensus regarding proposed activities, than exercising its capabilities under the Act by instructing the members Shires of what is required.

The model and its implications were discussed at the Special Meeting of the Zone, with Councils agreeing to give it further consideration.

Cr Cooper did emphasise that for SEAVROC, they are pursuing the subsidiary model as a forerunner to amalgamation. There also seemed to be general agreement among the Zone delegates that this perception was likely.

However, with the current determination of the Government for structural reform and formalised arrangements and agreements, a move towards a formal Subsidiary RLG should be seen as a constructive effort towards complying with the directions of the Minister.

In Cr Cooper's presentation he noted –

- *Regional collaborative models investigated –*
 - o *Incorporated Associations (Association Incorporation Act 1987)*
 - o *Regional Local Government (Current option under Act)*
 - o *Voluntary Regional Organisation of Councils(VROC)*
 - o *Strategic Alliances (New South Wales).*
 - o *Parish model.*
 - o *Local Government Subsidiaries (Northern Territory)*
 - o *Regional Subsidiary (South Australia)*
- *Model Review –*
 - o *Associations – VROC's – Regional Local Government – were all rejected duplications with increased compliance requirements. Time consuming for operation, red tape compliance remains a key problem, with limited opportunity to improve service delivery under current legislation.*
 - o *The Parish model that operates in the UK is the reverse of our preferred option. The Regional Council is in total control, feeding down to the smaller Parish entities at a local level.*
 - o *Strategic Alliances can work well for regional service, or shared service delivery. To be effective you need to have common & integrated operations systems, reasonable depth of professional staff, & an agreed project list & management allocation. A good example is the New England Strategic Alliance in NSW, based on Armidale. Rejected by SEAVROC – Compulsory project list & professional staff requirements – Option for larger better resourced Councils.*
- *SEAVROC Preferred model*
 - o *Regional Subsidiary (South Australia)*
 - Section 42 of the Local Government Act 1999 (SA) enables a local government to establish a 'Subsidiary'.*
 - Section 43 enables two or more local governments to establish a 'Regional Subsidiary'.*
 - (a) To provide a specified service or services or to carry out a specified activity or activities; or*
 - (b) To perform a function of the Councils under this or another act.*
- *Subsidiary model advantages*
 - o *Corporate entity is governed by the Charter & member Councils – Full stop.*
 - o *Reduced red tape.*
 - o *Flexibility – covered by what you put in your charter.*
 - o *Minimum staff – not another layer of administration – focus is hands on service delivery.*
 - o *Can operate in own right as a legal entity.*
 - o *Ability to run many projects at the same time – R4R – Project focus.*
 - o *Can operate commercially if required & pay dividend to member Councils.*
 - o *Removes parochialism & duplication issues.*
 - o *Accountability is back through the member Councils.*
 - o *Minister approves the Charter & can review operations at any time.*
 - o *SEAVROC is pursuing this model for incorporation into the LG Act – 1995 of WA – as an option under the Act.*

The six Councils will need some time to come to terms with what a formal arrangement would mean, and we would also need to jointly identify appropriate activities or projects that contribute to the benefit of the region. It is pointless to establish a formalised RLG without having definite aims and plans.

In the meantime, there is no reason why the Zone could not support SEAVROC is seeking legislative amendment to enable RLG's to be created along the lines of the SA subsidiary model.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

That the following motion be submitted to the Murchison Country Zone meeting to be held on 6 November 2009 –

That the Murchison Country Zone –

- support SEAVROC in their efforts to have provisions incorporated into the Local Government Act 1995 for Regional Local Governments established along the lines of the South Australian subsidiary model into addition to the current provisions, and
- request WALGA to lobby the Minister for Local Government to support the required changes to the Local Government Act 1995

COUNCIL DECISION

C2009-0918 Murchison Country Zone

Moved Cr EC Rowe, Seconded CR TK Iturbide

That the following motion be submitted to the Murchison Country Zone meeting to be held on 6 November 2009 –

1) That the Murchison Country Zone –

- **support SEAVROC in their efforts to have provisions incorporated into the Local Government Act 1995 for Regional Local Governments established along the lines of the South Australian subsidiary model in addition to the current provisions, and**
- **request WALGA to lobby the Minister for Local Government to support the required changes to the Local Government Act 1995**

2) That the Murchison Country Zone –

- **re-iterates their support for the rail corridor to be eastwards from Mullewa to Mt Magnet, before turning north to Cue, generally along the alignment of the old railway line, and**
- **that the potential effect on the Square Kilometre Array project of the proposed Oakajee Port and Rail corridor be raised with both the Premier as Minister of State Development and also with the Minister for Regional Development for clarification.**

Motion put and carried 4/0

REASON FOR VARIATION

Additional matter to be raised at the Murchison Country Zone Meeting

11.4.5 SHIRE OF PERENJORI – Environmental Cooperation Initiatives

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 10 September 2009
Attachments: p.80 Shire of Perenjori letter

MATTER FOR CONSIDERATION

To consider the possibilities of a multiple organisation environmental cooperation initiative.

BACKGROUND

During a visit to Yalgoo roughly six months ago to discuss structural reform, representatives of the Shire of Yalgoo also raised the possibility of an initiative to promote environmental cooperation.

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

Inter-regional cooperation
Involvement of mining companies and other organisations

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Possibility (unspecified) of contributing to funding of any initiative.

CONSULTATION

Cr Brian Baxter, President, Cr Chris King, Deputy President, Mr Stan Scott, CEO, Shire of Perenjori
Mr Don Burnside, URS Consultants, for MMG Golden Grove
Mr Craig Turley, Community Liaison, MMG Golden Grove

COMMENT

The letter of the Shire of Perenjori is self-explanatory, and the possibilities for Yalgoo and the communities are large –

- employment of local people
- various types of contract work – machinery, seed picking, fencing baiting etc

The organisations most likely to be involved in initial stages would be –

- Shire of Perenjori
- Shire of Yalgoo
- Extension Hill Pty Ltd / Mt Gibson Mining

Other organisations in time may include –

- Murchison Regional Vermin Council –
 - o integration and extension of efforts to control feral animals
- MMG Golden Grove –
 - o particularly with their proposals to develop Muralgarra Station as an environmental training base, linking in with their Indigenous training programs based in Geraldton
- Gindalbie Minerals –
 - o now owning Badja Station as part of their environmental responsibilities
- Australian Wildlife Conservancy –
 - o as owners of Mt Gibson Station
- Shire of Morawa
- Dept for Environment and Conservation
- Yalgoo Land Conservation District Committee

There has been no contact made with any of these organisations except for two very brief discussions with MMG Golden Grove, who appeared to be very interested, but made no commitment at this time.

Within the Shire of Yalgoo alone, southern pastoral leases now owned by DEC or by others specifically for environmental effort that are contiguous, include

- Warriedar
- Thundelarra
- Burnerbinmah
- Badja
- Muralgarra

Separated from these by only one intervening pastoral lease are –

- Mt Gibson
- Barnong

There are several more pastoral leases owned by DEC north of the Highway, that are disconnected from the stations listed above, but there could be some spin-off advantages.

In addition to the specific benefits of investment in Yalgoo by other organisations, and the possibilities of improved employment prospects, the Local Government Advisory Board was critical of Council with the lack of involvement in environmental issues in their structural reform checklist. Options for Councils involvement in this have been and will continue to be very limited, so opportunities such as the Perenjori proposal should be explored.

One issue will be funding of the initiatives, since while some companies may be prepared to put in substantial funds, there will also be a high expectation that the Shire will contribute. Funding may be available from a range of grants or sponsors, for instance the North Eastern Wheatbelt Regional Organisation of Councils has been extremely successful over the years, bringing in \$7 million plus in funding, now employing 5-6 full time staff. While their circumstances are very different, there are lessons to be learned and advice to be sought. With their very strong involvement in the Yarra Yarra Catchment Council, Perenjori are in a very good position to assist in this regard.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0919 Shire of Perenjori– Environmental Cooperation Initiatives

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Shire of Perenjori be advised that –

- **the Shire of Yalgoo is keen to pursue the possibilities for environmental cooperation,**
- **with the initial discussion being between –**
 - o **Shire of Perenjori**
 - o **Shire of Yalgoo, and**
 - o **Extension Hill Pty Ltd / Asia Iron**
- **the following organisations identified as potential early partners –**
 - o **Gindalbie Minerals**
 - o **MMG Australia,**
 - o **Asia Iron, and**
 - o **Shire of Morawa**
- **other partners sought in time as appropriate and agreed**

Motion put and carried 4/0

11.4.6 PUBLIC MEETING

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 10 September 2009
Attachments: p.82 Minutes of Meeting

MATTER FOR CONSIDERATION

To receive the minutes of the Public Meeting held 9 September 2009

BACKGROUND

The meeting was held as directed by Council during discussion following the Council meeting of 27 August 2009.

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.5.32 – Minutes of elector’s meetings to be presented Council
- s.5.33 – Decisions of an elector’s meeting to be considered

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

As directed by Council a public meeting was called for 1.00pm Wednesday 9 September 2009 at the Old Railway Station.

The meeting was called for the purpose of presenting information to residents, and to receive their comments.

While there was some lengthy discussion on amalgamation and its potential impacts, there were no specific decisions made at the public meeting.

In considering the issues raised at the meeting, Council may decide to pursue additional matters or concerns raised at the meeting as comment, without decision.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0920 Public Meeting

Moved Cr EC Rowe, Seconded Cr L Hodder

That the minutes of the public meeting held on 9 September 2009 be received.

Motion put and carried 4/0

11.4.7 MINISTER FOR LOCAL GOVERNMENT – Structural Reform

File:
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 September 2009
 Attachments: p.84 Draft submission to Minister
 p.106 Terms of Reference for Consultant
 p.108 Survey of Residents
 p.110 Consultant’s Report

MATTER FOR CONSIDERATION

To consider Council’s response to the Minister for Local Government’s structural reform initiative.

BACKGROUND

In February 2009, the Minister announced a process of structural reform for local government, stipulating deadlines for submission of information, and proposed actions.

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

Future of the Shire of Yalgoo as an autonomous organisation.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Shires of – Perenjori, Dalwallinu, Mullewa, Cue, Meekatharra, Mt Magnet, Murchison, Sandstone

Residents of Yalgoo and Paynes Find

Staff of the Shire of Yalgoo

Murchison Country Zone, also attended by Mr Vince Catania MLA, and Cr Graham Cooper, President Shire of Cunderdin

Councillors of the Shire of Yalgoo

Rosemary Cant and Colin Penter, Social Systems and Evaluation

COMMENT

Since the Minister’s announcement, there has understandably been a great deal of turmoil in the sector, in part due to the lack of direction given, although the Minister considers that this has allowed Councils maximum flexibility in their discussions with other local governments.

It is only in relatively recent days that there has been clear enunciation of several Government aims –

- to reduce the number of Councils from 139 to less (preferably significantly less) than 100
- that there are 100 Councils with less than 1,000 population, implying that these local government are the target for amalgamation.

Since the beginning of 2009 –

February	Announcement by the Minister
March	Submission of the required checklist as approved by Council
April – June	Meetings with various Shires and the Murchison Executive Group
June	Application for grant and appointment of consultant
July – August	Consultant met with individual and groups, survey made available, contact attempted or made with all pastoralists
August	Special meeting of the Murchison Country Zone
September	Consultant’s report received, and circulated in draft to Councillors

It is very clear from discussions with people of Yalgoo, and reinforced by the consultant's report that there is overwhelming community support for the Shire to remain autonomous, and not to amalgamate.

Their reasons are outlined in the consultant's report.

The draft submission has been prepared on the basis of discussions within Council and with individual members, and is now submitted for review, amendment and endorsement.

The Minister has required that three resolutions be considered, as outlined in the Structural Reform Steering Committee's Guidelines p.12 –

The council resolution is to read as follows:

1. Voluntary Amalgamation

That the Shire / Town / City of <insert name> resolves to advise the Minister for Local Government of its intention to amalgamate with the Shire(s) / Town(s) / Cities of <insert names> effective from <date>.

2. Number of Elected Members

That the Shire / Town / City of <insert name> resolves to advise the Minister for Local Government of its intention to reduce the total number of elected members to <insert number> effective from <date>.

3. Regional Grouping

That the Shire / Town / City of <insert name> resolves to advise the Minister for Local Government of their intention to work collaboratively within a regional grouping comprising the local governments of <insert names>.

NOTE – The draft submission is not fully complete, and an updated copy will be circulated at the meeting.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-0921 Endorsement of the Report by Social Systems and Evaluation

Moved Cr EC Rowe, Seconded Cr TK Iturbide

That the report of Social Systems and Evaluation “*The Social Impact of Amalgamation of the Shire of Yalgoo*” be endorsed.

Motion put and carried 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-0922 Opposition to Amalgamation

Moved Cr EC Rowe, Seconded Cr DE Anderson

That the Shire of Yalgoo resolves to advise the Minister for Local Government of its intention not to amalgamate with any other Shire.

Motion put and carried 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3

That the Shire of Yalgoo resolves to advise the Minister for Local Government that –

- as number of elected member has already been reduced to the minimum of 6 as from the 2009 Local Government elections, no further reduction in numbers is possible, but
- should legislative changes permit, a further reduction in number of elected members to 5 would be considered.

COUNCIL DECISION

C2009-0923 Number of Elected Members

Moved Cr EC Rowe, Seconded CR DE Anderson

That the Shire of Yalgoo resolves to advise the Minister for Local Government that as number of elected member has already been reduced to the minimum of 6 as from the 2009 Local Government elections, no further reduction in numbers is possible.

Motion put and carried 4/0

REASON FOR VARIATION

Council does not agree with reducing the minimum number of elected members to 5, as it is considered that 6 is required to provide adequate representation for such a large area.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 4/ COUNCIL DECISION

C2009-0924 Regional Grouping

Moved Cr EC Rowe, Seconded CR TK Iturbide

That the Shire of Yalgoo resolves to advise the Minister for Local Government of their intention to work collaboratively –

- **primarily within a regional grouping comprising the local governments of –**
 - o **Shire of Cue**
 - o **Shire of Meekatharra**
 - o **Shire of Mt Magnet**
 - o **Shire of Murchison**
 - o **Shire of Sandstone**
 - o **Shire of Wiluna, and**
- **and also with other Shires where –**
 - o **the interests of Yalgoo coincide, and**
 - o **benefit may be obtained for the residents of Yalgoo.**

Motion put and carried 4/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 5/ COUNCIL DECISION

C2009-0925 Endorsement of Draft Submission

Moved Cr DE Anderson, Seconded Cr L Hodder

That the draft submission concerning structural reform, as presented and amended, be endorsed by Council.

Motion put and carried 4/0

Amendments required by Council to the draft submission –

p.11 – in 2.2, delete referee to reduction in number of Councillors to 5

p.14 – in 4.2, insert comments to the effect –

- Council considers the report to be comprehensive, covering their concerns*
- tat some of the negative aspects had not been elaborated on detail, and could have been expanded upon*
- confirms their view that the social and community impacts make it imperative the Shire of Yalgoo does not amalgamate, but remains autonomous*

p.15 – end of 4.3, note that tentative is in place with Ferrowest, and will be sought with Golden Stallion Resources

p.17 – in 5.2, delete referee to reduction in number of Councillors to 5

p.18 – in 6, insert resolutions from the Council meeting

p.19 – in 7, delete referee to reduction in number of Councillors to 5

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

None

12.2 FOR CONSIDERATION AT THE FOLOWING MEETING

None

13. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-0926 Admission of Urgent Business

Moved Cr EC Rowe, Seconded Cr DE Anderson

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

13.1 – CEO Contract Matters

13.2 – Extraordinary Election

Motion put and carried 4/0

13.1 CEO CONTRACT MATTERS

File:
 Author: Niel Mitchell, CEO
 Interest Declared: Employee under contract
 Date: 15 September 2009
 Attachments: none

MATTER FOR CONSIDERATION
 To consider matters required under the CEO’s Contract

BACKGROUND
 The contract with the CEO requires –
 - annual performance review
 - agreement between Council and CEO regarding extension of contract

STATUTORY ENVIRONMENT
 Local Government Act 1995 –
 - s.5.36 – appointment of CEO
 - s.5.38 – review at least once per year required
 - s.5.39 (3) – performance criteria to be included in contract

STRATEGIC IMPLICATIONS
 Nil

POLICY IMPLICATIONS
 None

FINANCIAL IMPLICATIONS
 None

CONSULTATION
 None

COMMENT
 The performance review is part of the CEO’s contract of employment every 12 months, as required by the Act, and can be undertaken by either Council directly, or facilitated by a person appointed by Council.

The previous review in October 2008 was carried out by Mr John Phillips of WALGA Workplace Solutions for the year to June 2008. His quote at that time was \$3,300, and included 2 visits to Yalgoo, however, by agreement, the review was eventually conducted by mail/email, with Mr Phillips participating in the Council meeting by telephone. The cost for this was \$600.

Quotes for services were sought from Workplace Solutions, Fitz Gerald Strategies, Anne Lake and Gary Martin.

Provider	By mail/email	In person, 1 visit	In person, 2 visits
WALGA Workplace Solutions	Up to 1,000	3,300 + travel & accom	
Mike Fitz Gerald	3,300	4,400 T & A not specified	5,500
Gary Martin	500	3,300 2 days + travel & accom	
Anne Lake	Not available		

There are others who would be able to provide a similar service, specialising in local government, such as etc as well as other HR firms such as Logo Appointments, Deloittes, Lester Blades, Beilby etc.

The second matter of which I need to advise Council is that my contract requires negotiations in relation to extension of the contract to commence within 12 months prior to completion, and be finalised 9 months prior.

After giving the matter much thought, I have decided not to seek an extension of my contract. Accordingly, Council will need to give consideration to a range of matters in the near future – timeline, package details, direct recruitment or use of consultant, interim arrangements if necessary etc.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That WALGA Workplace Solutions be contracted to co-ordinate the performance appraisal of the CEO.

COUNCIL DECISION

C2009-0927 Report, Process & Options

Moved Cr DE Anderson, Seconded Cr EC Rowe

That WALGA Workplace Solutions be contracted to co-ordinate the performance appraisal of the CEO by email/ telephone.

Motion put and carried 4/0

REASON FOR VARIATION

To specify the manner in which the review is to be conducted.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

C2009-0928 CEO Recruitment Process

Moved Cr DE Anderson, Seconded Cr EC Rowe

That the CEO prepare a report for the October Council Meeting on the legislative requirements and other matters needing considering for recruitment of a CEO.

Motion put and carried 4/0

13.2 EXTRAORDINARY ELECTION

File:
Author: Niel Mitchell, CEO
Interest Declared: Employee under contract
Date: 15 September 2009
Attachments: none

MATTER FOR CONSIDERATION

To consider dates and process for an extraordinary election

BACKGROUND

Nominations for the Local Government elections closed on 10 September 2009, with 2 nominations for the three vacancies.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.4.9 (2) – an extraordinary election must be held within 4 months of occurring
- s.4.9 (3) – if date of extraordinary election is not set within 1 month of occurring by President or Council, the Electoral Commissioner is to set date
- s.4.57 – where insufficient nominations received, the day after nominations close is to be considered as the date of the vacancy occurring

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of running an extraordinary election

CONSULTATION

James McGovern, Governance Policy Officer, WALGA

COMMENT

There are a number of criteria and deadlines set by the Local Government Act, and some practicalities that need to be considered as well –

- s.4.57 (2) of the Act stipulates that where there are insufficient nominations, the day after Nomination Day is to be considered as the day that the vacancy, i.e. 11 September 2009, although the term of re-elected or new councillors does not commence until after Election Day (17 October 2009)
- s.4.9 (2) requires there be enough time for WAEC to do all the things they need to, but the extraordinary election must be held within 4 months, i.e. by 11 January 2010
- s.4.9 (3) then says that if the election day is not fixed by President or Council within 1 month of becoming vacant, i.e. by 11 October 2009, the CEO is to advise the Electoral Commissioner, who is then to fix a date.
- being in the summer school holidays, a date after 19 December 2009 would probably not be a good date for any Shire, and to defer to later than 11 January 2009 requires approval from the Electoral Commissioner.
- to comply with the elections timetable in the Act, the absolute earliest an extraordinary election can be held, would be 14 November, and the Shire would have to advertise enrolment information on Saturday 19 September 2009.
- with School breaking up for holidays two days beforehand, Saturday 19 December is probably too late for an extraordinary election

This results in 21 or 28 November, 5 or 12 December as being the most suitable dates.

The December Council meeting is due to be held on Tuesday, 15 December 2009.

James McGovern of WALGA has advised that WALGA will run a joint advertising process for extraordinary elections as they did in 2007, however, will not know until after Wednesday 16 September 2009, which Councils will have a vacancy, and then will need to obtain the consent of those Councils who wish to participate.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0929 Extraordinary Election

Moved Cr TK Iturbide, Seconded EC Rowe

That the Shire –

- **if possible, participate in joint advertising etc for an extraordinary election to be held on a common date of 21 or 28 November, or 5 or 12 December 2009,**
- **should joint participation for advertising through WALGA for a common extraordinary election date not be feasible or appropriate, that the extraordinary election for the remaining vacancy, be held on 12 December 2009.**

Motion put and carried 4/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

None

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on Thursday, 22 October 2009, commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 5.15pm.

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