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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 19 February 2009, commencing at 11.02 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.02am, and noted the Victorian bushfire and the resulting tragedies that occurred and commented on the unsatisfactory nature of fire preparedness in Yalgoo townsite.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr DE Anderson, Shire President Cr EC Rowe, Deputy Shire President Cr DJ Grey Cr L Hodder Cr TK Iturbide Cr DP Morrissey Cr LJ O'Connor	(from 1.52pm) (from 11.06am)
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy CEO	(from 1.10pm)
OBSERVERS	None	
LEAVE OF ABSENCE	None	
APOLOGIES	Cr EC Rowe (after lunch) Ms V Rowe (after Lunch)	

3. DISCLOSURE OF INTERESTS

None

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

None

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

The President noted having attended a meeting in Geraldton with the Minister for Local Government, together with Council representatives from throughout the region.

7.2 COUNCILLORS

Cr Morrissey

16 February Together with Cr Grey, attended the Murchison Region Vermin Council Meeting in Cue.

Cr Iturbide

18 February Together with Cr Grey and the CEO, attended the inaugural meeting of the Crosslands Resources Community Liaison Committee, held at the Old Railway Station in Yalgoo.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING – 16 December 2008

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0201 Confirmation of Minutes

Moved Cr L O'Connor, Seconded Cr DP Morrissey

That the Minutes of the Ordinary Council Meeting of 16 December 2008 be confirmed, subject to the following correction –

Resolution C2008-1225 – Secunder of the Motion was Cr DP Morrissey

Motion put and carried 6/0

9. MINUTES OF COMMITTEE MEETINGS

None

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11.31am Crosslands Resources
Mr Stuart Hall, CEO, and Ms Claire Blatchford, Senior Advisor Communications

Presentation to Council made following Item 11.2.2

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

11.0.1 AUDIT COMMITTEE – Appointment

File: A14-1
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 27 January 2009
 Attachments: None

MATTER FOR CONSIDERATION

The establishment and appointment of the Audit Committee of Council.

BACKGROUND

While the establishment of committees is largely up to the individual Council, an Audit Committee is required by legislation. The Act and Regulations do not specify who is to be a member of the Committee, other than a prohibition against the CEO being a member.

The Audit Committee may include appointments from outside the organisation and from outside and independent of the Shire entirely.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.10 – Appointment of Committee members – by absolute majority
- s.7.1A – Council must establish an Audit Committee of at least 3 people
- s.7.2B – Council may delegate some powers and duties

Audit Regulations 1996 –

- r.16 – Functions of an Audit Committee

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Currently, Council's Audit Committee consists of all elected members of Council. Council may wish to consider appointing a person from outside the Shire organisation to assist.

In the past, Council has not delegated any duties or tasks to the Audit Committee other than those specified by the Regulations 16 –

An audit committee –

(a) is to provide guidance and assistance to the local government –

- (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;*
- and*

(b) may provide guidance and assistance to the local government as to –

- (i) matters to be audited;*
- (ii) the scope of audits;*
- (iii) its functions under Part 6 of the Act; and*
- (iv) the carrying out of its functions relating to other audits and other matters related to financial management.*

When the Audit Committee was appointed in December 2007, no term was specified by Council, and so it has been assumed that it was for that meeting only. It is suggested that the appointment of persons to this Audit Committee be until the October 2009 Ordinary Meeting of Council. At that Meeting, Council can then appoint a new Audit Committee for a specified term.

Please note, that if appointed to the Audit Committee, Cr O'Connor's resignation from Council would not affect her membership of the Committee, as a Committee is not limited to Councillors exclusively.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ Council Decision

C2009-0202 Audit Committee – Appointment

Moved Cr L O'Connor, Seconded Cr DP Morrissey

That the Audit Committee –

- **consist of –**
 - o **Cr DE Anderson**
 - o **Cr EC Rowe**
 - o **Cr DP Morrissey**
 - o **Cr DJ Grey**
 - o **Cr TK Iturbide**
 - o **Cr L Hodder**
 - o **Cr LJ O'Connor**
- **Committee Members hold office until the October 2009 Ordinary Council Meeting, subject to the Local Government Act,**
- **no specific duties or tasks other than those required by the Local Government (Audit) Regulations be delegated to the Audit Committee,**
- **all recommendations of the Audit Committee be considered by Council prior to implementation.**

Motion put and carried by Absolute Majority 6/0

NOTE in the absence of the Works Foreman, the meeting proceeded to Item 11.1.2

11.1.2 GIBBONS ST – Alignment of dual use path

File: R11-101
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 8 February 2009
Attachments: p.5 Map of current proposed alignment

MATTER FOR CONSIDERATION

Consideration of alternative alignment for the planned dual use pathways.

BACKGROUND

The pathways are to be 50% funded by a grant of \$39,000 from Dept of Planning and Infrastructure, and the alignment has been previously determined by Council.

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.

Public Works Act 1902 –

- s.87 – Government Roads are under the exclusive control and management of the Minister.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

No expected cost impact of re-alignment

CONSULTATION

Peter Herbert, Customer Services Manager, Main Roads, Geraldton
Nigel Goode, Technical Officer, Greenfield Technical Services

COMMENT

Previously, Council has determined that the footpath should be on the western side of Gibbons Street from Henty St to Weekes Street, then on the eastern side of Gibbons Street from Weeks Street to the Highway, as per the attached plan.

As the footpath includes a portion that is within the Highway Reserve, and therefore under the control of Main Roads, their comments and consent to the proposal were sought.

I met with Peter Herbert on Monday, 9 February 2009, and he advised that they have concerns about locating the path on the eastern side –

- the curves to be installed in order to slow bicycle traffic prior to the Highway, turns cyclists away from the traffic on the near side
- the exit of the path at the highway is very close to the entry/exit for the fuel station and Old Railway Station Complex, creating the potential for congestion

He recommended that the path be installed on the western side of Gibbons Street for this section, since –

- the curves require the cyclist to observe near side traffic
- the exit of the path is between the fuel station entry/exit and residential driveways
- once over the Highway, cyclist and pedestrians going to the Old Railway Station complex are facing on-coming traffic, as recommended by safety guidelines, although it is recognised that cyclists or pedestrians turning right are moving in the same direction as the nearest traffic
- more closely aligns with current use patterns

Mr Herbert advised that their recommendations would be confirmed in writing.

From the Shire point of view, the re-positioning means –

- minimal re-design

- easier construction to avoid trees, water and telephone services etc
- reduction in likelihood of any damming effect during rains, of water on the road

It does mean that –

- there will be no disturbance to the short length of existing bitumen footpath just south of Weekes Street on the eastern side
- reduction in the number of reinforced crossovers required (4), including to the Fire and Ambulance Sheds.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

C2009-0203 Alignment of dual use path

Moved Cr T Iturbide, Seconded Cr D Morrissey

That that a dual use path –

- **not proceed in the proposed alignment on the eastern side of Gibbons Street from Weekes Street to the Geraldton-Mt Magnet Road, but**
- **be installed on the western side of Gibbons Street, in response to the concerns and recommendations of Main Roads WA.**

Motion put and carried 6/0

11.2 DEVELOPMENT

11.2.1 EHO – Activity Report to February 2008

None

11.2.2 COMMUNITY DEVELOPMENT OFFICER Activity Report

File: n/a
 Author: Rebecca Cowell – CDO
 Interest Declared: No interest to disclose
 Date: 12 February 2009
 Attachments: p.6 School Holiday Report January 2009

MATTER FOR CONSIDERATION
 Activity report 5th January to 12th February 2009

5th January – 12th February

Week 1	School Holiday Program (please see attached report)
Week 2	School Holiday Program (please see attached report)
Week 3	School Holiday Program (please see attached report)
Week 4	Australia Day Celebrations – approximately 40 people attended the event; a game of cricket was played after the BBQ at the Complex. Five people attended the flag raising ceremony at the Shire office. Meeting with Mediators Meeting with Craig Turley – confirmed that we can use the swimming pool at Oxiana if we have a supervisor with a Bronze Medallion
Week 5	Meeting with Mediators Meeting at the school to confirm After School Activities and meet new teachers.

Future Commitments/Events:

VOTING REQUIREMENT
 Simple Majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0204 CDO Activity Report

Moved Cr T Iturbide, Seconded Cr D Grey

That the Community Development Officer report to the 12 February 2009 be received.

Motion put and carried 6/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11.31am Crosslands Resources
Mr Stuart Hall, CEO, and Ms Claire Blatchford, Senior Advisor Communications

Mr Hall made a PowerPoint presentation to Council outlining –

- structure of Crosslands Resources
- relationship to Oakajee Port and Rail – a sister organisation but independent of Crosslands
- current mining – Stage 1 with plans to increase from 1.8 mtpa to approx 2 mtpa
- Stage 2, once rail and improved port are available, intending to increase to approx 20 mtpa
- reserves of ore are nearly 1 billion tonnes
- establishment of Liaison Committee which is intended to meet every 3-4 months in towns through the region

Mr Hall thanked Council for the opportunity to make a presentation, and advised that if there are queries in the future, he can be contacted through the office of Ms Blatchford.

Cr Iturbide advised for Council's information, that Crosslands Resources have donated a satellite phone to the Yalgoo St Johns Ambulance Sub Centre, and thanked Mr Hall for the donation. The satellite phone is currently being installed in the ambulance now being refurbished for Yalgoo.

ADJOURNMENT

The meeting adjourned for lunch at 12.10pm and resumed at 1.10pm following the Audit Committee Meeting, with all present before the adjournment present once again at the resumption, except Cr D Grey who did not return to the meeting, and the Crosslands Resources representatives.

Ms VJ Rowe joined the meeting at 1.10pm.

11.1.1 WORKS REPORT

File: N/A
Author: Cliff Hodder, Works Foreman
Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 12 February 2009
Attachments: p.1 Greenfield Tech Services – Quote comparison (1st)
p.2 Greenfield Tech Services – Estimates (2nd)
p.3 Photos – Yalgoo-Ningham Road 24.75 SLK

MATTER FOR CONSIDERATION
Works Report for the past month

BACKGROUND
Overview of works for the past two months

STATUTORY ENVIRONMENT
None

STRATEGIC IMPLICATIONS
None

POLICY IMPLICATIONS
None

FINANCIAL IMPLICATIONS
None

CONSULTATION
None

COMMENT

- a) Construction –
 - Yalgoo Ningham Road –
 - o 1.5 km near Thundelarra to connect with next overtaking opportunity – gravelled, compacted, water-bound, due to be sealed in mid-March 2009
 - o 3.7 km at the lakes crossing - gravelled, compacted, water-binding under way, and due to be sealed in mid-March 2009
 - Morawa Road –
 - o 3 km sealed 9-10 February 2009
- b) Maintenance –
 - maintenance grading done or underway –
 - o Paynes Find airstrip
 - o Morawa Road
 - o Badja Homestead Road
 - o Yalgoo Ningham Rd
 - o Maranalgo Road
 - o section of North Road
 - maintenance work due –
 - o Yalgoo-Ningham Road – edges and shoulders finished, for the full length of the bitumen
 - o Badja Woolshed Road
 - o Roads after rains, including – North, Uanna Hills, Dalgaranga, Gabyon-Tardie Roads, Paynes Find- Wagga Wagga, Burnerbinmah and others
 - o general maintenance throughout the Shire
- c) Plant

- Iveco – leading edge of side-tipper hinge badly damaged, and will need cutting out to replace. Repairs not yet done. Wheel alignment booked for 20 February 2009 as the front tyres, although only fairly new, have been chopped out badly, and need to be replaced already.
- Volvo – service needed, headlight to be replaced
- tandem trailer – brakes and bearing need attending to
- TSE, Westrac, R& M Auto Electrics have all been out to check over various plant and equipment

d) Other

- 2 new houses –
 - o decks not yet complete
 - o quotes from contractors for concreting of verandahs to be sought and done at the same time as the footpaths, otherwise will be done in-house.
- Paynes Find –
 - o Community Centre – building repairs substantially complete, some electrical work to be done before final maintenance
 - o additional maintenance still required and work at cemetery to be done
- Yalgoo Town footpaths –
 - o Budget for works is \$80,000, being \$38,000 DPI grant and \$42,000 Council funds
 - o Specifications done up, and quotes to be sought
- Employee Induction Training – planned for early 2009. Intention is to have all staff (including admin) through twice a year, either as new information or as a refresher. 1-2 hours on each occasion and conducted by the EHO. In compliance with Occupational Health requirements.

e) Yalgoo Ninghan Road

EDI Downer completed the tendered repair works the day before the December 2008 Council meeting. On inspection later that week by Greenfield Technical Services, a number of places were noted that had not been attended to as specified in the tender, drawn to EDI Downer's attention and subsequently repaired as tendered.

Part of this work included patching and seal at the intersection with the Geraldton-Mt Magnet Road, which although fully our responsibility, MRWA agreed to meet 50% of the cost.

Following the end of year shut down, the Work Foreman advised that a section approx. 40 m long for the full width of the road, approx. 2.6 km from the Highway, showed signs of breaking up. GTS carried out some investigation that indicated that while the base was still satisfactory, the bitumen surface had deteriorated badly, and needed urgent attention before it became substantially worse. An inspection of the road found a further three places where it was in urgent need of attention, not previously identified. In addition the work done by EDI Downer at the intersection had not been successful, and it was recommended that the intersection be completely redone with hotmix, rather than a spray bitumen 4th or 5th coat. As the work was repairs / maintenance, quotes were obtained, and the work awarded to Kruize Contracting on 28 January 2009.

The total cost of this work was \$37,609.28, of which \$29,201.28 was for the intersection. MRWA have agreed to contribute \$13,946.88 to the cost of hotmixing the intersection.

Following the awarding of this quote, and heavy rain over the space of a week or so, and prior to Kruize commencing the work, a truck driver for Giacci reported a serious failure of the bitumen seal approx. 24.8km from the intersection, adjacent to the Badja windmill. The Works Foreman confirmed the seriousness of the failure – see photos attached.

A further inspection revealed not only this failure but a series of potential failures needing urgent attention before breaking out. The estimate to repair all of these amounted to a further \$44,200 (estimated), and due to the urgency, Kruize were requested to attend to these matters as well.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ Council Decision

C2009-0205 Works Report

Moved Cr D Morrissey, Seconded Cr L Hodder

That the Works Report to 12 February 2009 be received.

Motion put and carried 5/0

Items 11.1.2, 11.2.1 and 11.2.2 previously dealt with

11.2.3 TENDER 2008-05 – Housing

File: T5 2008-05
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 7 February 2009
 Attachments: p.8 Summary of tenders received
 p.11 Tender Specifications
 p.19 Copies of Offer Forms, letter and extracts

MATTER FOR CONSIDERATION

Consideration of tenders received for –
 - the provision of a new residences at the Caravan Park
 - relocation of 2 x two bedroom units.

BACKGROUND

The calling of tenders was authorised at the October 2008 Council Meeting (Res. C2008-1010), advertised in the West Australian on 29 November and 6 December 2008, and in the Geraldton Guardian on 1 and 3 December 2008. Tenders closed at 4.00 pm 12 January 2009.

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

Provision of staff housing

POLICY IMPLICATIONS

Purchasing Policy – goods and services over \$100,000

FINANCIAL IMPLICATIONS

Cost of construction and ancillary works

CONSULTATION

None

COMMENT

Tenders were advertised in accordance with the Local Government Act and Regulations, closed at 4.00pm Monday 12 January 2009, and were opened at 5.45pm on Monday 12 January 2009 in the presence of Violet Rowe, Deputy CEO.

Relocation of 2 units

After several initial discussions with an interested firm, no tenders were received.

Construction of a residence

Although no tenders were received for relocation of 2 units, this does not commit Council to accepting a tender for the construction of a residence.

Tenders were received from –

Tenderer	Received by specified time	Complies with specifications	Eligible for consideration
T & R Homes	Yes	Yes	Yes
Fortress Home Building Systems	Yes	Yes	Yes
Fleetwood	Yes	Yes	Yes
L & T Transportable and Kit Homes Pty Ltd	Yes	Yes	Yes
Transteeel Corporation	Yes	Yes	Yes

A summary of the tenders received is attached.

Funding could initially be by way of Reserve Funds, with consideration of remaining progress payments being part of Budget 2009/2010 deliberations. Currently the Building Reserve balance is \$555,082.

It is not likely that Royalties For Regions funds could be used, as staff housing would not be considered to be public infrastructure.

There are four smaller designs –

- Fortress “B”
- Fleetwood Rangeview
- Transteel Bayview
- Transteel Moresby

It appears that the Fleetwood Rangeview is the best value for money at approximately \$372,000. Even allowing \$15,000 for an office extension and some internal modification to create some space, it is still cheaper than Transteel's Bayview at approx. \$399,400, the only other design costed at less than \$400,000.

Of the five other mid-size designs –

- T & R Peninsula
- T & R Hedland
- Fortress “A”
- Fleetwood Napier
- MCG concept

The Fleetwood Napier at about \$407,200 is the cheapest for the mid-size design (and third cheapest overall), and would be better value for money than T & R's Peninsula at \$428,100 being the next cheapest.

Although nearly \$8,000 more expensive than Transteel's Bayview, Fleetwood's Napier is better value for money as it is 33m² larger (about the area of the living and dining areas combined)

These total project costs include provision for verandahs, concreting, etc which may vary significantly depending on the extent required, and an allowance for contingency, which may not be called upon. The basis of estimating for verandahs and concreting was on the assumption that most of the western, northern and eastern aspects of each floor plan would need shade.

The recommendation is made based on –

- value for money
- suitability of design for each block

The Budget does provide for \$200,000 for the relocation of units. These funds could be reallocated to the construction of the residence. Transfer of allocation of funds between projects requires an absolute majority.

As the project is unbudgeted, a decision to expend funds on the project by acceptance of a tender to proceed with construction requires a decision by absolute majority.

Similarly, use of Reserve Funds, as they were not disclosed in the 2008/2009 Budget also requires approval by absolute majority.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ Council Decision

C2009-0206 Budget 2009-10 – Relocation of two 2 b/room units

Moved Cr T Iturbide, Seconded Cr L Hodder

That relocation of two of the 2 bedroom units located on the corner of Shamrock and Stanley Streets to Lot 68 Gibbons St, and extension/modifications to both to create 3 bed, 1 bath residences, be considered further in the 2009/2010 Budget.

Motion put and carried 3/2

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 2/ Council Decision

C2009-0207 Fleetwood Tender 2008–05 be accepted

Moved Cr T Iturbide, Seconded Cr D Morrissey

- (1) **That the tender of Fleetwood for Tender 2008-05 for the construction and supply of a residence to the caravan park at Gibbons Street, being custom Napier design for \$250,042.82 be accepted.**
- (2) **That the following work in addition to the construct and supply price of Fleetwood be approved–**
 - **works to be carried out by others estimated at \$67,100**
 - **additional works estimated at \$50,000.00**
- (3) **That a contingency sum of \$40,000 be authorised for the residence.**

Motion put and LOST 0/5

REASON FOR VARIATION:

Cost of construction and supply of a residence to the caravan park at Gibbons street is too high.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 3

That the budget provision of \$200,000 for the relocation and extension of two of the 2 bedroom units located on the corner of Shamrock and Stanley Streets to Lot 68 Gibbons St, be reallocated to the construction of a residence at the caravan park.

Not applicable

REASON FOR VARIATION:

Contingent on the acceptance of the previous Officer Recommendation 2

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 4

That further funding of the project until 30 June 2009, be by transfer from Building Reserve, with the balance of funding to be considered in the 2009-2010 Budget

Not applicable

REASON FOR VARIATION:

Contingent on the acceptance of the previous Officer Recommendation 2

COUNCIL DECISION

C2009-0208 Relocation of 2 bedroom unit to Caravan Park

Moved Cr T Iturbide, Seconded Cr L Hodder

That the CEO investigate the relocation of one unit from the Shamrock St and Stanley Street group to the Caravan Park, extension of the unit into 3 bedroom residence.

Motion put and carried 5/0

11.2.4 EXPRESSION OF INTEREST 2008-06 – Architectural Services

File: T5 2008-05
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 8 February 2009
 Attachments: p.65 Summary of EOI received
 p.68 Copies of Offer Forms and extracts from submissions
 p.75 WALGA Total Purchasing Solutions

MATTER FOR CONSIDERATION

Consideration of Expressions of Interest called for the provision of architectural services for the design of recreation facilities.

BACKGROUND

The calling of expressions of interest was authorised at the November 2008 Council Meeting (Res. C2008-1120), advertised in the West Australian on 29 November and 6 December 2008, and in the Geraldton Guardian on 1 and 3 December 2008. Expressions of interest closed at 4.00 pm 12 January 2009.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- r.11 and following – requirements to call tenders where value is over \$100,000
- r.21 – requirements for calling expressions of interest
- r.23 – choice of tenderers from expressions of interest

STRATEGIC IMPLICATIONS

Provision of service for the design and/or contract supervision etc.

POLICY IMPLICATIONS

Purchasing Policy – goods and services over \$100,000

FINANCIAL IMPLICATIONS

Cost of services

CONSULTATION

None

COMMENT

Expressions of Interest were advertised in accordance with the Local Government Act and Regulations, closed at 4.00pm Monday 12 January 2009, and were opened at 5.45pm on Monday 12 January 2009 in the presence of Violet Rowe, Deputy CEO.

Expressions of Interest were received from –

Submission received from –	Received by specified time	Complies with requirements	All EOI specification criteria addressed	Valid EOI – eligible for consideration	Reason for not considering
Alexander Planning Consultants	Yes	Yes	No	Yes	
Donovan Payne Architects	Yes	Yes	No	Yes	
Dovetail Drafting Services	Yes	No	No	No	Insufficient details supplied to be able to assess
Eastman Poletti Sherwood Architects	Yes	Yes	No	Yes	
Edgar Idle Wade	Yes	No	No	No	Withdrawal from further consideration. Copy attached

James Christou & Partners	Yes	No	No	No	Suggestions for consideration Copy attached
Matthews Architecture	Yes	Yes	No	No	Offer form received by close of EOI. Further details as requested in specification supplied late (15/1/09). DLGRD advise that required information, if received late, cannot be considered, although voluntary information is admissible.
MCG Architects Pty Ltd	Yes	Yes	No	Yes	
Miracle Recreation Equipment	Yes	No	No	No	Offer to supply equipment
Scott Penn & Hall	Yes	Yes	No	Yes	

- a) No submission addressed all criteria, however, the five identified above have provided sufficient information in their submissions to gain a clear picture of their experience and competence. In the main, the information not supplied relates to –
 - estimated total fee – most EOI’s stipulate a % fee or range, based on the estimated construction value. Until construction cost is known, total fee cannot be estimated.
 - estimated construction cost – depends on type, style, size of construction.
- b) It was acknowledged to those architects who contacted me, that these figures cannot be known accurately at this time, however, Council was looking to gauge some idea of total cost of the project, in order to be able to make a decision as to proceeding or not, staging etc, based on preferred construction material (concrete, steel for pool etc)
- c) Site visits – Alexander Planning was also the only firm to stipulate that site visits were included in their fee. It should be assumed that all other firms will charge for site visits.
- d) External consultants (quality survey, construction cost, engineering and electrical etc) – assumed to be additional cost

A summary of the valid expressions of interest received is attached.

In reference to the comments of Edgar Idle Wade –

- they were one of several firms contacted by the previous Deputy CEO to provide a quote for concept drawings and estimate of construction costs,
- they were the only respondents to the request,
- their engagement was not intended to be beyond the provision of this preliminary information
- their indication of fees was on a % of cost basis. For a \$6M project would be \$360,000 and comparative cost for a \$3.2M project would be \$192,000.

Currently, the Recreation Facilities Reserve balance is \$55,496, with a Municipal Budget expenditure allocation of \$60,000 for development.

Development of a proposal for recreation facilities and all associated expenses, such as architectural fees, does fall within the criteria of the Royalties For Regions Program. This matter is the subject of a separate report to this Council meeting.

Extract from summary –

	Alexander Planning Consultants	Donovan Payne Architects	Eastman Poletti Sherwood Architects	MCG Architects Pty Ltd	Scott Penn Hall
INDICATIVE Project cost estimate	\$2,430,000 (Perth) \$3,200,000 (Yalgoo) Construction cost consultant (RBB) estimate enclosed	Not indicated	Not indicated	\$4,000,000 (assumed)	\$4,500,000
Proposal	a) 25m x 4 lane Myrtha pool b) open roofed court with ventilators	Not indicated	Not indicated	Not indicated	Not indicated
Basis of engagement	Lump sum	% of cost	% of cost	% of cost	% of cost
Fee Schedule	\$91,950.00 (being \$67,200 + 15 site visits at \$1,650 each) 3.83% Perth est cost or 2.87% Yalgoo est cost	Extracts – Simple \$1M to \$3M – 2.75 to 3.5% \$3 to \$7M – 2.5 to 3.3% Standard – \$1M to \$3M – 3.5 to 5% \$3 to \$7M – 3.3 to 4%	Extracts – Simple – \$2M to \$3M – 4.95% \$3 to \$4M – 4.77% Conventional– \$2M to \$3M – 6.03% \$3 to \$4M – 5.72%	Stage – 1 – Initial visit 7,700 2 – Schematic design 25,100 3 – Design & document ~5% 200,000 4 – Tender 10,000 5 – Contract admin ~2.5% 100,000 <u>100,000</u> Total ~\$342,800	5.5% or \$247,500 est.
If fee based on \$3.2M	Flat = \$91,950 flat	3.3% = \$105,600 minimum	4.77%= \$152,640 minimum	~7.5% + specified = \$282,800	5.5% = \$176,000
Site visits	Included	Not indicated	Not indicated	Accommodation and travel extra	Not indicated

Most advantageous –

RANKING	Fees	Experience – facility design	Experience – remote construction	Physical access to Yalgoo	OVERALL
First	Alexander Planning Donovan Payne	Donovan Payne Eastman Poletti Sherwood Alexander Planning	Donovan Payne Eastman Poletti Sherwood	Eastman Poletti Sherwood	Alexander Planning Donovan Payne
Second	Eastman Poletti Sherwood Scott Penn Hall	MCG Architects	MCG Architects Alexander Planning Scott Penn Hall	MCG Architects	Eastman Poletti Sherwood
Third	MCG Architects	Scott Penn Hall		Alexander Planning Donovan Payne Scott Penn Hall	Scott Penn Hall MCG Architects

Given that –

- the full architectural service fees (design, construction documentation, contract/project admin, external consultants etc) are likely to be in excess of \$150,000
- a project expected to be more that \$3.2 million minimum, in the long term,
- the complexity and duration of planning, preparation, and construction

it is suggested that it be managed by purchasing specialists from this point. WALGA Total Purchasing Solutions offer the appropriate service.

TPS quoted in November 2009 –

- EOI – part evaluation (1 person, copies of evaluation documents)	\$938.40
- EOI – full evaluation (3 people, credit assessment, report)	1,367.38
- Tender – Document preparation and review of specifications	1,371.00
- Tender – Process management (includes document prep and review)	1,517.00
- Tender – part valuation (1 person, copies of evaluation documents)	938.40
- Tender – full evaluation (3 people, credit assessment, report)	1,667.38

The above costs may have increased slightly since the quote was obtained in November 2008. A quote for the preparation of the specifications for tender has been obtained.

The valid EOIs fall into fairly distinct groups, so Council may feel that there is sufficient information not to require further evaluation, however a partial evaluation may be of value to ensure that nothing important has been missed from the information supplied.

For the reasons noted above it is suggested that TPS be engaged for at least the following –

- Tender – Process management (includes document prep and review)	1,517.00
- Tender – Preparation of specifications for tenders,	1,795.54
- Tender – full evaluation (3 people, credit assessment, report)	<u>1,667.38</u>
Sub-total	\$ 4,979.92

Plus any travel accommodation etc that may be needed.

Cr E Rowe entered the meeting at 1.52pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-0209 EOI – Referral to WALGA Total Purchasing Solutions

Moved Cr T Iturbide, Seconded Cr D Morrissey

That that WALGA Total Purchasing Solutions be engaged to –

- **EOI – part evaluation (1 person, copies of evaluation documents)**
- **Tender – Process management (includes document prep and review)**
- **Tender – preparation of specifications for tenders**
- **Tender – full evaluation (3 people, credit assessment, report)**

for an estimated cost of \$5,918.32 plus disbursements.

Motion put and carried 6/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-0210 Letter of appreciation

Moved Cr T Iturbide, seconde Cr E Rowe

That the following firms be thanked for their interest, and advised that they have not been selected for the next stage of the process –

- **Dovetail Drafting Services**
- **Matthews Architecture**

Motion put and carried 6/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 3/ COUNCIL DECISION 3

C2009-0211 Letter of Appreciation

Moved Cr E Rowe, seconded Cr T Iturbide

That the following firms be thanked for their interest, and their comments acknowledged –

- **Edgar Idle Wade**
- **James Christou & Partners**
- **Miracle Recreation Equipment**

Motion put and carried 6/0

11.2.5 HCP COMMUNITY MEETINGS – Contracting out consultation

File: H2-4
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 7 February 2009
 Attachments: none

MATTER FOR CONSIDERATION

To consider arrangements for improved community consultation in relation to the Healthy Community Project.

BACKGROUND

Over time, involvement and interest in the HCP meetings has waxed and waned.

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.5.26 to 5.33 – Electors Meetings – can be annual or special meetings
 - o various provisions as to who can call, notice must be given, minutes kept, who presides, Council must consider decisions, need to comply with regulations etc

STRATEGIC IMPLICATIONS

Improved consultation

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of the consultation by the contracted organisation

CONSULTATION

Ann Larson, Director, and Tania Wiley, Combined Universities Centre for Rural Health

COMMENT

The interest in meetings has never been high, in part due to the statutory requirements surrounding meeting process and conduct if the Shire calls the meeting and is responsible for it. Under the Act, the Shire can call Council, Committee and Electors meetings, and while all have different functions, all are governed by the Act. All meetings are open to the public, and different rights and obligations are imposed on each one. The closest the Shire can get legally to a “public meeting” is to use the provisions applying to Electors Meetings.

As such, the meetings for HCP seem to have little real benefit, and yet there remains a critical need for the Shire to gain informed feedback. The difficulties and concerns of the HCP meetings have been previously commented on in my reports to Council in November 2007 and April 2008.

During 2008, six HCP meetings were to be held,

- February 2008 – attended by 4 community members
3 representatives of 2 agencies
2 staff
- April 2008 – attended by 4 community members
3 representatives of 2 agencies
1 councillor
3 staff
- June 2008 – not held
- August 2008 – not held
- October 2008 – not held 4 staff only – adjourned
- December 2008 – not held

Looking at the records of notes of meetings over the years, it is clear that meetings have not been consistently held. They have run for a period, then dropped off and discontinued for a while, before starting again. Generally, the community members and agency representatives who have attended have been the same people each time.

Since the meetings aren't working, the possibility of contracting an external agency to obtain the feedback from the community to advise both CEO and Council, seems to be viable alternative, and I had initial discussions with Tania Wiley of CUCRH about the possibilities in October/November 2008. Since then I have also discussed the possibility with Ann Larson, Director of CUCRH.

The use of CUCRH particularly, seems to be advantageous, since they –

- are familiar with the area generally, and Yalgoo specifically
- have carried out previous community consultation for a range of agencies
- undertook the community consultation and evaluation of Yalgoo Healthy Community Project as required by the conditions of grant from FaHCSIA
- have mentored and supported a number of Community Development Officers throughout the region
- are well known to the Yalgoo community

From the feedback I have had from the evaluation process they undertook, it seems that they were able to gain far more information, than any meeting, even though there was a structured component to the process.

Use of an external consultant also has the benefits of –

- independence without an agenda –
 - o for assessment of the HCP
 - o secure intermediary between the community and Shire
- a far greater freedom that the Shire has, in how they obtain the feedback, the methods used and contacts made
- continual evaluation of HCP activities and program
- the certainty of gaining responses from a much greater number of people, both community and agency representatives

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0212 Consultant for HCP Community Engagement

Moved Cr E Rowe, Seconded Cr L Hodder

That –

- **the engagement of a consultant to undertake a bimonthly community discussions regarding the Yalgoo Healthy Community Project, and provide a report for Council, be accepted in principle, and**
- **the CEO seek a formal quotation of cost for consideration by Council, from –**
 - o **Combined Universities Centre for Rural Health**
 - o **Geraldton and Region Aboriginal Medical Service**
 - o **Geraldton Indigenous Coordination Centre**
 - o **Geraldton Education Resource Centre**

Motion Put and carried 6/0

11.3 FINANCE

11.3.1 FINANCIAL ACTIVITY STATEMENTS – DECEMBER 2008

File:
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 13 January 2009
Finance Attachments: Financial Activity Statements for December 2008
(green) Balance Sheet
Income Statement Detail
Income Statement by Nature & Type
Income Statement Summary
Actual vs Budget
Trust Balance Sheet

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for December 2008.

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

None

Changes to the Local Government (Financial Management) Regulations 1996 come into effect on 1 July

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0213 Financial Activity Statements– December 2008

Moved Cr D Morrissey, Seconded Cr T Iturbide

That Council adopt the financial statements for the period ending 31 December 2008, as attached.

Motion put and carried 6/0

11.3.2 ACCOUNTS PAID DURING THE MONTH OF DECEMBER 2008

File: N/A
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 8 January 2008
Finance Attachments: p.49 EFT & Cheque Detail for December 2008
(green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of December 2008

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 December 2008 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0214 Accounts Paid During The Month Of December 2008

Moved Cr E Rowe, Seconded Cr D Morrissey

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 - 46 \$156,249.57 paid during the month of December 2008, be received;**
 - 2. Cheque payments covering cheque numbers 10976-11007 \$ 34,924.16 paid during the month of December 2008, be received; and**
 - 3. Salaries and Wages totalling \$ 78,383.50 paid during the month of December 2008, be received.**
- Motion put and carried 6/0**

11.3.3 ITEMS FOR RE-SALE – Price reductions

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 11 February 2009
Attachments: None

MATTER FOR CONSIDERATION

To reduce the price of saleable items on hand.

BACKGROUND

Over the years a number of items have been offered for sale by the Shire.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Sale of items at less than cost recovery

CONSULTATION

Diane Hodder, Accounts Clerk

COMMENT

Substantial stocks of items previously purchased for re-sale are still on hand –

- Yalgoo tea towels – 2 boxes (approx. 110) 63 sold and last sales were in September 2007
 - o Current price is \$12.00 each incl. GST
- Yalgoo history book (1st edition) – 209 on hand
 - o Current price is \$9.50 each incl. GST
- Yalgoo history book (2nd edition) – 702 on hand
 - o Current price is \$15.00 each incl. GST

In order to clear stocks, it is suggested that the sale price of the items be reduced.

The Paynes Find and Fields Find history books are both sold out and enquiries are being made as to cost of re-printing, minimum run etc. Rather than a full print run, there may be a firm somewhere willing to do very small runs of just 200 or so books at a time.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0215 Items for re sale

Moved Cr D Anderson, Seconded Cr E Rowe

That the sale price on the following items be reduced to –

- **Yalgoo tea towels – \$ 5.50 each including GST**
- **Yalgoo history book (1st edition) – \$ 5.50 each including GST**
- **Yalgoo history book (2nd edition) – \$11.00 each including GST**

AMENDMENT

C2009-0216 Amendment to Motion

Moved Cr E Rowe, Seconded Cr L Hodder

That 3rd dot point for the reduction in price of the current edition of the Yalgoo history book be removed.

Amendment put and carried 4/2

The amended motion was put and carried 6/0

COUNCIL DECISION

C2009-0217 Items may be used as a Gifts

Moved Cr T Iturbide, seconded Cr E Rowe

That the CEO be authorised to present the Yalgoo tea towels or history books as gifts on appropriate occasions.

Motion put and carried 6/0

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT – January to February 2009

File: N/A
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 February 2009
 Attachments: p.109 Electoral Commissioner – Seat may remain unfilled.
 p.110 Dept of Health and Ageing – application acknowledgement
 p.111 Superannuation Guarantee – letter to ATO, extracts of Award and Ruling

Use of Common Seal

19 January Delegation 2.1 – Use of Common Seal
 Fixed to variation in contract with Dept of Housing Families Children's Services and Indigenous Affairs providing for an additional \$20,000 in funding for toys and equipment

Use of Delegated Authority not elsewhere reported

None

Council Vacancy – Resignation of Cr O'Connor

Cr O'Connor advised of her resignation at the December 2008 Meeting, effective after the February 2009 Ordinary Council meeting. As resolved by Council, the Electoral Commissioner was requested to permit the seat to remain vacant until October 2009, as an election for the seat was due to be held at that time.

The Commissioner has approved the request, and a copy of the letter is attached.

Dept of Local Government and Regional Development

As informally advised to Councillors last year, DLGRD had offered to come to Yalgoo to conduct some onsite training for Councillors and staff. As there had been support for the idea, I have arranged with Lindsay Bridge from DLGRD to provide a 3 hour session from 9.00am to midday prior to the next Council meeting on 19 March 2009. The session he will conduct are –

- Strategic Planning and Budgeting
- Rules of Conduct Regulations

I have also asked him to consider running an afternoon session for the community regarding –

- standing for Council, since this is an election year, and
- how to access Council services and to have input into decision making processes

Following on from this, Jenni Law from DLGRD, is also intending to present a 3 hour session prior to the May Council meeting.

Staffing

The following staffing changes have occurred –

- Admin trainee – Terri Simpson decided not to continue her employment and finished on 21 January 2009
 - o at this time, it is not proposed to appoint a replacement
- Rates and Payroll Officer – Hayley Forrester resigned, effective 12 February 2009
 - o Applications for the position close 16 February 2009, with an appointment being made as quickly as possible
- Community Development Officer – Rebecca Cowell has advised her resignation, effective 18 February 2009.
 - o Enquiries are underway regarding several options, including through FaHCSIA, and as soon as sufficient information is available, Council's instructions will be sought.

Environmental Health Officer

After discussion with Dave Williams, currently still officially EHO for the Shire of Yalgoo, it is clear that his time will remain almost fully committed at the Shire of Morawa for the foreseeable future. The economic downturn does not appear to have affected Gindalbie Corp at all, and they are still proceeding at a great rate.

Enquiries for replacement services have been made in several directions, and responses are yet to be received –

- Mr Bill Atyeo – carries out an environmental health and building surveying consultancy with a number of other Shires in the region – Wiluna, Meekatharra, Mt Magnet, Sandstone. He has been requested to provide an outline of the services, number of visits anticipated and estimate of costs. Mr Atyeo has been overseas on holidays, and I am not sure of his expected return date.
- City of Canning provide similar services to the Shire of Cue and several others in remote areas. I have had a lengthy discussion with their senior EHO, Darryl Ponton, and an outline of services and costs has been requested. They are waiting on the arrival of a new CEO to see if regional assistance in this way is a service that he wishes to continue, before making a decision as to whether or not they will be able to assist. A reply is expected late February or early March.

There are a number of relieving EHOs who may be able to offer some service, but the only other possibilities I can see at this stage are the Mid West Regional Council or possibly the City of Geraldton-Greenough.

Proposal – Yalgoo Health Centre

An application was lodged prior to the closing date for a \$500,000 grant to assist with the construction of a new Yalgoo Health Centre, as authorised at the December 2008 Council Meeting. Acknowledgement of the application has been received, and advised that assessment and decision is likely in mid-2009. Refer copy of letter attached

Fire Truck

As the old fire truck is not worth repairing, a temporary replacement was able to be sourced by Mr John Johnson, Regional Manager FESA, after quite a bit of effort. It is a truck that had been sent in as it had been replaced, but although 26 years old is in reasonably good condition. However, it is very slow on the roads (reported top speed of just 70 km/hr), not air-conditioned, and without power steering.

Our refurbished truck is due within the quite near future.

Superannuation on overtime

Following enquiries, the advice of WALGA Workplace Solutions was sought on the payment of the 9% Superannuation Guarantee (occupational) on overtime payments. Despite enquiries by the previous Deputy CEO, and myself to a range of sources, including research of the Aust Taxation Office website, with the response that superannuation is not paid on overtime, the advice from Workplace Solutions this time, indicated that overtime earnings may be eligible for the 9% SG.

The ATO current ruling is not clear, since in addition to the flat statement that 9% SG is not paid on overtime, examples are then given as to when it might necessary to pay the 9% SG. There is a new ruling “clarifying” the original advice that runs for much longer than the original. Their explanation as to additional circumstances when 9% SG is paid, is even less clear.

The “clarifying” ruling, will not come into force until April 2009, but its interpretation will be backdated to 1 July 2008. The current ruling was issued in 1994, and the Superannuation Guarantee was implemented in 1992.

The ATO have been requested to advise as to what is the actual circumstances, as a matter of urgency.

Until there is a clear outcome from the ATO, and if necessary reported to Council for instructions, staff responsible for purchasing have been advised that all discretionary expenditure is suspended. Current commitments will be met, and essential payments made.

Meetings

17 December	Mandy Wynne and Jill Clarke, of Haynes Norton re Remote Accounting Services, with Deputy CEO and other staff
19 Dec – 4 Jan	Annual Shire shut down
22 January	Shane Anthony and Peter Lawrence, Central Earthmoving – re possible regional approach for Main Roads Term Network Contracts
26 January	Australia Day Ceremony and barbecue – in response to community suggestion, an evening function was held. The ceremony was attended by 8-10 people, and the barbecue following, by about 20 adults and a similar number of children
29 January	Ann Larson and Des Thompson of Combined Universities Centre for Rural Health re HCP
5 February	Ann Larson of CUCRH re HCP
6 February	Andrew Klein, Mid West Health Region re Yalgoo health services

Future commitments

18 February	Brianna Higgins, Project Manager, Dept of Families, Housing, Childrens Services, Indigenous Affairs
18 February	Crosslands Community Liaison meeting in Yalgoo with Cr Iturbide
30 Mar-9 Apr	2 weeks annual leave planned
23 February	John Johnson, Murchison Area Manager, Fire and Emergency Services
5 March	Brendin Flanigan, Mid West Development Commission
5 March	Jerome Hardy, Dept of Planning and Infrastructure, Geraldton

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0218 CEO Activity Report

Moved Cr D Morrissey, Seconded Cr E Rowe

That the CEO's Activity Report to 12 February 2009 be received.

Motion put and carried 6/0

11.4.2 ANNUAL REPORT and ELECTORS MEETING – Year Ending 30 June 2008

File: A10
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 4 February 2009
Attachments: Draft Annual Report – under separate cover

MATTER FOR CONSIDERATION

To accept the Annual Report for the Year Ending 30 June 2008.

BACKGROUND

A local government must prepare an Annual Report each financial year.

The Annual Report includes:

- President's report
- Chief Executive Officer's report
- Compliance statements/reports relating to the Plan for the Future, National Competition Policy, Disability Services Plan and Records Keeping Plan
- Financial statements
- Auditor's Report

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.27 – Annual Electors meeting to be held within 56 days of acceptance of the Annual Report on a day selected by Council
- s.5.53 – an annual report must be prepared and details the items that should be included.
- s.5.54 – the Annual Report must be accepted by the local government not later than 31 December after the financial year, or if the Auditor's report is not available by this date not later than 2 months after the Auditor's Report becomes available.
- s.5.55 – the Chief Executive Officer to give local public notice of the availability of the Annual Report as soon as practicable after the Report has been accepted.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

The annual financial report presents the financial performance for the past financial year and is scrutinised by an independent audit to ensure compliance with legislation and accounting standards. The financial impact upon the current financial year is that the audited net current assets position becomes the actual brought forward surplus (deficit) for the Rate Setting Standard.

CONSULTATION

None

COMMENT

The Independent Audit Report was received on 5 January 2009. No Audit Management Report has been received.

The report is being submitted to the Audit Committee for their meeting on 19 February 2009 (to be held during an adjournment of the Council meeting). The minutes of the Audit Committee will be provided to Council later in the meeting. The Audit Report offered a qualified opinion regarding the 31 December 2007 Compliance Audit Return, which noted breaches of the Local Government Act 1995 and Regulations.

In summary the Shire recorded a net operating surplus of \$806,932. The Shire's balance sheet continues to improve with total equity being \$19,773,287.

The Shire's cash position has also improved compared to both the budget and the previous financial year with cash at the end of the year increasing to \$2,405,022 from \$2,118,110 at the start of the year. This

includes Cash Backed Reserves, which also showed an improvement moving to \$2,211,595 from \$1,464,588 at the start of the year.

Should Council accept the draft Annual Report the Electors Meeting must be held within 56 days, that is, on or before 16 April 2009. In the past, it has been usual to hold the Electors Meeting on a Council meeting day, which would be 19 March 2009, as the following meeting is due to be held on 23 April 2009.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION 1

C2009-0219 Adoption of Annual Report

Moved Cr L O'Connor, Seconded Cr E Rowe

That the draft Annual Report for the Year Ending 30 June 2008 be accepted.

Motion put and carried by Absolute Majority 6/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION 2

C2009-0220 Annual Electors Meeting

Moved Cr T Iturbide, Seconded Cr D Morrissey

That the Annual Electors Meeting for the Year Ending 30 June 2008 be held on Thursday 19 March 2009, commencing at 5.00pm.

Motion put and carried 6/0

ADJOURNMENT

The meeting adjourned at 2.55pm for lunch and resumed at 3.08pm with all present before the adjournment present once again at the resumption, except Cr L O'Connor.

Cr L O'Connor returned in the meeting at 3.09pm.

CLARIFICATION

11.2.3 TENDER 2008-05 – Housing

The CEO requested clarification of the intended action in relation to the Housing Tenders.

C2009-0221 All tenders be declined

Moved Cr DE Anderson, Seconded Cr E Rowe

That all tenders for Tender 2008-05 – Housing, be declined

Motion put and carried 6/0

11.4.3 RANGER SERVICES – Contract

File: D5
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 February 2009
 Attachments: p.116 Copy of contract with Shire of Meekatharra

MATTER FOR CONSIDERATION

To consider formalising the arrangement for dog control services.

BACKGROUND

Peter Smith of Canine Control has been undertaking dog control and ranging duties for the Shire of Yalgoo for some years.

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.

Dog Act 1976 –

- s.9 – mandatory requirement for the local government to enforce the Act within its district

STRATEGIC IMPLICATIONS

Assured continuation of service

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

No additional costs incurred

CONSULTATION

Cameron White, Deputy CEO Shire of Meekatharra

COMMENT

Canine Control have been carrying out the service for Yalgoo for some years, and has undertaken the role to a very high standard. Complaints regarding noisy dogs, wandering at large, too many dogs, lack of care of dogs, are at very low levels, although non-compliance still continues. He attends not just to complaints and non-compliance, but also to general queries, and oversees the licencing of dogs.

My instruction to Mr Smith is that he implements whatever action he sees fit to rectify the situation or problem, and informs me after the event of the particular matter and the remedial action taken.

In recent times, the circuit of Shires that have services provided to them has grown, and now includes Meekatharra, Cue, Mt Magnet, Yalgoo, Murchison (at Pia Wajirri), Morawa, Perenjori, Mingenew and others. A number of the Shires have now entered, or are considering, a formal contract with Canine Control to ensure continuity of service. We are in the fortunate position of being first call out, and last call back when he does a circuit of the Murchison Shires.

Mr Smith has approached me to offer a contract and see if Council would be interested in also entering into a formal contract.

He has advised that –

- travel would continue to be split 4 ways with Meekatharra, Mt Magnet and Cue
- rate to remain as is until 30 June 2009,
- rate to increase by CPI from 1 July each year.

Current cost is \$700 per visit including travel. On average, there is one trip every three to four weeks, with very few special trips being requested –

- actual expenditure 2007-08	9,866.00
- budget for 2008-09	13,000.00
- expenditure 1 July to 31 December 2008	8,400.00

His contract with the Shire of Meekatharra is attached for information. The contract would require little amendment to be suitable for Yalgoo's purposes. In large part, it is based on the standard General Conditions of Contract for the Engagement of General Services Contractors.

As the total value of the contract is under \$100,000, tenders do not need to be called.

There are some enormous advantages in having ranger duties carried out by a person from outside the local community, and it is strongly recommended that Council take up the offer of a 3 year contract to secure Mr Smith's continued services.

This will not only retain his services for Yalgoo, but perhaps also contribute to ensuring that the region has access to ranger services.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0222 Contract for Ranger Services

Moved Cr L O'Connor, Seconde Cr T Iturbide

That Council enter into a contract with Mr Peter Smith of Canine Control for a period ending 30 June 2012, with the conditions that –

- **the current rate of \$700 per visit applies until 30 June 2009**
- **CPI to be added on 1 July 2009 and each 1 July following, for the term of the contract, with the adjusted rate to be mutually agreed in writing**
- **the terms and conditions of the contract, be consistent with the terms and conditions of the contract with the Shire of Meekatharra and the General Conditions of Contract for the Engagement of General Services Contractors.**

Motion put and carried 6/0

11.4.4 ROYALTIES FOR REGIONS GRANT

File:
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 12 February 2009
 Attachments: p.127 DLGRD – letter of advice as to 2009-2010 amount
 p.129 Royalties for Regions – Guidelines
 p.136 funding for Yalgoo and region for 2008-2009

MATTER FOR CONSIDERATION

To determine the use of funds to come to the Shire over the next 4 years under the Royalties For Regions grant scheme.

BACKGROUND

The Royalties for Regions was probably the single most significant platform of the National Party at the last State election. It was the agreement of the Liberal Party to the platform, which got them across the line, and able to form Government. Royalties for Regions is an agreement whereby \$100 million/year for four consecutive years is distributed to the country local government.

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 facilities / infrastructure for the town

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Potential income in the order of \$2million over 4 years

CONSULTATION

Dr Chris Berry, Local Government Grants Commission

COMMENT

Royalties For Regions, will have an enormous influence on improvements and development of infrastructure in the country.

In Year 1, nearly the full amount will be distributed directly to Local Governments, dropping to approx. two thirds in 2010/2011 and then to 50\$ in the final two years. The remainder of the funding is to be distributed to rural areas through a variety of schemes aimed at lifting the infrastructure.

For Yalgoo, the amounts we should receive are –

Year 1	760,662	confirmed
Year 2	488,000	estimated
Year 3	380,000	estimated
Year 4	<u>380,000</u>	estimated
TOTAL	2,009,000	estimated

In addition, almost \$6.5 M will come to the region, for regional infrastructure needs.

The grant must be used for community infrastructure, not for maintenance or operations. While it can be used on roads, councils are cautioned that expenditure on asset preservation works will be taken into account by the WA Local Government Grants Commission in assessment of the financial assistance grants.

The grants may be spent on building, and the LGGC have confirmed that provided it is on Council's asset register, expenditure of the grant on staff accommodation is permitted.

Yalgoo

One of the clearest and most obvious needs for public infrastructure that clearly qualifies under the grant conditions is the proposed recreation facilities (swimming pool and court area). However, the full \$2M expected over 4 years will not be sufficient to construct a facility.

Council is eligible for 43% funding under the Dept of Sport and Recreation’s Community Sporting and Recreation Facilities Fund grant, which based on the very rough estimates given in item 11.2.4 EOI for Architectural Services of this Agenda would be approx. \$1,720,000 calculated as follows –

Estimate by Alexander Planning	3,200,000
4 lane 25 m pool and roofed court area (not indoor)	
Add CPI – July 2009 3%	96,000
CPI – July 2010 3.5% on cumulative total	115,400
CPI – July 2011 4.0% on cumulative total	136,500
CPI – July 2012 4.5% on cumulative total	159,700
Architect fees as estimated plus disbursements	120,000
Other consultants as required, say	<u>75,000</u>
Provisional total	<u>\$ 3,902,600</u>
Say	\$4 million
43% of \$4 million by CSRFF	1,720,000
57% Council contribution therefore	2,280,000

By investing the R4R funds each year, the compound interest on the successive amounts invested at 5% return should be in the order of \$102,000 in two years.

This would take the R4R funds and interest to –

Grant funds	2,009,000 estimated
Interest earned	<u>102,000 estimated</u>
Total	2,111,000

Construction could commence at the beginning of Year 3 (ie: July/August 2011) with the R4R payments in years 3 and 4 being received as they are needed for the project. Construction is likely to take a minimum of 6 months, and possibly 12 months before being ready for use.

In effect, the R4R funding becomes Council’s contribution to the construction of the facilities.

It should be noted that the CSRFF funding is limited with only \$9M roughly, available each year for \$27M in applications, so there is no certainty that our applications would be successful. If it is, any additional funding from other sources, would free up R4R funding to be used towards improving the facilities (roofing the pool, enclosing the court area) or on other appropriate infrastructure.

When queried about the possibility of placing the funds into Reserve and investing to use on community infrastructure in several years time, Dr Berry at LGGC advised that this question had not been raised with him previously, and was not anticipated or covered in the guidelines. He suggested that it may be considered, but it would probably be subject to a formal contract, with appropriate safeguards built in.

It is suggested that approval of the WA Local Government Grants commission be sought –

- to place the Royalties For Regions funds into Reserve
- the Reserve specified for the purpose of construction of Recreation Facilities, being a swimming pool and court facility,
- and subject to such safeguards or contract as seen fit by the Commission or Minister for Regional Development

Regional

Although no immediate decision needs to be made, thought should be given over the next 12 months or so, as to what the regional funds should be spent on.

One of the things that comes immediately to mind, is the development of a major arts centre in Mt Magnet to serve the adjoining regions, as has been encouraged and pursued by Wayne McDonald of the Mid West Development Commission. There are very real opportunities for regional artists to gain an income from their art, with some of the local residents just on the verge of developing an income. Exposure and development of the skills and talents and markets is something that the artists need.

The gallery at Wiluna has been very successful, and is a great example of just how well such a facility could assist the artists, with \$180,000 worth of sales over a period of time.

A project such as an “Outback Pathways” Art Centre, is not only infrastructure as required by the conditions of the grant, but it is infrastructure that promotes long term, direct economic benefit and income to residents.

I would further suggest, that if an Art Centre is supported by the other Shires, that part of the funding should be directed to developing local facilities to feed into the regional centre, creating a strong regional network, that can generate links outside the region in Geraldton, Perth, interstate, and hopefully, overseas.

A further possibility would be to utilise some funds for tourist facilities and information throughout the 6 Shires, in particular, focusing on the places where multiple routes come together, such as Paynes Find where five routes all start / end. These facilities could be signage, shade shelters, picnic tables, public toilets etc, as needed and negotiated with that community.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-0223 Royalties for Regions Grant – Shire Allocation

Moved Cr E Rowe, Seconded Cr L Hodder

That the approval of the Minister for Regional Development be sought to –

- **place all funds received under the Royalties For Regions Country Local Government Fund into a Reserve Fund, including all interest earned,**
- **the Reserve specified for the construction of Recreation Facilities (swimming pool and sports court facility) on Reserve 35346,**
- **with the intention that the funds to be used as soon as possible, once all necessary funding is in place for the construction of the facilities, estimated to be 2 to 4 years, and**
- **subject to such conditions as the Minister considers appropriate as to future use on alternative projects other than the specified purpose of the Reserve Fund.**

Motion put and carried 5/1

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-0224 Royalties for Regions Grant – Regional Allocation

Moved Cr L O’Connor, Seconded Cr E Rowe

That the Shires of the Murchison region be advised that without allocating priority, or excluding other projects from consideration, the Shire of Yalgoo would support consideration of two potential projects for the \$6.5 million regional funding being –

- **construction and development of a regional to Art Centre in Mt Magnet, with satellite facilities in surrounding towns, for the economic, cultural and tourism development of regional residents, and**
- **improvement of public access and use tourism facilities on a whole of region basis.**

Motion put and carried 4/2

11.4.5 STATE RECORDS OFFICE – Elected Members Policy

File: R5
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 11 February 2009
Attachments: p.138 Dept of Culture & Arts, State Records Office – letter and policies

MATTER FOR CONSIDERATION

Requirements for record keeping by Elected Members

BACKGROUND

The issue of record keeping by elected members is one that has been debated for years.

STATUTORY ENVIRONMENT

State Records Act 2000

STRATEGIC IMPLICATIONS

Requirement for each elected member to keep relevant records.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Originally, elected members had been required to keep everything that related to their function as a Councillor – -

- notes made from meetings with people, whether a formal meeting or seeing someone in the street who makes a comment and it is then jotted down to jog the memory
- notes made during telephone conversations
- letters written to and from people

Legislative amendments resulted in a need only to retain those records that related to the participation in decision-making functions.

There was not the requirement that these records be handed over to the administration for safe keeping.

So if a resident spoke to a councillor on the street, complained about their road, and the elected member made a quick note on the back of their shopping list, and then advised the CEO of the complaint, outside of a Council meeting, the note on the shopping list would not have to be kept – it is performance of a proper function, outside of a Council meeting (and therefore outside of the decision-making process), and considered an ephemeral record.

It would appear from the draft amended policy that such records may have to be kept, in effect, almost a return to the original requirements to keep everything, since the draft policy in paragraph 2 reads –

... and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

and –

... capture and management of elected members records up to and including the decision making processes of Council.

(Underlines added)

A complaint about a road that is passed on, could be defined as being accountable, and the discharge of Council business.

As noted in their letter, the change was instigated by an opinion from the Commissioner for Information, and are supported by the Commissioner of the Crime and Corruption Commission.

Given some of the incidents of late, particularly in relation to development, it is hard to argue for retention of the *status quo*. But the fact remains, that the change will result in a significant increase in the volume of records that are required to be retained, and is again, penalising many as a result of inappropriate actions by a few.

A few matters should be noted –

- the physical custody of the records can remain with the elected member, but the processes must be set by the local government
- the records must be retained for the approved periods, generally 6 years, but can be up to 70 years in the case of planning approvals and other matters relating to land, or staff issues
- the records are subject to application under the Freedom of Information Act
- when term of office as a Councillor ends, the obligation to retain the records for the required length of time, and produce them when required by the FOI Act or other legislation, continues
- destruction of records required to be kept under the Act, without approval of the SRO or being covered by the General Disposal Authority is an offence.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUCIL DECISION

C2009-0225 State Records Office – Elected Members Policy

Moved Cr D Morrissey, Seconded Cr E Rowe

That Council does not support the proposed amendments to the policy, as it is considered that sufficient accountability already exists through decision-making processes being required to be public, and access is available to organisational records under the Local Government Act and Freedom of Information Act.

Motion put and carried 6/0

11.4.6 LOCAL GOVERNMENT AMALGAMATIONS

File:

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 12 February 2009

Attachments: p.141 Minister for Local Government – announcements and media releases

p.144 WA Local Government Association – responses

p.149 Local Government Manager's Association – response

MATTER FOR CONSIDERATION

To consider the announcement of the Minister for Local Government regarding local government amalgamations.

BACKGROUND

At the WALGA State Council meeting held in Exmouth in early February 2009, the Minister for Local Government, Hon. John Castrilli MLA, announced that councils had six months in which to effect voluntary amalgamations, or legislation would be introduced.

STATUTORY ENVIRONMENT

Local Government Act 1995, section 2.1 –

2.1. State divided into districts

(1) The Governor, on the recommendation of the Minister, may make an order –

(a) declaring an area of the State to be a district;

(b) changing the boundaries of a district;

(c) abolishing a district; or

(d) as to a combination of any of those matters.

(2) Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.

(3) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.

Local Government Act 1995, Schedule 2.1 –

2. Making a proposal

(1) A proposal may be made to the Advisory Board by –

(a) the Minister;

(b) an affected local government;

(c) 2 or more affected local governments, jointly; or

(d) affected electors who –

(i) are at least 250 in number; or

(ii) are at least 10% of the total number of affected electors.

(2) A proposal is to –

(a) set out clearly the nature of the proposal, the reasons for making the proposal and the effects of the proposal on local governments;

(b) be accompanied by a plan illustrating any proposed changes to the boundaries of a district; and

(c) comply with any regulations about proposals.

[Clause 2 amended by No. 49 of 2004 s. 67(2).]

3. Dealing with proposals

(1) The Advisory Board is to consider any proposal.

(2) The Advisory Board may, in a written report to the Minister, recommend* that the Minister reject a proposal if, in the Board's opinion –

(a) the proposal is substantially similar in effect to a proposal on which the Board has made a recommendation to the Minister within the period of 2 years immediately before the proposal is made;

(aa) where the proposal was made by affected electors under clause 2(1)(d), that the majority of those electors no longer support the proposal; or

(b) the proposal is frivolous or otherwise not in the interests of good government.

** Absolute majority required.*

(3) If, in the Advisory Board's opinion, the proposal is –

(a) one of a minor nature; and

(b) not one about which public submissions need be invited, the Board may, in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal.

** Absolute majority required.*

(4) Unless it makes a recommendation under subclause (2) or (3), the Advisory Board is to formally inquire into the proposal.

[Clause 3 amended by No. 64 of 1998 s. 52(2); No. 49 of 2004 s. 67(3).]

STRATEGIC IMPLICATIONS

Significant change to the local government structure in WA

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Cost of any amalgamation forced onto the community

CONSULTATION

None

COMMENT

The Minister's announcement is a reversal of the election commitment that there would be no forced amalgamations. As WALGA President, Cr Bill Mitchell, has stated –

There is nothing voluntary when you are given a six month deadline and told what the outcome has to be and that if you don't volunteer it will be forced.

Copies of the Minister's announcement and media releases, and WALGA's responses were circulated by emails and mail and copies are attached.

At this stage, guidelines and directions from the Minister are not available, although promised within 2 weeks of the announcement, by about 20 February 2009. Until that time, discussion can only be largely speculative.

The Minister clearly has the legal authority to introduce legislation for amalgamations, as local government is a creation of State Government. If the existing provisions in the Act prove to be an impediment, it would be a very simple piece of legislation to revoke section 2.1 (3), to permit the Minister to bypass the Advisory Board entirely, and present proposals direct to Parliament.

I am of the opinion that –

- there exists the political will within the Liberal Party to ensure that major changes happen. Amalgamations will be supported by the Labour Party, and the opinions of the National Party are not going to figure high in the debate unless they can bring pressure to bear in other areas as trade offs. The Nationals are not likely to hold balance of power on this issue.
- proposals for amalgamation will therefore have overwhelming Parliamentary support, with the only argument being about where the redrawn boundaries should be, and not whether or not they should happen.
- Council should not rely on distance and size to avoid amalgamation. These criteria are no longer a protection against amalgamation, although they will still retain some influence.
- the target areas are almost certainly the Perth metropolitan area, the Bunbury area, and the Wheatbelt, but the Gascoyne, Murchison and Goldfields areas will not be quarantined from scrutiny.
- the Minister has indicated his "hit" in his statement that there are 85 Council with a population less than 2,000.

Council may decide to oppose the amalgamations, however, without the guidelines, we do not know what effect the six month deadline will have should there be no planning or preparations in place.

Council does need to consider options and preferences. There is an argument that by considering this, it is tacit acceptance of the inevitable, but the inevitable has been announced, and there is the political will and support to ensure that amalgamations happen.

A proposal has been made that –

- Councils discuss the Minister's ultimatum at their February 2009 meeting,
- the CEOs meet in early March to discuss their Council's points of view, and to see what common ground there is, and report back to their Councils
- the options presented to each Council at their March meetings for discussion
- the decisions from the Councils notified to the MCZ Executive Officer, to be listed for the May 2009 Murchison Country Zone meeting
 - o the Agenda for the Zone meeting is circulated in April, so each Council will be able to be informed of other Councils' position and opinions at the April Council meetings
- joint discussion at the May 2009 Zone meeting

- consideration of any decisions from the Zone meeting at May Council meetings for immediate action if necessary
- August 2009 – Minister’s deadline for voluntary proposals to be received from Councils.

Assumptions in looking ahead –

- October 2009 – local government elections continue unchanged as planned
- late 2009 to early 2010 – Minister’s decisions regarding voluntary and forced amalgamations announced
- shortly after – decisions made as to implementation of those changes, options are multitude, and could include –
 - o dismissal of Councils, install Commissioners prior to formal merging 1 July 2010 (assumed target date),
 - o dismissal of Councils, immediate merging under Commissioners,
 - o Councils remain in place until formal merger, Commissioners then installed to run new Council prior to election,
 - o one CEO selected by whatever means to continue, surplus CEOs and staff paid out
 - o all CEOs paid out, interim CEO until new Council elected

In any amalgamation, it is the uncertainty for the future that has a great impact on staff. While CEOs generally will be able to find other work relatively quickly, that same may not be an option for junior administrative staff. CEO and other senior staff, usually move around the state a fair bit, and while local government vacancies will be over-subscribed for a while other things do come up. For junior staff, if there position is lost, even if a new centralised position is created, it may not be possible for them to relocate in order to take it up.

I do not believe amalgamation would affect outside staff at all. To think that there can be significant savings by combining works crews in country areas, the person is fooling themselves, by assuming that Councils have had sufficient resources to be able to afford to run inefficiently. This may be the case in the metro area where there are many non-essential works done (entry statements, statues, re-doing roads unnecessarily, over-servicing etc). Country Councils have not had the money to be able to afford idle equipment, the extra housing to allow over-staffing etc.

Depending on the Minister’s guidelines and decisions, Councillors will also suffer a major reduction in numbers, and the community will lose substantial representation in the decision making processes.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

C2009-0226 Suspension of Standing Orders cl.12

Moved Cr L O’Connor, Seconded Cr E Rowe

That Standing Orders clause 12 be suspended to allow discussion.

Motion put and carried 6/0

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION

C2009-0227 Resumption of Standing Orders cl.12

Moved Cr DP Morrissey, Seconded Cr TK Iturbide

That Standing Orders clause 12 be resumed.

Motion put and carried 6/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

C2009-0228 Forced Amalgamations to be opposed

Moved Cr TK Iturbide, Seconded Cr L Hodder

That the Shire of Yalgoo continue to oppose forced amalgamations as vigorously as possible.

Motion put and carried 6/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

12.1.1 COUNCIL MEETINGS – Paynes Find

Requested by: Cr Terry Iturbide
File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 6 February 2009
Attachments: None

MATTER FOR CONSIDERATION

To consider holding Council Meetings in Paynes Find from time to time.

BACKGROUND

Council has always met in Yalgoo, although Electors Meetings have been held in Paynes Find until approximately 4 years ago.

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.5.3 – Council is required to hold an ordinary meeting at least every 3 months

STRATEGIC IMPLICATIONS

Improved access to Council decision making for those in the Paynes Find area

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Additional costs of travel for members and staff

CONSULTATION

None

MEMBERS COMMENT

Yalgoo has two localities – it is important to the cohesion of the community that members of the community in Paynes Find have the opportunity to be involved in Council in their locality.

State Government have some of their meetings in the regions.

I would also hope that at least two of the 11 meetings be considered Council Policy.

OFFICERS COMMENT

There is no obligation in the Act that stipulates that Council Meetings must be held in a particular place, or have any particular requirements as to arrangements etc.

Many Councils that have multiple communities hold Council meetings in rotation between the towns or communities in their Shire. For instance –

- East Pilbara, mainly meet in Newman – but also meet in Nullagine, Marble Bar and Telfer
- Ashburton, in Tom Price – also Paraburdoo, Pannawonica, Onslow
- Wickiepin – also Yealering and Harrismith
- Lake Grace – also Newdegate, Lake King and Varley
- Ravensthorpe – also Hopetoun and Munglinup

Potential problems with holding a meeting in Paynes Find that may arise –

- a) travel to the meeting – most Councillors already need to travel some distance to attend meetings. As it is likely that several vehicles would need to go from the Office, someone who does not wish to drive, could get a lift.
- b) access to information – generally, queries that arise during a Council meeting are able to be answered at the time from personal knowledge or from the documentation relating to reports to Council. However, there can be queries in relation to an Agenda item that are unable to be answered immediately. As Council's Standing Orders make no provision for general business, this aspect should not arise.
- c) delegations – should a particular presentation or delegation be requested or planned, the visitor may find it awkward, having to drive extra distance, use an aircraft, or having to wait around for the whole day if travelling with others.

Commitments to bear in mind for future meetings –

- March –
 - o Lindsay Bridge, DLGRD, will be attending to provide training. He has arranged to be available from 9.00am to midday. As he will be driving, there is unlikely to be any difficulty for him to change venue.
 - o possibly annual electors meeting, subject to Council decision, as an electors meeting does not have to be held on a Council meeting day
- May –
 - o Jenni Law, DLGRD, arrangements as for Lindsay Bridge
- July –
 - o consideration of the final Budget documents – may need a data projector, but can use the one from HCP
- October –
 - o three re-elected and new Councillors to take office – no particular requirements

Should Council decide to hold a meeting in Paynes Find, the venue would be the Community Centre, and the Roadhouse asked to do the catering.

VOTING REQUIREMENTS

Simple majority

MEMBER RECOMMENDATION

C2009-0229 Paynes Find Council Meetings

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That Council commit to holding a minimum of two Ordinary meetings in Paynes Find each year, in April and October.

Cr O'Connor left the meeting at 4.16pm

MEMBER AMENDMENT

C2009-0230 Amendment to Motion

Moved Cr EC Rowe, Seconded Cr DE Anderson

That the motion be amended to one meeting per year, to be held in September.

Amendment put and carried 4//1

Cr O'Connor returned to the meeting at 4.18pm

The Motion as amended was then put and carried 5/1

12.2 FOR CONSIDERATION AT THE FOLOWING MEETING

None

13. URGENT BUSINESS

13.1 AUDIT COMMITTEE – MINUTES

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 27 January 2009
Attachments: None

MATTER FOR CONSIDERATION

To receive the Minutes and authorise the recommendations of the Audit Committee Meeting to be held on 19 February 2009.

BACKGROUND

The Audit Committee is expected to be held on Thursday 19 February 2009, and the Minutes presented at the Ordinary Meeting later that day.

STATUTORY ENVIRONMENT

Local Government Act –

- s.7.12A (4) – copy of the report in respect to an audit is to be forwarded to the Minister

Audit Regulations 1996 –

- r.16 – functions of an Audit Committee

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

none

CONSULTATION

Audit Committee

COMMENT

The Auditor's Report was received on 5 January 2009, and a report to the Minister is required within six months of receipt of the Report.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-0231 Audit Committee – Minutes of Meeting of 19 February 2009

Moved Cr EC Rowe, Seconded Cr L Hodder

That–

- a) Council receive the minutes of the Audit Committee meeting held on 19 February 2009;**
- b) Council authorise the report of the CEO as contained in the Minutes; and**
- c) a copy of the report of the Chief Executive Officer, as contained in the Committee Meeting Minutes, be sent to the Minister for Local Government and Regional Development.**

Motion put and carried 6/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-0232 Admission of Further Urgent Items

Moved Cr EC Rowe, Seconded Cr DP Morrissey

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

13.2 – Draft Policy – Material Variances

13.3 – Sale of Surplus Items – Old Railways Station (Post Office)

13.4 – Telstra – Contribution to ADSL Upgrade

Motion put and carried 6/0

Cr L O'Connor left the meeting at 4.40pm.

13.2 DRAFT POLICY – MATERIAL VARIANCE CRITERIA

File:
 Author: Violet Rowe, Deputy Chief Executive Officer
 Interest Declared: No interest to disclose
 Date: 9 January 2009
 Attachments: None

MATTER FOR CONSIDERATION

To consider the setting of a policy on materiality to be used in statements of financial activity for reporting material variances.

BACKGROUND

According to Regulation 34 of the Local Government (Financial Management) Regulations, each Council must adopt a percentage over which a budget variance would be considered material when they review the monthly statements of financial activities and accept the annual budget review.

The intention of this policy is to formalise a position where materiality thresholds are set to provide guidance in the reporting of material variations at either a) line item level b) higher level core service, program or nature and type reporting level; and (c) total organisational forecast level. Materiality thresholds can be set as a percentage, or dollar value, or both, against an appropriate base amount. The advantage of setting both is that you can set a minimum value threshold as well as a proportional value threshold relevant to major items. Budgets, at their lowest level, are set against an account or job number. In this case the intention is to report variations of 10%, with a minimum value of \$5,000, in order to maintain significance in reporting.

The objectives of this policy are as follows:

1. To give application to the Australian Accounting Standards Board (AASB 1031) on materiality in financial reporting
2. To comply with regulation 34(5) of the Local Government (Financial Management) regulations 1996
3. To clarify the councils view on the tolerable threshold of material variances and to limit the volume of variance reporting to significant information

STATUTORY ENVIRONMENT

AASB 1031 defines the term "material" as follows:

Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions of users taken on the basis of the financial report. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.

This recommendation is submitted and governed by Regulation 34. Financial Activity Statement Report — Local Government (Financial Management) Regulations 1966, Part 4 – Financial Reports.

34. Financial activity statement report - s. 6.4

- (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 the 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); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing -*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown:*
 - (a) *according to nature and type classification;*
 - (b) *by program; or*
 - (c) *by business unit.*

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -*
 - (a) *presented to the council -*
 - (i) *at the next ordinary meeting of the council following the end of the month to which the statement relates; or*
 - (ii) *if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;*
 - and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.*
- (6) *In this regulation -*
“committed assets” means revenue unspent but set aside under the annual budget for a specific purpose;
“restricted assets” has the same meaning as in AAS 27. ”

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

If adopted, the percentage of 10% and a minimum of \$5,000, for reporting material variances to be used in assessing of financial activity and annual budget review will be included in the Shire of Yalgoo Policy Manual.

BUDGET IMPLICATIONS

There are no actual budget implications from adopting these materiality figures as they are there to assist and guide management and Council. Adoption of this recommendation should assist Council in making sound financial management decisions.

FINANCIAL IMPLICATIONS

CONSULTATION

None

COMMENT

None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-0233 Draft Policy – Material Variances

Moved Cr TK Iturbide, Seconded Cr LJ O’Connor

That the following Policy be adopted by Council and included in the Policy Manual –

The criteria for assessment of and reporting of a material variance in financial activity and/or annual budget review, is 10% and a minimum of \$5,000.

Motion put and carried 6/0

13.3 SALE OF POST OFFICE FIXTURES

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 19 January 2009
Attachments: None

MATTER FOR CONSIDERATION

To consider sale of items currently in the Post Office area of the Old Railway Station.

BACKGROUND

The Post Office facility is currently in the process of re-locating from the Old Railway Station to the Yalgoo Store.

STATUTORY ENVIRONMENT

Local Government Act –

- s.3.58 – disposition of property

Functions and General Regulations 1996 –

- r.30 – property to which s.3.58 does not apply

- o includes property other than land, where the market value is less than \$20,000

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Minor income

CONSULTATION

Mr Ron Adams, CEO Shire of Murchison, former Deputy CEO Shire of Yalgoo

COMMENT

Mr Raul Valenzuela has made an approach to purchase the bench in the current Post Office from Council, in order to use it at the re-located Post Office. He commented that it would probably not be worth more than about \$300.

In his comments to me, he indicated that he would also be acquiring the private mail boxes, pigeonholes, the screen near the door and some other items, which he stated belonged to Australia Post.

In researching the actual ownership of these items, I contacted Ron Adams, who advised that all items in the Post Office area were purchased by the Shire, and his view appears to be substantiated from the information I have been able to obtain from records to date. A search of records is still underway, to get a definite answer as to ownership, as well as to establish an original price for purchase/construction.

While it has been the practice to advertise such items for public offer, the sale is exempt under the provision of the Functions and General Regulations, and would continue to be used for their intended purpose, in an essential service for the community.

However, Council may consider that these items should be left in the building for the use of any future tenant.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That, subject to confirmation of ownership of the items Mr Valenzuela requires to establish the relocated Post Office facility, the CEO be authorised to negotiate the sale of the required items for an appropriate purchase price.

COUNCIL DECISION

C2009-0234 Sale of Old Railway Station Fixtures (Post Office)

Moved Cr L Hodder, Seconded Cr EC Rowe

That all fixtures and fittings remain in the Old Railway Station (Post Office) and no sale of fixtures be made, except for the private mail boxes, and the CEO be authorised to negotiate the sale of these at an appropriate nominal purchase price, subject to no cost to the Shire for reinstatement of the door.

Motion put and carried 6/0

REASON FOR VARIATION

It is considered that all other remaining fixtures may be of use to a potential lessee of the premises.

13.4 CONTRIBUTION – EXCHANGE UPGRADE FOR ADSL BROADBAND

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 19 February 2009
Attachments: none

MATTER FOR CONSIDERATION

To consider making a contribution for the upgrade of the Yalgoo Telephone Exchange for ADSL.

BACKGROUND

Internet services to Yalgoo have long been hampered by the equipment in the telephone exchange not being adequate for ADSL.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.
- s.6.8 – unbudgeted expenditure requirements – to be authorised in advance by absolute majority

STRATEGIC IMPLICATIONS

Improved services to Yalgoo town residents, businesses and agencies

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Contribution to the upgrade of the Yalgoo Telephone Exchange of \$20,000 estimated.

CONSULTATION

Mark Canny, Mid West Development Commission

COMMENT

Mr Canny contacted me on Wednesday 18 February 2009 to advise of on-going discussions with Telstra concerning improvement to communications in the town.

In his email, he notes –

I met with representatives of Telstra yesterday afternoon regarding the enablement of the telephone exchange at Yalgoo with ADSL DSLAMS (ADSL broadband internet equipment). They are keen to move forward with an application under the Regional Grants Scheme.

The application would be from the shire itself in coordination with Telstra and help with the submission from the Mid West Development Commission.

Rough pricing on the enablement of the exchange is in the vicinity of \$60,000. It is expected for a successful application that funds would come from a variety of sources. An example scenario of possible funding could be as follows.

- 30% from shire funds
- 30% from Telstra funds
- 40% from Regional Grants Scheme

Please discuss ASAP with your shire councils about submitting an application under the scheme and the possible committal of funds as the first round closes on the 25th of March. Please contact me at your earliest convenience.

Any commitment to funding is unbudgeted, and would require approval by an absolute majority.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-0235 Contribution – Upgrade of Exchange for ADSL

Moved Cr EC Rowe, Seconded Cr L Hodder

That –

- 1. Council agree to make a contribution of up to \$20,000 for the upgrading of the Yalgoo Telephone Exchange to enable broadband capability, and**
- 2. the Shire's contribution be funded from the Royalties for Regions grant.**

Motion put and carried 6/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

None

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held on Thursday, 19 March 2009, commencing at 11.00am. With Mr Bridge from the Dept of Local Government and Regional Development attending to provide Councillors and senior staff training session, it is suggested that the meeting commence at 1.00pm

Cr L O'Connor returned in the meeting at 4.44pm.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-0236 Ordinary Council Meeting

Moved Cr T Iturbide, Seconded Cr E Rowe

That the Ordinary Council Meeting of 19 March 2009 commence at 1.00pm.

Motion put and carried 6/0

16. MEETING CLOSURE

The President acknowledged that this meeting is the final meeting for Cr O'Connor, as her resignation from Council takes effect after the meeting. On behalf of Council and the community, he thanked her for her contribution to Council, and wished her well for the future.

There being no further business, the President declared the meeting closed at 4.48pm.

DECLARATION

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

Signed: _____