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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 18 February 2010, commencing at 11.34 am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

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The President declared the Ordinary Meeting of Council open at 11.34am.

Cr EC Rowe Applied to attend Meeting via the Phone

VOTING REQUIREMENTS  
Absolute Majority

**C2010-0201 Meeting via the Phone**

**Moved Cr LJ Terry, Seconded Cr MR Valenzuela**

**That Council approves by Absolute Majority the attendance at this Council meeting of Cr EC Rowe by telephone connection on the basis that CR EC Rowe is located at her Perth Residence which is considered to be a suitable place for the purposes of Administration Regulation 14A(1)(6).**

**Motion put and carried by Absolute Majority 4/0**

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

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MEMBERS	Cr TK Iturbide, Shire President Cr EC Rowe, Deputy President (By Phone) Cr MR Valenzuela (from 11.10am) Cr LJ Terry Cr L Hodder (from 12.58pm) Cr MJ Forster
STAFF	Mr K Hastie, Acting Chief Executive Officer Ms H Duffey, Acting Deputy Chief Executive Officer
OBSERVERS	Ms Kim Pervan from OPR Mr John Johnson from FESA (after Lunch)
LEAVE OF ABSENCE	None
APOLOGIES	Cr L Hodder (am)

### **3. DISCLOSURE OF INTERESTS**

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Disclosures of Interest made prior to the Meeting

Cr MR Valenzuela

11.2.1 Lot 73 & 74– Gibbons & Weekes St  
Disclosure of Proximity Interest

Cr TK Iturbide

11.4.2 Diploma in Local Government  
Disclosure of Financial Interest

### **4. PUBLIC QUESTION TIME**

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#### **4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

None

#### **4.2 QUESTIONS WITHOUT NOTICE**

None

### **5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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None

### **6. APPLICATIONS FOR LEAVE OF ABSENCE**

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None

### **7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED**

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#### **7.1 PRESIDENT**

Cr TK Iturbide

5 February Structural Reform Meeting in Mount Magnet  
Cr TK Iturbide referred to her attendance of a meeting in Mount Magnet. This is covered in Item 11.4.3.

#### **7.2 COUNCILLORS**

Cr EC Rowe

February Structural Reform Meeting in Perth  
Cr EC Rowe referred to her attendance of a meeting in Perth regarding structural reform where the Hon. Minister for Local Government talked on Regional Groupings.

### **8. CONFIRMATION OF MINUTES**

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#### **8.1 ORDINARY COUNCIL MEETING**

BACKGROUND

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

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

##### **C2010-0202    Confirmation of Ordinary Meeting Minutes**

**Moved Cr MR Valenzuela, Seconded Cr LJ Terry**

**That the Minutes of the Ordinary Council Meeting of 28 January 2010 be confirmed.**

**Motion put and carried 5/0**

#### **8.2        SPECIAL COUNCIL MEETING**

#### BACKGROUND

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

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

##### **C2010-0203    Confirmation of Special Meeting Minutes**

**Moved Cr MR Valenzuela, Seconded Cr LJ Terry**

**That the Minutes of the Special Council Meeting of 11 February 2010 be confirmed.**

**Motion put and carried 5/0**

### **9.        MINUTES OF COMMITTEE MEETINGS**

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#### **9.1        COMMITTEES OF COUNCIL**

None

#### **ADJOURNMENT**

*The meeting adjourned for lunch break at 11.58am and resumed at 12.58pm with all who were in attendance before the adjournment being present at the resumption with Cr L Hodder.*

### **10.        PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

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#### Oakajee Port and Rail:

This presentation was given to Councillors and senior staff who were present prior to the opening of the Council Meeting.

Kim Pervan from (Oakajee Port and Rail) produced a presentation to Council outlining current and future plans for the region. OPR is the developer of the multi billion dollar Oakajee port and rail project in Western Australia's mid west, which will create a new port, 25 km north of Geraldton, linked to regional mines by approx 570 kilometres of rail. About 60 kilometres of the planned railway passes through northern most section of the Shire of Yalgoo, passing through Meka Station and crossing the Sanford River.

#### FESA:

John Johnson from FESA addressed Councillors to congratulate the Yalgoo Council for it's support during Bushfires last year. John also presented the Council with a plaque in appreciation for services provided at the Paynes Find Road Crash on the 19<sup>th</sup> August 2010. John expressed his desire for on going relationship with Council and FESA to continue. It was also announced that handover of the new fire truck had taken place and training for the crew went well.

**ADJOURNMENT**

*The meeting adjourned to inspect the new Fire Truck at 1.25pm and resumed at 1.40pm with all who were in attendance before the adjournment being present at the resumption with the exception of Mr. John Johnson.*

## **11. REPORTS OF OFFICERS**

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### **11.0 MATTERS BROUGHT FORWARD**

None

### **11.1 WORKS**

#### **11.1.1 WORKS ACTIVITY REPORT**

File: N/A  
Author: Cliff Hodder, Works Foreman  
Kim Hastie, A/CEO  
Interest Declared: No interest to disclose  
Date: 9<sup>th</sup> February 2010  
Attachments: None

MATTER FOR CONSIDERATION  
Works Report for the past month

BACKGROUND  
Overview of works for the past month

STATUTORY ENVIRONMENT  
None

STRATEGIC IMPLICATIONS  
None

POLICY IMPLICATIONS  
None

FINANCIAL IMPLICATIONS  
None

CONSULTATION  
None

COMMENT

- a) Construction –  
Morawa Road – 4 kilometres has been prepared for seal and a two coat seal has been applied.  
  
Ninghan Road – 4 kilometres has been prepared for a two coat seal and the seal should be applied in approximately a months time.  
  
Town Streets (except Gibbons) – have been swept and cleaned in preparation for the re-seal which will have been completed by the Council meeting day.
- b) Maintenance –  
3 days grading on the Morawa Road and a week grading on the Ninghan Road.  
3 patches repaired at the fuel service site.
- c) Plant  
A good period with plant with only some minor air hose fittings being replaced.

A/CEO and Works Foreman have had further discussions with Riggs Mechanical from Morawa and we are progressing toward engaging his services. Some matters regarding authorisation from suppliers of plant such as Caterpillar and Volvo need to be resolved.

- d) Other  
Airstrip reporting and inspecting course has been run.

Septic system works for the new units location, health centre and caravan park house have been completed.

- e) Main Roads WA  
Authority for carrying out the verge maintenance works on the Geraldton Mt Magnet Road recently given by Main Roads will be entrusted to the Works Foremen as his crew are more appropriately trained in traffic management and plant operation of public roads.

- f) Minister for Transport  
The petition has been handed on to Vince Catania MLA for presentation to the lower house.

As a result of attending the Inter Agency meeting the A/CEO will seek to obtain the transport industry's support for lowering the speed limit and then reintroduce the matter to the Main Roads and the Minister.

- g) Gibbons Street / Highway corner  
This work has been started however the headwall is unsatisfactory and the contractor will be replacing it before the project can be finished.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

**C2010-0204    Works Activity Report**

**Moved Cr L Hodder, Seconded Cr LJ Terry**

**That the Works Report to 9<sup>th</sup> February 2010 be received.**

**Motion put and carried 6/0**



## **11.2 DEVELOPMENT**

*NOTE Cr MR Valenzuela declared a Proximity interest in this item, having expressed an interest in purchasing the lots, and left the meeting at 1.49pm.*

### **11.2.1 LOTS 73 & 74 – Gibbons & Weekes Sts**

File:

Author: Kim Hastie, A/CEO

Interest Declared: No interest to disclose

Date: 10<sup>th</sup> February 2010

Attachments: p.1 map of Lot 73 (No.19) Gibbons St and Lot 74 (No.12) Weekes St

#### **MATTER FOR CONSIDERATION**

To consider the disposal of Lot 73 Gibbons Street and Lot 74 Weekes Street, Yalgoo

#### **BACKGROUND**

In August 2007, Council accepted a tender for the purchase of the two lots, and accepted the tender of M & MF Lambert of Geraldton.

The matter was listed in the January 2010 Council meeting agenda in two parts. Firstly to advise the Lamberts that as they had not complied with the development conditions of the tender the arrangement was cancelled. This outcome has been acted on administratively.

The second part of the matter could not be considered at the January 2010 Council meeting due to the lack of a quorum due to a financial interest being declared.

Hence what was part two of the January 2010 item is now brought forward for resolution.

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995 –

- s.3.58 – disposing of property

Functions and General Regulations 1996 –

- r.21 and following – requirements for Expressions of Interest

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

None

#### **CONSULTATION**

#### **COMMENT**

Tenders were called in July 2007 and accepted in August 2007, with the conditions of sale including –

- a) title in the land will not be transferred until satisfactory proof of development is produced
- b) development of the Lot must commence within two years, or other such timeframe as agreed by Council at time of acceptance of tender
- c) on acceptance of tender a non-refundable deposit of 10% of the accepted tender price is due within 14 days, or other arrangement as accepted by Council
- d) Council will consider tenders for each lot separately, and is not bound to award the purchase to a single tenderer.

Lot 73 (No.19) Gibbons Street is zoned commercial, and may be used for a residence or other purposes subject to the Town Planning Scheme and Council approval. Lot 74 (No.12) Weekes Street is zoned Residential R10.

There were three tenders received –

- Ferrowest
- M & MF Lambert
- R & I Valenzuela

The two year period has now well and truly expired. Mr Lambert was contacted regarding his intentions, and has verbally advised that he is no longer interested in completing the purchase the property, as his business circumstances have altered. Mr Lambert was requested to confirm his advice in writing, but this has not yet been received. Given the amount of time over the due date for commencement of development, Council would be justified in terminating the agreement, regardless. Mr Lambert's deposits for the two blocks of \$879.90 (2 x \$439.95) is currently held in Trust and could be transferred to Municipal Fund.

Cr Valenzuela has advised that he remains interested in acquiring at least Lot 73 Gibbons St, and there may be others who have an interest also.

Council may also wish to consider retaining either or both of the blocks if a suitable purpose is known or anticipated.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

##### **C2010-0205 Lot 73 & 74 – Gibbons & Weekes St**

**Moved Cr LJ Terry, Seconded Cr MJ Forster**

**That tenders be called for the purchase of Lot 73 Gibbons St and Lot 74 Weekes St, with the following conditions –**

- a) title in the land will not be transferred until satisfactory proof of development is produced**
- b) development of the Lot must commence within two years, or other such timeframe as agreed by Council at time of acceptance of tender**
- c) on acceptance of tender a non-refundable deposit of 10% of the accepted tender price is due within 14 days, or other arrangement as accepted by Council**
- d) Council will consider tenders for each lot separately, and is not bound to award the purchase to a single tenderer, and**
- e) tenderers to satisfy themselves prior to tender, that the proposed use for Lot 73 Gibbons Street complies with the requirements of Shire of Yalgoo Local Planning Scheme.**

**Motion put and carried 5/0**

*Cr MR Valenzuela returned in the meeting at 1.50pm.*

**11.3 FINANCE**

**11.3.1 Deputy CEO – ACTIVITY REPORT – Month of January 2010**

File: N/A  
 Author: Heide Duffey, Acting Deputy CEO  
 Interest Declared: No interest to disclose  
 Date: 11 February 2010  
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,032,296.13	15 April 2010	5.95	1,047,441.19	Yes except \$47,441.33
Reserve	Suncorp	1,051,224.71	23 February 2010	4.63	1,067,226.37	Yes

Comparative investment rates

WA Treasury (Overnight):	3.75
WA Treasury 30 days:	3.95
NAB 30 Days	4.51

School Lunch Program

The Shire has been successful in obtaining a sponsorship from Oakajee Port and Rail of \$3500 for the School Lunch Program. Presentation of this cheque will be made at the school on the 18<sup>th</sup> February 2010.

Department of Transport

The Department of Transport are keen for all licensing to be on line. Subject to Council approval Department of Transport would pay a commission for every transaction carried out as well as provide the equipment and staff training. Should Council give approval for this project, it could be implemented within a month.

Contractor Ranger Duties

-Patrols conducted of Townsite and surrounding areas on the 25<sup>th</sup> January 2010.

Bush Fire Brigade Appliance update

FESA have confirmed handover of the Bush fire brigade truck to occur on the 18<sup>th</sup> February 2010. Training with the new truck will take place on the day of handover.

FESA have advised that the 18<sup>th</sup> March 2010 as the likely date for the handover of the light tanker for Payne's Find Bush Fire Brigade.

Meetings

- 1<sup>st</sup> February 2010 Airstrip training
- 4<sup>th</sup> February 2010 Department of Transport (licensing)
- 4<sup>th</sup> February 2010 Horizon Power
- 8<sup>th</sup> February 2010 Interagency Meeting

Future meetings

- 18<sup>th</sup> February Hand over of funds for School Lunch program.
- 1<sup>st</sup> March Interagency Meeting.
- 16<sup>th</sup> March Delivery of Light tanker at Payne's Find.
- 18<sup>th</sup> March Community Park

VOTING REQUIREMENTS

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0206    Deputy CEO Activity Report**

**Moved Cr LJ Terry, Seconded Cr MR Valenzuela**

**That the Deputy CEO's Activity Report for January 2010 be received.**

**Motion put and carried 6/0**

### **11.3.2 FINANCIAL ACTIVITY STATEMENTS –JANUARY 2010**

File:  
Author: Heide Duffey, Acting Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 11 February 2010  
Finance (green) p.1 Financial Activity Statements for January 2010  
p.20 Balance Sheet  
p.25 Income Statement Summary by Program  
p.26 Income Statement by Nature & Type  
p.27 Income Statement Detail  
p.39 Material Variance

#### **MATTER FOR CONSIDERATION**

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

#### **BACKGROUND**

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

#### **STATUTORY ENVIRONMENT**

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
  - (b) budget estimates to the end of month to which the statement relates;
  - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
  - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
  - (e) the net current assets at the end of the month to which the statement relates.

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

#### **STRATEGIC IMPLICATIONS**

None

#### **POLICY IMPLICATIONS**

None

#### **FINANCIAL IMPLICATIONS**

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

#### **CONSULTATION**

None

**COMMENT**

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

The area's where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in the material variance pages 39 to 41.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0207    Financial Activity Statements – January 2010**

**Moved Cr EC Rowe, Seconded Cr MJ Forster**

**That Council adopt the financial statements and material variances for the period ending 31 January 2010, as attached.**

**Motion put and carried 6/0**

**11.3.3 ACCOUNTS PAID DURING THE MONTH OF JANUARY 2010**

File: N/A  
Author: Heide Duffey, Acting Deputy Chief Executive Officer  
Interest Declared: No interest to disclose  
Date: 11 February 2010  
Finance: p.42x Listing of accounts paid  
(green)

**MATTER FOR CONSIDERATION**

Authorisation of accounts paid during the month of January 2010

**BACKGROUND**

Accounts paid are required to be submitted each month.

**STATUTORY ENVIRONMENT**

Local Government (Financial Management) Regulations 1996

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

**STRATEGIC IMPLICATIONS**

None

**POLICY IMPLICATIONS**

None

**FINANCIAL IMPLICATIONS**

Payment from Council's Municipal Account

**CONSULTATION**

None

**COMMENT**

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

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0208 Accounts Paid during the Month of January 2010**

**Moved Cr LJ Terry, Seconded Cr MR Valenzuela**

**That:**

- 1. The Cheque Detail of payments covering vouchers EFT 1 - 53 totalling \$54,385.46 paid during the month of January 2010, be received;**
  - 2. Cheque payments covering cheque numbers 11313-11372 totalling \$21,809.04 paid during the month of January 2010, be received; and**
  - 3. Salaries and Wages totalling \$52,478.48 paid during the month of January 2010 be received.**
- Motion put and carried 6/0**

**11.4 ADMINISTRATION**

**11.4.1 CEO – ACTIVITY REPORT – January/February 2010**

File: N/A  
 Author: Kim Hastie, A/CEO  
 Interest Declared: No interest to disclose  
 Date: 9<sup>th</sup> February 2010  
 Attachments: None

First three weeks have generally been settling in. The first week was the handover from Niel and since then starting to get an understanding of some of the issues and priorities that are current.

Use of Common Seal

Nil.

Use of Delegated Authority not elsewhere reported

Nil.

Meetings

26 January	Attended Australia Day ceremony
27 January	Met Nigel Goode from Greenfields and familiarised with some of the projects in the Shire and Greenfields role.
28 January	Attended Council meeting.
1 February	Office staff meeting Met with Vince Catania and passed over the petition regarding the speed limit on the Geraldton - Mt Magnet Rd.
4 February	Met representatives of the Transport Department regarding introduction of on-line licencing system. Met representatives of Horizon Power to discuss possible future expansion. Also took the opportunity to seek a \$500 donation from Horizon Power toward the holding of a community bbq on Anzac Day.
5 February	Met with Murray Criddle, Chairman and Brendan Flanigan of the MWDC regarding the projects in Yalgoo. Attended regional meeting in Mount Magnet with Shire President and reps of the Department of Local Government regarding local government reform.
8 February	Attended Interagency meeting in Yalgoo.

Future commitments

16 February	RRG Sub Group in Mullewa
25 February	RRG in Geraldton.
11 March	Murchison Executive Group location tba.
16 March	Handover of Paynes Find FESA unit

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0209 CEO Activity Report**

**Moved Cr LJ Terry, Seconded Cr L Hodder**

**That the CEO’s Activity Report as shown above be received.**

**Motion put and carried 6/0**



**DIPLOMA IN LOCAL GOVERNMENT – Enrolment By Shire President**

*NOTE Cr TK Iturbide declared a financial interest in this item and vacated the chair and left the meeting at 1.58pm.  
Cr EC Rowe assumed the chair at 1.58pm.*

File: C10-5  
 Author: Kim Hastie, A/CEO  
 Interest Declared: No Interest to Declare  
 Date: 9<sup>th</sup> February 2010  
 Attachments: p.2 Unit Outline of Diploma In Local Government (Elected Member)

**MATTER FOR CONSIDERATION**

For Council to authorise the inclusion of funds in the 2010/11 budget for the Shire President to attend the block course of the Diploma in Local Government in August 2010.

**BACKGROUND**

The training arm of WALGA has provided information regarding the next block course of the Diploma In Local Government (Elected Member) to be held in August 2010.

In the Attachment is identified the ten units of the Diploma and the dates upon which they will be held.

**STATUTORY ENVIRONMENT**

None.

**STRATEGIC IMPLICATIONS**

None.

**POLICY IMPLICATIONS**

At the January 2010 meeting Council adopted a new policy in regard to Professional Development – Staff and Councillors.

**FINANCIAL IMPLICATIONS**

None in the current budget. Funding for this course will need to be included in the 2010/11 budget. The quantum is described below under Comment.

**CONSULTATION**

Shire President.

**COMMENT**

The Diploma in Local Government (Elected Member) is a ten unit course being run over the period 29<sup>th</sup> July 2010 to 12<sup>th</sup> August 2010. This period straddles the annual WALGA Conference in Perth so accommodation costs for the Diploma training will be offset by attendance at the annual conference.

The cost of the course will be in the order of: -

Fees -	\$6,200
Travel -	\$1,000
Accommodation ** -	\$1,040
Meals -	\$ 500
Misc -	\$ 200
Total	<u>\$8,940</u>

\*\* It is possible that the Shire President may be able to arrange private accommodation and hence not all of this allocation may be utilised.

Local government has long been criticised for not being suitably “qualified” and hence WALGA has of recent years introduced this course for elected members.

The Shire President is to be commended for the commitment that will be required to complete this course.

In time it would be appropriate for, at a minimum, continuing Shire Presidents to undertake this course as the content shown in the Attachment is very relevant.

VOTING REQUIREMENTS

Simple majority.

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0210 Diploma in Local Government**

**Moved Cr LJ Terry, Seconded Cr MR Valenzuela**

**That funds of \$9,000 be included in the 2010/11 budget to provide for the Shire President to attend the Diploma in Local Government (Elected Member) block course to be held in July/August 2010.  
Motion put and carried 5/0**

*Cr EC Rowe vacated the chair at 1.59pm.*

*Cr TK Iturbide returned in the meeting at 1.59pm and assumed the chair.*

**11.4.3 STRUCTURAL REFORM**

File: S20  
 Author: Kim Hastie, A/CEO  
 Interest Declared: No interest to disclose  
 Date: 9 February 2010  
 Attachments: p.3 Letter from CEO to Minister Castrilli dated 8 January 2010  
 p.4 Letter from A/CEO to Minister Castrilli dated 2 February 2010  
 p.6 Letter from Minister Castrilli to Shire President dated 2 February 2010  
 p.8 Letter from Minister Castrilli to CEO dated 3 February 2010  
 p.10 Letter from Minister Grylls to CEO dated 3 February 2010  
 p.14 Regional Collaborative Group Information Sheet

**MATTER FOR CONSIDERATION**

To consider the next phase in the evolving saga regarding local government structural reform.

**BACKGROUND**

By letter dated 7<sup>th</sup> December 2009 Minister Castrilli wrote to the Shire of Yalgoo (and all other local governments in the Murchison Zone) requiring them to form a Regional Collaborative Group, with a “no opt out” clause, as an alternative to amalgamation. This proposed mechanism of reform was based on the Ministers acknowledgement that there are some parts of the State, including the Murchison region, where remoteness and distance between towns would create logistical challenges that amalgamation would not necessarily overcome.

This matter was referred to Council at the meeting held on 15<sup>th</sup> December 2009 with the resultant resolution as: -

*That the Minister be advised that Council will not enter into so called voluntary organisations that require a “no opt out clause”*

Minister Castrilli was advised of the Councils position by letter dated 8 January 2010.

Following further discussion with Council following the January Council meeting the Acting CEO despatched a letter dated 2<sup>nd</sup> February 2010 which challenged Minister Castrilli to confirm the retention of voters rights to demand an amalgamation poll as currently contained in Schedule 2.1 of the Local Government Act.

Minister Castrilli wrote to the Shire President on 2 February 2010 requesting that the Shire participate in a regional collaborative group. This included the process being voluntary, the need to develop an RCG regional business plan and that any member can pull out of the RCG at any time. This last point appears to have withdrawn the “no opt out” clause. A model regional RCG agreement will be circulated to local governments within the one or two weeks. The Minister has requested advice in writing by 26 March 2010 of the Shire’s willingness to proceed to a RCG.

Minister Grylls wrote to all local governments on 3<sup>rd</sup> February 2010 outlining future intentions in regard to Royalties for Regions funding. In particular: -

*“As you would be aware, over the next few years, the Liberal-National Government is committed to seeing an increasing proportion of future rounds of the CLGF allocated for region-building initiatives driven by working partnerships of local governments.”*

and

*“Up to \$7.5 million in Royalties for Regions funding is to be available this financial year for non-metropolitan local governments to access expertise for the development of individual strategic plans, asset management plans and forward capital works plans.”*

and in relation to the 2010/11 Direct Grant component of the funds (which is 65% of the pool)

*“To access funds each local government must have finalised appropriate strategic, asset management and forward capital works plans”*

and in relation to the 2010/11 Regional Group Grants:-

*“An amount equivalent to 35% of total funds ... to assist cooperative groups of local governments ... for larger scale infrastructure projects ... across their region ...”*

On 3<sup>rd</sup> February Minister Castrilli responded to the CEO’s letter of 8<sup>th</sup> January 2010 basically encouraging the Shire of Yalgoo to embrace an RCG arrangement.

On 5<sup>th</sup> February 2010 the Shire President and the A/CEO attended a forum in Mount Magnet with other Murchison zone Shires and representatives of the Local Government Department. At this forum we obtained the Regional Collaborative Group (RCG) Information Sheet prepared by the Local Government Department. The forum was to explain to us how we would go about forming a RCG.

There was considerable disquiet among the attendees as the proposed process simply adds another layer over the top of what has been operating very successfully (ie regional cooperation) in the Murchison zone for 10+ years.

In the Information Sheet is the statement: -

*“The reform process remains voluntary. It is up to individual local governments to choose whether they will take up the opportunity to reform and, if they do, who their collaborative group partners will be.”*

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Shire President  
Zone members

COMMENT

It appears that, in regard to local government structural reform, there are three main issues that are currently challenging the local governments in the Murchison region:-

- 1 The compulsory (?) aspect of Regional Collaborative Groups. It would seem, from the attached literature, that this has now been clarified as not compulsory;
- 2 The need to add another layer (ie the formalised Board aspect of the RCG) to regional cooperation that has been working effectively on a voluntary basis for 10+ years in the Murchison region; and
- 3 The significant shift toward regional groupings being the basis for future R4R funds.

In the view of the A/CEO it is point 3 above that is the “bottom line” issue to this whole scenario. If we don’t have formalised regional cooperation we will not get funding.

However discussions at the forum in Mount Magnet on 5<sup>th</sup> February 2010 identified that to formalise a regional co-operative in the Murchison region will be a significant challenge given the current position of some of the Shires.

Council’s most recent resolution on this matter related to not joining a cooperative that didn’t have an “out” clause. The interpretation of this includes that if there was an “out” clause Council might join a cooperative arrangement.

Given that there now appears to be an “out” clause, it is an “out” clause of administrative convenience. There is still the matter of what is effectively a “no out” clause created by the emerging financial grants structure being based on cooperatives.

It is the view of the A/CEO that it is patently obvious that if local governments don't formalise a cooperative they will struggle, financially, into the future.

The challenge is how to achieve such an outcome in the Murchison. A possibility would be to use existing structures such as the WALGA Zone or Murchison Executive Group.

There will be considerable argument and debate about this cooperative approach and financial penalty being amalgamation, at some time in the future, by stealth. However it is considered more appropriate to focus on the short to mid term issue of financial security and deal with the "amalgamation" issue if it eventuates.

The Minister has requested a response by 26<sup>th</sup> March 2010 as to a local government's decision to forming a RCG. An affirmative response to this question could only have any meaning if all (or at least a number of adjoining) local governments in the region were of a like mind. The first step in attempting to achieve this position would be to have the zone consider the matter. Given the discussion in Mount Magnet on 5<sup>th</sup> February 2010 it is unlikely that agreement across the zone will be achieved before the Ministers deadline. Hence an interim response to the Minister will be required if Council elects to go down the path of attempting to formalise a regional cooperative.

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION / COUNCIL DECISION

##### **C2010-0211    Structural Reform**

**Moved Cr EC Rowe, Seconded Cr MR Valenzuela**

**That the Shire of Yalgoo:-**

- 1 Commence dialogue with Murchison zone local governments in regard to forming a regional cooperative group;**
- 2 Advise the Minister of the action under 1 above and that a definitive answer to his question about forming a RCG may not be forthcoming until after his 26<sup>th</sup> March 2010 deadline; and**
- 3 Prepare a proposal regarding a cooperative grouping in the Murchison Region for discussion at the next WALGA zone meeting.**

**Motion put and carried 6/0**

#### **11.4.4 INTERGRATED SERVICE ARRANGEMENT – Local Government Involvement**

File:  
Author: Kim Hastie, A/CEO  
Interest Declared: No interest to disclose  
Date: 10<sup>th</sup> February 2010  
Attachments: None

##### **MATTER FOR CONSIDERATION**

To consider the recommendation for the Shire of Yalgoo not to be involved in a partnership with the private sector in regard to Main Roads maintenance contracts.

##### **BACKGROUND**

Main Roads is in the process of restructuring its road network contracts in the Gascoyne/Midwest region. These contracts will be structured into an Integrated Service Arrangement (ISA) which can be a partnership between Main Roads/local government/private enterprise.

Two private companies that are in the process of preparing a submission to Main Roads have offered the Shire of Yalgoo (and others) the opportunity to be involved to the extent that the Shire may chose. ie litter only or litter and carcasses only or some other combination of maintenance work over a defined section of a main road/s.

##### **STATUTORY ENVIRONMENT**

None

##### **STRATEGIC IMPLICATIONS**

None

##### **POLICY IMPLICATIONS**

None

##### **FINANCIAL IMPLICATIONS**

None

##### **CONSULTATION**

Works Foreman

##### **COMMENT**

The main concern with taking on this type of maintenance work is the capacity of the workforce to absorb the additional work. The Shire of Yalgoo currently has a demanding annual construction and maintenance works program and could not absorb works, of the scale that are envisaged, in this type of arrangement.

The alternative is to employ additional staff and buy additional plant and equipment to carry out the work. This in turn would require additional housing which takes some time to acquire. To then run this work as a business unit would require that the investment in the additional housing would also need to be recovered, probably making our charge out rates uncompetitive as other service providers based in larger population centres have access to self-housed employees. If we did not recover our investment in new housing we would simply be subsidising a large government agency.

##### **VOTING REQUIREMENTS**

Simple majority

##### **OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0212 Intergrated Service Arrangement**

**Moved Cr LJ Terry, Seconded Cr EC Rowe**

**That the Shire of Yalgoo decline all offers to participate in the Main Roads Integrated Service Arrangements.**

**Motion put and carried 6/0**

#### **11.4.5 COMMUNITY PETITION – Relocation of Court Lighting**

File: T6  
Author: Kim Hastie, A/CEO  
Interest Declared: None To Declare  
Date: 11<sup>th</sup> February 2010  
Attachments p.20 Copy of Petition

#### **MATTER FOR CONSIDERATION**

The Shire has been requested to relocate the old lighting system from the existing courts to the Railway Station complex oval after the new court complex has been built.

#### **BACKGROUND**

The Shire has received a petition from local residents requesting that when the new court facility on Gibbons Street has been completed the existing lighting system be relocated to the oval at the Railway Station complex.

#### **STATUTORY ENVIRONMENT**

None.

#### **STRATEGIC IMPLICATIONS**

None.

#### **POLICY IMPLICATIONS**

None.

#### **FINANCIAL IMPLICATIONS**

None at this stage.

#### **CONSULTATION**

None.

#### **COMMENT**

There are a number of matters that need to be considered in regard to this request.

Existing Lighting System – the existing light poles appear to have been “home made” originally and (although the author is not technically qualified) it is most likely that they do not meet current standards for such structures. Also depending upon the sports to be played (ie small ball or large ball, oval size sport rather than court) there are different standards and again the existing poles would no doubt be far too short for the intended purpose.

Railway Station Oval – this is also used by the polo cross club and conflict between horses and light poles may occur. The public safety aspect of developing facilities on the south side of the highway is also of concern. If the intended use is for night-time sports activity then having to cross the highway to return home in the night hours creates safety issues particularly for children.

If the Shire was to progress such an idea it would no doubt plan the project taking into account the usual factors such as capital costs, availability of grants, ongoing maintenance and suitable location among other things in consultation with the local community. For example the school oval may be a more suitable location for such a proposed activity. At this stage there has been no discussion with the local school or the Department of Education.

It is always refreshing to receive input from the community as to the type of facilities that are desired and hence the idea needs to be fostered albeit will be some time before it comes to fruition.

With a new CEO appointment imminent Council and the new CEO will probably define the direction that the Shire takes over the next period of time and it may be appropriate to include further consideration of this project as part of that process. The local community will also need to be advised of this process if Council so determines.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0213    Community Petition**

**Moved Cr MR Valenzuela, Seconded Cr L Hodder**

- 1. That the matter of a flood lit sports facility be included in discussions with the new CEO and the community as part of the definition of the direction that the Shire takes over the next few years; and**
- 2. that the local community be advised of this process and outcome through the local newsletter.**

**Motion put and carried 6/0**



## **12. NOTICE OF MOTIONS**

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### **12.1 PREVIOUS NOTICE RECEIVED**

None

### **12.2 FOR CONSIDERATION AT THE FOLOWING MEETING**

None

## **13. URGENT BUSINESS**

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### **ADMISSION OF URGENT BUSINESS**

#### VOTING REQUIREMENTS

Simple majority

#### OFFICER RECOMMENDATION/ COUNCIL DECISION

#### **C2010-0214 Admission of Urgent Business**

**Moved Cr MR Valenzuela, Seconded Cr LJ Terry**

**That Council admits the following additional matter for discussion and decision –**

#### **13.1 – ANNUAL GYMKHANA MEETING**

**Motion put and carried 6/0**

### **13.1 ANNUAL GYMKHANA MEETING**

#### File:

Author: Heide Duffey, Acting DCEO

Interest Declared: No interest to declare

Date: 17 February 2010

Separate: Annual Gymkhana

#### MATTER FOR CONSIDERATION

Annual Gymkhana

#### BACKGROUND

The local Gymkhana is an annual event in Yalgoo and held at the race track. Each year Council receives a letter requesting use of the grounds and facilities.

#### STATUTORY ENVIRONMENT

None

#### STRATEGIC IMPLICATIONS

None

#### POLICY IMPLICATIONS

None

#### FINANCIAL IMPLICATIONS

None

#### CONSULTATION

None

**COMMENT**

As per attached letter once again a request has been made for use of the grounds and facilities for the Annual Gymkhana to be held on the 3<sup>rd</sup> April 2010.

The Gymkhana Club have requested permission to sell alcohol on the day.

In previous years Council have donated the cost of photocopying of the programs. The Club have again requested Council consider extending the same offer this year.

**VOTING REQUIREMENTS**

Simple majority

**OFFICER RECOMMENDATION/ COUNCIL DECISION**

**C2010-0215 Annual Gymkhana Meeting**

**Moved Cr EC Rowe, Seconded Cr L Hodder**

**That subject to the Gymkhana Club completing the required form (Application to Consume Alcohol on Council Premises), Council to approve the use of grounds and facilities as requested including the costs of Photocopying.**

**Motion put and carried 6/0**

***ADJOURNMENT***

*The meeting adjourned for a short break at 2.46pm and resumed at 3.04pm with all who were in attendance before the adjournment being present at the resumption except Ms H Duffey.*

**13.2 CEO Appointment**

**C2010-0216 Admission of Item 13.2**

**Moved Cr MJ Forster, Seconded Cr MR Valenzuela**

**That Council admits this item for discussion.**

**Motion put and carried 6/0**

Discussion ensued on some contract of employment matters.

***ADJOURNMENT***

*The meeting adjourned at 3.40pm to allow the Shire President, Deputy Shire President and recruitment consultant, Mr Mike Fit Gerald (by telephone connection) to discuss the matters with Ms Sharon Daishe (by telephone connection).*

*The meeting recovered at 3.58pm.*

**C2010-0217 CEO Appointment**

**Moved Cr TK Iturbide, Seconded Cr MJ Forster**

**That the CEO contract be adjusted to include:**

- 1. the CEO pays for fuel purchased outside the Shire of Yalgoo during periods of Annual leave;**
- 2. the Shire will pay up to \$7,500 plus airfare towards the CEO's cost of relocation to Yalgoo;**
- 3. the Shire will pay up to \$7,500 plus CPI plus airfare towards the CEO's costs of relocation out of Yalgoo on the basis that the initial three year contract has been completed and that such costs are not claimed from an onward employer; and**
- 4. the allowance provided for home telephone, fax, internet, water and electricity are approximate and not capped with the exception that international calls and 1900 calls are not covered by the allowance and are the responsibility of the CEO.**

**Motion put and carried 6/0**

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

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None

**15. NEXT MEETING**

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The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on 18 Thursday, March 2010, commencing at 11.00 am. The meeting will be preceded by a briefing from FESA at 10.00am.

**16. MEETING CLOSURE**

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There being no further business, the President thanked all those present for their attendance and declared the meeting closed at 4.05pm.

**DECLARATION**

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

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