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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Tuesday 15 December 2009, commencing at 11.04 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.04am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr TK Iturbide, Shire President Cr EC Rowe, Deputy President Cr L Hodder Cr MJ Forster Cr MR Valenzuela Cr LJ Terry
STAFF	Mr N Mitchell, Chief Executive Officer Ms VJ Rowe, Deputy Chief Executive Officer (from 11.06am) Mr CF Hodder, Works Foreman
OBSERVERS	None
LEAVE OF ABSENCE	None
APOLOGIES	None

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. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1 Deputy CEO – Maternity leave arrangements

6. APPLICATIONS FOR LEAVE OF ABSENCE

None

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

- 1 December Local Emergency Management Committee Meeting
Disappointing from the point of view that a Local Emergency Management Plan was not available, and the exercise was only a technical review rather than a one that required involvement and decision-making.
- 7 December Interagency Meeting
Commended Ruth Bermeister on her efforts particularly in this regard.
- 9 December Yalgoo Community Nurse interviews
As a member of a panel with WA Country Health Service staff.

7.2 COUNCILLORS

None

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

BACKGROUND

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors. But there is an error in C2009-1112, instead of deferred, it was supposed to be declined.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1201 Confirmation of Ordinary Meeting

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Minutes of the Ordinary Council Meeting held on 26 November 2009 be confirmed, subject to correction of the following errors –

- p.10, second paragraph – Cr Rowe’s property is Carlaminda Station
- p.22, Resolution C2009-1112 – title should read “declined” not ‘deferred’.

Motion put and carried 6/0

8.2 SPECIAL COUNCIL MEETINGS

BACKGROUND

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

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1202 Confirmation of Special Council Meetings

Moved Cr EC Rowe, Seconded Cr MJ Forster

That the Minutes of the following Special Council Meetings be confirmed –

- **2 December 2009, and**
- **9 December 2009**

Motion put and carried 6/0

9. MINUTES OF COMMITTEE MEETINGS

BACKGROUND

Minutes of the Local Emergency Management Committee Meeting have previously been circulated to all Councillors.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1203 Minutes of Committee Meetings

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Minutes of the Local Emergency Management Committee Meeting held on 1 December 2009 be received.

Motion put and carried 6/0

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

11.0.1 AUDIT COMMITTEE – APPOINTMENTS

File: A14-1
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 9 December 2009
Attachments: None

MATTER FOR CONSIDERATION

Review appointments and membership 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, the Audit Committee membership consists of –

- Cr Terry Iturbide
- Cr Ellen Rowe
- Cr Laurence Hodder
- Cr Mick Forster

Membership of the Audit Committee was last reviewed in October 2009, with Cr Anderson advising in writing of his resignation from the Committee on 26 November 2009, and two Councillors elected unopposed at the recent extraordinary elections.

In the past, all elected members of Council have been members of the Audit Committee, although there is no requirement that this be the case. Council may wish to consider appointing a person from outside the Shire to assist.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1204 Audit Committee – Appointments

Moved Cr MJ Forster, Seconded Cr L Hodder

That –

- **the resignation of Cr Don Anderson from the Audit Committee be noted, and**
- **Cr Raúl Valenzuela and Cr Len Terry be appointed to the Audit Committee**

Motion put and carried by Absolute Majority 6/0

11.0.2 ACTING DEPUTY CEO – Package and Advertising

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to declare
Date: 8 December 2009
Attachments: none

MATTER FOR CONSIDERATION

To consider arrangements for Acting Deputy CEO and the appropriate next steps

BACKGROUND

Council would be aware that the Deputy CEO, Violet Rowe, is intending to take maternity leave from the middle of February 2010/

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.37 – designated senior employees
- s.5.40 – principles for appointment of staff – on merit, equity, EEO principles to be observed etc

Administration Regulations –

- r.18A (1) – designated senior appointments to be advertised
- r.18A (2) – required details to be disclosed in advert

STRATEGIC IMPLICATIONS

Employment of an Acting Deputy CEO

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Cr Iturbide, President

Cr Rowe, Deputy President

Ms Violet Rowe, DCEO

COMMENT

The Deputy CEO has advised of her intention to take maternity leave, finishing work on Friday 12 February 2010. At this time she is intending to take approximately 10 weeks off full time, and return to part time work about 27 April 2010 for two days per week, subject to family commitments and negotiation with the Acting CEO. These arrangements to be confirmed not later than 2 weeks prior to return to part time work.

As a designated position under the Act, it is required that the position together with package details be advertised. Advertising of the position need only be on the Shire Notice Board as the position is for a period of less than 12 months.

Under the Award, maternity leave may be extended for a further 12 months period. However, if this option is taken up, the position is required to be advertised again, possibly to the same requirements as if it were to be a permanent appointment (i.e. Statewide public notice).

Conditions of appointment should include that –

- period of employment is subject to the DCEO's decision to return to full-time work
- the position is not necessarily full-time for the whole period, given the DCEO's intention to return to work part time in late April 2010
- will not exceed 12 months in case

As previously advised, it has been confirmed that there is no minimum time for advertising of an Acting designated position, unlike the requirements for either Statewide or local public notice, if a permanent appointment.

Legislative changes promulgated on 17 November 2009 indicate that advertising for acting designated positions will probably not be required, however this is not yet reflected in the Regulations.

It is therefore suggested that Council approve –

	Minimum	Maximum
Cash Salary – including leave loading and Zone allowance	60,000	70,000
Superannuation Guarantee (9%)	5,400	6,300
Superannuation (max. 5% matching)	3,000	3,500
Acting DCEO Allowance in lieu of other allowances and subsidies	5,200	5,200
TOTAL	\$ 73,600	\$ 85,000

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1205 Acting Deputy CEO Package

Moved Cr LJ Terry, Seconded Cr MR Valenzuela

That the package and conditions for an Acting Deputy CEO be –

i) Package –

- **Salary (cash component) of \$60,000 to \$70,000 p.a. pro-rata**
- **Superannuation – 9% superannuation guarantee**
- **Matching superannuation – matching to maximum of 5% of cash salary**
- **Acting DCEO Allowance in lieu of all other Shire allowances and subsidies of \$5,200 p.a. pro-rata**

ii) Conditions –

- **as per Award,**
- **that the period of employment is subject to the DCEO’s decision to return to full-time work,**
- **that the position is not necessarily full-time for the period, given the DCEO’s intention to return to work part time in late April,**
- **will not exceed 12 months in any case, and**
- **if not otherwise provided for, generally in accordance with Council policy**

and advertised on the Shire Notice Board.

Motion put and carried by Absolute Majority 6/0

Ms VJ Rowe left the meeting at 11.13am and returned at 11.15am.

11.1 WORKS

11.1.1 WORKS ACTIVITY REPORT

File: N/A
Author: Cliff Hodder, Works Foreman
Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 10 December 2009
Attachments: none

MATTER FOR CONSIDERATION

Works Report for the past month

BACKGROUND

Overview of works for the past months

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

- a) Construction –
- Completed until such time as CLGF Regional Funds are approved
 - Preseal repairs to commence Tuesday 15 December
 - o Yalgoo Ninghan Rd estimated at \$127,000
 - o Town streets estimated at \$20,000
 - Sealing and reseal works due February 2010
 - Town streets reseal – with the current pricing being lower than expected, reseal of most town streets should be possible
- b) Maintenance –
- maintenance done or underway –
 - o Paynes Find-Wagga Wagga Road
 - o Perenjori-Warriedar
 - o Yalgoo-Ninghan Rd – shoulders of bitumen sealed section
 - maintenance work due –
 - o Yalgoo-Morawa Rd – particularly through Mellenbye
 - pipes needed in Maranalgo Rd (near homestead) and some distance south of homestead
 - guidepost and sign replacement commenced
- c) Plant
- new Service truck – delivered on 8 December
 - new prime mover, replacing the Iveco – delivery taken 11 December
 - new CEO vehicle – delivery taken 11 December
 - new semi side tipper – delivery due early January
 - backhoe – brake repairs finally completed after multiple problems
 - multi-tyre roller – window replacement
 - fuel transfer tanks for both service truck and maintenance ute delivered

- air-con service on all plant

d) Other

- town maintenance –
 - o Paynes Find – fencing ordered for around water tank and pump
 - o airstrip graded and other maintenance done
 - o kerbing sections – additional poured, and many replaced
- Yalgoo Community Park –reticulation and grass planting completed
- fire control –
 - o breaks around town touched up and some tidied (eg behind School)
 - o mowing recommenced –
 - Shire properties and road verges
 - through old railway reserve (and concrete cleared up)
 - cemetery,
 - airstrip

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1206 Works Activity Report

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Works Report to 10 December 2009 be received.

Motion put and carried 6/0

Ms VJ Rowe left the meeting at 11.25am.

11.2 DEVELOPMENT

NOTE Cr MJ Forster and Cr MR Valenzuela declared proximity interest in this item and left the meeting at 11.28pm.

Ms VJ Rowe returned in the meeting at 11.29am.

11.2.1 RECREATION DEVELOPMENT – Concept layout

File:

Author: Niel Mitchell, CEO

Interest Declared: No interest to disclose

Date: 10 December 2009

Attachments: p.1 Reserve 35346 – Concept layout of facilities

MATTER FOR CONSIDERATION

To consider a concept for layout of the Reserve

BACKGROUND

At the November 2009 meeting Council approved a concept design for the covered court facilities, and together with the proposed water playground, consideration needs to be given to the location of the various facilities on the land.

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

Design and placement of various facilities

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Jim Alexander, Alexander Planning Consultants

Nigel Goode, Greenfield Technical Services

COMMENT

Now that the design and placement of the covered court area has been established, and the general size of the water park determined, although the location of the various items of equipment etc have not been finalised, there is sufficient information to consider the relationship of the various facilities to each other.

Alexander Planning attended the November 2009 meeting of Council, and presented an overall master concept plan for the whole of Reserve35346, including the incorporation of the back lane and the three blocks facing Campbell Street. The placement of some of the ideas on the master concept plan, were not in anticipation of Council intentions to construct these, but as an indication to ensure that there was sufficient space if at some stage they were to proceed.

There does not appear to be any real reason for off street parking. Many of the users of the facilities will be children, and therefore coming to the area on foot or by bicycle.

It is anticipated that vehicles would have more than enough space for street parking in Gibbons Street, and if not, the blocks facing Campbell St could be utilised. Accordingly it is considered that there is no need to specifically plan for off-street parking at this time.

Nigel Goode of Greenfield Tech Services has prepared an alternative master concept plan, which has the area of the covered courts on the plan.

It is proposed that the water playground edge be close to the current tennis courts fence, set back 5 metres from the front boundary. This would enable good visibility from the street, as well as permit people watching the playground to stand in shade, but still be relatively close.

Following a suggestion to relocate the recycling bins, the proposed layout would also allow space for a small recycling station to be established. The water playground plant room and tanks could be set behind the recycling facility, still leaving room for development of the eastern part of this area, and the whole of the Reserve facing Campbell Street remaining vacant at this time.

It should be noted that comments have not been sought from adjoining owners, and should be sought, as the establishment of a permanent recycling station and placement of the pump room etc, may impact on the amenity of the Hotel block, and constitutes a departure from existing usage.

Sufficient space remains between the possible recycling area and the water playground for a driveway to service equipment, pump room tanks etc.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1207 Recreation Development – Concept Layout

Moved Cr EC Rowe, Seconded Cr LJ Terry

That the master concept plan as prepared by Greenfields Technical Services be approved in principle, noting that setbacks from boundaries, and specific design requirements may impact on the final positioning.

Motion put and carried 4/0

Ms VJ Rowe left the meeting at 11.32am and returned at 11.34am.

Cr MJ Forster and Cr MR Valenzuela returned in the meeting at 11.35am.

11.3 FINANCE

11.3.1 Deputy CEO – ACTIVITY REPORT – Month of November 2009

File: N/A
 Author: Violet Rowel, Deputy CEO
 Interest Declared: No interest to disclose
 Date: 9 December 2009
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,025,139.22	16 December 2009	4.5	1,027,919.73	Yes except \$27,919.73
Reserve	Suncorp	1,051,224.71	23 February 2009	4.63	1,067,226.37	Yes
Comparative investment rates		WA Treasury		3.67		

New Local Government Officers award

Award Modernisation is the process currently being undertaken by the Australian Industrial Relations Commission (AIRC) to create Modern Awards that will cover employers in the Federal workplace relations system from 1 January 2010. This process has resulted in the development of the Local Government Industry Award 2010.

It does not appear at this stage that the Shire of Yalgoo is required to change awards at 1 January 2010 because the Federal awards the Shire is currently using namely the Local Government Officers Award and the Municipal Employees Award will not be deleted by Fair Work until 2011. Because of this, the Shire will have to consider changing to the new Local Government Officers award within the next 12 months.

The Payroll/Rates Officer and I will be attending training on the new award on the 14th December 2009. The CEO will receive training on the 12th January 2010. The CEO and I agree that change over at 1 January 2010 is too early as not enough is known about the award to implement it thoroughly. The Shire will review its position in relation to the new award early 2010.

Yalgoo Airstrip

Of late the Yalgoo airstrip is more popular than usual. This is mainly a result of Golden Stallion utilising the airstrip to fly workers in and out from Perth on Tuesdays and Wednesdays. As a consequence of this additional use, the airstrip is being inspected twice a week for flights Tuesday morning and Wednesday afternoons. We are currently trying to organise training for several staff members to become inspection officers of the airstrip. Due to the Airstrips frequent use it may have to become certified in the future which will result in further training being required.

Works Crew training

Recently all works crew staff that were available at the time have received training and certification in Construction Safety Awareness (White card), Forklift operation and Loader operation. Future training to be looked at in the new year includes Grader operation, Traffic Management and First Aid (for all staff).

FESA ESLB and ESLG

I have performed a reconciliation of ESLB (collected ESL levies) and ESLG (Shire of Yalgoo property levies) collected/paid since 2006 and have found that FESA owe the Shire \$3,826.60. This amount that is owed to Shire will be credited against the next ESLB and ESLG invoices from FESA.

Contractor Ranger Duties

- Patrols conducted 19 November 2009
- 6 cats handed in for destruction

Meetings

- 25th November, site visit to Golden Grove
- 1st December, LEMAC meeting
- 3rd December, Murchison Executive Group meeting
- 7th December, Interagency meeting

Future meetings

- 14th December, Local Government Award training with Payroll/Rates Officer

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1208 Deputy CEO Activity Report

Moved Cr MJ Forster, Seconded Cr MR Valenzuela

That the Deputy CEO's Activity Report for November be received.

Motion put and carried 6/0

11.3.2 FINANCIAL ACTIVITY STATEMENTS – NOVEMBER 2009

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

MATTER FOR CONSIDERATION

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

BACKGROUND

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

STATUTORY ENVIRONMENT

Local Government Act 1995

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

Local Government (Financial Management) Regulations 1996

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

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

CONSULTATION

None

COMMENT

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

The area's where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in the material variance attachment which will be given to council as a late item

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1209 Financial Activity Statements – November 2009

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That Council adopt the financial statements and material variances for the period ending 30 November 2009, as attached.

Motion put and carried 6/0

11.3.3 ACCOUNTS PAID DURING THE MONTH OF NOVEMBER 2009

File: N/A
Author: Violet Rowe, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 8 December 2009
Finance: p.43 Listing of accounts paid
(green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of November 2009

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996

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

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account

CONSULTATION

None

COMMENT

Payments made during the month of November 2009 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1210 Accounts Paid during the Month of November 2009

Moved Cr LJ Terry, Seconded Cr MJ Forster

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 - 43 totalling \$155,107.23 paid during the month of November 2009, be received;**
 - 2. Cheque payments covering cheque numbers 11297-11312 totalling \$22,816.86 paid during the month of November 2009, be received; and**
 - 3. Salaries and Wages totalling \$47,044.67 paid during the month of November 2009, be received.**
- Motion put and carried 6/0**

11.3.4 COMMUNITY SAFETY AND CRIME PREVENTION STRATEGY

File:
 Author: Violet Rowe, DCEO
 Interest Declared: No interest to disclose
 Date: 10 December 2009
 Attachments: p.2 Community Safety and Crime Prevention Strategy

MATTER FOR CONSIDERATION

To consider the submission of a Community Safety and Crime Prevention Strategy and associated unbudgeted expense.

BACKGROUND

On the 15th September 2005, the Shire of Yalgoo entered into a partnership with the Office of Crime Prevention, to develop a Community Safety and Crime Prevention partnership strategy. This Community Safety and Crime Prevention plan is a result of a partnership between the State Government of Western Australia and the Shire of Yalgoo. Local Government houses and implements the plan in conjunction with state agencies, Police and the community.

The plan has been developed with the involvement of state government agencies and the community. It identifies community safety and crime prevention priorities for the Shire of Yalgoo, the strategies that will target this, the partner that holds responsibility for the implementation of the strategy and a process for the evaluation of that strategy. The partners identified within the planning document will implement the plan. The process of redoing the crime prevention plan is simply part of the original partnership.

Following adoption and endorsement of the Community Safety and Crime Prevention Strategy, Council will receive an initial immediate income of \$20,000 with no matching funds required.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – general function of the local government is to provide for the good governance of the district
- s.6.8 (b) – Expenditure not in budget to be approved in advance by absolute majority

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Niel Mitchell, CEO
 Ruth Burmeister, Coordinator of Indigenous Children's Programme
 Darren Gill, Officer in Charge, Yalgoo Police
 Lyndy Richmond, Principal, Yalgoo Primary School
 Scott Bermingham, Community Engagement Officer, Office of Crime Prevention

COMMENT

On the 15th September 2005, the Shire of Yalgoo entered into a partnership with the Office of Crime Prevention, to develop a Community Safety and Crime Prevention partnership strategy. It is now time to review the previous strategy and submit a new strategy. On submitting a new strategy the Shire of Yalgoo is eligible for \$20,000 to spend on the identified priority areas. The Community Safety and Crime Prevention Strategy recognised lighting of public facilities as a priority.

Centrecare, Yalgoo Primary School and the Yalgoo Police have been consulted about the Strategy. I have checked the plan with a Community Engagement Officer from the Office of Crime Prevention and they are pleased with its timeliness and content.

Although fully funded by a grant, any expenditure of the grant funds is unbudgeted, and requires prior approval by Council by absolute majority. Included in the plan is a small amount of in-kind donation from the Shire of Yalgoo which will be auditing current town lighting and determining where lighting enhancement or placement is required and organising contractors to carry out work.

We do not currently have any quotes for the work to be carried out but this should be tabled at the council meeting. If no quotes are available for the council meeting it is suggested the plan still be submitted with quotes being attached at a later date.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1 / COUNCIL DECISION

C2009-1211 Endorsement of the Draft Strategy

Moved Cr EC Rowe, Seconded Cr LJ Terry

That Council endorse the draft “Community Safety and Crime Prevention Strategy for the Shire of Yalgoo” as presented, for submission to the Office of Crime Prevention.

Motion put and carried 6/0

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION 2 / COUNCIL DECISION

C2009-1212 Authorisation of Unbudgeted Expenditure

Moved Cr EC Rowe, Seconded Cr LJ Terry

That Council authorise unbudgeted expenditure of \$20,000 ex GST, for the purpose of upgrading/improving public facility lighting, the expenditure being fully funded by a grant from Office of Crime Prevention apart from a small amount of in-kind donation from the Shire of Yalgoo.

Motion put and carried by Absolute Majority 6/0

ADJOURNMENT

The meeting adjourned for lunch break at 11.59am and resumed at 1.18pm following the Audit Committee Meeting, with all who were in attendance before the adjournment being present at the resumption.

Ms VJ Rowe left the meeting at 1.19pm and returned at 1.20pm.

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT – October/November 2009

File: N/A
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 19 October 2009
 Attachments: p.24 Yalgoo Community Meeting – Picture survey
 p.27 MRWA – re speed limits

Use of Common Seal

None

Use of Delegated Authority not elsewhere reported

Write off of rates interest as per Delegation 2.6 –

11 Nov – from 58 assessment, smallest amount of \$.07, highest \$5.51, average of \$1.12, totalling \$64.82

Reversal for raised in error – 4 assessments totalling \$15.86

23 Nov – 2 assessment, \$1.95 and \$7.02 totalling \$8.97

Reversal for raised in error – 3 assessments totalling \$13.94

Extraordinary Elections

As Council would be aware, nominations for the two extraordinary vacancies closed at 4.00pm on Thursday 3 December 2009.

At the close, two valid no nominations had been received, and in accordance with the Local Government Act, both were declared elected unopposed. As required by the Act, lots were then drawn to determine the expiring date of those elected –

Cr Raúl Valenzuela – drawn first, therefore elected for a term expiring in October 2013

Cr Len Terry – therefore elected for a term expiring in October 2011

Geraldton Mt Magnet Road

MRWA have previously advised that the conditions of the Highway through Yalgoo have been assessed once again, and the speed limit of 80 km/hr is considered by them to be appropriate. They have since supplied a letter with greater details of the reasons for their decision to keep the limit at 80 km/hr.

Letters have been sent to a number of parliamentarians, and a petition is circulating for signatures.

ADSL Broadband

Telstra have now completed the installation of ADSL infrastructure into the Yalgoo Telephone Exchange, and have received a reasonable level of interest from the community. The DCEO has contacted our IT people, and preparations are underway to shift from the satellite to landline, achieving far greater speed, reliability and access.

It will enable Haines Norton to update monthly accounts etc live, rather than emailing the records and waiting several days for them to be returned and then having to re-enter the work done in the intervening period.

Mobile phone

Advice was received at the Murchison Executive Meeting, that subject to funding from the Commonwealth Government, there is a possibility that mobile phone would be installed in both Yalgoo and Paynes Find in 2011. The MWDC were at pains to stress that this is not confirmed or certain, but only a possibility at this stage.

Fire and Emergency Services

Mr John Johnson, Regional Manager of FESA, has advised that the Board will not commit to funding a shed for the Paynes Find light tanker when it is delivered, despite their policy that vehicles should be garaged. Neither will they commit to refunding the Shire if a shed is funded from our own accounts, or from Country Local Government Funds (Royalties for Regions). Mr Johnson suggests applying for grants through the Mid West Development Commission, Lotterywest and other sources.

While there has been an offer to house the unit on private property in Paynes Find, I feel that this would be inappropriate for a number of reasons –

- private owners should not have to bear the liability and risks of public access to their property
- while the current owners are willing to assist in this way, future owners may have objections
- if on land controlled by the Shire, additional permission for development of a shed for the fire unit is not required.

Should the fire unit be made available prior to a shed being constructed, I would suggest that Council makes arrangements at that time to take up the offer until a shed is completed.

Telstra – phone box

The public phone in Yalgoo has now reverted to both coin and card operation, and also changed over to a remote style box (more robust and less maintenance), similar to the one in Paynes Find. They have requested that the Shire collect the coins and bank the money from time to time for a commission, to which I have agreed. A contract will be sent for signing.

They also requested that when doing concrete work at some stage, that a small apron be placed in front of the phone box, connecting to the footpath, to assist disabled access.

MRWA – Geraldton-Mt Magnet Rd in Townsite

I met with Anna Sutherland and Ian Hamilton of MRWA on 11 December 2009 regarding the maintenance of the Geraldton-Mt Magnet Road between the 80km/hr signs. They have advised that formal approval will be given for the Shire to be able to mow the highway verges so as to tidy the area and reduce fire risk, and improve visibility.

Meetings

27 November	Stan Scott, CEO Shire of Perenjori, Bill McKenzie, CEO Asia Iron, Ben Carr, Bush Heritage Fund re Regional Environmental Association
27 November	Gordon Houston, Dallywater Consulting re Regional Waste Audit
1 December	Local Emergency Management desktop exercise and Committee meeting
3 December	Murchison Executive Group in Yalgoo
7 December	Yalgoo Inter Agency Meeting
9 December	Yalgoo Primary School end of year concert
11 December	MRWA re maintenance of the main road between the 80km/hr signs, and the speed limit through this zone

Future commitments

12 December	Meeting with Steelbase Enterprises (builder) in Perth
15 December	Meeting with Nigel Goode, GTS and Roadtech regarding Yalgoo-Ningham Road pre-reseal repairs
15 December	Minjar mine official opening, met them at airport
17 December	Works crew close down
23 December	Office close
4 January 2010	Office and Works crew recommence
18 February	OPR –request to address Council, and will be making a presentation to the Shire at the School in support of School lunch program.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1213 CEO Activity Report

Moved Cr L Hodder, Seconded Cr MR Valenzuela

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

Motion put and carried 6/0

11.4.2 RENTAL REQUEST – 30 Selwyn Street

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

MATTER FOR CONSIDERATION

To consider a request for private rental of 30 Selwyn Street

BACKGROUND

There is an acute shortage of accommodation in town, and quite a few requests have been received to rent a property from 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

None

CONSULTATION

None

COMMENT

To date, the requests to rent have been verbal, and the persons enquiring have been advised that such a decision would have to be approved by Council as the CEO has authority to rent only to Shire staff.

Ms Valerie Jones has spoken to me at least twice by telephone and met with me once, and has now made written application to the Shire to rent 30 Selwyn Street, the only vacant residence the Shire currently has.

In her letter to me, it is clear that Ms Jones urgently requires suitable accommodation. Should accommodation not become available, the options for her personal circumstances become severely restricted.

Two Shire residences are rented to persons other than staff –

1. to Centacare for use by the Indigenous Children's Program Coordinator – this unit is committed for the duration of Centacare's involvement in the ICP, being 30 June 2010 minimum, subject to grants which could extend well beyond this date
2. to WA Country Health Service Mid West for use by nursing or visiting staff – this unit is committed to 30 June 2010, although an extension is certain to be requested to allow for the completion of the new Yalgoo Health Centre and refurbishment of the Nursing Post as a residence

A factor that Council needs to bear in mind is that with two units being relocated, short term accommodation for a staff member, and possibly a family may be required. The units will possibly be relocated prior to the residence at the caravan park being completed, adding to the complexity.

One house is becoming vacant shortly, due to a resignation, and it is intended that this residence be offered to the family if applicants do not need a house but could utilise one of the units. Two other staff members have also expressed an interest in moving into Shire accommodation.

The residences rented to other agencies are both for specific purposes –

- to Centacare, as their employee carries out a function previously undertaken by the Shire
- to WACHS to facilitate attraction/retention of nursing staff for a limited period

I am not aware of any other rents or leases of accommodation to non-staff members in the past.

It may be an option to consider a short term rental of 2-3 months, while staff matters and accommodation issues get resolved. However, there is a possibility of the house being needed by early to mid February 2010, subject to the various changes and shifts that will be made, but this is by no means guaranteed.

It is possible that for a variety of reasons, the house is not considered acceptable to prospective employees, and remains empty.

Given the accommodation issues and the changeover of staff, it is with very great regret that I must recommend that Ms Jones' request be declined.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1214 Rental Request for 30 Selwyn Street

Moved Cr EC Rowe, Seconded Cr L Hodder

**That Council does not rent 30 Selwyn Street privately, and with regret, declines Ms Jones' request.
Motion put and carried 6/0**

11.4.3 MEMORANDUM OF UNDERSTANDING – MMG Golden Grove.

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 19 November 2009
Separate: p.3 Draft MOU with MMGGG – CONFIDENTIAL

MATTER FOR CONSIDERATION
To consider the draft MOU

BACKGROUND

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

None

CONSULTATION

Craig Turley, MMG Community Relations Adviser
David Nicholson, McLeods Solicitors

COMMENT

After more than 12 months, the Global Financial Crisis, a change of ownership, the Commonwealth Government nearly scuttling the sale, and much uncertainty, the MOU is very nearly finalised.

In discussion with Mr Turley, it is hoped that the final changes will be made within the next few weeks so that the MOU could be signed off at the Special meeting to be held in late January 2010.

The draft is an excellent outcome for Council and the community, and will result in MMGGG leaving a very substantial legacy to the district once the mine does eventually close, through their contributions to the sealing of 140km of road. The road does attract funding from MRWA as well as the Shire making a contribution, but it is still a significant voluntary contribution made by the successive owners of Golden Grove over the years.

The draft does encompass a slight increase on the total contributions negotiated for 2009. Some of the other factors Council should be aware of include –

- intention for the MOU to be life of mine
- the dollar amount of contributions is at the discretion of MMG
- the amount is subject to considerations of market prices for their metals, profitability etc

There are two alterations inserted by our solicitor which I disagree with, and suggest that they be removed.

Clauses 2(a) and 3(a) both dealt with how those components of MMG contributions are to be used on the road network. Given the importance of the road, and the amount of time still required for the single lane seal to reach the Great Northern Highway (approx. 20 years at current rate), there is no advantage in having flexibility to expend surplus on other roads.

I suggest therefore that the following words be removed from the respective clauses –

- 2(a) ... or, with the prior agreement of the parties, the repair and reseal of other existing sealed roads within the district of the Shire.
- 3(a) ... or, with the prior agreement of the parties, the construction, sealing and maintenance of other existing unsealed local roads within the district of the Shire

Virtually all other changes suggested by MMG or McLeods are minor variations to previous drafts. Several non-material amendments are required to the numbering of several clauses on the bottom of p.6 and top of p.7.

Please note the confidentiality requirements of Clause 11.

As an MOU, while it does have some legal standing, it is not a contract and therefore unenforceable in law.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That the draft Memorandum of Understanding between the Shire of Yalgoo and Minerals and Metals Group Golden Grove (MMGGG), be approved in principle, subject to removal of the following words from the respective clause –

Clause 2(a) ... or, with the prior agreement of the parties, the repair and reseal of other existing sealed roads within the district of the Shire

Clause 3(a) ... or, with the prior agreement of the parties, the construction, sealing and maintenance of other existing unsealed local roads within the district of the Shire

NOTE The CEO advised that the final draft of the MOU had been received from MMG Golden Grove, with minimal changes, and had been forwarded to Council's solicitors for final review and approval.

COUNCIL DECISION

C2009-1215 MOU – MMG Golden Grove

Moved Cr EC Rowe, Seconded Cr LJ Terry

That –

- **the Memorandum of Understanding between the Shire of Yalgoo and Minerals and Metals Group Golden Grove (MMGGG), be approved subject final review by Council's solicitors,**
- **MMG be invited to meet with Council in late January 2010 for signing of the MOU, and**
- **the President and CEO be authorised to affix the Common Seal to the MOU.**

Motion put and carried 6/0

11.4.4 LOCAL GOVERNMENT ACT – Amendments

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 19 November 2009
Attachments: p.29 Dept of Local Government - Circular

MATTER FOR CONSIDERATION

To note recent changes to the Local Government Act 1995

BACKGROUND

A raft of amendments to the Local Government Act were recently made, and came into operation on 17 November 2009

STATUTORY ENVIRONMENT

Local Government Act 1995

STRATEGIC IMPLICATIONS

Amendments to the Act

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

There are quite a few amendments, and while most are administrative in nature, there are some that impact directly on the Council and elected members.

These changes include –

- s.2.7 – amending the role of Council from “directs and controls” to “governs”. The effect of this is to further emphasise the distance between administrative and operation functions, and the strategic and policy function of Council
- s.2.25 – changes to provisions relating to leaves of absence. As Council has only one ordinary meeting each month, there will be minimal impact
- s.3.64 – additional; roles of Regional Council. This may have relevance over the coming years due to structural reform pressures.
- s.5.11A – for the first time, Councils will be able to appoint deputy members for a local government committee
- s.5.36A – regulations may be made to waive the requirement to advertise positions in certain circumstances
- s.5.43 – further limits the power of Council to delegate authority to the CEO to sign documents on Council’s behalf
- s.5.62 – further clarification of the definition of “closely associated Persons” for the purpose of disclosure of financial interests, and two new categories
- s.5.82 – increases requirements for disclosure of gifts in annual returns
- s.5.83 – increase requirements for disclosure of travel contributions
- s.5.96 – increases restrictions on information that may be photocopied
- s.5.98 – regulations to be prepared allowing for payment of a meeting fee if attending non-Council meetings.
- s.8.2 – extends authority of the Minister or DLG to require information
- s.9.49A and 9.49B – clarification of ability to sign documents on behalf of the Council. Authorised person are those specified by the Council, but the authority cannot be further delegated by an authorised person

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1216 Local Government Act – Amendments

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That the amendments to the Local Government Act 1995 effective 17 November 2009 be noted.

Motion put and carried 6/0

COUNCIL DECISION

C2009-1217 Minister for Local Government Act

Moved Cr EC Rowe, Seconded Cr L Hodder

That the Minister be advised of Council's concerns and disappointment at the heavy handedness and the lack of consultation of some aspects of the amendments.

Motion put and carried 6/0

11.4.5 COUNCIL COMMITTEES AND DELGATES TO ORGANISATIONS

File: C10-1
 Author: Niel Mitchell, CEO
 Interest Declared: No interest to disclose
 Date: 11 December 2009
 Attachments: None

MATTER FOR CONSIDERATION

To review Council nominations to Committees and organisations.

BACKGROUND

Council currently has one Committee, and is involved in a number of regional organisations, and nominates delegates to other organisations from time to time.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.9 to s.5.18 – requirements for the appointment of Committees, membership, delegations etc

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

Policy 1.7 – Representatives to Organisations

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

Following the resignation of Cr Anderson from Council and the election of two new members, it would be advisable to review the nominations to external organisations.

Membership of the Audit Committee has been addressed at item 11.0.1 of this meeting's Agenda.

At the October 2009 Council meeting the following representatives to various organisations was resolved –

- Murchison Vermin Regional Council –
 - o Delegate/s – 2 Cr TK Iturbide & Cr L Hodder
 - o Deputy delegate/s – 1 Cr MJ Forster
- Murchison Country Zone of WALGA –
 - o Delegate/s – 2 Cr TK Iturbide & Cr DE Anderson
 - o Deputy delegate/s – 1 Cr EC Rowe
- Regional Road Group and sub-Group–
 - o Delegate/s – 1 Cr DE Anderson
 - o Deputy delegate/s – 1 Cr TK Iturbide
- Yalgoo Land Conservation District Committee –
 - o Delegate/s – 2 Cr EC Rowe & Cr DE Anderson
 - o Deputy delegate/s – 1 Cr TK Iturbide

In addition, Council may wish to consider amending their representation to the Crosslands Liaison Committee, as currently –

- Council representative – CEO
- Community representative – Cr Terry Iturbide

Ms Trish Grinham of Meka Station has been attending when the CEO was unable.

There are a range of other Committees and organisations that Council may wish to consider nominating a representative to either now, or in time. These include –

- District Health Advisory Committee

- Mid West Development Commission
- Regional Infrastructure Planning Group
- Regional Development Australia (formerly Area Consultative Committee)
- Mid West Regional Planning Committee (proposed)

MWDC – This Committee will be Chaired by the Chair of WAPC, Garry Prattley. Its major focus initially will be to identify and address priority planning issues e.g. socio-econ infra associated with major resources and other projects. MWDC is keen for one representative from each of our 3 distinct sub regions – Batavia Coast, N Midlands and Murchison,

Please note that some of these are formal appointments requiring consent of the organisation (e.g. Land Conservation District Committee) or separate appointment by a Minister etc, prior to the nomination being effective.

As these organisations are not Committees of Council, meeting fees cannot be paid by the Shire, although this is under review at the moment due to recent legislative changes, but the organisation may pay meeting fees. Travel is paid only if authorised by Council prior to a meeting, either by specific decision or by policy.

As they are not Council Committees, Council may appoint their delegates by position, and can also nominate deputy delegates to the organisation.

Council’s Policy also specifies the order of priority of representation to each organisation, should the nominated representative be unavailable or the position vacant.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council nominates the following people to the external organisations listed, as replacement representatives or new appointments –

- Murchison Country Zone of WALGA –
 - o One replacement Delegate/s – _____
 - o Deputy delegate/s if required – _____
- Regional Road Group and sub-Group–
 - o Replacement Delegate/s – _____
 - o Deputy delegate/s if required – _____
- Yalgoo Land Conservation District Committee –
 - o One replacement Delegate/s – _____
 - o Deputy delegate/s if required – _____
- Crosslands Liaison Committee –
 - o Council Delegate – Cr Iturbide
 - o Deputy delegate– _____
 - o Community Delegate – Ms Trish Grinham

COUNCIL DECISION

C2009-1218 Council Committees and Delegates to Organisations

Moved Cr TK Iturbide, Seconded Cr MJ Forster

That Council nominates the following people to the external organisations listed, as replacement representatives or new appointments –

- **Murchison Country Zone of WALGA –**
 - o **One replacement Delegate/s – Cr EC Rowe**
 - o **Deputy delegate/s if required – Cr MJ Forster**
- **Regional Road Group and sub-Group–**
 - o **Replacement Delegate/s – Cr TK Iturbide**
 - o **Deputy delegate/s if required – Cr LJ Terry**
- **Yalgoo Land Conservation District Committee –**
 - o **One replacement Delegate/s – Cr TK Iturbide**
 - o **Deputy delegate/s if required – Cr MJ Forster**
- **Crosslands Liaison Committee –**
 - o **Council Delegate – Cr Iturbide**
 - o **Deputy delegate– Cr L Hodder**
 - o **Community Delegate – Ms Trish Grinham**

Motion put and carried 6/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

12.1.1 REQUEST FOR RELOCATION ASSISTANCE

Requested by: Cr Terry Iturbide
File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 10 December 2009
Attachments: None

MATTER FOR CONSIDERATION

To consider a request to assist with relocation

BACKGROUND

Representatives of WACHS Mid West, and the Shire President met recently to interview applicants for the Yalgoo Nurse position.

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

Assistance towards relocation

CONSULTATION

Cr Iturbide, Shire President

COMMENT

It needs to be acknowledged that Yalgoo has been effectively without a Nurse for 12 months, although administratively, the position has been vacant only for the past 6-8 months.

Cr Iturbide has requested that Council consider making a contribution to removal costs. WACHS has not indicated an amount as far as I am aware, nor whether the assistance would be paid to WACHS or to the successful person. The current location of the preferred applicant is not known.

Setting aside the issues relating to the duration without full-time nursing services to the town, the matter before Council is in relation to whether or not assistance should be made in this case, and an individual not penalised for organisational decisions.

There is no doubt that a Council contribution would help to make the successful person feel welcomed and needed in the community, and while the position is of critical need for Yalgoo, the responsibility to staff the position and all associated expenses is that of WACHS, not the Shire's.

At one level, the Shire has assisted WACHS significantly over the past 12 months or so, and it must be acknowledged that the benefit has not all been theirs, but there are benefits to the Shire and community from the cooperation with them –

- the Shire has assisted WACHS with accommodation, but has also benefitted from leasing the unit at market rental, although it is mostly unoccupied
- the community will benefit enormously through the construction of a new Yalgoo Health Centre, while it has cost the Shire little other than influence and eligibility for funding, and some staff time assisting with the grant application

Council needs to consider the issue of precedent, and whether there would be similar expectation to assist with relocation of teachers or Police staff. It could be also argued that medical services are a completely different category of essential service to the town, and are substantially more important to the community at large.

Particularly in the case of Police staff, many Shires provide quite a deal of assistance, mainly through provisions of housing. A large percentage of country Shires make substantial contributions to obtaining, maintaining, and retaining doctors and associated services.

For instance the Shires of Trayning, Mukinbudin, Nungarin and Mt Marshall, each contribute equally to a four year medical Scholarship valued at \$25,000 per year, with a 10 year period before the doctor will be in the region. In addition, they own the medical practice, provide a car, house and surgery free of charge.

Should Council wish to assist with relocation expenses, an absolute majority is required as it is an unbudgeted expense.

Cr Iturbide may wish to speak further in support of her recommendation at the meeting.

VOTING REQUIREMENTS

Simple majority

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION

That Council does not contribute to the removal costs for the nurse appointed to Yalgoo.

OR

VOTING REQUIREMENTS

Absolute majority

MEMBER RECOMMENDATION

That Council contribute to the removal costs for the nurse appointed to Yalgoo.

COUNCIL DECISION

C2009-1219 Request for Relocation Assistance

Moved Cr EC Rowe, Seconded Cr LJ Terry

That Council does not contribute to the removal costs for the nurse appointed to Yalgoo.

Motion put and carried 6/0

12.2 FOR CONSIDERATION AT THE FOLOWING MEETING

None

ADJOURNMENT

The meeting adjourned for a short break at 2.27pm and resumed at 2.59pm with all who were in attendance before the adjournment being present at the resumption.

13. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1220 Admission of Urgent Business

Moved Cr EC Rowe, Seconded Cr L Hodder

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

- 13.1 – Acting Deputy CEO**
- 13.2 – Tender – Proposed Water Playground**
- 13.3 – Audit Meeting Minutes**
- 13.4 – Structural Reform**

Motion put and carried 6/0

13.1 ACTING DEPUTY CEO – Appointment

File:

Author: Niel Mitchell, CEO
Interest Declared: No interest to declare
Date: 15 December 2009
Separate: Ms Heide Duffey – Acting DCEO proposal - CONFIDENTIAL

MATTER FOR CONSIDERATION

To consider arrangements for Acting Deputy CEO and the appropriate next steps

BACKGROUND

Council would be aware that the Deputy CEO, Violet Rowe, is intending to take maternity leave from the middle of February 2010/

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.37 – designated senior employees
- s.5.40 – principles for appointment of staff – on merit, equity, EEO principles to be observed etc

Administration Regulations –

- r.18A (1) – designated senior appointments to be advertised
- r.18A (2) – required details to be disclosed in advert

STRATEGIC IMPLICATIONS

Employment of an Acting Deputy CEO

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The Acting Deputy CEO is a designated position under the Local Government Act, and there are legislation requirements to be met.

The package for an Acting Deputy CEO, as approved by Council has been advertised on the Shire's Official Notice Board as required by the Local Government Act.

As with the Acting CEO position, there is no minimum requirement for the position to be advertised.

Ms Heide Duffey had previously supplied information regarding her experience and skills, and has also advised that the package she is seeking is a salary in the range of \$60,000 to \$70,000 plus superannuation. The cash component suggested is very appropriate for the position and no other subsidies or allowances are sought. Ms Duffey is aware that the position will be full time initially, but dropping to part time as a job share after several months.

It must be noted that the maximum appointment to an acting position is 12 months. Accordingly if an Acting CEO commences on 25 January 2009, there will be a minimum gap of 3 weeks between the termination of the Acting position and the Deputy CEO's indicated date of return to full time in 2010.

There is no prohibition on advertising the position as if for a permanent appointment (ie: Statewide notice etc) and then appointing the best applicant. The requirements for advertising etc, do not apply if the position is not that of a designated officer under the Act.

At one level, titles of positions are irrelevant, however, in this case, the position title clearly indicates seniority, not just to staff but to the general public, and to have a Deputy CEO and an Acting Deputy CEO at the one time has the potential for confusion. As the Deputy CEO role will be effectively job shared from the time of Ms Rowe's return to work part-time until she resumes the role full time, it may be appropriate to consider alternative titles for the two functions once the job-share arrangement commences, reserving the title of Deputy CEO for the combined role full time, or else the relieving position designated other than Acting Deputy CEO.

The Award provides that an employee returning to work may not be to the same position, but requires that the level, condition and remuneration be at least equivalent to that prior to leave.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1221 Appointment of Acting Deputy CEO

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That as the requirements to advertise the position having been satisfied, Ms Heide Duffey be appointed –

- **as Acting Deputy CEO for the period of full time work until the Deputy CEO returns to part-time work,**
- **then continuing as Senior Administration Officer, without reduction in conditions**

with the following package –

- **Salary \$65,000**
- **Superannuation – 9% superannuation guarantee**

Mr N Mitchell left the meeting at 3.03pm and returned at 3.08pm.

C2009-1222 Procedural Motion

Moved Cr MJ Forster, Seconded Cr EC Rowe

That this matter be deferred until later in the Meeting.

Motion put and carried 6/0

13.2 PROPOSED WATER PLAYGROUND

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 14 December 2009
Attachments: draft floor plan, elevations and specifications

MATTER FOR CONSIDERATION

To consider calling of tenders for the water playground

BACKGROUND

Work in preparation for calling of tenders has been underway for the past 4-5 months, and is now nearing the time when tenders can be called.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – requirements for tenders may be prescribed.

Functions and General Regulations –

- r.11A to 24 – regulations concerning tenders – calling, acceptance, recording, notifying.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Nigel Goode, Greenfield Technical Services

COMMENT

The water playground proposal was approved by Council, following the decision not to proceed with a swimming pool, as it is too expensive to build, maintain, operate, upgrade and refurbish in years to come.

The water playground does not require on-site staff, and costs about 10% or so of a 25 metre swimming pool to build, maintain etc.

The current proposal is costed at about \$380,000, and is subject to additional grant funds from Dept of Sport and Recreation being approved under the Community Sport and Recreation Facilities Fund program. The application has now gone forward from Geraldton to Perth for consideration. An announcement is expected in late February 2010. If the CSRFF application is not successful, the project will be scaled back to the original \$270,000 discussed earlier, and indeed, could be reduced in scope at any time at Council's direction.

Final design and layout is underway, selection of infrastructure such as lighting poles etc is now being made.

It had been hoped to have the final draft concept plan and layout of the water park component to present to Council, but this has not been possible.

The intended timeline from this point is –

Late Dec./early Jan 2010 – Advertise the tender

Late Jan./early Feb – Tenders close

2 weeks – assessment of technical details etc

18 Feb – Agenda item and recommendation to Council meeting, subject to CSRFF funding

Late Feb – Announcement of CSRFF grant recipients

Late March to June – construction

30 June – target completion date

Alternatively, approval for calling of tenders can be deferred to the Special Meeting to be held in late January when all information regarding design etc should be to hand, although this will mean approximately 4 weeks will need to be added to each of the above target dates.

The project is funded by CLGF grant in the main, and \$276,000 approx. is disclosed in the Budget.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1223 Proposed Water Playground

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That tenders for the construction of the proposed water playground to be situated on Reserve 35346 as soon as possible, subject to all plans, specifications and documentation necessary, being available for distribution to prospective tenderers.

Motion put and carried 6/0

13.3 AUDIT COMMITTEE – MINUTES

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 15 December 2009
Attachments: None

MATTER FOR CONSIDERATION

To receive the Minutes and authorise the recommendations of the Audit Committee Meeting to be held on 15 December 2009.

BACKGROUND

The Audit Committee is expected to be held on Tuesday 15th December 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 30 November 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

C2009-1224 Audit Committee Minutes

Moved Cr EC Rowe, Seconded Cr L Hodder

That–

- Council receive the minutes of the Audit Committee meeting held on 15 December 2009;**
- Council authorise the report of the CEO as contained in the Minutes; and**
- 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

13.4 MINISTER FOR LOCAL GOVERNMENT – Structural reform

File:
Author: Niel Mitchell, CEO
Interest Declared: No interest to disclose
Date: 15 December 2009
Attachments: Letter from Minister

MATTER FOR CONSIDERATION

To consider Minister's request for Regional Collaborative Groups.

BACKGROUND

As part of the structural reform being pursued by the Minister, there is a range of options being imposed on Councils.

STATUTORY ENVIRONMENT

Local Government Act 1995

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

A copy of the letter from the Minister received earlier today (15 December 2009) has been circulated to Councillors.

The Minister has requested that Council enter into a Regional Collaborative Group with a no opt out clause.

In the public consultation, the community was emphatically opposed to amalgamation, and it is the fear of many that this is the start to forced amalgamation be stealth, of the pastoral region.

Wheatbelt Shire are under even more pressure to amalgamate, and I am aware of very high levels of discontent through many parts of the Wheatbelt with both the Minister and WALGA.

There are many matter that Council may wish to discuss further.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2009-1225 Structural Reform

Moved Cr LJ Terry, Seconded Cr MR Valenzuela

That the Minister be advised that Council will not enter into so-called voluntary organisations, that require a "no opt out" clause.

Motion put and carried 6/0

COUNCIL DECISION

C2009-1226 Invitation to other Shires Re: Minister’s Decision

Moved Cr TK Iturbide, Seconded Cr MJ Forster

That Council to invite other Shires of the Murchison Region to a meeting to–

- **discuss the Minister’s ultimatums regarding structural reform, and**
- **consider formation of an Action Group consisting of Presidents, Deputy Presidents and CEOs, separate from the Murchison Country Zone, to coordinate and facilitate a response on a regional basis,**

the meeting to be held as soon as possible.

Motion put and carried 6/0

ADJOURNMENT

The meeting adjourned at 3.56pm and resumed at 4.10pm with all who were in attendance before the adjournment being present at the resumption plus Ms VJ Rowe.

C2009-1227 Dissatisfaction with Political Performance

Moved Cr TK Iturbide, Seconded Cr MR Valenzuela

That WALGA be advised that Council is dissatisfied with their representation of local government’s point of view on the structural reform/amalgamation issues, noting Council’s perception that WALGA appears to be driving their own agenda rather than responding to and representing the views of local government.

Motion put and carried 6/0

13.1 ACTING DEPUTY CEO – Appointment (Cont.)

C2009-1228 Procedural Motions

Moved Cr MJ Forster, Seconded Cr EC Rowe

That consideration of Appointment of Acting Deputy CEO be resumed.

Motion put and carried 6/0

The substantive motion, C2009-1221 Appointment of Acting Deputy CEO was put and carried by Absolute Majority 6/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

As notified under separate cover.

14.1 Deputy CEO – Maternity leave arrangements (item to be presented at the meeting)

Ms V Rowe left the meeting at 4.21pm.

Motion to Close the Meeting to the Public

VOTING REQUIREMENTS
Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1229 Meeting closed to the public

Moved Cr EC Rowe, Seconded Cr MR Valenzuela

That the meeting be closed to the public to discuss the following matter –

14.1 Deputy CEO Maternity Leave arrangements

Motion put and carried 6/0

The meeting was closed to the public at 4.22pm.

Remaining in the meeting were –

MEMBERS	Cr TK Iturbide, Shire President Cr EC Rowe, Deputy Shire President Cr L Hodder Cr MJ Forster Cr MR Valenzuela Cr LJ Terry
STAFF	Mr N Mitchell
OBSERVERS	None

NOTE Cr EC Rowe declared an impartiality interest and left the meeting at 4.23pm.

14.1 DEPUTY CEO – Maternity Leave Arrangements

Reason for Confidentiality –

- Local Government Act s 5.23(2)(a) – A matter affecting an employee or employees.

File:

Author: Niel Mitchell, CEO
Interest Declared: Employee being reviewed
Date: 15 December 2009
Attachments: None

Motion to Open the Meeting to the Public

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2009-1230 Meeting re-opened to the public

Moved Cr MJ Forster, Seconded Cr MR Valenzuela

That the meeting be re-opened to the public.

Motion put and carried 5/0

The meeting was reopened to the public at 4.55pm.

Present at the re-opening of the meeting were –

MEMBERS	Cr TK Iturbide, Shire President Cr L Hodder Cr MJ Forster Cr MR Valenzuela Cr LJ Terry
STAFF	Mr N Mitchell
OBSERVERS	None

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 1/ COUNCIL DECISION

C2009-1231 Deputy CEO advice of Maternity Leave

Moved Cr LJ Terry, Seconded Cr MJ Forster

That Council note the Deputy CEO's advice of maternity leave commencing 15 February 2010.

Motion put and carried 5/0

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION 2/ COUNCIL DECISION

C2009-1232 Tenancy of Residence at 3 Gibbons Street

Moved Cr MJ Forster, Seconded Cr LJ Terry

That the Deputy CEO be permitted tenancy of the residence at 3 Gibbons Street on the following terms –

- **as per contract (free rent and utilities etc) for the duration of all accrued paid leave taken,**
- **for the balance of the 12 months from the initial commencement of leave, on the basis of –**
 - o **rental to be pro-rata of the subsidised employee weekly rate, currently \$45 per week**
 - o **power, water, telephone calls to be charged pro-rata (telephone rent to remain free)**
- **if part time work continues beyond the 12 months maternity leave, arrangements are to be negotiated with the CEO at that time.**

Motion put and carried 5/0

Cr MR Valenzuela left the meeting at 4.56pm and returned at 4.57pm.

Cr EC Rowe returned in the meeting at 4.57pm.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on Thursday, 18 February 2010, commencing at 11.00 am.

NOTE Special Meeting/s may be required for the CEO Recruitment process.

COUNCIL DECISION

C2009-1233 Next Ordinary Meeting

Moved Cr TK Iturbide, Seconded Cr EC Rowe

That an Ordinary Meeting of Council be held in the Council Chamber in Gibbons Street, on Thursday, 28 January 2010, commencing at 11.00 am.

Motion put and carried 5/1

NOTE The likelihood of a Special Meeting being required in late January 2010 to further consider matters relating to the recruitment of a CEO had been noted at the Special Meeting of 9 December 2009, and left to the discretion of the President to call when appropriate.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 5.02pm.

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