



AGENDA

Special Council Meeting

13th April 2022

Notice of Meeting

A Special Council Meeting for the Shire of Yalgoo has been called for Tuesday the 13th April 2022 in the Council Chambers, 37 Gibbons Street, Yalgoo starting at 4:00pm.



Ian Holland

CHIEF EXECUTIVE OFFICER

11th April 2022

Disclaimer:

The Shire of Yalgoo gives notice to members of the public that any decisions made at the meeting, can be revoked, pursuant to the Local Government Act 1995. Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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1 DECLARATION OF OPENING

The Shire President welcomed those in attendance and declared the meeting open at _____.

2 ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

In accordance with section 14 of the Local Government (Administration) Regulations 1996 "Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))", the President to declare that this Meeting may take place via instantaneous communication. All Councillors and staff are to be available either via telephone (teleconference) or in person.

APOLOGIES

LEAVE OF ABSENCE

3 DISCLOSURE OF INTERESTS

Councillors and Officers are reminded of the requirements of s5.65 of the Local Government Act 1995, to verbally disclose any interest during the meeting before the matter is discussed or to provide in writing the nature of the interest to the CEO before the meeting.

4 PUBLIC QUESTION TIME

RESPONSES TO QUESTIONS TAKEN ON NOTICE

QUESTIONS TAKEN WITHOUT NOTICE

5 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

6 NOTICE OF MATTERS TO BE DISCUSSED BEHIND CLOSED DOORS

NIL

7 APPLICATIONS FOR LEAVE OF ABSENCE

8 BUSINESS AS NOTIFIED

Purpose of Meeting – To consider the 2019/20 Annual Report and an alteration of LRCI spending

8.1 Adoption of 2019/2020 Annual Financial Report

Applicant:	Shire of Yalgoo
Date:	11/4/2022
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	Shire of Yalgoo 2019/20 Annual Financial Report (audited) Audit Report and Management Letter 2019/20

SUMMARY

To present to Council the Audited Annual Financial Report 2019/2020.

COMMENT

The Local Government Act requires that Council accept the annual report for the financial year no later than 31 December of the year ending or no later than two months after the auditors report becomes available if it is not received prior to the 31st December.

The Auditors report was received on the 3rd March 2022. The recommendation provides a suitable timeframe for conducting an Annual Meeting of Electors within 56 days after the acceptance of the annual report.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council:

1. Accepts the 2019/20 Shire of Yalgoo Annual Report pursuant to section 5.54 of the Local Government Act 1995;

2. Authorise the Chief Executive Officer to give local public notice of the availability of the annual report from 14th April 2022 in accordance with section 5.55 of the Local Government Act 1995; and
3. Conduct the Annual Electors Meeting on Friday 29th April 2022 at 9:45am at Core Stadium Yalgoo, by giving at least 14 days local public notice prior to the meeting.

8.2 Local Roads and Community Infrastructure Alteration

Applicant:	Shire of Yalgoo
Date:	11/4/2022
Reporting Officer:	Ian Holland Chief Executive Officer
Disclosure of Interest:	NIL
Attachments:	Work Schedule – Project Nomination

SUMMARY

That Council consider the reallocation of \$285,431 of Local Roads and Community Infrastructure stimulus funds and pipe yard rental income from an unsuccessful SHERP grant.

COMMENT

After advertising a tender for the Yalgoo Hall refurbishments no tender responses were received. Builders were approached for rate schedules as stimulus funds require spending prior to the 30th June 2022 but Covid cases and a busy building industry have resulted in slow response times and it is unlikely that any of these funds will be spent within the 2 month window.

While there are many projects that would be beneficial to town LRCI phase 2 requires completion by June. With this in mind two beneficial, cost effective and timely projects are suggested.

A reallocate of phase three funds and own capital funds will be considered in the 2022/23 budget to match lotterywest grant moneys. Administration will look to engage an architect or building firm to commence design work and then seek asbestos removers independently.

With 2-3 years of significant wet weather potholes and surface damage on sealed Shire roads is becoming more prevalent. It is suggested that pavement repairs and rehabilitation such as crack and hole sealing be carried out on the Northern sections of Yalgoo-Ningham Road, Morawa-Yalgoo Road and select town streets. Timely patching will provide for decreased spending in a few year's time and will help to prepare these roads for reseals out of own funds in the next few years.

The second suggested project is a continuation of the fiber internet connection to the Administration Office from 2020. A point to point wireless internet system is proposed to connect the Administration Office, Caravan Park, Art Centre and Hall so that all local Shire services and phones operate through a single internet connection and wireless internet can be used publicly at the Caravan Park and Community Facilities.

\$30,000 for the rental of the pipe storage yard was suggested for the purchase of land if the Shire was successful for a SHERP community housing grant. The Shire was unfortunately unsuccessful with its application.

Administration proposes that \$10,000 of these surplus funds be allocated to administration building maintenance as the primary air conditioner has failed.

Multiple companies have been requested to repair the system but they have all been unsuccessful sourcing parts. It is doubtful this action would be supported by the LRCI team as there is limited community benefit and only workforce benefit.

It is also suggested that the other \$20,000 be allocated to the strategic planning and case study account. Administration would like to apply for future funding to develop the Yalgoo Railway Complex through grants such as the Building Better Regions Fund. These grants require projects that are shovel ready and legislated business cases may be required.

The budget review identified a surplus of \$76,706.

A further report on this proposal will be presented to Council and spending from this account is already earmarked for Asset Management Plans, a Corporate Business Plan and Long Term Financial Plan, that will likely require contractor engagement.

STATUTORY ENVIRONMENT

Local Government Act 1995

POLICY/FINANCIAL IMPLCATIONS

NIL

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION

That Council authorize the Chief Executive Officer to amend the Local Road and Community Infrastructure Nomination and adopt the following changes to the 2021/22 Budget:

Reallocate the following funds and authorize for expenditure:

\$200,000 from the Yalgoo Hall Refurbishment account to a new capital project - pavement repair Yalgoo-Ningham Road and Morawa-Yalgoo Roads

\$85,431 from the Yalgoo Hall Refurbishment account to a new capital project – point to point wireless internet, Yalgoo Community Facilities

\$10,000 from the Budget Review Surplus to Administration Building Maintenance

\$20,000 from the Budget Review Surplus to Planning Business Cases

9 NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers, Gibbons Street Yalgoo on Friday 29th of April 2022 commencing at 10.00am.

A motion is proposed to change the location to Core Stadium due to social distancing requirements for the Annual Electors Meeting.

OFFICERS RECOMMENDATION

That the Ordinary 29th April 2022 Council Meeting be moved to Core Stadium Yalgoo.

10 MEETING CLOSURE

There being no further business the Shire President declared the meeting closed at

PUBLIC QUESTION TIME - FOR INFORMATION PURPOSES ONLY

The Shire of Yalgoo welcomes community participation during public question time of Council Meetings. The following is a summary of s5.24 of the Local Government Act 1995, the Local Government (Administration) Regulations 1996 and Shire Policy, to provide a guide for public question time.

To enable a prompt and detailed response to questions, members of the public are requested to lodge questions in writing to the Chief Executive Officer at least two days prior to a Council meeting. This can be done:

- a. In person at the Shire of Yalgoo Office, 37 Gibbons St, Yalgoo
- b. By emailing the Executive Support Officer pa@yalgoo.wa.gov.au
- c. By phoning the Executive Support Officer (08) 9962 8042

When registering a question members of the public will be required to provide the following for record keeping and response:

- a. Name, Address, Contact Number and Name of Organisation representing (if any)
- b. A written copy of the question to be asked at Public Question Time

It is recommended to arrive at the Council Meeting 15 minutes to commencement if you have not registered a question in advance.

The presiding Member will open Public Question Time where appropriate and, if necessary, provide a brief summary of the rules, regulations and procedures of Public Question Time.

1. The person asking the question is to state their name prior to asking the question.
2. Questions are to be directed through the chair, with the Presiding Member having the discretion of accepting or rejecting a question and the right to nominate a Councillor or Officer to answer.
3. In order to provide an opportunity for the greatest portion of the gallery to take advantage of question time, questions are to be as succinct as possible. Any preamble to questions should therefore be minimal and no debating of the issue between the Gallery, Councillors or Officers is permissible.
4. Where the Presiding Member rules that a member of the public is making a statement during public question time, then no answer is required to be given or recorded in response.
5. Questions which are considered inappropriate; offensive or otherwise not in good faith; duplicates or variations of earlier questions; relating to the personal affairs or actions of Council members or employees; will be refused by the Presiding Member as 'out of order' and will not be recorded in the minutes.

6. Questions from members of the public that do not comply with the Rules of Question Time or do not abide by a ruling from the Presiding Member, or where the member of the public behaves in a manner in which they are disrespectful of the Presiding Member or Council, or refuse to abide by any reasonable direction from the Presiding Member, will be ruled 'out of order' and the question will not be recorded in the minutes.
7. Answers to questions provided in good faith, however, unless reasonable prior written notice of the question is given, answers should not be relied upon as being totally comprehensive.
8. The priority for asking questions shall be firstly 'questions on which written notice has been given prior to the meeting' (that is, prior to 12 noon on the day immediately preceding the meeting) and secondly, 'questions from the floor'.
9. Public Question Time is set for a maximum period of 15 minutes, and will terminate earlier should no questions be forthcoming.
10. There are circumstances where it may be necessary to place limits on the asking of questions to enable all members of the public a fair and equitable opportunity to participate in Public Question Time. In these events the Presiding Member will apply the most appropriate limit for the circumstance. Generally each member of the public shall be provided a maximum two minutes time limit in the first instance, in which to ask a maximum of two questions (whether these are submitted 'in writing' or 'from the floor'). A question may include a request for the tabling of documents where these are relevant to an issue before Council.
11. Should there be time remaining on the initial period for Public Question Time (i.e. 15 minutes) after all members of the public have posed their initial allotment of two questions, the Presiding Member will then allow members of the public to sequentially (in accordance with the register) ask further questions (with necessary limits in place as discussed above if required) until the initial period for Public Question Time has expired.
12. Any extension to the initial period for Public Question Time is to be limited to a period that will allow sufficient time for any remaining members of the public to ask their initial allotment of two questions.
13. Where a question (compliant to these rules) is raised and is unable to be answered at the meeting, the question shall be 'taken on notice' with an answer being given at the next appropriate Council Meeting.
14. Where a member of the public submitting a question is not physically present at the meeting, those questions will be treated as an item of correspondence and will be answered in the normal course of business (and not be recorded in the minutes).

MATTERS FOR WHICH THE MEETING MAY BE CLOSED- FOR INFORMATION PURPOSES ONLY

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed.

The following legislative extracts were downloaded from www.legislation.wa.gov.au on 7 July 2021.

Local Government Act 1995

s5.23. Meetings generally open to the public

(1) Subject to subsection (2), the following are to be open to members of the public —

- (a) all council meetings; and
- (b) all meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- (a) a matter affecting an employee or employees; and
- (b) the personal affairs of any person; and
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
- (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
- (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government; and

- (f) a matter that if disclosed, could be reasonably expected to —

- (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
- and
- (g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

s5.92 Access to information by council, committee members

- (1) A person who is a council member or a committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.
- (2) Without limiting subsection (1), a council member can have access to —
 - (a) all written contracts entered into by the local government; and
 - (b) all documents relating to written contracts proposed to be entered into by the local government.

s5.93. Improper use of information

A person who is a council member, a committee member or an employee must not make improper use of any information acquired in the performance by the person of any of his or her functions under this Act or any other written law —

- (a) to gain directly or indirectly an advantage for the person or any other person; or
- (b) to cause detriment to the local government or any other person. Penalty: \$10 000 or imprisonment for 2 years.

Local Government (Model Code of Conduct) Regulations 2021

s.21 Disclosure of Information

(1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

(2) A council member must not disclose information that the council member —

(a) derived from a confidential document; or

(b) acquired at a closed meeting other than information derived from a non-confidential document.

(3) Subclause (2) does not prevent a council member from disclosing information —

(a) at a closed meeting; or

(b) to the extent specified by the council and subject to such other conditions as the council determines; or

(c) that is already in the public domain; or

(d) to an officer of the Department; or

(e) to the Minister; or

(f) to a legal practitioner for the purpose of obtaining legal advice; or

(g) if the disclosure is required or permitted by law.

ATTENDANCE - FOR INFORMATION PURPOSES ONLY

Local Government Act 1995

S2.25 Disqualification for failure to attend meetings

(1) A council may, by resolution, grant leave of absence, to a member.

- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
 - (a) a meeting that has concluded; or
 - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2 month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2 month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.
- (5) The non attendance of a member at the time and place appointed for an ordinary meeting of the council does not constitute absence from an ordinary meeting of the council —
 - (a) if no meeting of the council at which a quorum is present is actually held on that day; or
 - (b) if the non attendance occurs —
 - (i) while the member has ceased to act as a member after written notice has been given to the member under section 2.27(3) and before written notice has been given to the member under section 2.27(5); or
 - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
 - (iiiia) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
 - (iii) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
- (6) A member who before the commencement of the Local Government Amendment Act 2009 section 5 was granted leave during an ordinary meeting of the council from which the member was absent is to be taken to have first obtained leave for the remainder of that meeting.

Urgent Business

General business will not be admitted to Council. In cases of urgency or other special circumstances, where a matter cannot or should not be deferred until the next meeting, urgent items may, with the consent of a majority of Elected Members present, be heard and dealt with. Any such business shall be in the form of a clear motion, and the President may require such a motion to be written and signed by the Councillor or officer proposing the motion or recommendation.

Deputations

Persons wishing to appear before Council or a Committee as a deputation should apply to the CEO at least one week before the date of the meeting, specifying the purpose of the deputation and the number of persons in the deputation. Deputations may be permitted at the discretion of the Presiding Member or by a resolution of the Council or Committee (as the case may not be). Not more than two members of a deputation may address the Council or Committee, except to answer questions from members of the Council or Committee.

A motion was mover by Cr _____ and seconded by Cr _____ to adjourn the meeting for lunch/a break and to reconvene at _____am/pm