AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD ON

THURSDAY 21 MAY 2015

COMMENCING 11.00 AM
SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE COUNCIL CHAMBERS ON THURSDAY 21 MAY 2015 COMMENCING AT 11.00 am.

Silvio Brenzi
Acting Chief Executive Officer
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Agenda for the Ordinary Meeting of the Yalgoo Shire Council, to be held in the Council Chambers, 37 Gibbons Street, Yalgoo, on 21 May 2015, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS
STAFF
GUESTS
OBSERVERS
LEAVE OF ABSENCE
APOLOGIES

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting
4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
<th>Attended with whom</th>
</tr>
</thead>
</table>

7.2 COUNCILLORS

<table>
<thead>
<tr>
<th>Date</th>
<th>Details</th>
<th>Councillors</th>
</tr>
</thead>
</table>
8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

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

Voting Requirements
Simple majority

**Officer Recommendation**

**Minutes of the Ordinary Meeting**

That the Minutes of the Ordinary Council Meeting held on 23 April 2015 be confirmed.

Moved: ____________________ Seconded: ____________________ Motion put and carried/lost

8.2 SPECIAL COUNCIL MEETINGS

Background
Minutes of the following Special Meetings of Council have previously been circulated to all Councillors:

Voting Requirements
Simple majority

**OFFICER RECOMMENDATION**

**Minutes of the Special Meeting of Council held on Tuesday 12 May 2015**

That the Minutes of the Special Council Meeting held on Tuesday 12 May 2015 be confirmed.

Moved: ____________________ Seconded: ____________________ Motion put and carried/lost

9. MINUTES OF COMMITTEE MEETINGS

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters

10.0 INFORMATION ITEMS

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (eg: matters affecting employee/s or the personal affairs of any person).
11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.0.1 Technical Services Report – May 2015
No report this month.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH
No report this month
11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of January 2015.

<table>
<thead>
<tr>
<th>File:</th>
<th>Author: Silvio Brenzi, Acting CEO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
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<tr>
<td>Date:</td>
<td>6 May 2015</td>
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<tr>
<td>Attachments (White):</td>
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<tr>
<td>P</td>
<td>Financial Activity Statements - R34 (1) January 2015</td>
</tr>
<tr>
<td>P</td>
<td>Schedule of Payments - R13 (1) January 2015</td>
</tr>
<tr>
<td>P</td>
<td>Schedule of Payments - R13 (1) November 2014</td>
</tr>
<tr>
<td>P</td>
<td>Schedule of Payments – R13 (1) December 2014</td>
</tr>
</tbody>
</table>

Matter for Consideration

Adoption of the monthly financial statements, major project progress report and schedule of payments.

Background

Council, at its January and February Ordinary Council meetings resolved to defer consideration of the following reports and officer recommendations:

**Ordinary Council Meeting held on 23 January 2015:**

Voting Requirements
Simple Majority

OFFICER RECOMMENDATION DEFERRED

R34 (1) - Financial Activity Statements for the Month of January 2015

That Council adopts the financial activity statements for the period ending 31 January 2015, as attached.

Moved: Seconded: Motion Deferred

OFFICER RECOMMENDATION DEFERRED

R13 (1) - List of Accounts Paid for the Month of January 2015

That Council receives the Schedule of Payments for accounts paid in the month of January 2015.

Moved: Seconded: Motion Deferred

**Ordinary Council Meeting held on 19 February 2015:**

Voting Requirements
Simple Majority
OFFICER RECOMMENDATION DEFERRED

R34 (1) - Financial Activity Statements for the Months of November 2014 and December 2014

That Council adopts the financial activity statements for the periods ending 30 November 2014 and 31 December 2014, as attached.

Moved: Seconded: Motion Deferred

OFFICER RECOMMENDATION DEFERRED

R13 (1) - List of Accounts Paid for the Months of November 2014 and December 2014

That Council receives the Schedule of Payments for accounts paid in the months of November 2014 and December 2014.

Moved: Seconded: Motion Deferred

Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 requires that a Statement of Financial Activity together with other relevant documentation be presented at the Ordinary Meeting of Council within two months after the end of month by which the Statement relates and that it be resolved in the Minutes of the meeting at which it was presented.

In order to comply with the above mentioned requirements, Council is requested to give consideration to the financial activities statements and accounts paid as per the attachments for the months of November and December 2014 and January 2015.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION #1

R34 (1) / R13 (1) Financial Activity Statements and Schedule of Payments for the Months of November and December 2014 and January 2015

1. That Council adopts the financial activity statements for the periods ending 30 November 2014 and 31 December 2014 and 31 January 2015.
2. That Council receive the schedule of payments for the months of November and December 2014 and January 2015

Moved: Seconded: Motion put and carried/lost
11.4 ADMINISTRATION

11.4.1 Use of the Common Seal on the Sale of Transfer Papers for 30 Selwyn Street, Yalgoo

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<thead>
<tr>
<th>File:</th>
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<tbody>
<tr>
<td>Author:</td>
<td>Silvio Brenzi. A/CEO</td>
</tr>
<tr>
<td>Interest Declared:</td>
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<tr>
<td>Date:</td>
<td>18/05/2015</td>
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<tr>
<td>Attachments</td>
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<td>(yellow)</td>
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</table>

**Matter for Consideration**

To authorize the use of the common seal, on the sale transfer papers for 30 Selwyn Street, Yalgoo.

**Background**

Council approval is required prior to utilizing the common seal. The imprint shows direct connection and approval of Council. During various times throughout the year it is common to have recognition certificates and the like developed for certain situations that recognize community groups and individuals for their contribution or achievements. These can be at times outside of council meeting dates and prior authorization of the common seal to the CEO, President or Deputy President would greatly increase the ability to award timely recognition without excessive cost through special council meetings for this purpose.

**Statutory Environment**

*Local Government Act 1995*

s.3.1 (1). The general function of the local government is to provide for the good government of persons in its district.

**Business Implications**

<table>
<thead>
<tr>
<th>Strategic Community Plan</th>
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<tbody>
<tr>
<td>Corporate Business Plan</td>
<td></td>
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<tr>
<td>Long Term Financial Plan</td>
<td></td>
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<tr>
<td>Asset Management Plan</td>
<td></td>
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<tr>
<td>Workforce Plan</td>
<td></td>
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<tr>
<td>Policy</td>
<td></td>
</tr>
<tr>
<td>Financial (short term/annual budget)</td>
<td></td>
</tr>
</tbody>
</table>

**Consultation**

Silvio Brenzi - A/CEO
Dominic Carbone – Dominic Carbone and Associates.

**Comment**

Nil
Voting Requirements
Simple Majority

OFFICER RECOMMENDATION

Use of Common Seal on the Sale of Transfer Papers for 30 Selwyn Street, Yalgoo

That Council authorize the use of the common seal by the President, Deputy President and CEO, in consultation, on the Sale Transfer Papers for 30 Selwyn Street, Yalgoo.

Moved: Seconded: Motion put and carried/lost
11.4.2 Transfer of Reserve Funds and Change of Use for Loan Funds

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<thead>
<tr>
<th>File:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Author:</td>
<td>A/CEO Silvio Brenzi</td>
</tr>
<tr>
<td>Interest Declared:</td>
<td>No interest to disclose</td>
</tr>
<tr>
<td>Date:</td>
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<tr>
<td>Attachments (yellow)</td>
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</table>

**Matter for Consideration**

That reserve funds from the Building Reserve are used to construct the two modular houses and that the loan fund usage is advertised for change of use to reimburse the reserve account.

**Background**

Due to various financial activities over the previous 18 months, it has become apparent that a new method of project management is required from the Shire to comply with several statutory requirements for the funding received in May 2014 from MWIP (DRD) and the loan funds in January 2015.

A meeting will be held with MWDC on the 22nd May with Gavin Treasure, Neil Grinham and Silvio Brenzi to discuss how the Shire can fulfil its contract obligations to the supplied funding for the construction of two staff houses. Council has already endorsed the tender to supply and deliver these modular homes at the ordinary meeting held in Paynes Find in April 2015.

It has been indicated by MWDC that although the supplied funds were not placed in restricted cash and it is not acceptable to use the loan funds to build the homes. It is a requirement for the Shire to utilise its own funds, not borrowed money as this would indicate a breach of contract. To cater for this strategy, we are able to build the homes with our funds from the Building Reserve account as there are sufficient funds available to fulfil the tender price. We then would need to ‘change the use’ of the loan funds to ‘boost’ our reserve accounts for future use. This is compliant with the L.G. Act 1995 sect 6.20.3 Power to Borrow. After one month local public notice is given, then an absolute majority is required from council to endorse the change.

**Statutory Environment**

*Local Government Act 1995*

s.3.1 (1) The general function of the local government is to provide for the good government of persons in its district.

**Business Implications**

| Strategic Community Plan |  |
| Corporate Business Plan |  |
| Long Term Financial Plan |  |
| Asset Management Plan |  |
| Workforce Plan |  |
| Policy |  |
| Financial (short term/annual budget) | To be declared in the financial review at F/Y end. |
Consultation
Gavin Treasure. MWDC
Dominic Carbone. DCA

Comment
This document is to allow for a streamlined process into the construction phase of the home construction.

Voting Requirements
Absolute Majority

OFFICER RECOMMENDATION
Transfer of Reserve Funds and Change of Use for Loan Funds.

That Council endorses the transfer of $396,000.00 from the building reserve to construct the tendered homes and advertises the change of use of the $400,000.00 loan funds to boost the building reserve account.

Moved: Seconded: Motion put and carried/lost
12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC

Councillors are obliged to maintain the confidentiality of matters discussed when the meeting is closed. Fines of up to $10,000 or two years imprisonment apply to certain offences relating to misuse of information.

The following legislative extracts were downloaded from www.auslii.edu.au on 8 November 2010.

Local Government Act 1995

5.23. 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;

(b) the personal affairs of any person;

(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;

(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;

(e) a matter that if disclosed, would reveal —

(i) a trade secret;

(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;

(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;

(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;

(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.

5.92. 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.

5.93. 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 (Rules of Conduct) Regulations 2007

6. Use of information

(1) In this regulation —

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 to clearly show that the information in the document is not to be disclosed;

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

(2) A person who is a council member must not disclose —

(a) information that the council member derived from a confidential document; or

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

(3) Subregulation (2) does not prevent a person who is 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.
15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday 18 June 2015 commencing at 11.00 am.

16. MEETING CLOSURE