



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

Date	Details	Attended with whom

7.2 COUNCILLORS

Date	Details	Councillors

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
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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
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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

11.4 ADMINISTRATION

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

File:	
Author:	Silvio Brenzi. A / CEO
Interest Declared:	No interest to disclose
Date:	18/05/2015
Attachments (yellow)	Nil

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

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	

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

File:	
Author:	A/CEO Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	19/05/2015
Attachments (yellow)	Nil

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