



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE COUNCIL CHAMBERS, YALGOO

ON THURSDAY 18 JUNE 2015

COMMENCING 11.00 AM

SHIRE OF YALGOO

NOTICE OF ORDINARY COUNCIL MEETING

THE NEXT ORDINARY MEETING OF COUNCIL WILL BE HELD IN THE YALGOO COUNCIL CHAMBERS, YALGOO ON THURSDAY 18 JUNE 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 18 June 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

Item 14.1 Consideration of a matter affecting an employee 5.23 (2) (a)

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

Please refer to attachment: Council and Staff Calendar of Events

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 21 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 (e.g: 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

No report this month

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

No report this month

11.3 FINANCE

11.3.1 Budget Amendment 2015/16

| | |
|-------------------------|--|
| File: | |
| Author: | Silvio Brenzi, Acting CEO |
| Interest Declared: | No interest to disclose |
| Date: | 10 June 2015 |
| Attachments (yellow) | Mid year Budget Review and Letter to MWDC (Confidential). (Provided under separate cover) |

Matter for Consideration

To amend the budget to reflect the projects lost due to financial restrictions.

Background

As per statutory requirements, a mid year budget review was undertaken to clarify the adjusted position of the Shire’s financial position. This was adopted at the Ordinary Meeting 23rd April 2015, held in Paynes Find. Following the adoption of the review, further and ongoing investigations into the financial position regarding capital purchases, has indicated that a further review and adjustment is required.

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) | |

Financial Implications

The amendment will clarify our future position financially over the next few years.

Consultation

Nil

Comment

Four major projects were either deferred or reduced significantly to cater for reduced funds being available in the mid year review.

1. Two additional houses in conjunction with MWIP funded homes.
2. Purchase of a 1x Multi-wheel roller
3. Trade and purchase of a 140 CAT Grader for 12M CAT grader
4. Fencing of the Paynes Find airstrip.

The attached budget review lists the current situation with these 4 projects. Also attached is the letter to MWDC detailing the changed program of now only building 2 houses, (previously four were scheduled). Heavy plant purchases have also been lost along with the fencing project. These losses are purely caused through the mismanagement of funds of the budget under the management and direction of the previous CEO.

The attached letter outlines the reasoning and justification for the lost housing project. The other 3 items that have been lost, are due to funds being removed from the Reserve account to complete the housing project for MWIP. Therefore, this has adversely impacted on the funds allocated causing the heavy plant and fencing projects to be lost. At present, it does not seem that these projects will be able to be deferred to the 15/16 financial year.

The total loss in dollars for these four projects is detailed below.

| | |
|--------------|---------------------|
| 1. 2 houses | \$396,000.00 |
| 2. Grader | \$220,000.00 |
| 3. Roller | \$175,000.00 |
| 4. Fencing | <u>\$50,000.00</u> |
| Total | \$841,000.00 |

The items that are removed will have a zero dollar allocation assigned to them.

Voting Requirements

Absolute Majority

Officer Recommendation

To Amend the 14/15 Budget to Reflect the Lost Projects.

That the 14/15 budget is amended to remove the 4 projects that are no longer able to be funded.

1. Remove 2 additional houses (lost);
2. Remove trade and purchase of CAT grader (lost);
3. Remove purchase of Multi-wheel roller (lost); and
4. Remove Paynes Find airstrip fence (lost).

Moved: **Seconded:** **Motion put and carried by absolute majority/lost**

11.4 ADMINISTRATION

11.4.1 Heritage Priorities 2015/16

| | |
|-------------------------|---------------------------|
| File: | |
| Author: | Silvio Brenzi, Acting CEO |
| Interest Declared: | No interest to disclose |
| Date: | 10 June 2015 |
| Attachments (yellow) | Nil |

Matter for Consideration

That Council consider the following properties within the Shire of Yalgoo as priorities for Heritage funding applications and works.

Background

Part of the Heritage Funding received each year to monitor, report and manage the listed items, requires Council to nominate the priorities for funding and associated works.

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 | Reduce costs from G.R. accounts to funding agreements |
| Asset Management Plan | |
| Workforce Plan | |
| Policy | |
| Financial (short term/ annual budget) | |

Financial Implications

Nil

Consultation

Nil

Comment

There are many sites throughout the area and township that could be considered for works. However as a priority, the Railway Station, the Museum and the Old Railway Water Tank are functional for community events and attractions for tourists. Differing amounts of repair work need to be carried out on each site.

These works will need to be accurately costed and a full scope of work provided, outlining timeframes, type of work and recommended contractors for each site.

Funding would need to be sought to carry out this phase.

Voting Requirements

Simple Majority

Officer Recommendation

Nomination of Three Prioritised Sites for Heritage Funding

That the following three sites are listed as the first three priorities for funding and restoration works on Heritage sites.

- 1. Railway Station building**
- 2. Museum**
- 3. Railway water tank and stand**

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Transfer of Land

| | |
|--------------------|---------------------------|
| File: | |
| Author: | Silvio Brenzi, Acting CEO |
| Interest Declared: | No interest to disclose |
| Date: | 10 June 2015 |
| Attachments | P1 Location map (yellow) |

Matter for Consideration

That council seek to recover the properties No’s. 5 and 7 Henty Street, Yalgoo, due to unpaid rates over the past five years.

Background

Two properties, number 5 and number 7 Henty Street, Yalgoo, are currently vacant land.

Statutory Environment

Local Government Act 1995 - Sect 6.64

6.64 . Actions to be taken

(1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —

- (a) from time to time lease the land; or
- (b) sell the land; or
- (c) cause the land to be transferred to the Crown; or
- (d) cause the land to be transferred to itself.

(2) On taking possession of any land under this section, the local government is to give to the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.

(3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

Business Implications

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

Financial Implications

Nil

Consultation

Nil

Comment

Due to no rates being paid on these properties over the previous 5 years, the Local Government may sell the land to gain back the costs, or alternatively, transfer the ownership of the land to the Shire of Yalgoo. Section 6.64 of the Local Government Act 1995 provides for this process. Multiple and varied attempts have been made to recover the outstanding rates without success. The property file contains all the documentation related to these efforts. These two vacant properties would then become available for future purposes such as staff housing.

Voting Requirements

Simple Majority

Officer Recommendation

Transfer of Land to the Shire of Yalgoo

That application is made to recover the two properties at numbers 5 and 7 Henty Street, Yalgoo. These are to be transferred to the Shire of Yalgoo as per the Local Government Act (S6.64) requirements.

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 23 July 2015 commencing at 11.00 am.

16. MEETING CLOSURE