



AGENDA

FOR THE ORDINARY MEETING

OF COUNCIL

TO BE HELD IN

THE COUNCIL CHAMBERS, YALGOO

ON THURSDAY 23 JULY 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 23 JULY 2015 COMMENCING AT 11.00 AM.

Silvio Brenzi
Acting Chief Executive Officer

CONTENTS

1.	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	2
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	2
3.	DISCLOSURE OF INTERESTS.....	2
4.	PUBLIC QUESTION TIME	3
4.1	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	3
4.2	QUESTIONS WITHOUT NOTICE.....	3
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	3
6.	APPLICATIONS FOR LEAVE OF ABSENCE	3
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	3
8.	CONFIRMATION OF MINUTES	3
8.1	ORDINARY COUNCIL MEETING.....	3
9.	MINUTES OF COMMITTEE MEETINGS	4
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	4
10.0	INFORMATION ITEMS.....	4
11.	MATTERS FOR DECISION.....	4
11.0	MATTERS BROUGHT FORWARD.....	4
11.1	TECHNICAL SERVICES.....	4
11.0.1	Technical Services Report.....	4
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH	4
11.3	FINANCE.....	5
11.3.1	Financial Activity Statements and Accounts Paid for the Month of May 2015.	5
11.4	ADMINISTRATION.....	7
11.4.1	Letter from MRVC.....	7
11.4.2	Members Fees and Charges	10
12.	NOTICE OF MOTIONS.....	12
12.1	PREVIOUS NOTICE RECEIVED.....	12
13.	URGENT BUSINESS.....	12
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	12
14.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	12
	Local Government Act 1995.....	12
	Local Government (Rules of Conduct) Regulations 2007.....	13
15.	NEXT MEETING	14
16.	MEETING CLOSURE	14



Agenda for the Ordinary Meeting of the Yalgoo Shire Council,
to be held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 23 July 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 18 June 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 Financial Activity Statements and Accounts Paid for the Month of May 2015.

File:	
Author:	Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	14 July 2015
Attachments	P1 Monthly Financial Report – May 2015
(White)	P56 Schedule of Payments – May 2015

Matter for Consideration

Adoption of the monthly financial statements.

Background

1. The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.

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

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.

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

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

11.4 ADMINISTRATION

11.4.1 Letter from MRVC

File:	
Author:	A/ CEO
Interest Declared:	No interest to disclose
Date:	13/07/2015
Attachments (yellow)	P1 Letter from MRVC – CEO

Matter for Consideration

To approve the use of donated funds by the MRVC and allow for funds to be allocated in the 15/16 budget.

Background

Below are the points requested by the MRVC regarding the use of donated funds on the fencing cell project.

\$1M funding was received from the Country Local Government Fund (CLGF) via MWDC, so the amount required to complete the project has now reduced to \$4.5M.

- 100kms of new fence is already under construction, utilising the CLGF funding referred to above.
- I have had a number of meetings with various agencies relating to this project, and have consequently obtained a good understanding of the work that needs to be done to get the project “over-the-line” for state funding. We need to produce a detailed implementation plan for pre and post fence construction including pastoralist commitment/communication, land tenure, procurement, breakdown of milestones in fence construction, governance, viable capital and maintenance revenue collection from pastoralists as well as vermin control, pastoralist initiatives post construction. We then need to rework the business case to address all the issues raised by WA Treasury and other agencies, and to incorporate the implementation plan. Although this is a substantial body of work, it is quite achievable (subject to resources).
- There is considerable support for the project, both at the political and departmental level. Minister Redman has told me that he will fund half the cost of the project, subject to our meeting his other requirements.
- All the Departments that I have met with have pledged to support the project. Some enthusiastically, some reluctantly (if they saw this project competing with some project of their own) – but they have all pledged to support it.
- Based on my discussions, we have already started work on addressing the various issues.

These include:

- o Ownership of the fence – who will own and be responsible for maintenance and other outgoings on the fence?
- o How will future outgoings on the fence be funded?
- o Who will enforce eradication programs within the completed cell?
- o How will the fence be surveyed?
- At its meeting held on 29 June 2015, the Council of the MRVC endorsed a proposal that the MRVC should be the creator and owner of the Murchison Regional Vermin Cell fencing assets. This decision is based on advice that the MRVC would be able to obtain easements to provide access to the fences without invoking native title future acts processes.
- If MRVC is to be the creator and owner of the fences, it logically follows that the MRVC (not the Shire of Mount Magnet) should be the project proponent and the applicant for the funding that will be used to create the assets.
- The project would appear to tick all the boxes for an application to the National Stronger Regions Fund (which is a federal funding program). This would provide up to 50% of the project costs, subject to the other 50% being secured. However, the next NSRF closes very soon, and there are extensive documentation requirements for applications. In addition to having secured the other 50% of the required funding, we would need to produce:
 - o Detailed application and budget
 - o Risk management plan
 - o Asset management plan
 - o Procurement management plan
 - o Cost benefit analysis

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)	Allow for \$33,000.00 in 15/16 budget

Consultation

Warren Olsen, CEO Shire of Mt Magnet and MRVC

Comment

The shire of Yalgoo has already agreed to a contribution of \$33,000.00 in the 14/15 budget.(C2015-0211).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Use of donated Funds by MRVC

That Council agrees to MRVC utilising \$10,000.00 of the agreed donation (C2015-0211) for project planning, if MWDC was to match that funding. And that the continued support to MRVC in the 15/16 budget is continued at \$33,000.

Moved:

Seconded:

Motion put and carried/lost

11.4.2 Members Fees and Charges

File:	
Author:	Silvio Brenzi A/ CEO
Interest Declared:	No interest to disclose
Date:	15/07/2015
Attachments	P4 W.A. Officers Award extract (yellow)

Matter for Consideration

To set the fees and allowances for elected members for 2015/16

Background

Each financial year fees and allowances are set for the elected members. S.A.T. have passed the fees and allowances for the 15/16 F/Year. The only changes are that there is no longer a selection for choice in travel reimbursements. As can be seen from the attached schedule in the Officers Award that S.A.T. have used the new applicable amount to Yalgoo is now .9901 cents per Km.

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)	Adjust and set budget accordingly

Consultation

James McGovern

Comment

Travel forms will adjusted accordingly to suit the new rates.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION

Elected Members Fees and Allowances 2015/16

That Council –

- 1. Set a per meeting attendance fee for elected members of Council for Ordinary and Special Council meetings of \$232.00 for 2015/2016 and that this be paid monthly in arrears;**
- 2. Set a per meeting attendance fee for the President for Ordinary and Special Council meetings of \$477.00 for 2014/2015 and that this be paid monthly in arrears;**
- 3. Set the President’s Allowance be \$8,939.00 for 2015/2016 and that this be paid monthly in arrears;**
- 4. Set the Deputy President’s Allowance be \$2,235 for 2015/2016 and that this be paid monthly in arrears;**
- 5. Set a per meeting attendance fee for Committee meetings of \$116.00 for 2015/2016 and that this be paid after a meeting;**
- 6. Set a telecommunications allowance be paid in arrears to elected members of \$291.67 per month; \$291.67per month for Deputy President and \$291.67 per month for President. All Councillors will only be eligible to receive this allowance if they have a valid phone number and email address that they can be contacted on;**
- 7. Set a travel allowance rate of \$0.9901 per km for 2015/2016.**

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 20 August 2015 commencing at 11.00 am.

16. MEETING CLOSURE