



MINUTES
OF THE SPECIAL MEETING
HELD ON
11 APRIL 2012
AT 9.30am

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Minutes of the Special Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Wednesday 11 April 2012, commencing at 9:30am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Terry Iturbide declared the Special Meeting open at 9.35am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Terry K Iturbide, Shire President Cr Len J Terry, Deputy Shire President Cr Neil A Grinham Cr Laurence Hodder Cr M Raul Valenzuela Cr Tom Hodder
STAFF	Sharon Daishe, Chief Executive Officer Heather Boyd, Deputy CEO Christine Harvey, Finance Consultant
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

4. PUBLIC QUESTION TIME

4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

4.1 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Consideration of matters for which the meeting may be closed to the public under 5.23 (2).

Shire President Terry Iturbide declared there is a matter to be discussed with the Council in confidence which will require the meeting to be closed to the public under section 5.23. Details are to follow.

5.0 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.

6. BUSINESS AS NOTIFIED

6.0 Purpose of Meeting

The purpose of the Special Meeting is to consider the annual budget review as at 31 December 2012.

6.1 Annual Budget Review

6.1.1 BD008- Staff Housing, 48 Gibbons Street Construction Report and Reserve Transfer

File:	
Author:	Project Executive Ron Adams and CEO Sharon Daishe
Interest Declared:	No interest to disclose
Date:	20 March 2012
Attachments	Nil

Matter for Consideration

To receive a report regarding over budget expenditure on capital project BD008- Staff Housing, 48 Gibbons Street and consider transferring \$82,000 from building reserves to fund the expenditure.

Background

Council funded construction of a rammed earth four bedroom/ two bathroom executive residence at 48 Gibbons Street from Council reserve funds in this financial year.

This iconic project was a pilot to determine Council's capacity to move away from transportable homes and construct a highly attractive and durable residence with the following advantages:

- Passive heating and cooling to reduce energy cost and use
- Significantly increased life span of the asset compared to standard transportable style homes
- Reduced cost of internal maintenance due to resilience of building material
- Less vulnerable to damage by vandalism due to wall strength and durability
- Constructed from local earth
- Significantly improved visual amenity
- Attraction and retention of executive staff

The original budget for the project was \$350,000 and it is anticipated that the final cost will be \$432,000.

The Project Executive reports that the major areas of additional expenditure are due to the following:

- \$10,500 overspend on preparation of grounds by Shire crew – very difficult to estimate spend in this area due to the variable costs of public works overheads and efficiencies.
- Fencing and brick retaining walls- retaining wall had not been included in fencing costs, also could only get 1 quote or supplier who was interested in doing the job; approximately \$18,000 above initial estimate.
- Cabinet Works- management decision to select higher quality components to increase the life of the cabinets therefore anticipate extending replacement of the kitchen from the usual 10 years to more like twenty years, this saving will be made in the future. Approx. \$10,000 extra
- Windows- treatment in timber rather than ally, this was for visual amenity and as the main street show piece a much better finish, approx. overspend of \$6,000
- Air conditioning \$2,000 over estimate
- Landscaping & retic \$5,500 over estimate

- Floor Coverings- went for bulk area of tiling , therefore long term cost saving as they will not need to be replaced for 20+ years, unlike other shire properties which have lino & carpet that require regular replacement- Approx over spend \$7,500
- Plumbing- we went for some variations to control water coming off the roof, therefore heading off a potential issue when completed approx. overspend \$6,000
- Painting – omitted from original budget \$11,500

Line Item	Budget (inc GST)	Actual	Variance
Drawings & Engineering	\$ 9,020	\$ 7,941	-\$ 1,079
Prepare Block (inc Shire pworks)	\$ 7,700	\$ 18,230	\$ 10,530
Concrete & Footings	\$ 33,000	\$ 39,470	\$ 6,470
Rammed Earth Walls	\$ 33,000	\$ 35,273	\$ 2,273
Plumbing	\$ 26,426	\$ 33,317	\$ 6,891
Electricity	\$ 14,695	\$ 18,257	\$ 3,562
Internal Fit	\$ 64,994	\$ 104,383	\$ 39,389
Frame, Roof, Gyprock, Walls, Doors & Windows	\$ 109,160	\$ 112,587	\$ 3,427
External Finishings	\$ 37,400	\$ 69,056	\$ 31,656
Painting	\$ -	\$ 11,439	\$ 11,439
Budget Contingency/ Misc actuals	\$ 14,605	-\$ 18,013	-\$ 32,618
TOTAL	\$ 350,000	\$ 431,940	\$ 81,940

Comparative Report Other Houses

Council has constructed three other residences in Yalgoo in the past five years. In each case these houses have been transportable constructed off site. Most still have work to carry out to complete. All have very basic fixtures and fittings with minimal visual appeal and have been landscaped and finished in an ad hoc manner.

The comparative cost of these houses is shown below:

Caravan Park House	\$274,180 (transportable 3 bed/2 bath)
• Shed	30,000
• Fencing	15,000
• Landscaping	15,000
Est finished cost	\$334,180

Cracks in walls and poor workmanship problems already evident along with floor covering to be replaced inside 2 years.

6 Henty Street \$353,241 (transportable 4 bed/ 2 bath)

Poor fencing rotted at bottom due to poor installation and also damaged/buckled due to poor management of construction machinery in yard. No landscaping to rear of house, construction unfinished re gap between house and pad. Remedial works required to veranda with wood lifting etc, to be costed to property in next year. Poor quality floor coverings, torn lino will need replacement before next tenant.

54 Campbell Street \$285,600 (transportable 4 bed/ 2 bath)

Incomplete driveways & landscaping, remedial work on fencing required, remedial work require on verandah. Poor quality floor coverings had to be replaced within 2 years under normal family use.

Statutory Environment

Local Government Act 1995

6.11. Reserve accounts

- (1) Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.

Strategic Implications

Plan for the Future Vision: To provide maintain and improve services by managing and maintaining the assets of the Shire.

Policy Implications

Nil

Financial Implications

Transfer of \$82,000 from Shire Building Reserves.

The balance of the building reserve as at 30/12/2011 is \$520,364.

Consultation

Project Executive Ron Adams

Comment

Other Shires in the region estimate that the cost of construction of one house is \$500,000 (refer regional Country Local Government Fund workshops).

The show piece executive residence in Gibbons Street is a highly liveable, highly attractive asset to the Shire that justifies the construction expense which is below the expected cost in the region.

The project has established the Shire's capacity to deliver on a significant construction project within a short timeframe with a highly desirable result and has provided us with useable estimates for similar future projects.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION

BD008- Staff Housing, 48 Gibbons Street Construction Report and Reserve Transfer

That Council receives the report regarding construction expense of 48 Gibbons Street and authorises transfer of \$82,000 from the building reserve to fund the budget shortfall.

Moved: Cr Len J Terry

Seconded: Cr M Raul Valenzuela

Deferred Temporarily

Motion to Close the Meeting to the Public**Voting Requirements**

Simple Majority

NEW MOTION/COUNCIL DECISION**C2010-0101 Close Meeting to the Public s5.23 (2) (a)**

1. That discussion on the item relating to BD008- Staff Housing, 48 Gibbons Street Construction Report and Reserve Transfer be temporarily suspended; and
2. That the meeting be closed to the public to discuss a matter affecting employees under section 5.23(2) (a) of the Act.

Moved: Cr Len J Terry**Seconded: Cr M Raul Valenzuela****Motion put and carried 6/0**

The meeting was closed to the public at 9.45am.

ATTENDANCE: *The Shire staff Finance Consultant Christine Harvey and DCEO Heather Boyd left the meeting.*

ADJOURNMENT: *9.45am the closed meeting was adjourned.*

RESUMPTION: *10.04am the closed meeting resumed.*

Remaining in the closed meeting were:

Shire President Terry Iturbide
 Deputy Shire President Cr Len Terry
 Cr Laurence Hodder
 Cr Tom Hodder
 Cr Raul Valenzuela
 Cr Neil A Grinham
 CEO Sharon Daishe

ATTENDANCE: *10.25am CEO Sharon Daishe left the closed meeting.*

ATTENDANCE: *10.26am CEO Sharon Daishe rejoined the closed meeting.*

Motion to Open the Meeting to the Public**Voting Requirements**

Simple Majority

NEW MOTION/COUNCIL DECISION**C2010-0102 Open Meeting to the Public****That the meeting be re-opened to the public.****Moved: Cr Neil A Grinham****Seconded: Cr M Raul Valenzuela****Motion put and carried 6/0**

The meeting was reopened to the public at 10.25am.

NEW MOTION/COUNCIL DECISION

C2010-0103 Resume discussion item 6.1.1

That Council resume discussion regarding item 6.1.1 BD008- Staff Housing, 48 Gibbons Street Construction Report and Reserve Transfer

Moved: Cr M Raul Valenzuela Seconded: Cr Laurence Hodder Motion put and carried 6/0

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-0104 BD008- Staff Housing, 48 Gibbons Street Construction Report and Reserve Transfer

That Council receives the report regarding construction expense of 48 Gibbons Street and authorises transfer of \$82,000 from the building reserve to fund the budget shortfall.

Moved: Cr Len J Terry Seconded: Cr M Raul Valenzuela Motion put and carried by absolute majority 6/0

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2010-0105 Financial Controls relating to Over Expenditure on Capital Works Project

The Council:

- 1. Notes the over expenditure on forward capital works project BD008- Staff Housing, 48 Gibbons Street; and**
- 2. Instructs the CEO to implement appropriate financial reporting and controls to prevent recurrences.**

Moved: Cr Terry K Iturbide Seconded: Cr Len Terry Motion put and carried 6/0

6.1.2 Review of Annual Budget as at 31 December 2011

File:	
Author:	Christine Harvey, Finance Consultant
Interest Declared:	No interest to disclose
Date:	31 March 2012
Attachments (green)	p 2011/2012 Budget Review Statement of Budget Review and notes on Closing Funds and Budget Amendments

Matter for Consideration

To consider and adopt the Budget Review as presented in the Statement of Budget Review for the period 1 July 2011 to 31 December 2011.

Background

A Statement of Financial Activity incorporating year to date budget variations and forecasts to 30 June 2012 for the period ending 31 December 2011 is presented for council to consider.

The *Local Government (Financial Management) Regulations 1996*, regulation 33A as amended, requires that local governments conduct a budget review between 1 January and 31 March in each financial year.

A copy of the review and determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. Council adopted a 10% and a \$5,000 minimum for the reporting of material variances to be used in the statements of financial activity and the annual budget review.

Triple Bottom Line Assessment

- Economic Implications: The budget has been reviewed based on sound financial management and accountability principles and is considered to deliver a sustainable economic outcome for Council and the community.
- Social Implications: The budget has been reviewed to deliver social outcomes identified in various planning and community supporting strategies that have previously been adopted by the Council.
- Environmental Implications: The budget has been reviewed to support key environmental strategies and initiatives adopted by the Council.

Due to the adjustments the closing funds have increased by \$856 (from \$Nil to \$856) and remain within the percentage and dollar material variance set by council in the 2011/2012 Adopted Budget.

Features of the budget review include:

Surplus bought forward altered from budget in Financial Statements 30 June 2011	(480,549)
Increase in rates due to mining activity	48,980
Decrease in CLGF capital grant - to be spent in future years	(640,546)
Decrease in Governance income	80,000
Decrease in Murchison Integrated Planning expense (funding not approved)	(80,000)
Increase FESA grants (shed at Paynes Find, apron Yalgoo)	17,535
New - FESA reimbursement of fire costs	100,000
Increase in Fire Fighting expenses	(102,092)
WACHS contribution to build Health Centre	50,000
Insurance refund (income) brought to account 2010/11	(44,000)
Additional Staff Housing expenses	(35,967)
Decrease Waste Management revenue	(20,000)
Additional expenses maintaining Community Facilities	(59,795)
Additional Roman Road Management expenses	(10,000)
Additional Depot Maintenance expenses	(10,000)
Decrease in Flood Damage Repairs expensed 2010/11	354,052
Contribution to Road Maintenance – Mining	56,000
Increased Caravan Park revenues	10,000
Additional Caravan Park expenditure	(40,000)
Increased Building Permit revenue	24,000
Decrease Administration Wages and Superannuation	70,574
Increase Accounting Service Fees	(85,000)
Transfers from Reserves	111,000
Additional Capital expenditure	(132,288)
Reduced Capital expenditure	98,000
Capital Expenditure of 2011/12 CLGF Funds being deferred to 2012/13	698,000
Net effect of other minor items	22,952
NET CHANGES	\$856

Refer attachment for detailed explanation of budget variances.

Statutory Environment

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires:

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

Strategic Implications

The Budget Review has been developed based on existing strategic planning documents adopted by Council.

Policy Implications

The budget is based on the principles contained in the Plan for the Future.

Financial Implications

Specific financial implications are as outlined in this report and the attachment.

Consultation

Sharon Daishe – Chief Executive Officer
Christine Harvey – Finance Consultant
Sue Voloczi – Consultant

Comment

The budget has been reviewed to continue to deliver on other strategies adopted by the Council and maintains a high level of service across all programs.

The closing funds remain in surplus as a result of this budget review with a slight increase of \$856.

Refer attachments for full details and explanations of the budget adjustments.

Discussion

Shire President Terry Iturbide opened the matter for discussion and questions of financial staff.

As foreshadowed in the budget review document, the CEO indicated the need to present a confidential report.

Motion to Close the Meeting to the Public

Voting Requirements

Simple Majority

NEW MOTION/COUNCIL DECISION

C2010-0106 **Close Meeting to the Public s5.23 (2) (a)**

That the meeting be closed to the public to discuss a matter affecting an employee (LGA s. 5.23 (2) (a))

Moved: Cr M Raul Valenzuela

Seconded: Cr Len Terry

Motion put and carried 6/0

The meeting was closed to the public. No members of the public were present at the closure. All councillors and staff remained in the meeting.

Motion to Open the Meeting to the Public**Voting Requirements**

Simple Majority

OFFICER RECOMMENDATION**C2010-0107 Open Meeting to the Public****That the meeting be re-opened to the public.****Moved: Cr M Raul Valenzuela****Seconded: Cr Neil A Grinham****Motion put and carried 6/0**

The meeting was reopened to the public.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2010-0108 Adoption of Annual Budget Review for the Period ended 31 December 2012****That Council adopt the budget review with the following variations for the period 1 July 2011 to 31 December 2011 and amend the budget accordingly:**

Surplus brought forward altered from budget in Financial Statements 30 June 2011	(480,549)
Increase in rates due to mining activity	48,980
Decrease in CLGF capital grant - to be spent in future years	(640,546)
Increase in Grants Received	9,952
Decrease in Governance income	80,000
Decrease in Murchison Integrated Planning expense	(80,000)
Increase FESA grants	17,535
New - FESA reimbursement of fire costs	100,000
Increase in Fire Fighting expenses	(102,092)
WACHS contribution to build Health Centre	50,000
Insurance refund (income) bought to account 2010/11	(44,000)
Additional Staff Housing expenses	(35,967)
Decrease Waste Management revenue	(20,000)
Municipal Heritage Inventory deferred to 2013	7,000
Additional expenses maintaining Community Facilities	
Community Park Gibbon St	(8,000)
Old Railway Station building	(21,795)
Paynes Find Complex Expenses	(30,000)
Increase to income - Mining - Contrib to Road Construction	25,000
Increase to Engineering costs	(20,000)
Rework - Inclement Weather (Roads)	(42,000)
Insurance Claim - Rework - Inclement Weather (Roads)	42,000
Additional Roman Road Management expenses	(10,000)
Additional Depot Maintenance expenses	(10,000)
Rework - Inclement Weather (Aerodrome)	(25,000)
Insurance Claim - Rework - Inclement Weather (Aerodrome)	25,000

Decrease in Flood Damage Repairs expensed 2010/11	354,052
Contribution to Road Maintenance - Mining	56,000
Increased Caravan Park revenues	10,000
Additional Caravan Park expenditure	(40,000)
Increased Building Permit revenue	24,000
Decrease Administration Wages and Superannuation	70,574
Increase Accounting Service Fees	(85,000)
CEO and Works Vehicles no longer changing over	1,000
Transfers from Reserves	111,000
Additional Capital expenditure	
Paynes Find Fire Appliance Bay Facility not budgeted	(11,865)
Yalgoo Fire Shed apron	(5,000)
48 Gibbons Street over budget	(81,423)
Yalgoo Library Shelves and Furnishings	(5,000)
Caravan Park Electrical	(29,000)
Reduced Capital expenditure	
Concrete truck & batching	18,500
Universal Loader (Bobcat)	11,500
GPS/RAMM Camera Equip & Satellite phones	13,000
Water Wise Reticulation Project	55,000
Capital Expenditure of 2011/12 CLGF Funds being deferred to 2012/13	698,000
Increase in closing funds	856

Moved: Cr Len J Terry Seconded: Cr Neil A Grinham Motion put and carried by absolute majority 6/0

7. URGENT BUSINESS

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

9. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 11.05am.

DECLARATION

These minutes were confirmed by Council at the Ordinary Meeting held on _____.

Signed: _____
 Person presiding at the meeting at which these minutes were confirmed