



MINUTES  
OF THE SPECIAL MEETING  
OF COUNCIL  
HELD ON  
MONDAY 6 May 2013  
AT 10.00 AM

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## 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
4.0	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	3
4.1	QUESTIONS WITHOUT NOTICE.....	3
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	3
6.	BUSINESS AS NOTIFIED .....	3
6.0	Purpose of Meeting.....	3
6.1	CLGF Regional 12-13 Vermin Fence Request to Commit Funds.....	4
	<b>S2013-0501</b> <b>CLGF 2012-13 Regional Group funding for construction of part of the</b>	
	<b>Murchison Region Vermin Cell.....</b>	<b>6</b>
	<b>S2013-0502</b> <b>CLGF 2012-13 Regional Group funding for construction of part of the</b>	
	<b>Murchison Region Vermin Cell.....</b>	<b>7</b>
7.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	8
8.	MEETING CLOSURE .....	8



Minutes for the Special Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Monday 6 May 2013, commencing at 10:00am.

**1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Shire President Terry Iturbide declared the Special Meeting open at 10.12 am.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

MEMBERS	Shire President Terry Iturbide Deputy Shire President Cr Raul Valenzuela Cr Laurence Hodder Cr Neil A Grinham Cr Robert Grinham
STAFF	Sharon Daishe, Chief Executive officer
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	

**3. DISCLOSURE OF INTERESTS**

Disclosures of interest made before the Meeting:

Councillors Terry Iturbide, Robert Grinham and Neil Grinham declared an impartiality interest in item 6.1, CLGF Regional 12-13 Vermin Fence Request to Commit Funds.

Note that following the meeting the CEO sought clarification of this matter from the Department of Local Government. Jenni Law, Manager Advice and Support, confirmed that as a significant number of electors

are pastoralists and the fence will impact on a significant number of their properties, this matter fits within the exemption provisions given within section 5.63 (1)(a).

**5.63. Some interests need not be disclosed**

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

- (a) an interest common to a significant number of electors or ratepayers

<b>4. PUBLIC QUESTION TIME</b>
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**4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE**

**4.1 QUESTIONS WITHOUT NOTICE**

<b>5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b>
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<b>6. BUSINESS AS NOTIFIED</b>
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**6.0 Purpose of Meeting**

The purpose of the Special Meeting is to consider a matter regarding funding for the Murchison Vermin Fence and the business case and application for CLGF 2012-13 Regional group funding.

## 6.1 CLGF Regional 12-13 Vermin Fence Request to Commit Funds

File:	ADM 090
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	30 April 2013
Attachments (yellow)	p Application for Regional CLGF 2012-13 Murchison Vermin Cell p Business Case for Murchison Vermin Cell

### Declaration of Interest in Common

The following councillors, each being pastoralists with holdings that will benefit from the wild dog control purpose of the proposed vermin fence, disclosed an impartiality interest in this item:

- Cr Neil A Grinham
- Cr Robert Grinham
- Cr Terry Iturbide

However following the meeting the CEO sought clarification of this matter from the Department of Local Government. Jenni Law, Manager Advice and Support, confirmed that as a significant number of electors are pastoralists and the fence will impact on a significant number of their properties, this matter fits within the exemption provisions given within section 5.63 (1)(a).

5.63. Some interests need not be disclosed

(1) Sections 5.65, 5.70 and 5.71 do not apply to a relevant person who has any of the following interests in a matter —

(a) an interest common to a significant number of electors or ratepayers

### Matter for Consideration

To consider making a contribution to the construction of the Murchison Region Vermin Cell in future budget rounds provided that the regional group of Shires receives the \$5.5M funding applied for, and noting that this will not bind Council to make a contribution of any amount.

### Background

By way of decision C2012-0902, Council approved expenditure of the Shire's 2012-13 CLGF regional allocation on group projects including \$1,021,675 for the vermin exclusion cell. This project is lead by the Shire of Mount Magnet.

Mount Magnet has provided the business case and application as per the attachments to this agenda item. The Shire President and CEO must sign these documents in order to complete the application process.

Page 25 of the business case shows the following:

#### 2.11 Funding Strategy

Funding Source	Amount	Status
Mid West Development Commission	\$4,480,000	Application lodged
Country Local Government Fund	\$1,020,000	Application to be lodged
<b>Shire of, Sandstone, Cue and Yalgoo</b>	<b>\$200,000</b>	<b>Being considered for future budget rounds</b>
Shire of Mount Magnet	\$100,000	Committed
Total	\$5,800,000	

Page 3 of the application shows the following:

4.2 Other leveraged funds allocated to this project.

Source of Leveraged Funds	Amount (\$)
Mid West Development Commission (Application lodged)	\$4,480,000
<b>Shire of Sandstone, Cue and Yalgoo (Being considered for future budget rounds)</b>	<b>\$198,325</b>
Shire of Mount Magnet (funds confirmed)	\$100,000

At the Murchison Executive Group meeting in Geraldton on 7 March 2013 I expressed concerns that the Shires in question had not been formally requested to consider this substantial capital commitment.

I informed Councillors, and received informal general agreement that such a large capital commitment would need to be considered during the budget process along with the Shire's other priorities.

On receiving the second draft of the business case I again raised concerns at a CLGF teleconference on 19 April 2013. The President and CEO of the Shire of Sandstone echoed the concerns. Mount Magnet and Cue were not represented at this teleconference.

On 23 April 2013 I emailed a request to the CEO of the Shire of Mount Magnet suggesting changes to the wording along the lines of, "Shires will be requested to consider making a contribution in future budget rounds".

The CEO responded on 29 April 2013 stating that,

'the wording "being considered for future budget rounds" does not imply commitment and if altered in the way you suggest would unnecessarily weaken the Business Case'.

The CEO also advised that the Shires of Wiluna and Cue have signed the Business Case and Application Form.

The Shire of Yalgoo Forward Capital Works Plan nominates the Murchison Vermin Exclusion Cell as one of several projects of regional significance for 'support in principle' however Council has not made any budget allocation for this project, nor made any documented decision to consider a budget allocation in future budget rounds.

### **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.

### **Strategic Implications**

### **Policy Implications**

### **Financial Implications**

Possible commitment of capital funds in the vicinity of \$70,000.

### **Consultation**

- Cr Terry Iturbide, President, Shire of Yalgoo

- Cr Raul Valenzuela, Deputy President, Shire of Yalgoo
- Cr Bethel Walton, President, Shire of Sandstone
- Ian Fitzgerald, CEO, Shire of Sandstone
- Anne Findlay, Mid West Development Commission

### Comment

It is my professional opinion that a reader of the application and business case could reasonably interpret the statement, 'being considered for future budget rounds' to imply that Yalgoo, Sandstone and Cue have agreed to consider the substantial capital commitment of \$200,000 in future budget rounds.

Council is in the process of developing the Shire's suite of integrated plans. Consideration of a substantial amount of the Shire's discretionary funds needs to be considered within the planning framework.

Council has previously committed to supporting the CLGF 2012-13 group application for funds to construct the fence, and has nominated the fence as a regionally supported project in the Forward Capital Works Plan.

In order for the President and CEO to sign the CLGF 2012-13 regional group application for construction of the vermin fence as presented, I recommend that Council agrees to consider making a contribution in future budget rounds, should the CLGF and MWIP funding totalling \$5.5M be granted.

This will enable Mount Magnet to lodge the application for the funding, and indicates a level of support in principle consistent with Council's documented position.

Council cannot arbitrarily commit a substantial amount of capital funding and a recommendation for consideration in future budget rounds does not bind Council to make a contribution.

### Voting Requirements

Simple Majority

### Officer Recommendation

#### CLGF 2012-13 Regional Group funding for construction of part of the Murchison Region Vermin Cell

That in accordance with the CLGF 2012-13 Regional Group application for construction of part of the Murchison Region Vermin Cell, Council will consider making a contribution in future budget rounds provided that the group receives the \$5.5M of CLGF and MWIP funding as applied for, and noting that this decision does not bind Council to make a contribution of any amount.

Moved: Cr MR Valenzuela

Seconded: Cr L Hodder

AMENDED

The Officer recommendation was moved and seconded.

Following debate, Councillors moved an amendment to the original motion to clarify that it is the intent of Council to make a contribution in future years (not just consider making a contribution) if the funding is granted.

### Council Amendment/Council Decision

#### S2013-0501 CLGF 2012-13 Regional Group funding for construction of part of the Murchison Region Vermin Cell

That the officer recommendation be amended by changing the words 'consider making' to 'make' and 'any amount' to 'a particular amount'.

Moved: CR T Iturbide

Seconded: Cr N Grinham

Motion put and carried 5/0

The amendment was put and carried unanimously.



The substantive motion, with the amendment, was then put and carried unanimously.

**Officer Recommendation as Amended/Council Decision**

**S2013-0502    CLGF 2012-13 Regional Group funding for construction of part of the Murchison Region Vermin Cell**

**That in accordance with the CLGF 2012-13 Regional Group application for construction of part of the Murchison Region Vermin Cell, Council will make a contribution in future budget rounds provided that the group receives the \$5.5M of CLGF and MWIP funding as applied for, and noting that this decision does not bind Council to make a contribution of a particular amount.**

**Moved: CR MR Valenzuela**

**Seconded: Cr L Hodder**

**Amended Motion put and carried 5/0**

**7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**8. MEETING CLOSURE**

There being no further business, the President declared the meeting closed at 10.30 am.

**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