



UNCONFIRMED MINUTES
OF THE SPECIAL MEETING
OF COUNCIL
HELD ON
THURSDAY 16 JANUARY 2014
AT 1.00PM

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Minutes of the Special Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on Thursday 16 January 2014, commencing at 1:00pm

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Neil Grinham declared the Special Meeting open at 1.12pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Robert Grinham Cr Stanley Willock Cr Adam Fawkes
STAFF	Sharon Daishe, Chief Executive Officer (CEO) Heather Boyd, Executive Manager Corporate (EMC) Karen Malloch, Administration Coordinator/Executive Assistant (ACEA) MG (Mick) Oliver, Acting Executive Manager Works & Infrastructure (EMWI)
GUESTS	Teleconference with Jenni Law, DLG, 1:20pm – 1:53pm Teleconference with Lydia Highfield, WALGA Business Solutions, 2:05pm - 2:50pm
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

Item 6.1: Consideration of a matter that will be closed to the public under s5.23 (f) (i).

Items 6.2 to 6.4: Consideration of matter/s affecting employee/s 5.23 (2) (a)

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:

- A matter that is closed to the public under s 5.23 (f) (i)
- Acknowledge acceptance of resignation of CEO
- Recruitment of CEO
- Recruitment of Acting CEO
- Recruitment of Executive Manager of Works and Infrastructure (EMWI)
- Appointing councillors to committees
- Changing date for audit committee meeting
- Electronic (voice or other) recording of council meetings
- Councillors to undertake road inspections
- Emergency repairs to Sandford River Crossing
- Return EMC title to DCEO

6.1 Consideration of a Matter Relating to an Audit that is Closed to the Public Under s 5.23 (f) (i)

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0101 Close Meeting to the Public

That the meeting be closed to the public to discuss a matter under (LGA s. 5.23 (f) (i)).

Moved: Cr RW Grinham

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

The meeting was closed to the public at 1:17pm.

Remaining in the meeting were all Councillors.

ATTENDANCE: 1:19pm CEO Sharon Daishe, EMC Heather Boyd & EA Karen Malloch left the meeting.

ATTENDANCE: 1:20pm Teleconference with Jenni Law, DLG.

ATTENDANCE: 1:53pm end of Teleconference with Jenni Law, DLG.

ATTENDANCE: 1:54pm Cr Neil A Grinham and Cr Robert Grinham left the meeting.

ATTENDANCE: 1:55pm Cr Raul Valenzuela left the meeting.

ATTENDANCE: 1:58pm Cr Robert Grinham rejoined the meeting.

ATTENDANCE: 2:00pm Cr Raul Valenzuela rejoined the meeting.

ATTENDANCE: 2:00pm CEO Sharon Daishe, rejoined the meeting.

ATTENDANCE: 2:00pm Cr Neil Grinham rejoined the meeting.

ATTENDANCE: 2:05pm Teleconference with Lydia Highfield, WALGA Business Solutions.

ATTENDANCE: 2:37pm CEO Sharon Daishe, left the meeting.

ATTENDANCE: 2:50pm end of Teleconference with Lydia Highfield, WALGA Business Solutions.

ATTENDANCE: 2:52pm Cr Neil Grinham left the meeting.

ATTENDANCE: 2:53pm CEO Sharon Daishe, EMC Heather Boyd & EA Karen Malloch rejoined the meeting.

ATTENDANCE: 2:54pm Cr Neil Grinham rejoined the meeting.

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

Open Meeting to the Public

S2014-0102 That the Meeting be Re-Opened to the Public.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

The meeting was reopened to the public at 2:55pm.

6.2 Resignation of CEO Sharon Daishe

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	10 January 2014
Attachments	P1 Letter of Resignation

Matter for Consideration

To accept the resignation of CEO, Sharon Daishe.

Background

CEO, Sharon Daishe wrote to Council on 15 December 2013 tendering her resignation to take affect from 15 March 2014. At the Council meeting on 22 December 2013 the Council resolved Se2013-1203 to accept the resignation pending industrial relations advice. The Shire President, Neil Grinham sought advice over the Christmas period and recommends that Council unconditionally accept the resignation.

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

Neil Grinham, Shire President

Comment

Information is currently being sought to arrange for an Acting CEO to be available for a hand over prior to Sharon Daishe leaving.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0103 Accept the Resignation of CEO Sharon Daishe.

That Council accept the resignation of CEO Sharon Daishe.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

6.3 Recruitment of CEO

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	15 January 2014
Attachments (yellow)	P2 Department of Local Government Guideline No 10

Matter for Consideration

To determine the process for recruitment of a CEO in accordance with the Local Government Act 1995.

Background

The position of Chief Executive Officer of the Shire of Yalgoo becomes vacant on 15 March 2015.

The Local Government Act and Admin Regulations prescribe matters relating to recruitment of a CEO including advertising, contract and process. The Salaries and Allowances Tribunal sets the allowable range for salaries and benefits.

Statutory Environment

Local Government Act 1995

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government;
- (2) A person is not to be employed in the position of CEO unless the council —
 - (a) believes that the person is suitably qualified for the position; and
 - (b) is satisfied* with the provisions of the proposed employment contract.

* Absolute majority required.

- (4) Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

Local Government (Administration) Regulations 1996

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in subregulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and

- (d) the duration of the proposed contract; and
- (e) contact details for a person who can provide further information about the position; and
- (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year’s remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted in Gazette 31 Mar 2005 p. 1039.]

Salaries and Allowances Tribunal

7A. Determinations as to remuneration of local government CEOs

- (1) The Tribunal is to, from time to time as provided by this Act, inquire into and determine, the amount of remuneration, or the minimum and maximum amounts of remuneration, to be paid or provided to chief executive officers of local governments.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	The annual budget makes allowance for staff recruitment costs.

Consultation

- Jenni Law, Manager Advice and Support, Department of Local Government and Communities
- Neil Grinham, President, Shire of Yalgoo

Comment

R18C requires the local government to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

Recruitment for local government is a professional task, and recruitment of a CEO is one of the most critical tasks that a Council will undertake.

A range of expert recruitment services are available to provide assurance over the process. These include generalist recruitment agencies, or agencies offering local government specific services such as WALGA, LOGO and Fitz Gerald Strategies.

It is recommended that Council seeks quote/s from one or more agencies of their choice. The local government agencies mentioned above will all provide a detailed specification of the process when they present their quote. They will also generally offer services that include contract preparation and advice regarding salary and compliance with the governing legislation.

Council can then receive and consider the quotes, and make a determination regarding the process and other relevant matters.

Council may wish to set a date for a further special meeting. It should be possible to obtain quotes by next week, when all councillors are expected to be present at councillor training (Tuesday and Wednesday).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**S2014-0104 Recruitment of CEO**

That Council seek a quote from WALGA for recruitment services for the position of CEO which becomes vacant on 15 March 2014.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION**S2014-0105 Special Meeting**

That Council call a special meeting at 8am on Wednesday 22 January to consider quote/s and approve a process for selection and appointment of a CEO to fill the position which will become vacant on 15 March 2014.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and lost 0/5

6.4 Recruitment of Acting CEO

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	15 January 2014
Attachments	Nil – refer attachments to item 11.4.3 Recruitment of CEO

Matter for Consideration

To discuss the recruitment of an Acting CEO.

Background

Sharon Daishe has resigned from the position of CEO with a last day of duty of Friday 14 March 2013.

It will be critical for business continuity, handover of work and transfer of corporate knowledge to secure the services of an acting CEO during the transition period before a permanent CEO commences.

Statutory Environment

Local Government Act 1995

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and

Local Government (Administration) Regulations 1996 Part 4 Local government employees

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State **unless** it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	The annual budget includes provision for an acting CEO which will cover the handover period.

Consultation

Jenni Law, Manager Advice and Support, Department of Local Government and Communities

Comment

The Act enables Council to appoint an Acting CEO without advertising. The person can act for a period of no longer than one year. The Act also provides for the local government to second a person from another local government in which case a contract of up to five years can be struck.

There are several methods that Council may wish to use to appoint an Acting CEO including advertising, soliciting/receiving applications from persons who are seeking relieving work, or using a recruitment agency.

There are various recruitment agencies offering local government specific services, such as WALGA, LOGO and Fitz Gerald Strategies. In most cases if the Council engages a consultant to recruit for the permanent position the consultant will also offer to source a person suitable for the acting position.

There are also generalist recruitment agencies.

If Council identifies a suitable person independently, council may wish to use professional HR services to assess suitability of the candidate and check references.

Council will need to close the meeting to the public if potential candidates are to be discussed. This may have occurred during the earlier closure of the meeting to the public.

It is recommended that Council discuss their available options and move a motion from the floor.

Voting Requirements

Simple Majority

MOTION FROM THE FLOOR

S2014-0106 Recruitment of Acting CEO

That Council engage WALGA to assist Council to recruit an Acting CEO.

Moved: Cr NA Grinham

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

6.5 Information item - Recruitment of Executive Manager of Works and Infrastructure (EMWI)

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	15 January 2014
Attachments	Nil

Information Item

Councillors have requested information regarding recruitment of the Executive Manager of Works and Infrastructure (EMWI).

Background/Comment

The position of Executive Manager Works and Infrastructure became vacant on 24 September 2013.

The CEO sought quotes for professional recruitment services and engaged a consultant in October 2013, as advised to councillors. The position was advertised in November 2013 with a closing date of 10 January 2014. Applications are currently being shortlisted.

The CEO has invited Neil Grinham, Shire President and Geoff Brookes, CEO, Shire of Mount Magnet to sit on the interview panel with the CEO and the consultant.

The date of interviews will be determined after the applicants have been shortlisted. Following interview, if the panel selects a preferred candidate, the CEO will inform the council of the proposal to employ, and the council may accept or reject the proposal.

Statutory Environment

The CEO is responsible for recruitment of staff of the local government s5.36. Council has designated the EMWI position as senior s5.37 (2) which means that the vacancy must be advertised s5.37 (3) and the CEO must inform council of each proposal to employ or dismiss s5.37 (2).

Local Government Act 1995

5.36 Local government employees

(3) A person is not to be employed by a local government in any other position unless the CEO

(a) believes that the person is suitably qualified for the position; and

(b) is satisfied with the proposed arrangements relating to the person's employment.

5.37. Senior employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) Unless subsection (4A) applies, if the position of a senior employee of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.

- (4A) Subsection (3) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.
- (4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0107 Close Meeting to the Public

That the meeting be closed to the public to discuss a matter under (LGA s. 5.23 (e) (ii)).

Moved: Cr AB Fawkes

Seconded: Cr SK Willock

Motion put and carried 5/0

The meeting was closed to the public at 3:10pm.

Remaining in the meeting were all Councillors and CEO Sharon Daishe.

ATTENDANCE: 3:10pm EMC Heather Boyd & EA Karen Malloch left the meeting.

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0108 Open Meeting to the Public

That the meeting be re-opened to the public.

Moved: Cr MR Valenzuela

Seconded: Cr RW Grinham

Motion put and carried 5/0

The meeting was reopened to the public at 3:24pm.

ATTENDANCE: 3:24pm CEO Sharon Daishe left the meeting.

ATTENDANCE: 3:29pm CEO Sharon Daishe, EMC Heather Boyd & Acting EMWI Mick Oliver rejoined the meeting.

ATTENDANCE: 3:30pm Cr MR Valenzuela left the meeting.

6.6 Council Committees and Delegates to Organisations

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	18 December 2014
Attachments	Nil

Matter for Consideration

To nominate Councillors for internal committees and external organisations.

Background

Council currently has two Committees, being the Audit Committee, which is compulsory under the Act and a Finance Committee.

Council nominates representatives for a range of regional organisations and nominates delegates to other organisations from time to time.

Statutory Environment

Local Government Act 1995

s.5.8 to s.5.18 – requirements for the appointment of Committees, membership, delegations etc

s.7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

* *Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.

- (4) An employee is not to be a member of an audit committee.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* *Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.

- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.

- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee, the local government is to appoint the CEO or the CEO’s representative, as the case may be, to be a member of the committee.

5.11A. Deputy committee members

- (1) The local government may appoint* a person to be a deputy of a member of a committee and may terminate such an appointment* at any time.
 - * *Absolute majority required.*
 - (2) A person who is appointed as a deputy of a member of a committee is to be —
 - (a) if the member of the committee is a council member — a council member; or
 - (b) if the member of the committee is an employee — an employee; or
 - (c) if the member of the committee is not a council member or an employee — a person who is not a council member or an employee; or
 - (d) if the member of the committee is a person appointed under section 5.10(5) — a person nominated by the CEO.
 - (3) A deputy of a member of a committee may perform the functions of the member when the member is unable to do so by reason of illness, absence or other cause.
 - (4) A deputy of a member of a committee, while acting as a member, has all the functions of and all the protection given to a member. Strategic Implications

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	Policy 1.7 – Representatives to Organisations
Financial (short term/ annual budget)	Nominated delegates to committees may be entitled to reimbursement of necessary travelling expenses to attend meetings.

Consultation

Neil Grinham, Shire President

Stan Willock, Councillor

Comment

Council has historically nominated all Councillors to be members of the Audit committee. Nominations to the Audit Committee must be by absolute majority.

President Neil Grinham has asked for all positions on both internal and external committees be declared vacant so that the workload on Council members can be re-distributed. Declaring the offices vacant does not preclude a Councillor from re-applying for a role on the same committee.

Current external committees/organisations and previous nominees are as follows:

Committee	Delegate	
Regional Road Group (RRG)	Delegates	Vacant <i>(Note: nominations to this committee are made by the Murchison Sub Group NOT by the local government.)</i>
Murchison Sub Group (RRG)	Delegates (2): Deputy Delegate:	Vacant Cr Neil Grinham Cr Raul Valenzuela
Murchison Country Zone of WALGA Generally (but not compulsory) is President and Deputy President	Delegates (2): Deputy Delegate:	Vacant, Cr Raul Valenzuela Cr Adam Fawkes
Murchison Regional Vermin Council (MRVC)	Delegates (2)	Vacant Cr Neil Grinham
Development Assessment Panel	Members: Alternates:	Vacant Cr R Valenzuela Cr Neil Grinham Vacant <i>Note: this committee is by Ministerial appointment following council nomination, with compulsory training required. Members of this committee are not put forward for re-nomination.</i>
Gundawa Conservation Association (formerly Extension Hill Regional Conservation Association)	Delegates (2)	Vacant Cr Valenzuela
Audit Committee	Members:	Vacant Cr R Valenzuela Cr N Grinham Cr R Grinham Cr S Willock Cr A Fawkes
Yalgoo Land Conservation District Committee	Delegates (2): Deputy Delegate:	Vacant Cr Neil Grinham Cr R Valenzuela
Golden Primary Health Care Service (Goldfields-Midwest Medicare Local)	Delegate:	Vacant

Committee	Delegate
Finance Committee	Delegates: (4) Heather Boyd EMC Cr R Valenzuela Cr Neil Grinham Vacant Deputy Delegates: Cr R Grinham Cr S Willock Cr A Fawkes

ATTENDANCE: 3:31pm Cr MR Valenzuela & EA Karen Malloch rejoined the meeting.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #1

S2014-0109 Declare all Positions on the Audit Committee as Vacant

That Council declare all positions on the Audit Committee vacant.

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried by absolute majority 5/0

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #2

S2014-0110 Audit Committee

That Council nominate Cr MR Valenzuela, Cr AB Fawkes, Cr NA Grinham, Cr RW Grinham and Cr SK Willock to comprise the Shire of Yalgoo Audit Committee in compliance with s7.1A of the Local Government Act 1995 and that the term of office be until the next ordinary elections in October 2015.

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried by absolute majority 5/0

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION #3

S2014-0111 Declare all Positions on the Finance Committee as Vacant

That Council declare all positions on the Finance Committee vacant.

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried by absolute majority 5/0

6.7 Change Date for Audit Committee Meeting 6 March 2014

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	15 January 2014
Attachments (yellow)	Nil

Matter for Consideration

To change the date for the Audit Committee to meet, from 6 March 2014 to another suitable date, due to EMC, Heather Boyd attending the 2014 Local Government Finance Professionals Conference on the 6/7 March 2014.

Background

The Shire of Yalgoo Audit committee is convened under s7.1A of the Local Government Act. The Council has not delegated any powers or duties to the audit committee so the audit committee makes recommendations to the Council.

The audit committee is meeting to receive the Compliance Return for the 2013 calendar year.

Statutory Environment

Local Government Act 1995

5.53. Annual reports

- (1) The local government is to prepare an annual report for each financial year.

5.54. Acceptance of annual reports

- (1) Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

* Absolute majority required.

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.

5.55. Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

Local Government (Audit) Regulations 1996

16. Audit committee, functions of

An audit committee —

(a) is to provide guidance and assistance to the local government —

Business Implications

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

Consultation

Neil Grinham, Shire President

Comment

Changing the date of the audit committee meeting will allow the Executive Manager, Corporate to attend a financial conference for which covers current issues relating to local governments.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0115 **Set Date for Audit Committee Meeting**

That the Shire of Yalgoo Audit Committee will meet at 11am on Tuesday 11 March 2014 in the Council Chambers.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

6.8 Electronic Recording of Council meetings

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	10/1/13
Attachments	P10 Extract from the City of Vincent’s Council Meeting Information (yellow)

Matter for Consideration

The Council considers the electronic recording of Council meetings.

Background

Council meetings are not currently voice recorded.

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)	Cost of setting up chambers for electronic voice recording

Consultation

Neil Grinham, President

Stan Willock, Councillor

Comment

Information has been sought from the State Records Office into formats for digital voice/video recording of Council meetings.

The State Records Office has provided information on the length of time that the recordings need to be maintained which is 1 year and can provide further advice as needed. The State Records Office also commented that other matters which should be considered include security of and access to the recordings. Such as who will be provided with access to the recordings and how the recordings will be accessed.

An example from the Shire of Vincent has been included to show the policy of another Council who currently use voice recordings.

It should be noted that to enable the Council to voice record all meetings there will be expenses related to the purchase of equipment such as microphones and recording equipment as well as labour to install.

Further research is required to establish alternatives as to the purpose of the recordings and policies will need to be developed in relation to the access and use of the recordings – particularly concerning litigation issues. Freedom of Information legislation will come into effect.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0116 Electronic Recording of Council Meetings

The Council request the CEO to research and report on the use of electronic recording of Council meetings.

Moved: Cr AB Fawkes

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

6.9 Road Inspections

File:	
Author:	M.G. (Mick) Oliver, Acting EMWI
Interest Declared:	No interest to disclose
Date:	15/1/13
Attachments	Nil

Matter for Consideration

Consider the resumption of annual roads inspection by Councillors.

Background

It is some years since road inspections were carried out by Councillors. Such inspections provide Councillors with more detailed knowledge when Council is considering the annual Budget and other requests.

The following roads have been suggested by Staff for inspection – for the reasons indicated:

Yalgoo North Road

- Casuarina crossing.
- Sandford River crossing.
- Missing culvert headwalls.
- Review improvements completed – eg storm water control banks.

Morawa Yalgoo Road

- Bitumen works completed.
- Creeks washed out.
- Shouldering work required.
- Culverts and drains required.
- Complete final 10km of formation and sheeting.

Yalgoo Ninghan Road

- SLK 0-56 (to Golden Grove) recent repair of approximately 100m blowout section at SLK 106.04.
- SLK 56-63 section currently being negotiated with Sino Steel to widen to 8m seal to allow 36 RAV10 movements per day.
- SLK 63-approx. 100 existing 4m seal.
- SLK approx. 100-185 RRG project over 3 years (2/3RRG:1/3 MMG) to upgrade unsealed and some unformed sections for Golden Grove service vehicles.
- Culverts installed.
- Top Iron cartage route – seeking 36-40 loads per day 53.5m concessional loads.

Uanna Hill Road / Mt Farmer Road

- Western Queen Mine site haul route.

Mt Gibson Road

- Top Iron mine site haul route.

Burnabinmah Road

- No specific inspection purpose.

Tardie–Gabyon Road

- Traffic hazards to be removed / road improved.

Barnong Wuraga Road

Access restricted due to culvert washed out.

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	Inspections will contribute to the development the Asset Management Plan.
Workforce Plan	
Policy	
Financial (short term/ annual budget)	Will assist In developing annual Budget.

Consultation

Neil Grinham, President

Stan Willock, Councillor

Comment

From Staff’s perspective, the focus in recent years has been on specific road construction as opposed to general road maintenance – creating a backlog of maintenance issues.

There are also several RAV carting routes underway or being considered.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0117 Road Inspections

That:

- The process of an annual road inspection by Councillors be resumed;
- Council determine an appropriate date for this year’s inspection; and
- Councillors be invited to nominate roads to be inspected; and
- The CEO prepare the inspection itinerary from the roads nominated by Councillors and staff.

Moved: Cr SK Willock

Seconded: Cr MR Valenzuela

Motion put and carried 5/0

6.10 Sanford River Crossing

File:	
Author:	M.G. (Mick) Oliver, Acting EMWI
Interest Declared:	No interest to disclose
Date:	16 January 2014
Attachments	Nil

Matter for Consideration

To consider emergency repairs required on the Sanford Crossing.

Background

On 10 December 2013 there was an intense storm in Yalgoo which caused damaged to the Sanford Crossing on the Yalgoo North Road from the water flowing across the causeway.

Following the issue being brought to Staff's attention, the crossing was inspected on 16 January 2014.

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)	Provision was made in the 2013/14 Budget for Headwalls with headwalls being required on the Yalgoo North Rd (about 40km north) and multiples on the Morawa Yalgoo Rd.

Consultation

Neil Grinham, President

Stan Willock, Councillor

Comment

The Sanford River crossing is a dual floodway both with round pipe culverts (two in northern crossing, three in southern crossing).

The crossings appear to have been constructed at different times and have undergone previous repairs.

There also appears to be damage in history that has not been repaired – specifically the headwall on the north western side of the northern crossing which has been washed away (see right hand side of photo).



Apparently from the 10 December 2013 storm there are a number of issues to be addressed:

- collected debris removal
- sand removal
- guidepost replacement
- washed approaches rebuilt
- headwall on northern floodway undermining repaired.

Of these issues, the last is the most significant (see photo above), the balance will be addressed by Staff in the week commencing 20 January 2014 as part of the maintenance grading on the Yalgoo North Road currently being undertaken.

The northern floodway has been constructed with a concrete slab in between the two headwalls. The undermining of the headwall has occurred from the scouring away of the earth on the upstream side of the northern crossing. The headwall has been undermined for its full thickness. The repair will require excavation before backfilling with rock and concrete slurry.

This item has been considered for upgrade by Council during previous budget deliberations but has not been scoped or costed.

Some concern has been raised regarding the suitability and safety of the crossing. If this concern is real then the appropriate course of action is for a safety inspection to be carried out by suitably qualified personnel and a report provided. A side benefit of this process is that if the report indicated significant or replacement work was required, the report could be then used as the basis for a funding submission.

Safety audits are scheduled for:

- Casuarina Creek crossing; and
- Barnong Wuraga Road – where there is a significant safety hazard.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

S2014-0118 Sanford River Crossing

That:

- **The repairs to the Sanford River crossing on Yalgoo North Road be effected, including the repairs to the undermined headwall; and**
- **A safety audit be undertaken on the crossing at an estimated cost of \$3,500 from the Engineer Budget provision.**

Moved: Cr AB Fawkes

Seconded: Cr SK Willock

Motion put and carried 5/0

6.11 Workforce Structural Review – Councillor Request to alter Employee Job Title

File:	
Author:	Sharon Daishe, CEO
Interest Declared:	No interest to disclose
Date:	15 January 2014
Attachments	Nil

Matter for Consideration

To discuss returning the title of Executive Manager Corporate (EMC) to Deputy CEO (DCEO).

Background

The President in a notice to the CEO dated Friday 10 January 2014 called a special meeting for eleven items including to return the title of EMC to DCEO.

The Shire's human resource consultant, Marg Hemsley of Risk ID, worked with the CEO and the local government workforce over an eighteen month period to determine the most effective workforce structure to resource the operations of the local government *r19DA (3) (c)*.

As a result, a revised structure was recommended, and was adopted by council in May 2013 (C2013-0523):

C2013-0523 Integrated Planning: Workforce Structural Review, Draft 2013/14 Budget and Policy 11.1, Designated Staff Amendment

That Council:

- 1. Endorses the proposed new organisational structure 2016/17 for inclusion in the draft Workforce Plan; and*
- 2. Adopts the transitional structure 2013/14 for implementation from 1 July 2013 and inclusion in the draft budget 2013/14; and*
- 3. In accordance with s5.37 (1) the Local Government Act designates the persons belonging to the new class of employees known as Executive Managers as senior employees; and*
- 4. Requests the CEO to update Council policy 11.1 Designated Staff as at 1 July 2013 to recognise the changes of the class of designated staff; and*
- 5. In accordance with s5.37 (2) of the Local Government Act accepts the recommendation of the CEO that as at 1 July 2013 Heather Boyd (currently employed as DCEO) will be employed as the newly titled Executive Manager Corporate; and*

This was incorporated into the workforce plan adopted in September 2013. Councillors have a copy of the workforce plan, which details the organisational structure, in the councillor manual.

The revised structure replaced the position of deputy CEO with executive manager corporate (EMC), and the position of project executive with executive manager works and infrastructure (EMWI). The position of EMC is transitional towards a position of executive manager corporate and community (EMCC) which has higher responsibilities. The community section currently sits directly under the office of the CEO. Changing EMC back to DCEO would be inconsistent with the revised structure and would not reflect the progress of the workforce plan.

Statutory Environment

Local Government Act 1995

- 5.2. Administration of local governments

The council of a local government is to ensure that there is an appropriate structure for administering the local government.

5.36. Local government employees

- (1) A local government is to employ —
 - (a) a person to be the CEO of the local government; and
 - (b) such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.

(2) A person is not to be employed in the position of CEO unless the council —

- (a) believes that the person is suitably qualified for the position; and
- (b) is satisfied* with the provisions of the proposed employment contract.

* Absolute majority required.

(3) A person is not to be employed by a local government in any other position unless the CEO —

- (a) believes that the person is suitably qualified for the position; and
- (b) is satisfied with the proposed arrangements relating to the person’s employment.

Local Government (Administration) Regulations 1996

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government’s priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government’s internal business planning by expressing a local government’s priorities by reference to operations that are within the capacity of the local government’s resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long term financial planning.

Oaths, Affidavits and Statutory Declarations Act 2005

Schedule 2, Authorised witnesses for statutory declarations

- 21. The chief executive officer or deputy chief executive officer of a local government
- 22. A member of the council of a local government within the meaning of the Local Government Act 1995.

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	<p>The workforce plan would require updating, which will require consultation with staff.</p> <p>Changing EMC back to DCEO would be inconsistent with the revised structure and would not reflect the progress of the workforce plan particularly the proposed transition from EMC to EMCC over the course of the plan.</p>

Business Implications

Policy	11.1 Designated Staff 11.12 Integrated Planning: Workforce Planning and Management.
Financial (short term/ annual budget)	Cost of reprinting stationery, workforce plan, policy, procedures, delegations etc.

Consultation

Heather Boyd, Executive Manager Corporate

Comment

Heather Boyd, EMC, was present when councillors called the special meeting to discuss this and other matters. From information provided by the EMC to the CEO it appears that the issues that drove the request to discuss this matter are provisions for acting as CEO, and also the fact that the Oaths and Affidavits Act allows a Deputy CEO to witness a statutory declaration, such as the declaration that councillors must take before acting in the office of councillor, deputy or president.

These matters can be addressed by other means. A Deputy CEO or any other person is not automatically qualified to act as CEO. The requirement is whether or not the person is suitably qualified. Hence a person employed in the position of EMC, EMCC or EMWI, if suitably qualified, can act as CEO.

There is a long list of persons who can witness statutory declarations and these include any local government councillor.

Changing the title would incur excessive staff time and administrative costs including:

- Consultation with staff regarding the workforce structure
- Research to prepare a case for reverting to a different job title
- Council decision to rescind former decision relating to workforce structure and senior designated employees
- Council decision to adopt reverted/new structure and decide whether to designate reverted position as senior
- If adopted - revert EMC email address to DCEO, reprint stationery, update and reprint all relevant documents

There is a considerable impact in changing the title of the executive manager corporate back to deputy CEO and there does not appear to be a valid case to warrant the staff time, and the expense.

Changing the title is not recommended and would compromise the intent of the adopted workforce plan.

Motion to Close the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**S2014-0119 Close Meeting to the Public****That the meeting be closed to the public to discuss a matter under (LGA s. 5.23 (e) (ii)).****Moved: Cr MR Valenzuela Seconded: Cr AB Fawkes Motion put and carried 5/0**

The meeting was closed to the public at 4:25pm.

Remaining in the meeting were all Councillors and CEO Sharon Daishe.

ATTENDANCE: 4:24pm EMC Heather Boyd, Acting EMWI Mick Oliver & EA Karen Malloch left and did not rejoin the meeting.

Motion to Open the Meeting to the Public

Voting Requirements - Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**Open Meeting to the Public****S2014-0120 That the Meeting be Re-Opened to the Public.****Moved: Cr AB Fawkes Seconded: Cr SK Willock Motion put and carried 5/0**

The meeting was reopened to the public at 4:43pm.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**S2014-0121 Councillor Request to Change an Employee Job Title****That Council acknowledges:**

- 1. The report of the CEO regarding the steps involved in changes to the workforce structure; and**
- 2. That suitably qualified employees can be authorised to act as CEO irrespective of job title; and**
- 3. That a councillor is an authorised witness for statutory declarations under the Oaths, Affidavits and Statutory Declarations Act 2005.**

Moved: Cr AB Fawkes Seconded: Cr MR Valenzuela Motion put and carried 5/0

7. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 4:46pm.

DECLARATION

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

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