



Notice & Agenda

**for an Ordinary Meeting of Council to be held in the Council Chambers
on 15 March 2007
at 10.00am**

*Councillors are advised that lunch will be provided at the Yalgoo Hotel
Please phone orders to 9962 8031.*

ORDER OF BUSINESS

- 1. Declaration of Opening/Announcement of Visitors**
- 2. Record of Attendance/Apologies/Approved Leave of Absence**
- 3. Response to Previous Public Questions Taken on Notice**
- 4. Public Question Time**
- 5. Applications for Leave of Absence**
- 6. Confirmation of Minutes of Previous Meetings**

Recommendation

That the minutes of the previous meeting of Council held on 15 February 2007, as circulated be confirmed as a true and correct record of proceedings.

- 7. Announcements by Presiding Person without Discussion**
- 8. Petitions/Deputations/Presentations/Submissions**
Yilgarn Infrastructure Group represented by Mr Derek Bone (Executive Director), Mr Andrew Nathan (Worley Parsons) and Ms Tamatha Smith (Public Relations Agent). They will be attending lunch followed by a presentation in the Council Chambers.
- 9. Announcements Concerning Meetings Attended**
 - **The President**
 - **MRVC**
 - **CEO**

10. Reports of Officers

10.1 Healthy Community Project Officers

10.1.1 Healthy Community Coordinator's Activity Report February 2007

Activity	Stage of Proposed Activity
After School Sports on Tuesday 3-6pm and Thursday 5-7pm. Includes indoor and outdoor soccer, t-ball, basketball, and slippery slide. Occasional Monday and Wednesday until choir and dance commence.	Three weeks of the proposed year- long program have been completed.
Swimming excursions to Mullewa Pool. First one on 27 February including barbeque.	Program implemented. 50% of proposed program completed.
Music program (drums, guitars, dance, choir). First workshop completed on 13 February.	One of six proposed workshops to be provided by Sun City Music has been completed. Ongoing workshops to be provided by the HCC and CCB after that time.
Raw Dance Company tour and dance workshops.	Program at implementation stage. Has been booked and a date is set for Tuesday 27 March.
Youth Club (Marddu). A movie night was held on 23 February.	Work is complete at the Youth Club and equipment can now be kept in the storage facility. Ready to implement this program which includes weekend evening activities for the children.
Auskick.	Registration forms have been received. Ready to implement program for the start of the AFL season.

10.1.2 Community Capacity Builder's Activity Report February 2007

Activity	Stage of Proposed Activity
Consultation with community member with business proposition	Contacted various organisations to give client the information of what organisation they need to contact to make the project become a reality.
Investigations into Better Beginnings Programme	Programme towards implementation stage if agreed upon. All information for the programme collected including costing.
Adult Sport	50% throughout programme, quite successful.
Playgroup	Programme at implementation stage, to start on 9 March. Budget for equipment developed.
HR Licensing	Programme towards implementation stage. Currently taking names of interested community members.
Opportunity shop	Programme under investigation towards implementation stage. Budget formulated.
Magna Mining: employment opportunities	Consultation with Magna Mining about opportunities. Currently opportunity for one person. Will be contacted with subsequent information about opportunities.

Recommendation

That the Healthy Community Project Officer's activity reports be received.

10.2 Works Foreman/Works Report

Roads Report February 2007		
PF Sandstone	E025.14 - Maintenance Grading	-954.55
Yalgoo-Morawa Road	Contruccion for sealing	

Recommendation

That the Work Foreman/Works Report be received.

10.3 Environmental Health Officer/Planning, Health & Building Report

10.3.1 Business Paper – Planning, Health and Building Report EHO Activity Report February 2007

06-Feb	Environmental Health	Return to Morawa from Asset Management Update Day booked to Morawa.
09-Feb	Environmental Health	Check all works have been completed for public toilets opposite hotel. Discuss further office and wet mess requirements for Oxiana. Assess air strip for damage as vehicle had rolled over. Administration for the Health Scheme.
13-Feb	Environmental Health	Clear blocked septic at 17 Shamrock Street Inspect progress of work at Complex. Order urinal for toilets. Continue with Contaminated Sites updates. Review Ferrowest report.
	Building Control	Inspect 18a Shamrock-no return of bond as place requires a clean throughout and minor repairs.
	Town Planning	Consider Mining Camp requirements for Ferrowest and proposed site at 14 Shamrock Street
20-Feb	Environmental Health	Food recalls x 2. Arrange Paynes Find visit. Discuss contaminated sites with Western Power.
	Occupational Safety and Health	Update OSH evacuation plans for Administration building.
	Building Control	Review Oxiana Golden Grove office upgrade and wet mess upgrade.
23-Feb	Environmental Health	Paynes Find visit - new floor in kitchen, weeds in evaporation ponds poisoned, septic sealed, windows and gutters repaired. Landfill controlled.

27-Feb	Environmental Health	Onsite discussion with work supervisor at the Yalgoo Landfill for site maintenance. Complete Contaminated Site reports and send.
	Town Planning	Discuss progress of TPS and arrange meeting for same.
06-Mar	Environmental Health	Site visit to 106 Campbell Street to inspect blocked septic and arrange pump out and plumber. Cleared septic !7 Shamrock St. Activity Report for Council.
	Building Control	Continue with Oxiana Golden Grove wet mess assessment. Site visit to 19b Stanley to inspect power board with D Grey. Suggested insert dummy fuses for safety purposes.
	Town Planning	Discuss Mitchell Transport proposal with D Grey.

Recommendation

That the Environmental Health Officer's Activity report be received.

10.4 Deputy Chief Executive Officer's Report

10.4.1 Finance Report

File: F8
Author: Ron Adams, Deputy CEO
Interest Declared: No interest to disclose
Date: 2 March 2007
Attachments: Attachment #1 (Green Pages)

Financial Statements

The Financial Activity Statements for Month of February 2007 are presented for council information.

Schedule of Payments made from Municipal and Trust Bank Accounts

The list of accounts paid from the Municipal Account is attached for Council's Information.

The list of accounts paid from the Trust Account is attached for Council's Information for the period under review February 2007.

Bank Statements

Bank Statements for Municipal Account is attached for Council's information.

Bank Statement for Trust Account is attached for Council's Information.

Bank Statements for Credit Card Transactions.

Bank Statements for Museum Account is attached for Council's information.

Summary Statement of Investments for the period under review February 2007.

BAS Statement

The BAS Statement for February 2007 is attached for Council's Information.

Term Deposit

Council's term deposit with National Australia Bank in the amount of \$1,339,278.52.

Placed the term Deposit for 90 Days with Interest Rate at 6.32 %.

Maturity date is 18 May 2007.

Bank Reconciliation:

Reconciliation of Municipal account is attached for Council's Information.

Reconciliation of Trust account is attached for Council's Information.

Reconciliation of Museum account is attached for Council's Information for the period under review February 2007.

Officer Recommendation:

1. The financial statements for the period under review which are included be accepted by Council.

Bank Statements for Municipal Accounts

Bank Statements for Trust Accounts

Bank Statements for Museum Accounts

Bank Reconciliation for Municipal Accounts

Bank Reconciliation for Trust Accounts

Bank Reconciliation for Museum Accounts

Payment Schedules

Profit and Loss Summaries

Balance Sheet Summaries

Activity Statements

2. The Deputy Chief Executive Officer's report be accepted by Council.

10.5 Chief Executive Officer's Reports**10.5.1 Employment Of An Employee's Spouse/Partner or Family Member**

File: P11
Author: Glenn Bone, Acting Chief Executive Officer
Interest Declared: No interest to disclose
Date: 6 March 2007
Attachments: Nil

Background:

At the February Ordinary Meeting of Council (Item 14.1.3), Council instructed staff to prepare a policy dealing with the employment of staff partners.

Statutory Environment:

Local Government Act 1995.

Section 2.7(2)(a) – Enables the Council to determine the local government's policies.

Section 5.40 – The following principles apply to a local government in respect of its employees –

- (a) employees are to be selected and promoted in accordance with the principles of merit and equity;
- (b) no power with regard to matters affecting employees is to be exercised on the basis of nepotism or patronage;
- (c) employees are to be treated fairly and consistently;
- (d) there is to be no unlawful discrimination against employees or persons seeking employment by a local government on a ground referred to in the Equal Opportunity Act 1984 or on any other ground.

Section 5.41 - The CEO's functions are to –

- (g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees.

Strategic Implications:

Nil

Policy Implications:

The creation of a policy that creates an environment of transparency and avoids accusations of nepotism.

Financial Implications:

Nil

Consultation:

Nil

Comment:

The draft Policy seeks to address Council's desire to obtain transparency in staff selection whilst at the same time complying with the requirements of the Local Government Act 1995 and Equal Opportunity Act 1984.

Voting Requirements:

Simple majority

Officer Recommendation:

Draft Policy – Employment of an Employee's Spouse/Partner or Family Member

Introduction:

It is not uncommon practice in smaller or remote areas for a husband or wife team (or partner) to be working for the same local government. This might occur as a consequence of the other being appointed to a senior position with the local government and the need (and availability) of suitable persons to do the second job on offer.

Disruption to the organization when they both move on can be fairly severe.

Objective

To install a transparent process for the selection of a new employee in the circumstance when one of the applicants is a relative or partner of an existing senior employee.

It is the intention of this policy to remove as far as possible any perception as to conflict of interest.

Policy Statement

That whilst acknowledging the provisions of Section 5.40 and 5.41 of the Local Government Act 1995, Council require the Chief Executive Officer to remove himself/herself from the selection process should one of the applicants for a position with the Shire be a spouse, partner or close relative.

10.5.2 Association Honours – 2007

File: W1
Author: Glenn Bone, Acting Chief Executive Officer
Interest Declared: No interest to disclose
Date: 7 March 2007
Attachment: See attachment #2 (Mauve pages)

Background:

Nominations for the 2007 WALGA Association Honours Program are now open.

The Honours program is one small way of publicly recognising and celebrating the outstanding achievements and lasting contributions made by our elected members and officers to their respective Councils, to Local Government as a sector and to the wider community. Awards given as part of the Honours Program will be presented to recipients at an awards ceremony held during Local Government Week 2007.

There are five categories of awards within the 2007 Honours Program. These include:

Local Government Medal – recognises outstanding achievement and significant contribution by elected members and officers to the Association and/or to Local Government. Available for nomination by State Councillors.

Life Membership – recognises the long and outstanding service of elected members and officers to the Association and/or to Local Government. Available for nomination by State Councillors, Zones and Local Governments.

Certificate of Appreciation – recognises personal commitment, eminent service and contribution to the Association. Available for nomination by State Councillors and Local Government Zones.

Long and Loyal Service Award – previously known as the Meritorious Service Award, this Honour recognises elected members who have provided long service of a high degree as an executive member of the Association for 8 or more years, or as an elected member for 12 or more years. Available for nomination by State Councillors, Zones and Local Governments.

Distinguished Service Award – recognises elected members who have provided distinguished service to the community through their Local Government. Available for nomination by State Council Members, Zones and Member Local Governments.

The attachment includes the WALGA policy governing the Honours process and a nominations form.

Nominations for the Honours process and a nomination form can be found in Attachment 1. Nominations close on 4 May 2007.

Statutory Environment:

Nil

Strategic Implications:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Consultation:

Nil

Comment:

Nil

Officer Recommendation:

That Council nominate _____ for the _____ Award in the 2007 Association Honours Program.

Or

That Council not make any nominations in the 2007 Association Honours Program.

10.5.3 Systemic Sustainability Study of Local Government

File: W1
Author: Glenn Bone, Acting Chief Executive Officer
Interest Disclosed: No interest to disclose
Date: 8 March 2007
Attachment: WALGA Systemic Sustainability Study Attachment 3 (Gold pages)
SSS Taskforce Bulletin Attachment 4 (Cream pages)

Background:

The Systemic Sustainability Study into Local Government report was released in December 2006. This report contained 41 recommendations all of which will be addressed by the WALGA initiated Systemic Sustainability Taskforce.

The winds of change for local government in Western Australia are blowing and it is important that Councillors and Chief Executive Officers maintain knowledge of what is going on to ensure that any changes that are influential are for the betterment of their local communities.

Statutory Environment:

Section 3.1 of the Local Government Act 1995 provides that the general function of the local government is to provide for the good government of persons in its district and section 2.7(2) provides that Council is to oversee the allocation of local government finances and resources and to determine the local government policies.

Strategic Implication:

Nil

Policy Implication:

Nil

Financial Implication:

The longer term outlook indicates that there may well be financial implications. For example, recommendation 28 proposes that if local governments don't reach a certain standard (in this case in regard to asset management plans), they won't receive future SPP road funding.

Consultation:

Nil

Comment:

This report was tabled at the Murchison Zone Strategy Group (MZSG) meeting held in Cue on 2 March 2007. The MZSG resolved the following course of action:

"Comments from all members on the Systemic Sustainability Study (SSS) to be sent to the Secretary by 31 March 2007 and a summary of questions and concerns will be prepared for use by delegates who may be attending the SSS Industry Forum on 20 April 2007."

A copy of the first SSS Taskforce Bulletin and the Schedule of Recommendations from the Taskforce appear at Attachment 4.

Voting Requirement:

Simple majority

Officer Recommendation:

That Council identify any particular concerns it may have from within the SSS schedule of 41 recommendations.

10.5.4 Local Government Compliance Audit Return – 2006

File: A14-3
Author: Glenn Bone, Acting Chief Executive Officer
Interest Declared: No interest to disclose
Date: 8 March 2007
Attachment: Completed Compliance Audit Return Attachment # 5
(Groovy green pages)

Background:

The Local Government Compliance Return for the period 1 January – 31 December 2006 must be completed and returned to the Executive Director, Department of Local Government and Regional Development by 31 March 2007.

The Compliance Audit Return is to be:

- a) presented to Council at a meeting of the Council;
- b) adopted by the Council (along with comments or amendments);
- c) the adoption recorded in the minutes of the meeting at which it is adopted.

Statutory Environment:

Local Government (Audit) Regulations 1996.

Regulation 14 – Requires a local government to carry out a compliance audit for the period 1 January to 31 December in each year.

Regulation 15 – A certified copy of the return together with a copy of the relevant section of the minutes at which it was adopted is to be submitted to the Executive Director by 31 March 2007.

Strategic Implication:

Nil

Policy Implication:

Nil

Financial Implication:

Nil

Comment:

In previous years, the certification on the first page of the return had to be read aloud to the meeting. The certification is now not signed until after the adoption and prior lodging the form electronically, then by mail.

There are areas of non-compliance in this years return and they are listed as follows:

Finance 1 Annual Report not yet prepared
Finance 5 Plan for the Future not yet completed.

Finance 17	Budget no adopted by 31 August 2006. (Adopted 27 September 2006 and an extension to 30/09/2006 was obtained to complete the budget).
Finance 23	Reports to Auditor not submitted by 30 September 2006. Extension of time from the Minister was not sought.
Finance 84	Auditor's report not received within 30 days,
Finance 85	Auditor's report not received by 31 December 2006.
Finance 86	No report on matters raised in Auditor's report.
Local Laws 13	Grants Commission 1 – Grants Commission return not completed. Reviews not completed within the specified 8 year period. Compliance since achieved in November 2006.
Meeting process 5	CEO did not receive written notice of one special meeting called by the President.
Meeting process 18	On one occasion minutes were not kept for all of the meeting.
Meeting process 21	All of one special meeting called by the President was not open to the public.
Meeting process 23	Unknown. Minutes of one special meeting not kept.
Meeting process 24	Reasons for closing one special meeting not recorded as no minutes were kept.
Meeting process 29	Unknown. Minutes of one special meeting not kept.
Meeting process 34	No inclusion of members names in minutes of one closed meeting as minutes were not kept.
Meeting process 51	Annual Meeting of Electors not held within 56 days. Awaiting completion of 2005/06 audit.

Each Councillor may make comments on the return to the Council and any matters of concern relating to the return will be recorded in the minutes of the meeting and will also be attached as an appendix to the return when it is submitted to the Department of local Government and Regional Development.

Voting Requirement:

Simple majority

Officer Recommendation:

That subject to the matters of concern raised, Council adopt the attached Compliance Audit Return as the official return of Council for the period 1 January - 31 December 2006 and the adjusted return be certified by the President.

11. Reports of Committees

11.1 Audit Committee

11.1.1 Meeting of

11.2. Building Committee

11.2.1 Meeting of

11.3. Museum Committee

11.3.1 Meeting of

11.4. Gardens Committee

11.4.1 Meeting of

11.5. Special Meetings of Council

11.5.1 Meeting of 20 February 2007

Officer Recommendation

That the minutes of the Special Meeting of Council on 20 February 2007, as circulated be confirmed as a true and correct record of proceedings.

11.6 Special Council Meeting (Recruitment of Chief Executive Officer Committee)

11.6.1 Meeting of 20 February 2007

Officer Recommendation

That the minutes of the Special Council Meeting (Recruitment of Chief Executive Officer) held on 20 February 2007, as circulated, be confirmed as a true and correct record of proceedings.

11.7 Healthy Community Project Reference Committee

11.7.1 Meeting of 6 March 2007

Officer Recommendation

That the recommendations of the HCPRC meeting 6 March 2007 be adopted.

12. Correspondence

12.1 List of Inwards and Outwards Correspondence

13. Elected Members Motions of Which Previous Notice Has Been Given.

14. New Business of an Urgent Nature Introduced by Decision of Meeting

14.1 Elected Members

14.2 Officers

Declaration of Closure of Meeting