



UNCONFIRMED MINUTES  
OF THE SPECIAL MEETING  
OF COUNCIL  
HELD ON  
11 MARCH 2015  
AT 10:00 AM

## **DISCLAIMER**

**No responsibility whatsoever is implied or accepted by the Shire of Yalgoo for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Yalgoo disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.**

**In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Yalgoo during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Yalgoo. The Shire of Yalgoo warns that anyone who has an application lodged with the Shire of Yalgoo must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of Yalgoo in respect of the application.**

## 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	Donation to Yalgoo Jockey Club .....	4
	<b>S2015-0301 \$10,000 Donation to the Yalgoo Jockey Club .....</b>	<b>6</b>
6.2	Use of Common Seal .....	7
	<b>S2015-0302 Use of Common Seal .....</b>	<b>7</b>
7.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED .....	8
7.0	STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	8
	Local Government Act 1995.....	8
	Local Government (Rules of Conduct) Regulations 2007.....	9
7.1	Consideration of a matter (detail) 5.23 (2) (a) .....	9
	<b>S2015-0303 Close Meeting to the Public.....</b>	<b>9</b>
	<b>S2015-0304 Open Meeting to the Public.....</b>	<b>10</b>
	<b>S2015-0305 Council Directive .....</b>	<b>10</b>
8.	NEXT MEETING .....	10
9.	MEETING CLOSURE .....	11



Minutes of the Special Meeting of the Yalgoo Shire Council,  
held in the Council Chambers, 37 Gibbons Street, Yalgoo,  
on Wednesday 11 March 2015, commencing at 10.00am.

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

The Shire President Neil Grinham declared the Special Meeting open at 10:16am.

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

MEMBERS	Cr Neil A Grinham, Shire President Cr M Raul Valenzuela, Deputy Shire President Cr Percy Lawson Cr Stanley K Willock Cr Robert W Grinham
STAFF	Silvio Brenzi, Acting CEO Karen Malloch, Executive Assistant
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Adam B Fawkes

**3. DISCLOSURE OF INTERESTS**

Disclosures of financial interest made before the Meeting:

Item 6.1	Cr's M Raul Valenzuela and Stanley Willock disclosed a financial interest in this item.
----------	---

## **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 (detail) (LGA s. 5.23 (2) (a));

## **6. BUSINESS AS NOTIFIED**

### **6.0 Purpose of Meeting**

The purpose of the Special Meeting is to:

1. Donation to the Yalgoo Jockey Club;
2. Acceptance and Signing of Funding Agreement;
3. Discuss a matter affecting an employee.

## 6.1 Donation to Yalgoo Jockey Club

File:	
Author:	Karen Malloch, EA
Interest Declared:	No interest to disclose
Date:	12 February 2015
Attachments (yellow)	Nil

### DISCLOSURE OF INTEREST:

Item 6.1 Cr M Raul Valenzuela disclosed a financial interest in this item.

Item 6.1 Cr Stanley Willock disclosed a financial interest in this item.

**Note: The Special Meeting returned to consider Item 11.3.7 (2015-02) that had been laid on the table.**

### Matter for Consideration

To consider approving a donation of \$10,000 to the Yalgoo Jockey Club as a contribution to the costs of staging Yalgoo Race Day on Saturday 11 April 2015.

### Background

The annual races are an important social, historical, cultural and tourism event for the town and local government area as they engage the participation of a large proportion of our entire population along with attracting new and reoccurring visitors from outside the area.

Due to a range of circumstances, the Yalgoo Jockey Club is struggling to proceed with the organisation and funding of the 2015 race day. Contributing factors impacting on Jockey Club volunteers include the declining number of people residing on pastoral properties, increased time constraint pressures associated with running stations and so on. The volunteers by which the Jockey Club is made have achieved a huge amount throughout the club's history, and have managed to hold successful race day events despite the event growing in size while local community and committee sizes have naturally declined.

The club finances are in a relatively poor state. The bank account of the club stands at approximately \$11,000. Without significant up front financial support of approximately \$20,000 the Jockey Club cannot fund race day 2015. MMG Golden Grove and Ferrowest have previously been our major sponsors and numerous other requests are currently being processed.

A new Jockey Club Committee has been elected effective from Tuesday 13 February 2015.

The new Committee is comprised of:

President:	Kerry Grieve
Vice President:	Ross Theedom
Treasurer:	Fiona Newey
Secretary:	Elisha Hodder

Ordinary Committee Members:

Raul Valenzuela  
Kerry Grieve  
Albert Grieve  
Rose Cameron

Gladys Hodder  
 Olive Gibson  
 Phyllis Simpson  
 Charmaine Simpson  
 Freda Ogilvie  
 Tamisha Hodder  
 Zelda Marsh  
 Albert Grieve  
 Ray Pratt  
 Phil Newey  
 Karen Malloch

The Ordinary meeting held on Tuesday 13 February was well attended and the new committee is confident that the races can be successfully organised.

It should be noted that under WA laws only not-for-profit, incorporated associations can run race days with any profits returned to the association to fulfil its constitutional objectives. Accordingly, the financial support sought will actually be granted to a reinvigorated Yalgoo Jockey Club.

**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	The proposal to support the Yalgoo races is consistent with the Shire of Yalgoo Strategic Community Plan 2013-2018 particularly as it relates to Section 1.3.1 Run or facilitate regular sport and recreation activities for all ages and Section 3.3.5 Continue to support existing events and create new ones.
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	There are minimal financial implications. In this budget year, underspends are likely in both the Healthy Community Programme (HCP) Community Development and Education Activities (GL Code – 132118) and Celebrations (GL Code – E116110). \$5,000 can be reallocated from both of these areas without any adverse impact on each program and diverted as a donation to the Yalgoo Jockey Club as a contribution to the race day costs.

**Consultation**

- Yalgoo Jockey Club Committee
- Racing and Wagering Western Australia

## Comment

In recent years the Shire has donated a modest amount (\$2,000 in 2013/14) to the Jockey Club as a contribution to their race day costs. For the 2014 race day the Shire made a substantially larger donation of \$10,000 to assist with the club's financial situation.

It is anticipated that the new and invigorated Jockey Club Committee will oversee an increase in sponsorships and other income and possibly a reduction in costs.

The loss of Yalgoo Race day would be a considerable disappointment to many stakeholders and given the historical significance of the day their loss would leave a huge cultural gap. Even if the races were only cancelled for this year it would run the risk of RWWA permanently withdrawing the Yalgoo races licence as has been indicated in the past.

The Yalgoo Jockey Club cannot guarantee the financial viability of the race day in 2015 and beyond but it does know that without at least an initial injection of approximately \$20,000 it cannot run the races this year. The request for a \$10,000 donation from the Shire is pivotal to the capacity to run the races in 2015.

## Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION DEFERRED

#### \$10,000 Donation to the Yalgoo Jockey Club

That the Council approve a donation of \$10,000 to the Yalgoo Jockey Club funded from the existing HCP expenditure budget.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion Deferred

**Note:** Councillors require more financial information before making a judgement.

The item was returned to the table and following discussion, a new motion was moved, seconded, put and carried.

**ATTENDANCE:** 10:40am Cr Stanley Willock left the meeting.

**ATTENDANCE:** 10:47am Cr Stanley Willock rejoined the meeting

## Voting Requirements

Simple Majority

### NEW MOTION/COUNCIL DECISION

#### S2015-0301 \$10,000 Donation to the Yalgoo Jockey Club

That Council donate \$10,000 to the Yalgoo Jockey Club, if and when the Yalgoo Jockey Club demonstrates that the financial return of Race Day comes out with a minimum balance of \$0.00.

If the Race Day doesn't proceed on Saturday 11<sup>th</sup> April 2015, the \$10,000 will be returned to the Shire of Yalgoo within the 2014/2015 financial year.

Moved: Cr MR Valenzuela

Seconded: Cr R W Grinham

Motion put and carried 4/1



## 6.2 Use of Common Seal

File:	
Author:	Heather Boyd, EMC
Interest Declared:	No interest to disclose
Date:	10 March 2015
Attachments	Nil

### Matter for Consideration

To approve the use of the Common Seal on the Funding Agreement for the 25<sup>th</sup> Anniversary Landcare Grants.

### Background

The Shire of Yalgoo applied for \$20,000 funding from the 25<sup>th</sup> Anniversary Landcare Grant which is funded by the Department of Environment. The grant is to provide for a two day strategic planning workshop, the development of a strategic plan and prepare action plans for natural resource management on stations. The group undertaking the project is the Yalgoo Leading Practice Group with the sponsorship of the Shire of Yalgoo. The value of the grant is \$20,000.

### Statutory Environment

*Local Government Act 1995*

Section 9.49A (2) of the Local Government Act 1995 prescribes that the common seal of a local government is not to be affixed to any document except as authorised by the local government.

Section 9.49A (3) requires that the common seal is to be affixed to a document in the presence of the President and CEO.

### Strategic Implications

NA

### Policy Implications

NA

### Financial Implications

NA

### Consultation

### Comment

### Voting Requirements

Simple Majority

### OFFICER RECOMMENDATION/COUNCIL DECISION

S2015-0302 Use of Common Seal

That Council approves the use of the Common Seal of the Shire on the 25<sup>th</sup> Anniversary Landcare Grant funding agreement as provided by the Department of the Environment.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

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

### 7.0 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](http://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.

## 7.1 Consideration of a matter (detail) 5.23 (2) (a)

### Motion to Close the Meeting to the Public

#### Voting Requirements

Simple Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

S2015-0303 Close Meeting to the Public

That the meeting be closed to the public to discuss (detail) (LGA s. 5.23 (2) (a)).

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

**ATTENDANCE:** 11:00am EA, Karen Malloch left the meeting.

The meeting was closed to the public at 11:01am.

Remaining in the meeting were:

- Cr Neil A Grinham, Shire President
- Cr M Raul Valenzuela, Deputy Shire President
- Cr Percy Lawson
- Cr Stanley K Willock
- Cr Robert W Grinham
- Silvio Brenzi, Acting CEO

### **Motion to Open the Meeting to the Public**

#### **Voting Requirements**

Simple Majority

#### **OFFICER RECOMMENDATION/COUNCIL DECISION**

**S2015-0304** Open Meeting to the Public

**That the meeting be re-opened to the public.**

**Moved: Cr MR Valenzuela**

**Seconded: Cr SK Willock**

**Motion put and carried 5/0**

The meeting was reopened to the public at 11:47am.

#### **Voting Requirements**

Simple Majority

#### **NEW MOTION/COUNCIL DECISION**

**S2015-0305** Council Directive

**That Council direct the Acting CEO, Silvio Brenzi, to suspend the Executive Manager Corporate & Community (EMCC), Heather Boyd, effective immediately on full pay and conditions whilst an investigation into alleged misconduct is completed.**

**Moved: Cr SK Willock**

**Seconded: Cr R W Grinham**

**Motion put and carried 5/0**

**ATTENDANCE:** 11:22am Cr Raul Valenzuela left the meeting.

**ATTENDANCE:** 11:25am Cr Raul Valenzuela rejoined the meeting.

## **8. NEXT MEETING**

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday, 19 March 2015 commencing at 11.00 am.

**9. MEETING CLOSURE**

There being no further business, President Neil Grinham declared the meeting closed at 11:48am.

**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