



UNCONFIRMED MINUTES

OF THE ORDINARY MEETING

OF COUNCIL

HELD ON

21 MAY 2015

AT 11:00 AM

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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in the Council Chambers, 37 Gibbons Street, Yalgoo,
on 21 May 2015, commencing at 11.00 am.

PLEASE TURN OFF ALL MOBILE PHONES PRIOR TO THE COMMENCEMENT OF THE MEETING

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President Neil Grinham declared the Ordinary Meeting open at 11.03am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

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

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting
Nil

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

4.2 QUESTIONS WITHOUT NOTICE

Nil

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

Please refer to attachment: Council and Staff Calendar of Events.

ATTENDANCE: 11:18am Karen Malloch, EA left the meeting.

ATTENDANCE: 11:20am Karen Malloch, EA rejoined the meeting with guest Mr Con Novatscou, Customer and Business Services Manager, Water Corporation WA.

ATTENDANCE: 11:22am Karen Malloch, EA left the meeting.

ATTENDANCE: 11:23am Karen Malloch, EA rejoined the meeting.

8. CONFIRMATION OF MINUTES

8.1 ORDINARY COUNCIL MEETING

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0501 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 23 April 2015 be confirmed.

Moved: Cr SK Willock

Seconded: Cr AB Fawkes

Motion put and carried 4/1

8.2 SPECIAL COUNCIL MEETINGS

Background

Minutes of the following Special Meetings of Council have previously been circulated to all Councillors:

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0502 Minutes of the Special Meeting of Council held on Tuesday 12 May 2015

That the Minutes of the Special Council Meeting held on Tuesday 12 May 2015 be confirmed.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

9. MINUTES OF COMMITTEE MEETINGS

Cr M Raul Valenzuela, Deputy Shire President, whom is an elected member of the Gunduwa Regional Conservation Association, spoke about the previous Gunduwa Meeting which was held on Thursday 23rd April 2015. The Minutes will be circulated to Councillors when they are received.

Silvio Brenzi, Acting Chief Executive Officer (ACEO), gave a brief over-view of the Aerial Spatial mapping of the Shire of Yalgoo.

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters**10.0 INFORMATION ITEMS**

Sharing of operational information on items that are not confidential, do not require a decision and do not meet the definition of matters for which the meeting may be closed under section 5.23 of the Local Government Act (e.g.: matters affecting employee/s or the personal affairs of any person).

10.1 Presentation by LANDCORP WA:

Cr Neil A Grinham, Shire President, introduced Mr Robert Fenn, Senior Development Manager, LANDCORP to Council.

Robert Fenn proceeded to give a Power Point presentation on the work of LANDCORP which is the WA land authority governing the planning, expansion and delivery of land programmes for regional WA.

ATTENDANCE: 12:20pm Cr M Raul Valenzuela, Deputy Shire President, left the meeting.

ATTENDANCE: 12:21pm Cr M Raul Valenzuela, Deputy Shire President, rejoined the meeting.

ADJOURNMENT Lunch 12:28pm – 1:21pm

The meeting adjourned for lunch break at 12:28pm.

RESUMPTION:

The Shire President, Neil Grinham, re-opened the Ordinary Meeting at 1:21pm.

Remaining in the meeting was:

- Cr Neil A Grinham, Shire President
- Cr Stanley K Willock
- Cr Adam B Fawkes
- Cr Percy J Lawson
- Silvio Brenzi, Acting CEO
- Karen Malloch, Executive Assistant (EA)

10.2 Presentation by WATER CORPORATION WA:

Cr Neil A Grinham, Shire President, introduced Mr Con Novatscou, Customer and Business Services Manager, Water Corporation to Council.

Con Novatscou discussed the schedule for the upgrading and installation of the Electro Dialysis Reversal Water Plant in Yalgoo.

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

11.1 TECHNICAL SERVICES

11.0.1 Technical Services Report – May 2015

No report this month.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

11.0.2 Development, Planning and Environmental Health Services Report – May 2015

No report this month

Ordinary Council Meeting held on 19 February 2015:

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION DEFERRED

R34 (1) - Financial Activity Statements for the Months of November 2014 and December 2014

That Council adopts the financial activity statements for the periods ending 30 November 2014 and 31 December 2014, as attached.

Moved: **Seconded:** **Motion Deferred**

OFFICER RECOMMENDATION DEFERRED

R13 (1) - List of Accounts Paid for the Months of November 2014 and December 2014

That Council receives the Schedule of Payments for accounts paid in the months of November 2014 and December 2014.

Moved: **Seconded:** **Motion Deferred**

Regulation 34(4) of the Local Government (Financial Management) Regulations 1996 requires that a Statement of Financial Activity together with other relevant documentation be presented at the Ordinary Meeting of Council within two months after the end of month by which the Statement relates and that it be resolved in the Minutes of the meeting at which it was presented.

In order to comply with the above mentioned requirements, Council is requested to give consideration to the financial activities statements and accounts paid as per the attachments for the months of November and December 2014 and January 2015.

ATTENDANCE: 1:59pm Cr Stanley K Willock left the meeting.

ATTENDANCE: 2:03pm Cr Stanley K Willock rejoined the meeting.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0504 R34 (1) / R13 (1) Financial Activity Statements and Schedule of Payments for the Months of November and December 2014 and January 2015.

1. That Council adopts the financial activity statements for the periods ending 30 November 2014 and 31 December 2014 and 31 January 2015.
2. That Council receive the schedule of payments for the months of November and December 2014 and January 2015

Moved: Cr MR Valenzuela **Seconded:** Cr SK Willock **Motion put and carried 5/0**

11.4 ADMINISTRATION

11.4.1 Use of the Common Seal on the Sale of Transfer Papers for 30 Selwyn Street, Yalgoo

File:	
Author:	Silvio Brenzi. A/CEO
Interest Declared:	No interest to disclose
Date:	18/05/2015
Attachments (yellow)	Nil

Matter for Consideration

To authorize the use of the common seal, on the sale transfer papers for 30 Selwyn Street, Yalgoo.

Background

Council approval is required prior to utilizing the common seal. The imprint shows direct connection and approval of Council. During various times throughout the year it is common to have recognition certificates and the like developed for certain situations that recognize community groups and individuals for their contribution or achievements. These can be at times outside of council meeting dates and prior authorization of the common seal to the CEO, President or Deputy President would greatly increase the ability to award timely recognition without excessive cost through special council meetings for this purpose.

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

Silvio Brenzi - A/CEO
 Dominic Carbone – Dominic Carbone and Associates.

Comment

Nil

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0505 Use of the Common Seal on the Sale of Transfer Papers for 30 Selwyn Street, Yalgoo

That Council authorize the use of the Shire of Yalgoo Common Seal by the President, Deputy President and CEO, in consultation, on the Sale Transfer Papers for 30 Selwyn Street, Yalgoo.

Moved: Cr MR Valenzuela

Seconded: Cr SK Willock

Motion put and carried 5/0

11.4.2 Transfer of Reserve Funds and Change of Use for Loan Funds

File:	
Author:	A/CEO Silvio Brenzi
Interest Declared:	No interest to disclose
Date:	19/05/2015
Attachments (yellow)	Nil

Matter for Consideration

That reserve funds from the Building Reserve are used to construct the two modular houses and that the loan fund usage is advertised for change of use to reimburse the reserve account.

Background

Due to various financial activities over the previous 18 months, it has become apparent that a new method of project management is required from the Shire to comply with several statutory requirements for the funding received in May 2014 from MWIP (DRD) and the loan funds in January 2015.

A meeting will be held with MWDC on the 22nd May with Gavin Treasure, Neil Grinham and Silvio Brenzi to discuss how the Shire can fulfil its contract obligations to the supplied funding for the construction of two staff houses. Council has already endorsed the tender to supply and deliver these modular homes at the Ordinary Meeting held in Paynes Find on 23 April 2015.

It has been indicated by MWDC that the supplied funds were not placed in restricted cash and it is not acceptable to use the loan funds to build the homes. It is a requirement for the Shire to utilise its own funds, not borrowed money, as this would indicate a breach of contract. To cater for this strategy, we are able to build the homes with our funds from the Building Reserve Account as there are sufficient funds available to fulfil the tender price. We then would need to 'change the use' of the loan funds to 'boost' our reserve accounts for future use.

One month after local public notice is given, an absolute majority is required from council to endorse the change.

Statutory Environment

Local Government Act 1995

s. 6.20 (3) Power to Borrow

(3) Where a local government has exercised a power to borrow and —

(a) it does not wish to proceed with the performance of the function or the exercise of the power for which the power to borrow was exercised; or

(b) after having completed the performance of the function or the exercise of the power for which the power to borrow was exercised, any part of the money borrowed, credit obtained or financial accommodation arranged has not been expended or utilized,

(c) the local government may resolve* to expend the money or utilize the credit or financial accommodation for another purpose if one month's local public notice is given of the proposed change of purpose.

* *Absolute majority required.*

Business Implications

Strategic Community Plan	
Corporate Business Plan	
Long Term Financial Plan	
Asset Management Plan	
Workforce Plan	
Policy	
Financial (short term/ annual budget)	To be declared in the financial review at F/Y end.

Consultation

Gavin Treasure, MWDC

Dominic Carbone, DCA

Comment

This document is to allow for a streamlined process into the building phase of the home construction.

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0506 Transfer of Reserve Funds and Change of Use for Loan Funds.

That Council endorses the transfer of \$396,000.00 from the building reserve to construct the tendered homes and advertises the Change of Use of the \$400,000.00 loan funds to boost the building reserve account.

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

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

Nil

13. URGENT BUSINESS

13.1 Crime and Safety in the Shire of Yalgoo.

Council discussed criminality in Yalgoo and agreed to review the Shire of Yalgoo’s Crime Prevention Strategy and send Councillors to the Crime Prevention Conference in Perth on 29 June 2015.

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0507 Admit Urgent Business

That Council admits the following additional matters for discussion and decision.

13.1 Crime and Safety in Yalgoo.

Moved: Cr MR Valenzuela

Seconded: Cr AB Fawkes

Motion put and carried 5/0

Voting Requirements

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2015-0508 Crime Prevention Conference and Meeting

1. Council agree that Councillors NA Grinham, MR Valenzuela and Silvio Brenzi, Acting Chief Executive Officer attend the Crime Prevention Conference in Perth on 29 June 2015;
2. Council agree that all Councillors may attend the Juvenile Justice and Crime Prevention Meeting on 4 June 2015, at the Yalgoo Railway Station.

Moved: Cr NA Grinham

Seconded: Cr R Grinham

Motion put and carried 6/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.0 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.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Thursday 18 June 2015 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, President Neil Grinham declared the meeting closed at 2:30pm.

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