



UNCONFIRMED MINUTES
OF THE ORDINARY MEETING
OF COUNCIL

HELD IN THE COUNCIL CHAMBERS, YALGOO

ON 18 MARCH 2016

COMMENCING AT 11.00 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	3
2.	RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE	3
3.	DISCLOSURE OF INTERESTS.....	3
4.	PUBLIC QUESTION TIME	4
4.0	RESPONSE TO QUESTIONS TAKEN ON NOTICE.....	4
4.1	QUESTIONS WITHOUT NOTICE.....	4
5.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	4
6.	APPLICATIONS FOR LEAVE OF ABSENCE	4
7.	ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED.....	4
7.1	MEETINGS ATTENDED BY ELECTED MEMBERS.....	4
8.	CONFIRMATION OF MINUTES	5
8.1	ORDINARY COUNCIL MEETING	5
	C2016-0301 Minutes of the Ordinary Meeting	5
9.	REPORTS OF COMMITTEE	5
9.1	Report on Audit Management Letter for the Year Ended 30th June 2015.....	5
	A2016-0302 Report on Audit Management Letter for the Year Ended 30th	
	June 2015.....	10
	C2016-0302 Report on Audit Management Letter for the Year Ended 30th	
	June 2015.....	10
9.2	Report on Compliance Audit Return 2015	11
	A2016-0303 Report on Compliance Audit Return 2015	12
	C2016-0303 Report on Compliance Audit Return 2015	13
10.	PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS/Other Matters	14
10.0	INFORMATION ITEMS.....	14
11.	MATTERS FOR DECISION.....	14
11.0	MATTERS BROUGHT FORWARD.....	14
11.1	TECHNICAL SERVICES.....	14
11.2	DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH	14
11.3	FINANCE.....	15
11.3.1	Financial Activity Statements and Accounts Paid for the Month of January 2016.	15
	C2016-0304 R34 (1) Financial Activity Statements for the Month of January	
	2016	16
	C2016-0305 R13 (1) List of Accounts Paid for the Month of January 2016.....	16
11.3.2	Report on 2015-16 Annual Budget Review	17
	C2016-0306 Report on 2015-16 Annual Budget Review	20
11.4	ADMINISTRATION.....	21
11.4.1	Report on Matters Outstanding as at 18 March 2016	21
	C2016-0307 Report on Matters Outstanding as at 18 March 2016	23
11.4.2	Report on Attendance to 56 th Floodplain Management Australia Conference.....	24
	C2016-0308 Report on 56th Floodplain Management Australia Conference ..	25
11.4.3	Report on the Community Bus Administrative Policy	26
12.	NOTICE OF MOTIONS.....	27
12.1	PREVIOUS NOTICE RECEIVED.....	27

13.	URGENT BUSINESS	28
	C2016-0309 Appointment of Deputy Bush Fire Brigade Officers.....	28
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	28
	14.0 STATUTORY ENVIRONMENT – MEETING CLOSED TO THE PUBLIC.....	28
	Local Government Act 1995	28
	14.1 Matters of a Confidential Nature	30
	C2016-0310 Close Meeting to the Public	30
	C2016-0311 Resolution from the Closed Meeting.....	31
15.	NEXT MEETING	31
16.	MEETING CLOSURE	31



Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
 held in the Council Chambers, 37 Gibbons Street, Yalgoo,
 on Friday 18 March 2016 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

As The Audit Committee Meeting (which was held prior to the Ordinary Council Meeting) did not close until 11:32 am, the Shire President Neil Grinham declared the Ordinary Meeting open at 11:34 am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Neil Grinham Cr Raul Valenzuela Cr Percy Lawson Cr Joanne Kanny Cr Gail Trenfield
STAFF	Silvio Brenzi CEO Steven Cosgrove, Coordinator Governance & Technical Services (CGTS) Karen Malloch, Executive Assistant (EA)
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr Robert Grinham

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the Meeting

Item 11.4.3 Cr P Lawson declared an impartiality interest as he uses the Yalgoo Community bus on occasions.

Cr G Trenfield declared an impartiality interest on the basis that she works at the Primary School and hire the bus.

4. PUBLIC QUESTION TIME

4.0 RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

4.1 QUESTIONS WITHOUT NOTICE

Nil

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Item 14.1 Consideration of a matter affecting an employee 5.23 (2) (a).

6. APPLICATIONS FOR LEAVE OF ABSENCE

The President received an email from Cr Robert Grinham requesting “Leave of Absence” from 18 March 2016 until 19 August 2016, due to health reasons.

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 MEETINGS ATTENDED BY ELECTED MEMBERS

Date	Details	Attended with whom
Saturday, 20 February 2016	Murchison Regional Vermin Council (MRVC) Special Meeting of Council - Mount Magnet	President N Grinham, S Cosgrove Coordinator Governance & Technical Services (CGTS)
Friday, 26 February	Red Dirt film preview & BBQ Yalgoo	S Cosgrove CGTS, Cr R Valenzuela
Saturday, 27 February	Extraordinary Election	
Monday, 29 February - Friday, 4 March	Local Government Executives National Conference & Trade Exhibition – Coffs Harbour, NSW	S Brenzi CEO
Tuesday, 1 March	Regional Roads Group (RRG) - Murchison Sub Group Sandstone	S Cosgrove CGTS, Cr R Valenzuela
Tuesday, 1 March	Rangelands Conference Perth	President N Grinham
Thursday, 3 March	Mid West Development Commission (MWDC) Future of the Mid West: Delivering on the Blueprint -	President N Grinham
Wednesday, 9 March	Minjar Gold meeting - Yalgoo	S Brenzi CEO, D Carbone, S Cosgrove CGTS
Friday, 11 March	Audit Committee meeting Yalgoo	Councillors
Saturday, 12 March	MRVC Mt Magnet	President N Grinham, S Cosgrove CGTS
Thursday, 17 March	Local Emergency Management Committee (LEMC) meeting Yalgoo	President N Grinham, S Cosgrove CGTS, Cr R Valenzuela, S Brenzi CEO

ATTENDANCE: 11:44 am Cr R Valenzuela left the meeting.

11:45 am Cr R Valenzuela 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

C2016-0301 Minutes of the Ordinary Meeting

That the Minutes of the Ordinary Council Meeting held on 19 February 2016 be confirmed.

Moved: Cr P Lawson

Seconded: Cr R Valenzuela

Motion put and carried 5/0

9. REPORTS OF COMMITTEE

Reports of the Audit Committee held on 11 March 2016 and re-affirmed by the Audit Meeting at its meeting at 10:45 am 18 March 2016.

9.1 Report on Audit Management Letter for the Year Ended 30th June 2015

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	9 March 2016
Attachments:	Nil

Matter for Consideration

That Council give consideration to the Audit Management letter for the year 30th June 2015 together with the responses provided by the Acting Chief Executive Officer.

Background

Council is required to examine the report of the Auditor and take appropriate action in relation to matters raised.

Statutory Environment

Local Government Act 1995

7.12A. Duties of local government with respect to audits

(3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —

- (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
- (b) ensure that appropriate action is taken in respect of those matters.

(4) A local government is to —

- (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
- (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

Business Implications

Nil

Consultation

Nil

Comment

Findings identified during the Audit of the Shire's Financial Statements for the year ended 30th June 2015 are as follows, together with the response provided by the acting Chief Executive Officer under the heading of "Management Comment"

1. Credit Card Support

Findings:

During our review of the monthly credit statements it was noted that not all transactions had supporting invoices attached to them or the supporting invoices could not be located.

Rating:

Moderate

Implication:

This increases the risk of non-compliance with the Local Government Act 1995 section 6.5(a) where the Act requires the Chief Executive Officer to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.

Recommendation:

All credit card transactions need to be supported by a valid invoice.

Management Comment:

Council Policy 7.3 Credit Card Facilities requires cardholders to provide transaction slips and tax invoices for reconciliations.

A written instruction will be issued to all cardholders to request that they comply with the requirements as detailed in the above-mentioned Council Policy.

Responsible Person:

Chief Executive Officer

Completion Date:

12 December 2015

2. Monthly Bank Reconciliation

Findings:

During the testing of the monthly bank reconciliation process, it was identified that monthly bank reconciliations did not agree back to the monthly general ledger maintained within the Synergy accounting system. It was identified that the Shire's cut-off policies and procedures for the posting of accounting entries are not being adhered to.

In addition to the above it was noted during the testing of the monthly bank reconciliation process, it was identified that some bank reconciliations had no evidence of review and they are not performed in a timely manner.

Rating:

Moderate

Implication:

Failure to properly reconcile the monthly bank reconciliations and to comply with the Shire's cut-off policies for the posting of accounting entries after the transactions have been processed, increases the risk of inaccurate reporting of the Shire's financial position and operating results and may cause delays in detecting and correcting errors.

Increased risk of inaccurate, untimely, or unavailable information regarding cash inflows and outflows and increased risk of erroneous financial reporting.

Recommendation:

Employees should be reminded of the need to properly complete the monthly bank reconciliations and the requirement to comply with the Shire's policies regarding the posting of accounting entries to ensure they are recorded in the correct reporting period.

All bank reconciliations should provide evidence of timely review by a senior staff member who is independent to the preparer.

Management Comment:

Accounting transactions are posted in the right accounting period i.e. the date when a receipt is posted, the date when an invoice is raised or received or when payment is received or payment made, or the date that appears on the bank statements. It is noted that while the bank reconciliations were reviewed that no certification was made on the bank reconciliation, this procedure has been amended to ensure this occurs.

Responsible Person:

Chief Executive Officer

Completion Date:

12 December 2015

3. Tenders Register

Findings:

The Tenders Register did not include the name of the successful tenderer or the amount of the consideration sought in the tender accepted by the Shire as required by Regulation 17 of the Local Government (Functions and General) Regulations 1996.

Rating:

Moderate

Implication:

Increased risk of non-compliance with Local Government (Functions and General) Regulations 1996.

Recommendation:

The name of the successful tenderer and the amount of the consideration sought in the tender accepted by the Shire should be included in the Tenders Register to ensure compliance with Local Government (Functions and General) Regulations 1996.

Management Comment:

Noted: staff responsible for the Tender Register will be informed of the requirement.

Responsible Person:

Chief Executive Officer

Completion Date:

12 December 2015

4. High Leave Balances

Findings:

During the course of the audit it was noted that some employees have annual leave accrued balances in excess of 300 hours.

Rating:

Moderate

Implication:

Excessive annual leave balances accrued increases the risk of an adverse impact through excessive financial liabilities and may also indicate over-reliance on key individuals. This over-reliance can result in business interruption when the employee takes extended leave or is no longer employed by the Shire. Failure to take leave can also mask fraud.

Recommendation:

The Shire should continue to manage and monitor the excessive annual leave accruals to reduce the financial liability, risk of business interruption and fraud.

Management Comment:

Noted: an advice will be issued to staff that have excessive annual leave accrued to make appropriate arrangements for the taking of leave.

Responsible Person:

Chief Executive Officer

Completion Date:

12 December 2015

5. Submission of Annual Financial Report to Auditors

Findings:

The annual financial report for the year ended 30 June 2015 was not submitted to the auditor by 30 September 2015 as required by Local Government Act S6.4(3)(b).

Rating:

Significant

Implication:

The Shire has not complied with the requirements of Local Government Act S6.4(3)(b).

Recommendation:

The annual financial report should be submitted to the auditor by 30 September each year in order to comply with the requirements of Local Government Act S6.4(3)(b).

Management Comment:

Refer attachment: A request was made to the Minister for Local Government for an extension of time to complete the annual financial report which was duly granted to 31 October 2015.

Responsible Person:

Chief Executive Officer

Completion Date:

12 December 2015

6. Submission of Statement of Financial Activity to Council

Findings:

The November 2014, December 2014, January 2015 and March 2015 Statements of Financial Activity were not presented at an ordinary meeting of Council within 2 months after the end of the month to which the statement relates as required by Local Government (Financial Management) Regulations 1996 regulation 34(4)(a).

Rating:

Significant

Implication:

The Shire has not complied with the requirements of Local Government (Financial Management) Regulations 1996 regulation 34(4)(a).

Recommendation:

The monthly Statements of Financial Activity should be presented at an ordinary meeting of Council within 2 months after the end of the month to which the statement relates in accordance with the requirements of Local Government (Financial Management) Regulations 1996 regulation 34(4)(a).

Management Comment:

Noted: the Shire is now complying with its requirements of the Local Government (Financial Management) Regulations.

Responsible Person:

Chief Executive Officer

Completion Date:

12 December 2015

Voting Requirements

Simple Majority

The Chairman requested Mr D Carbone to present the report.

Questions by the Committee members were duly answered.

It was then moved:

COMMITTEE RECOMMENDATION**A2016-0302 Report on Audit Management Letter for the Year Ended 30th June 2015****That Council:**

- 1/. Receives the Report on Audit Management Letter for the year ended 30th June 2015: and
- 2/. Forward a copy of the report to the Minister for Local Government and Community.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 5/0

An agreement with the Shire's Auditors requires that the Council and the Auditor meet once a year. A teleconference was set up with Mr Travis Bate from the audit firm RSM (0429 113 329) to discuss the Audit Management reports with the Councillors.

A teleconference was held with the Shire's Auditor, for the duration of 12:10 pm until 12:16 pm.

COMMITTEE RECOMMENDATION/COUNCIL DECISION**C2016-0302 Report on Audit Management Letter for the Year Ended 30th June 2015****That Council:**

- 1/. Receives the Report on Audit Management Letter for the year ended 30th June 2015: and
- 2/. Forward a copy of the report to the Minister for Local Government and Community.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 5/0

9.2 Report on Compliance Audit Return 2015

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	9 March 2016
Attachments :	P 1 2015 Draft Compliance Audit Return (Red Cover Page)

Matter for Consideration

That Council gives consideration to the draft Compliance Audit Return 2015 and certified by the President and Chief Executive Officer and a copy to be forwarded to the Department of Local Government by 31st March 2016.

Background

Section 14 and 15 of the Local Government (Audit) Regulations 1996 requires that the Council carry out a Compliance Audit for the period 1st January to the 31st December in each year and be submitted to the Executive Director by the 31st March of the following year.

Statutory Environment *Local Government Act 1995*

s7.13. Regulations as to audits

- (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
- (i) of a financial nature or not; or
- (ii) under this Act or another written law.

Local Government (Audit) Regulations 1996

14. Compliance audits by local governments

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3)
 - (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.

- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
- (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

15. Compliance audit return, certified copy of etc. to be given to Executive Director

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
- (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Executive Director by 31 March next following the period to which the return relates.
- (2) In this regulation -certified in relation to a compliance audit return means signed by —
- (a) the mayor or president; and
 - (b) the CEO.

Business Implications

Nil

Consultation

Dominic Carbone & Associates

Comment

The Shire of Yalgoo is required to carry out an Annual Compliance Audit for the period 1st January 2015 to 31st of December 2015. The Draft Compliance Return for 2015 has been completed online at the Department of Local Government and Communities A number of areas of non-compliance were identified and are detailed in the return with comments in relation too.

The Compliance Return is to be adopted by Council and certified by the President and Executive Officer along with a copy of the relevant section of the Minutes be forwarded to the Director General by the 31st March 2016.

Voting Requirements

Simple Majority

The Chairman requested Mr D Carbone to present the report.

Questions by the Committee members were duly answered.

It was then moved:

COMMITTEE RECOMMENDATION

A2016-0303 Report on Compliance Audit Return 2015

That the Audit Committee recommend to Council that the draft 2015 Compliance Audit Return be adopted and certified by the President and Chief Executive Officer and forwarded to the Department of Local Government along with the relevant section of the Minutes.

Moved: Cr J Kanny

Seconded: Cr G Trenfield

Motion put and carried 5/0

ATTENDANCE: 12:17 pm Cr G Trenfield left the meeting.
12:19 pm Cr G Trenfield rejoined the meeting.

COMMITTEE RECOMMENDATION/COUNCIL DECISION

C2016-0303 Report on Compliance Audit Return 2015

That the Audit Committee recommend to Council that the draft 2015 Compliance Audit Return be adopted and certified by the President and Chief Executive Officer and forwarded to the Department of Local Government along with the relevant section of the Minutes.

Moved: Cr R Valenzuela

Seconded: Cr P Lawson

Motion put and carried 4/0

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).

11. MATTERS FOR DECISION

11.0 MATTERS BROUGHT FORWARD

Nil

11.1 TECHNICAL SERVICES

The CEO informed Council that a Technical Services report for the April meeting is being developed now.

11.2 DEVELOPMENT, PLANNING AND ENVIRONMENTAL HEALTH

The CEO informed Council that a process sheet is being compiled by Megan Gammon of URBIS, from the discussion and decisions made at the previous “Land Development Opportunities” meeting which will be presented at the next Ordinary Council meeting in April.

ADJOURNMENT: Lunch 12:30 pm – 1:25 pm.

The meeting adjourned for lunch at 12:30 pm.

The Shire President, Neil Grinham re-opened the Ordinary Meeting at 1:25 pm with all who were in attendance before the adjournment being present at the resumption.

Remaining in the meeting were:

Cr Neil A Grinham, Shire President

Cr Raul Valenzuela, Deputy Shire President

Cr Percy Lawson

Cr Jo Kanny

Cr Gail Trenfield

Silvio Brenzi, Chief Executive Officer (CEO)

Steven Cosgrove, Coordinator Governance & Technical Services (CGTS)

Karen Malloch (EA)

11.3 FINANCE

11.3.1 Financial Activity Statements and Accounts Paid for the Month of January 2016.

File:
 Author: Steven Cosgrove
 Interest Declared: No interest to disclose
 Date: 15 March 2016
 Attachments P 12 Financial Statements for the Month of January 2016
 (Red Cover Page)

Matter for Consideration

Adoption of the monthly financial statements.

Background

The Local Government Act and Regulations require local governments to prepare monthly reports containing the information that is prescribed and require the Chief Executive Officer to prepare a list of accounts paid.

Statutory Environment

Local Government Act 1995

Section 6.4—Specifies that a local government is to prepare such other financial reports as are prescribed.

Local Government (Financial Management) Regulations 1996

Reg 13(1)—Requires that where the Chief Executive Officer has delegated power to make payments from the Municipal or Trust funds a list of accounts paid is to be prepared each month.

Regulation 34 states:

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:

- (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5 and 6 prescribe further details of information to be included in the monthly statement of financial activity.

Strategic Implications

Provision of timely accounting information to inform Council of the financial status and financial affairs of the local government.

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Policy Implications

- 2.1 Capitalisation of Assets
- 2.4 Material Variance

Financial Implications

Payments from Council's Municipal Account as disclosed in the budget or subsequently approved.

Consultation

Shire Accountants – Moore Stephens

Dominic Carbone – Dominic Carbone and Associates

Comment

The Shire utilises the services of accountants Moore Stephens to prepare the monthly financial statements in the statutory format and provide general accountancy support and advice.

A copy of the Statement of Financial Performance is included in the financial attachments with the investment register and schedule of payments.

The areas where material variances have been experienced (10% or \$10,000 above or below budget) are commented on in the material variance attachment.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0304 **R34 (1) Financial Activity Statements for the Month of January 2016**

That Council adopts the financial activity statements for the period ending 31 January 2016.

Moved: Cr P Lawson

Seconded: Cr J Kanny

Motion put and carried 5/0

It was identified that the "List of accounts paid for the month of January 2016", were not submitted by Shire Accountants – Moore Stephens prior to the Ordinary meeting.

ATTENDANCE: 1:29 pm EA Karen Malloch left the meeting.

1:31 pm EA Karen Malloch rejoined the meeting.

Following discussion, Council agreed to obtain a list of the paid accounts for the month of January 2016 which will be presented at the next Ordinary meeting in Paynes Find on 22 April 2016.

It was then moved:

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0305 **R13 (1) List of Accounts Paid for the Month of January 2016**

That Council requests the Shire Accountants – Moore Stephens to provide a schedule of accounts paid for accounts paid in the month of January 2016 to present to Council at the next Ordinary meeting to be held in Paynes Find on 22 April 2016.

Moved: Cr P Lawson

Seconded: Cr G Trenfield

Motion put and carried 5/0

11.3.2 Report on 2015-16 Annual Budget Review

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	March 15 th 2016
Attachments	P 34 Statement of Financial Activities
	P 35 Statement of Surplus/ Deficit
	P 35 Statement of Closing Funds
	P 36 Budget Analysis Worksheets

Matter for Consideration

That council review the 2015-16 Annual Budget Review

Background

Regulation 33A of the Local Government Act (Financial Management) Regulations 1996 requires that a Local Government between 1st February and 31st March in each year carry out a review of its Annual Budget for that year. A copy of the review and the determination is to be provided to the Department of Local Government within 30 days of the adoption of the review.

Council adopted a 10% or \$10,000.00 variance or whatever is the greater for the reporting of material variances identified in the annual budget review.

Statutory Environment

33A. Review of budget

- (1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.
- (2A) The review of an annual budget for a financial year must —
 - (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
 - (b) consider the local government’s financial position as at the date of the review; and
 - (c) review the outcomes for the end of that financial year that are forecast in the budget.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

*Absolute majority required.

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

- (1a) In subsection (1) —
 additional purpose means a purpose for which no expenditure estimate is included in the local government’s annual budget.
- (2) Where expenditure has been incurred by a local government —
 (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year;
 and
 (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Business Implications

Nil

Consultation

Dominic Carbone

Comment

A review of the Shire’s 2015-16 Annual Budget has been undertaken in accordance with the Financial Management Regulations and the following worksheets have been prepared;

Statement of Financial Activities	(refer attachments)
Statement of Surplus/ Deficit	(refer attachments)
Statement of Closing Funds	(refer attachments)
Budget analysis Worksheets	(refer attachments)

The review of the 2015-16 Annual Budget revealed:

- 1) A reduction in operating revenue amounting to \$242,077 comprising of:

Revenue	
- Additional provision for Doubtful Debt Rates	(\$200,000)
- Decrease in Interim Rates due to death of Mining Tenement	(\$63,043)
- Increase in legal costs recoverable	\$13,000
- Increase Other Minor Variances	<u>\$32,612</u>
	<u>(\$217,431)</u>

- 2) A reduction in operating expenditures of \$240,228 comprising of:

Expenditure	
- Increase in Administration allocation on Members	(\$21,350)
- Increase in Debt Collection Expenses Rates	(\$27,000)
- Decrease in Staff Housing maintenance and repairs, utilities and insurance maintenance	\$69,739
- Decrease in cleaning of public conveniences	\$10,661
- Decrease in Kidsport expenditure incorrect unspent grant carried forward	\$75,000
- Decrease in Rural Road Maintenance	\$98,240
- Decrease in Vegetation/Weed Control	\$20,000
- Decrease Other Minor Variances	<u>\$14,938</u>
	<u>\$240,228</u>

- Loss on sale of Assets

- Increase in Book Value of assets sold written back	\$53,298
- Increase in loss of Sale of Plant and Equipment	<u>(\$15,334)</u>
	<u>\$37,964</u>

- 3) Plant and Equipment

- Savings Purchase of Multi Tyre Roller	\$65,000
---	----------

- Savings Purchase of Parts Utility not proceeded with	\$40,000
- Savings Purchase of CEO motor vehicle	<u>\$6,386</u>
	<u>\$111,386</u>
4) Furniture and Equipment Savings Replacement of Broadcasting Unit	<u>\$50</u>
	<u>\$50</u>
5) Land and Buildings	
- Savings Administration Centre Renovation	\$3,636
- Savings Administration Centre external painting	\$7,818
- New Project Administration Centre Undercover Parking	(\$12,000)
- Additional Expenditure 3 Storage Sheds, Concrete Slabs	(\$20,000)
- Savings Staff Housing Floor Coverings	\$1,600
- Project not proceeded with – mobile ablution block cemetery	\$15,000
- New project ablution block Airstrip	(\$15,000)
- Additional Expenditure Electrical upgrade Depot	(\$1,001)
- Additional Expenditure Cool room	(\$805)
- Additional Expenditure Paynes Find TV	<u>(\$700)</u>
	<u>(\$21,452)</u>
6) Reserve Funds	
- Grossing up of transfer to Building Reserve loan 56 restricted Cash	(\$55,533)
- Grossing up of transfer from Building Reserve part funding of Cultural Centre	
	<u>\$58,837</u>
	<u>\$3,304</u>
7) Surplus Brought Forward	
Decrease in Surplus representing the additional increase in restricted cash	(\$51,848)
	<u>(\$51,848)</u>
Net Estimated Variance (Surplus)	<u>\$102,201</u>

In summary the Review reveals the following:

- 1) A decrease in expected revenue of the Shire of \$217,431, resulting from an increase in provision for Doubtful Debts Rates of \$200,000.
- 2) Savings in operating expenditure of \$240,228 mainly due to a decrease in maintenance and repairs for staff housing \$69,739, decrease in expenditure on rural road maintenance \$98,240 and incorrect unspent grant brought forward Kidsport \$75,000.
- 3) Savings purchase of plant and equipment \$111,386.
- 4) Surplus brought forward overstated by \$51,848.
- 5) Estimated surplus as at 30 June 2016 amounts to \$102,201.

Council is requested to authorise the following capital expenditure in accordance with Section 6.8 of the Local Government Act 1995.

- Concrete Slabs for 3 Storage Sheds	\$20,000
- Undercover Parking Administration costs	\$12,000
- Ablution Block Airstrip	\$15,000

Council is requested to give consideration to and adopt the Annual Budget Review

Voting Requirements

Absolute Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0306 Report on 2015-16 Annual Budget Review

That Council:

- 1.) **Adopts the 2015-16 Annual Budget Review together with the variations detailed in the Budget Analysis Worksheet attached to this Report.**
- 2.) **A copy of the 2015-16 Annual Budget Review and the determination be provided to the Department of Local Government and Communities.**
- 3.) **In accordance with Section 6.8 of the Local Government Act 1995 authorise the following expenditure:**

- Concrete Slabs for 3 Storage Sheds	\$20,000
- Undercover Parking Administration Centre	\$12,000
- Ablution Block Airstrip	\$15,000

Moved: Cr R Valenzuela Seconded: Cr J Kanny Motion put and carried by Absolute Majority 5/0

ATTENDANCE: *2:00 pm Steven Cosgrove, Coordinator Governance & Technical Services (CGTS) left the meeting.*

ATTENDANCE: *2:00 pm Cr R Valenzuela left the meeting.*
2:01 pm Cr R Valenzuela rejoined the meeting.

ATTENDANCE: *2:30 pm Cr G Trenfield left the meeting.*
2:32 pm Cr G Trenfield rejoined the meeting.

11.4 ADMINISTRATION

11.4.1 Report on Matters Outstanding as at 18 March 2016

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	15 March 2016
Attachments	Nil
(Yellow Cover Page)	

Matter for Consideration

That Council note the report on outstanding matters.

Background

The report is compiled from resolutions of Council relating to reports presented to Council, Notice of Motions and Urgent Business.

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

Nil

Consultation

Nil

Comment

Matters outstanding are detailed below with comments in relation to current status.

Matters Outstanding			
MEETING DATE	ITEM REFERENCE	RESOLUTION	CURRENT STATUS
17th December 2015	Purchase of TV for the Gold Battery at Paynes Find	C2015-1217 Purchase of TV for the Gold Battery at Paynes Find That Council: 1. Authorise the purchase of a TV to the value of \$700 to be housed at the Paynes Find Gold Battery in accordance with Section 6.8 of the Local Government Act 1995; 2. Subject to (1) above the owners of the Paynes Find Gold Battery acknowledge that the TV remains the property of the Shire of Yalgoo and maintenance and upkeep to be their responsibility; and 3. The 2015-2016 Annual Budget be amended accordingly when the Shire conduct its Annual Budget Review in January 2016.	Letter to be sent to the owners of the Paynes Find Gold Battery seeking confirmation that they be responsible for the maintenance and upkeep and acknowledge that the TV remains the property of the Shire of Yalgoo before TV is purchased. Awaiting Response from Paynes Find Gold Battery.
17th December 2015	Urgent Business - Shire Chambers Locked Cabinet	That the CEO investigate the provision of a locked cabinet for members to be incorporated in the Annual Budget Review for 2015 - 2016 financial year.	Costings to be obtained.
17th December 2015	Urgent Business - Disorderly Conduct in Yalgoo	That the CEO organise a meeting with the Yalgoo Police to discuss the disorderly conduct in Yalgoo and Councillors be invited to attend.	The CEO scheduled a meeting for Tuesday the 9th February 2016; the police could not attend the meeting which was cancelled. The CEO will now arrange a further meeting. Meeting to be arranged in March 2016.
22 nd January 2016	2014-2015 Budget- Imposition of Rates and Minimum Proposal Requiring Ministerial Approval	That Council: 1/. Make application to the State Administrative Tribunal in accordance with Section 6.82 of the Local Government Act 1995 to have the following rates quashed: - GRV-Town Vacant Land Minimum \$600 - UV-Mining/Mining Tenement 35:75 cents - UV-Exploration and Prospecting 18:99 cents 2/. The Department of Local Government and Communities be advised of (1) above.	Correspondence has been forwarded to DLGC in accordance with Part 2 of council resolution. Council solicitors have been instructed to submit an application to SAT in accordance with part 1 of the resolution. Awaiting Solicitor's advice on outcome
22 nd January 2016	Application for funding – National Stronger Regions Fund	That the Chief Executive Officer prepare a funding application for the following project - The upgrade and extensions to the Shire of Yalgoo Community Hall.	Appropriate consultants have been engaged to prepare the application for funding by the due date.
22 nd January 2016	Application for Funding Round Five of the Heavy Vehicles Safety and Productivity Program.	That council engage the services of a suitable external consultant to prepare the application for funding for the new rest areas at Paynes Find for Round Five of the Heavy Vehicle Safety and Productivity Program.	Appropriate consultants have been engaged to prepare the application for funding by the due date.

19-February-2016	Technical Services Report	The CEO organise an appropriate meeting to investigate the use of solar panels in Yalgoo	CEO to confirm
19-February-2016	Imposition and Changes to the Fees and Charges after the adoption of the 2015-2016 Annual Budget.	Advertise the Fees and Charges in accordance with Sections 6.16, 6.19 and 1.7 of the Local Government Act 1995.	Advertised in Geraldton Guardian newspaper on 26 February 2016.
19-February-2016	Report on Council Chamber Usage	That Council amends the “Administrative Policy on Council Chamber Usage” in the following manner, by the removal of “staff training” in clause 2 of the Policy.	Policy updated 15 March 2016
19-February-2016	Report Transfer of Council Land Lots 136 and 137 Piesse Street Yalgoo	That Council Authorises the Shire President and the Chief Executive Officer to sign and affix the Shires Common Seal to the Transfer of Land Document relating to Lots 136 & 137 Piesse Street Yalgoo.	Transfer of Land documents sent to State Solicitors Office Lot 136 and 137 Piesse 16 February 2016. Matters outstanding regarding incorrect information on Title.
19-February-2016	Report on the Community Bus Administrative Policy	That the CEO prepare a report on the Community Bus Administrative Policy to distribute for review by the Councillors at the next Ordinary Council Meeting.	Report prepared and subject to Council consideration in this Agenda.

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0307 Report on Matters Outstanding as at 18 March 2016

That Council receives Report #11.4.1 Report on Matters Outstanding as at 18 March 2016.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 5/0

11.4.2 Report on Attendance to 56th Floodplain Management Australia Conference

File:	
Author:	Steven Cosgrove
Interest Declared:	No interest to disclose
Date:	March 9 th 2016
Tabled	Conference Program

Matter for Consideration

That council nominate elected member/s to attend the 56th Floodplain Management Australia Conference.

Background

Attendance at conferences enables elected members to make informed decisions on relevant matters to the Shire of Yalgoo. These opportunities also allow for significant networking opportunities with relevant departments and stakeholders.

Statutory Environment

Nil

Business Implications

Cost is to be charged to Account # Conference Expenses

Conference Registration:	2 x \$925:00		\$1,850:00
Accommodation:	2 x \$825:00	\$165:00 per night	\$1,650:00
Flights:	2 x \$500:00		<u>\$1,000:00</u>
<i>(subject to change on confirmation of booking flights)</i>			
Total estimated cost			<u>\$4,500:00</u>

Consultation

CEO, Silvio Brenzi

Comment

56th Floodplain Management Australia Conference held on 17-20 May 2016 at Shoalhaven Entertainment Centre, Nowra.

Keynote Speakers are as follows:

- Brigadier Darren Naumann AM (Retired)
- Professor Darryl Low Choy, School of Environment, Griffith University
- Shannon Crofton
- Associate Professor Lisa Gibbs, University of Melbourne

Floodplain Management Australia (FMA), formerly known as the Floodplain Management Association, is committed to helping reduce the risks and impact of flooding on life and property. Established in 1961 as a small group of New South Wales flood mitigation authorities, FMA has grown into a national association of over 120 local government councils, catchment authorities, businesses, consultants and individuals involved in all aspects of urban and rural floodplain risk management.

FMA is a network of trusted flood professionals - engineers, land use planners, technicians and decision makers - dedicated to working with all states and territories to raise awareness and the priority of flooding.

The two field trips will be the same except that one will be run from the River and the other from Land. The field trips will look at Council's current entrance management plan for the Shoalhaven River, the management of Council's flood mitigation structures in the Shoalhaven River floodplain (such as levees), the benefit of our Flood Alert network (water level and rainfall gauges connected to the Bureau of Meteorology environment system).

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0308 Report on 56th Floodplain Management Australia Conference

That Council nominate President Neil Grinham and Deputy President Raul Valenzuela to attend the 56th Floodplain Management Australia Conference.

Moved: Cr R Valenzuela

Seconded: Cr P Lawson

Motion put and carried 5/0

11.4.3 Report on the Community Bus Administrative Policy

File:		
Author:	Steven Cosgrove	
Interest Declared:	No interest to disclose	
Date:	March 9 th 2016	
Attachments	P 1	Community Bus Policy and Schedule 12.2
(Yellow Cover Page)	P 4	Procedure for Hire of the Yalgoo Community Bus 2015-2016
	P 5	Application for hire
	P 7	Conditions of Hire
	P 9	Bus Pre-start report

Disclosures of interest made before the Meeting

Item 11.4.3 Cr P Lawson declared an impartiality interest as he uses the Yalgoo Community bus on occasions.

Cr G Trenfield declared an impartiality interest on the basis that she works at the Primary School and hires the bus.

Matter for Consideration

That Council review the Community Bus Administrative Policy and Schedule 12.2.

Background

Council at its Ordinary meeting held on 19 February 2016 resolved”

“That the CEO prepares a report on the Community Bus Administrative Policy to distribute for review by the Councillors at the next Ordinary Council Meeting”.

Statutory Environment

Nil

Business Implications

Nil

Consultation

Nil

Comment

Attached is the Council’s Community Bus Administrative Policy together with supporting Schedule 12.2, Procedure for Hire of the Yalgoo Community Bus 2015-2016, Application for Hire, Conditions of Hire and Bus Pre-Start report for Council consideration.

The Policy clearly details the conditions upon which the Yalgoo Community can hire the bus. The attachments support the documentation required when hiring the bus.

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION

Community Bus Administrative Policy Allocation

That Council:

1. Endorses the current Community Bus Administrative Policy inclusive of Schedule 12.2;
or;
2. That the Community Bus Administrative Policy inclusive of Schedule 12.2 be amended as follows:

Moved: Cr P Lawson

Seconded: Cr R Valenzuela

Motion amended

Voting Requirements

Simple Majority

OFFICER'S RECOMMENDATION/COUNCIL DECISION

Community Bus Administrative Policy Allocation

That Council:

Requests the Community Bus Administrative Policy inclusive of Schedule 12.2 be amended to include Form 4B which incorporates the following:

- a/. "Procedure for Hire of the Yalgoo Community Bus";
- b/. The "Application for Hire";
- c/. The "Yalgoo Community Bus – Conditions of Hire";
- d/. The "Bus Pre Start" document.

Moved: Cr P Lawson

Seconded: Cr R Valenzuela

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

Nil

13. URGENT BUSINESS

The President requested that Council give consideration to appointing Deputy Bush Fire Control Officers. It was then moved:

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0309 Appointment of Deputy Bush Fire Brigade Officers

That Council appoints Mr Douglas Taylor of Paynes Find as the Deputy Bush Fire Brigade Officer for the southern region of the Shire of Yalgoo and Mr Robert Grinham as the Deputy Bush Fire Brigade Officer for the northern region of the Shire of Yalgoo.

Moved: Cr R Valenzuela

Seconded: Cr P Lawson

Motion put and carried 5/0

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

s5.23. 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.

s5.92 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.

s5.93. 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

s6. 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.

14.1 Matters of a Confidential Nature

The President at 3:20 pm advised the gallery that the business before the Council is to be considered behind closed doors.

Motion to Close the Meeting to the Public

Voting Requirements –

Simple Majority

COUNCIL DECISION

C2016-0310 Close Meeting to the Public

That the meeting be closed to the public.

Moved: Cr R Valenzuela

Seconded: Cr P Lawson

Motion put and carried 5/0

ATTENDANCE: 3.20 pm, Karen Malloch (EA) left the meeting.

Remaining in the meeting were:

- President N Grinham
- Cr R Valenzuela
- Cr P Lawson
- Cr K Kanny
- Cr G Trenfield
- Silvio Brenzi CEO

Voting Requirements

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2016-0311 Resolution from the Closed Meeting

That Council instructs the CEO to obtain legal advice in order to determine further action in dealing with the anti-social behaviour and intimidation to community members and staff in Yalgoo.

Moved: Cr R Valenzuela

Seconded: Cr J Kanny

Motion put and carried 5/0

ATTENDANCE: *Cr R Valenzuela left the meeting at 3:42 pm.*

Motion to Open the Meeting to the Public

Voting Requirements –

Simple Majority

At 3:42 pm the President advised that all confidential matters have been considered by Council.

It was moved that the meeting be reopened to the public: Moved by Cr J Kanny and Seconded by Cr P Lawson 4/0.

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Community Centre, Paynes Find on Friday 22 April 2016 commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business the President closed the meeting at 3:43 pm.

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