



Minutes

of an Ordinary Meeting of Council held in the Council Chambers
on 15 February 2007

ORDER OF BUSINESS

1. Declaration of opening/Announcement of Visitors

The Shire President declared the Ordinary Meeting of Council open at 10.09am

2. Record of Attendance/Apologies/Approved Leave of Absence

Councillors

Cr DE Anderson
Cr EC Rowe
Cr DP Morrissey (from 11.20am)
Cr DJ Grey
Cr EF Taylor
Cr L Hodder
Cr LJ O'Connor

Also in Attendance

Chief Executive Officer	Mr Lew Hills
Deputy Chief Executive Officer	Mr Ron Adams
Minutes Clerk	Ms Gemma Poli

3. Response to Previous Public Questions Taken on Notice

Nil

4. Public Question Time

Nil

5. Applications for Leave of Absence

Nil

6. Confirmation of Minutes of Previous Meetings

Recommendation

That the minutes of the previous meeting of Council held on 14 December 2006, as circulated be confirmed as a true and correct record of proceedings.

Moved Cr EC Rowe seconded Cr DJ Grey

That the minutes of the previous meeting of Council held on 14 December 2006, as circulated be confirmed as a true and correct record of proceedings.

Motion put and CARRIED 6/0

Election of Deputy President

The President called for nominations for Deputy President for the Ordinary Meeting of Council. A nomination for Deputy President was received from Cr EC Rowe. The President declared that as there was only one nomination for Deputy President Cr EC Rowe was declared elected.

7. Announcements by Presiding Person without Discussion

Nil

Suspension of Standing Orders

The President suspended the ordinary meeting of Council until 11am and requested that all officers leave Council Chambers to discuss the conditions of the CEO's employment termination.

Present: Cr DE Anderson, Cr EC Rowe, Cr DJ Grey, Cr EF Taylor, Cr L Hodder, Cr LJ O'Connor.

Moved Cr LJ O'Connor seconded Cr EC Rowe

That the Ordinary meeting of Council be closed to the public and exclude staff from the meeting until 11am.

Motion put and carried 6/0

The Chief Executive Officer, Deputy Chief Executive Officer, the Works Foreman and Minutes Clerk left the meeting at 10.23am.

The Chief Executive Officer, Deputy Chief Executive Officer, the Works Foreman and Minutes Clerk rejoined the meeting at 11.23am.

Cr Damian Morrissey joined the meeting at 11.23am.

8. Petitions/Deputations/Presentations/Submissions

The DCEO declared an interest in Item 10.5.1.

9. Announcements Concerning Meetings Attended

▪ The President

On 26 January he attended the Australia Day Ceremony and breakfast in Yalgoo.
On 14 February he attended the CCB job interview in Yalgoo. The position has been filled by Mrs Leanda Adams and she begins Monday 19 February 2007.
On 09 February he attended a Murchison Metals & Ores Alliance

▪ MRVC

Nil. The meeting has been deferred until March.

▪ Paynes Find Community

Nil

▪ CEO

On 18 January he met with Mr Daniel Kurt, Oxiana Golden Grove consultant regarding use of the Yalgoo Airstrip during repairs to Oxiana Airstrip.
On 31 January he met with Scott Huffadine from Horizon Power.
On 02 February he attended an afternoon tea in Mingenew for Mr Ivan Wilton.

On 14 February he attended the CCB interview held in Yalgoo.

The Healthy Community Coordinator and the Community Capacity Builder entered the meeting at 11.40am.

10. Reports of Officers

10.1 Healthy Community Project Officers

File: H2-3
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 16 January 2007

Activity Report for December –January

10.1.1 Healthy Community Co-coordinator Report

* 15 th Dec	Swimming Lessons in Mt Magnet- 18 kids and 2 Adults
* 18 th Dec	Movie Night- Greg Ukich & Ron- No Kids showed up
* 20 th Dec	Movie Night- Greg Ukich & Ron- No Kids showed up
* 3 rd Jan	Basketball – 16 kids
* 4 th Jan	Cleaned up around the Basketball Courts- Played Basketball
* 5 th Jan	Movie & BBQ Night (Greg ,Leanda & Ron)- < > & = 20 kids
* 8 th Jan	Basketball – 18 kids
* 9 th Jan	Greenough River Fishing etc- 16 Kids & 4 Adults
* 10 th Jan	Basketball
* 11 th Jan	Swimming in Mullewa- 16 kids
* 12 th Jan	Movie Night- Greg, Victoria & Ron- < > & = 20 kids
* 15 th Jan	Basketball- No kids showed up
* 16 th Jan	Basketball
* 17 th Jan	Basketball
* 18 th Jan	Basketball
* 19 th Jan	Basketball
* 23 rd Jan	Basketball
* 24 th Jan	Trip to Dongara Fishing etc

10.1.2 Community Capacity Builder Report

16th Jan Met with Laurie Campbell (Bridging the Gap) Employment opportunities in Yalgoo. Assisted 2 girls with writing job applications for jobs available at Shire of Yalgoo. Arranged for 3 young people to apply for tax file numbers.

17th Jan Discussed employment training opportunities with Shire of Yalgoo about possibility a 26 week program.

18th Jan Assisted person with compiling Resume and Job Application. Worked with person coaching interview skills.

30th Jan Completed paperwork for Employment for person with Shire of Yalgoo, with Bridging the Gap.

Team Activities

- Cleaned and archiving of Healthy Community Project Offices
- Installation of new computers and workstation
- Planned out Mosaic program for fixing
- Articles for Yalgoo Bulldust

Comment

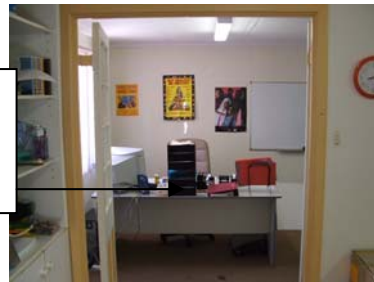
There have been some successful programs run throughout December –January. The cleaning up of the office area and development and implementation of the computer workstations look sensational and should give the new Officers a good head start.



Community Computers- Three computers set up for training purposes



CCB Workstation
HCC Workstation



Mosaics- material has arrived and currently being attached to backing boards. Will be ready for people to repair in Feb 2007

The HCP officers left the meeting at 12.08pm.

Recommendation

That the Healthy Community Project Reports be received.

Moved Cr LJ O'Connor seconded Cr DP Morrissey
That the Healthy Community Project Reports be received.

Motion put and carried 7/0

The meeting adjourned for lunch at 12.10pm and returned at 1.14pm.

The President introduced Mr Brett Manning (General Manager), Mr Barry Wyatt (Project Directory), Mr Graeme Johnstone (Chief Executive) from Ferrowest who gave a presentation to Council.

The CEO left the meeting at 1.16pm and returned at 1.17pm.

The Minutes Clerk left the meeting at 1.39pm and returned at 1.40pm.

The CEO left the meeting at 1.49pm and returned at 1.50pm.

The Ferrowest representatives left the meeting at 2.06pm.

The meeting adjourned for a break at 2.06pm and returned at 2.16pm.

10.2 Works Foreman/Works Report

Roads Report for December 2006-January 2007			
E025.14 - Maintenance Grading			
	05/12/2006	ROADS:Yalgoo North Rd	\$ 10,286.97
	05/12/2006	ROADS:Morawa - Yalgoo Rd	\$ 3,515.96
E025.2 - Culvert Repairs			
	05/12/2006	ROADS:Yalgoo - Ninghan Rd	\$ 2,976.64
	05/12/2006	ROADS:Morawa - Yalgoo Rd	\$ 2,994.63
E025.7 - Grid Cleaning/Repairs			
	05/12/2006	ROADS:Tardie Rd	\$ 2,486.56
	05/12/2006	ROADS:Yalgoo North Rd	\$ 132.01
E168102 - RRG Construction			
	31/01/07	ROADS:Morawa - Yalgoo Rd	\$ 40,675.06

The CEO left the meeting at 2.28pm and returned at 2.29pm.

10.2.1 Report on Warranty Claim Volvo Prime Mover YA480

File: YA480
Author: Lew Hills, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 6 February 2007

Background

At the December Meeting, it was reported that the Volvo Prime Mover YA480 had suffered damage to the clutch and was transported to Geraldton for repairs.

Council received an account for \$7,836.87 (including GST) for parts and labour not covered by the warranty claim.

I spoke with Andrew Watts, the Area Manager for Truck Centre (WA) (who changed their name from Max Winkless this year). I advised that it was our belief that as the damage was caused by a part failure, then it should be covered by warranty and asked him to investigate the matter further.

The matter has now been regarded as a warranty claim and the account was reduced to nil.

Cr L Hodder left the meeting at 2.28pm and returned at 2.29pm.

10.2.2 Report on Broken Ram Caterpillar Traxcavator YA431

File: YA431
Author: Lew Hills, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 7 February 2007

Background

The ram which operates one side of the ripper assembly snapped causing a break in some hydraulic hoses and rendering the machine inoperable. The failure means the ripper assembly can not be raised, preventing the machine from moving. I have not yet had conversation with anyone from Westrac as they have not seen the ram, but I am assuming the repairs should be under warranty.

Westrac advises that the break is very unusual and therefore a spare ram is not available in Australia and will need to be imported. The part has been ordered and we are waiting on Westrac to arrange to have the ripper assembly raised in order that the machine can be used for loading again.

There is approximately half a days work pushing gravel in preparation to seal the Morawa Road.

The Works Foreman left the meeting at 2.38pm.

Recommendation

That the Work Foreman/Works Report be received.

Moved Cr EF Taylor seconded Cr EC Rowe

That the Work Foreman/Works Report be received

Motion put and carried 7/0

10.3 Environmental Health Officer/Planning, Health & Building Report

10.3.1 EHO Activity Report -: Feb 2007

05 Dec	Environmental Health	Pick up new vehicle at Langers in Geraldton Administration
12 Dec	Occupational Safety and Health	Continue with Equal Employment Opportunities
	Environmental Health	Discuss food handling with Café Activity report for council Commence contaminated sites identification
	Building Control	Arrange electrician and builder to carry out maintenance Discuss power supply for old Western Power shed to be connected along with work area ablution block
14 Dec	Environmental Health	Council meeting Food safety requirements for Café Arrange for electrical check of Caravan Park pump out septic New pump to be ordered by Bill on Friday
19 Dec	Environmental Health	Memo to Chief Executive Officer for fly screens at food safety requirements for the café Unblock drain at 17 Shamrock street Unblock toilet at sports ground
	Building Control	Building report required for Hall toilets and stage New pump installed at caravan park
	Environmental Health	Arrange quotes, plumber and work crew for same
		Unit inspection walls need a good clean in kitchen lounge passage and laundry
22 Dec- 15 Jan	Environmental Health	EHO on Annual Leave
16 Jan	Environmental Health	Review rebate for recycling in the shire Completed and posted Assess drains at café and design new system for waste water from the kitchen
	Occupational Safety and Health	Discuss no smoking policy in council vehicles memo to be sent Safety info concerning trucks given to works supervisor

		Speak with electrician about tag off equipment
19 Jan	Environmental Health	Liaise with Drew Strickland for plumbing of café Discuss biomedical waste for Golden Grove not able to accommodate Complete fax for health local laws Memo for smoking areas Inward correspondence
	Building Control	Discuss Planning building and health conditions with a Mr O.Donnell from Melbourne
23 Jan	Environmental Health	Reduce water flow from public toilets request sand be placed on overflow arrange for a plumber to fix the problem Prevent excess water flow from museum Check out door lock for female public toilet Visit to 17 Shamrock for aircon overflow and leaky toilet Arrange for air con repair 17 shamrock Bill Bradford to repair out admin PO Boxes hole in exterior wall
26 Jan	Public Holiday	
31 Jan	Building Control	Check toilet repair for public toilets Organise stand pipe repair at depot behind hall Repair of toilet at hall repair of leaking waste pipe under hall. Ground area under stage now dry. Check proposed alterations to sports ground toilets Check septic and drain installation at cafe Out of order signs for the placed on the public toilets Organise repair of water leak at sports ground Start contaminated sites notification Have toilets cleaned Museum pipe still to be repaired Female toilets to be repaired Have plumber fix ensuite water leak at 27 Stanley Discuss removal of waste oils and fats from hotel and cafe

Cr LJ O'Connor left the meeting at 2.41pm and returned at 2.44pm.

Recommendation

That the Environmental Health Officers Activity report be received.

Moved Cr EC Rowe seconded Cr DP Morrissey

That the Environmental Health Officers Activity report be received.

Motion put and carried 7/0

10.4 Deputy Chief Executive Officer's Report

10.4.1 Financial Report

File: F8
Author: Ron Adams, Deputy CEO
Interest Declared: No interest to disclose
Date: 02 February 2007

Financial Statements

The Financial Activity Statements for Month of December 2006 and January 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 Councils Information.

The list of accounts paid from the Trust Account is attached for Councils Information For the period under review December 2006- January 2007

Bank Statements

Bank Statements for Municipal Account is attached for Council information.

Bank Statement for Trust Account is attached for Council Information

Bank Statements for Credit Card Transactions

Bank Statements for Museum Account is attached for Council information

Summary Statement of Investments

For the period under review December 2006- January 2007

BAS Statement

The BAS Statement for December 2006 is attached for Council Information.

The BAS Statement for January 2007 is attached for Council 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 18-2-2006

Bank Reconciliation

Reconciliation of Municipal account is attached for Council Information.

Reconciliation of Trust account is attached for Council Information

Reconciliation of Museum account is attached for Council Information

For the period under review December 2006- January 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

Moved Cr EC Rowe seconded Cr DP Morrissey

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 Trust Accounts
Bank Reconciliation Museum Accounts
Payment Schedules
Profit and Loss Summaries
Balance Sheet Summaries
Activity Statements

Motion put and carried 7/0

Cr L Hodder declared an interest in the following item and left the meeting at 3.01pm.

10.4.2 Write - off of Bad Debts

File: A5-2
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 17 January 2007

Background:

Tidying up of the debtors ledger will more accurately reflect Councils financial position.

The selected debtor accounts to be written off occurred during the 2004-2005 and 2005-2006 financial years. The resource required to thoroughly research each debtor exceeds any possible financial return that is likely to be made.

Comment:

Please refer to the finance summary for details.

Statutory Environment:

The Local Government Act 1995 section 6.12 provides Council a Power to defer, grant discounts or write off debt which is owed to local government.

Strategic Implications:

Nil

Policy Implications:

Nil

Financial Implications:

Council has a provision for doubtful debts of \$2000 in its books and write off of these debts aggregating \$459.80 will be applied to that account. Write off will result in Councils financial position being more accurately represented.

Voting Requirements:
Absolute majority required

Officers Recommendation

That Council agrees to write off the following debts:

R.Dalrymple	\$20.00
L.Hodder	\$32.80
V.Jones	\$55.00
Workbase	\$11.00
Yalgoo LCDC	\$11.00
Yarrlgu Bunna	\$330.00

Moved Cr DP Morrissey seconded Cr EC Rowe

That Council agrees to write off the following debts:

R Dalrymple	\$20.00
L Hodder	\$32.80
V Jones	\$55.00
Workbase	\$11.00
Yalgoo LCDC	\$11.00
Yarrlgu Bunna	\$333.00

Motion put and carried 7/0

The CEO left the meeting at 3.02pm and returned at 3.03.

Cr L Hodder returned to the meeting at 3.04pm.

10.4.3 Budget Review Period July 01 2006 to December 31 2006

File: B3-2
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 16 January 2007

Attachment: View presented statements. (Green Pages separate to agenda).

Background:

A budget review is a detailed comparison of the year to date actual results with the adopted budget. It establishes whether a local government continues meeting its budget commitments; is in receipt of income and incurs expenditure in accordance with its adopted budget.

Comment:

The budget review has some key items that will be addressed during February 2007.

1- The allocation of income and expenses more accurately, this will enable the reporting features of QuickBooks to be utilized more accurately.

2- There is a requirement to have more input with UHY Haines Norton when placing Budget Items to the chart of accounts, this will enable our grants to be more easily reported on and acquitted more accurately. This will also assist in the preparation of the 07-08 Budget

3- Due to the accounting package changing at 06-07 we now have had 6 months to understand the workings of QuickBooks and our procedures can now be tightened to improve the data entry requirements.

Statutory Environment:

Regulation 33A (1) of the FM Regulations Local Governments are required to conduct a budget review between 1 January and 31 March each financial year.

Strategic Implications:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Voting Requirements:

Absolute majority required

Officers Recommendation

The Budget Review as presented be accepted

Moved Cr EC Rowe seconded Cr DJ Grey

That the Budget Review as presented be accepted.

Motion put and carried by ABSOLUTE MAJORITY 7/0

10.4.4 Write Outstanding Rates- Braeside Enterprises Pty Ltd

File: A5-2
Author: Ron Adams, Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 16 January 2007

Attachment:

Nil

Background:

Braeside Enterprises Pty Ltd, Trading as Mt Gibson Emu Farm has outstanding rates and charges dating back to 2001. There have been several attempts by staff to recover these rates. There have been several legal actions sought and expensed to council. None of these actions have had any return. Braeside Enterprises Pty Ltd was delisted as a company in February 2006. The lease on the property has expired therefore becoming non-ratable property. No rates have been raised in the 2006-07 Financial Year.

The amount of rates and arrears total \$27460.20

During the period from 2001-2007 there have been several staff changes and computer programs changed. I have concerns that the figures are not correct, but the requirement to close the file will need to be addressed and the council's financial position be more accurately reported.

Comment:

All options to recover funds have been exhausted.

Statutory Environment:

The Local Government Act 1995 section 6.12 provides Council a Power to defer, grant discounts or write off debt which is owed to local government.

Strategic Implications:

Nil

Policy Implications:

Nil

Financial Implications:

The amount of \$ 27460.20 is the current balance of Rates, arrears and interest. I can not determine the accuracy of the amount, or even if it is correct. I feel it would be waste of resource to work through the correspondence and Assessment file to get an accurate figure. As there is no chance to recover funds, by making this adjustment it will more accurately represent the council's financial position.

Voting Requirements:

Absolute majority required

Officers Recommendation

The rates and arrears of \$27460.20 on Assessment 42, Braeside Enterprises Pty Ltd be written off.

Moved Cr DP Morrissey seconded Cr LJ O'Connor

That the rates and arrears of \$27460.20 on Assessment 42, Braeside Enterprises Pty ltd be written off.

Motion put and carried by ABSOLUTE MAJORITY 7/0

The meeting adjourned for a break at 3.22pm and returned at 3.31pm.

The DCEO left the meeting at 3.31pm.

10.5 Chief Executive Officer's Report**10.5.1 Reserve 48915 – Warrambo Location 58 – Henty St (Recreation)**

File	R10-151
Author	Lew Hills, Chief Executive Officer
Interest Declared	No interest to disclose
Date	29 November 2006

Background

At the December Meeting it was resolved to advertise Notice of Intention to develop Reserve 48915 as horse blocks inviting public submission on the proposal. A notice to that effect was inserted in "The Yalgoo Bulldust" on 19 January 2007. Submissions closed 4.00pm Wednesday 14 February 2007. At the time of printing this report, two submissions were received expressing interest in leasing horse blocks.

It needs to be understood, that this land now belongs to Council. It is up to Council to then manage the land. It is also acknowledged that the previous lessees have not looked after the land in recent times, that it is untidy and is strewn with what is literally unusable rubbish. However, as a compromise and at the suggestion of DPI Land Asset Management, the notice included a proposal that the existing buildings be separately partitioned and excluded from the horse blocks in order to provide a special heritage lease to the previous landholders in recognition of a claim for historical connection. DPI have suggested that this part be leased for \$1.00pa. Council does not have to do this, but I do believe it is a gesture of goodwill and recognizes the existence of a past well known Yalgoo identity.

We have been quoted for \$10 million public liability insurance cover for horse owners ranging from 1 horse at \$236.50 to 10 horses for \$902.00 pa. This should be included as part of setting any lease fees.

Attachments (Zeto Lime)

Attached is a suggested Licence Agreement (borrowed from the Shire of Coolgardie). A suggested plan of the proposed blocks is also attached.

The Agreement includes a requirement that the Licensee provides fencing to a standard at their own cost and for them to maintain the fencing. It also provides that the Licensees are to maintain the water supply at their own expense.

Consultation

A letter was written to Mrs Anne Jones with a copy of the notice, advising of Council's intentions and seeking her comment. I had received a response at the time of preparing this report. I had a telephone conversation with her, but she advised she was waiting to hear from DPI.

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 Implications

Provision of semi-permanent "Horse Yards" is consistent with the key strategic mission to provide and maintain adequate recreational facilities.

Policy Implications

Nil

Financial Implications

Survey costs can be reduced to almost nil by providing GPS coordinates to DPI.

Voting Requirements

A simple majority is required.

Officer Recommendation

That:

1. That the purpose of Reserve 48915 be changed from "Recreation" to "Stabling of Horses".
2. That the boundaries of Warrambo Location 58 (Reserve 48915) be identified by GPS coordinates.

3. That 4 blocks of approximately 1 hectare each be established, 3 of which will be available for lease for the purpose of stabling/agistment of horses.
4. That the 4th block surround the old abattoir building and be subject to a special heritage lease to the previous lessees of the site.
5. The Licence Agreement for Horse Blocks as presented be adopted.
6. That the annual rental be set at \$440 including provision of public liability insurance cover to \$10 million.
7. That the Reserve be cleared of disused and waste material at Council's expenses, however, the cost of fencing, erection of stables and access to water be at the expense of the lessees.

Moved Cr EC Rowe seconded Cr DJ Grey

That:

1. That the purpose of Reserve 48915 be changed from "Recreation" to "Stabling of Horses".
2. That the boundaries of Warramboob Location 58 (Reserve 48915) be identified by GPS coordinates.
3. That 4 blocks of approximately 1 hectare each be established, 3 of which will be available for lease for the purpose of stabling/agistment of horses.
4. That the 4th block surround the old abattoir building and be subject to a special heritage lease to the previous lessees of the site.
5. The Licence Agreement for Horse Blocks as presented be adopted.
6. That the annual rental be set at \$440 per block plus public liability insurance cover to \$10 million.
7. That an annual fee be paid in advance and reviewed annually.
8. That the Original Lessees be contacted in writing to clear the block of disused and waste material by 08 April 2007.

Motion put and carried 7/0

The CEO left the meeting at 3.54pm and returned at 3.55pm.

The DCEO returned to the meeting at 3.55pm.

10.5.2 Dual Use Pathways

File	R11-101
Author	Lew Hills, Chief Executive Officer
Interest Declared	No interest to disclose
Date	7 February 2007

Background

Notice of Intention to create a dual use pathway along Shamrock Street and Gibbons Street between the Shire Hall and the Railway Station inviting public submission on the proposal was inserted in "The Yalgoo Bulldust" on 19 January 2007. Submissions closed 4.00pm Wednesday 14 February 2007. At the time of printing this report, no submissions had been received on the proposal.

The proposal was formulated by the Gardens Committee. Basically it is a 2 metre wide path to be constructed on the western side of the streets until it reaches the Caravan Park opposite the Fire Shed, then crosses the road and continues down the Eastern side until it crosses the Geraldton-Mt Magnet Road. It is for the purpose of providing cycleways and pedestrian footpaths.

If Council still wishes to proceed with the project, it is now time to proceed with making an application for grants.

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 Implications

Provision of dual use pathways is consistent with the key strategic mission to ensuring the provision of all appropriate services meet the needs of the community.

Policy Implications

Nil

Financial Implications

Provision was made in the 2006/07 Budget for \$20,000 on the basis of obtaining a grant of \$10,000.

Voting Requirements

A simple majority is required.

Officer Recommendation

That the dual use pathway project be progressed subject to obtaining grants for at least 50% of the cost of the project.

Moved Cr LJ O'Connor seconded Cr EC Rowe

That the dual use pathway project be progressed subject to approaching Michael Keene of Greenfields Technical Services to obtain grants for at least 50% of the cost of the project.

Motion put and carried 7/0

10.5.3 Refund of Incorrectly Charged Rates Lot 7 Henty Street

File: ASS 525
Author: Lew Hills, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 9 January 2007

Background

At the December Meeting, I verbally advised Council that we had received a request for refund of rates paid on Lot 7 Henty Street. A Title Search conducted on 26 November 2001 revealed that the land was held in the name of Yalgoo Road Board. As no Title Deeds could be found in the office, an application was made for a replacement Certificate of Title which was subsequently issued on 22 December 2002. The land was then sold to the Government Employees Housing Authority in October 2003 and is now the site on which the house for the APLO is situated.

However, until the Title Search was conducted, Mrs Gloria McKenna had been rated for the property since the death of her father in 1983. Mrs McKenna has supplied copies of rate notices for Lot 7, 9, 10, 11 & 12 issued 17 October 1983. I have located some old Rate Books for that period confirming the entry where rates were raised.

I cannot determine any explanation for this to have occurred. I therefore recommend that Mrs McKenna be reimbursed monies she has paid since that date.

Based on rate notices provided by Mrs McKenna and resolutions regarding minimum rates from Minute Books, the following rates have been charged (rate records indicate that rates were paid in full to 5 October 2001).

1983/84	35.00
1984/85	55.00
1985/86	60.00
1986/87	65.00
1987/88	65.00
1988/89	70.00
1989/90	70.00
1990/91	90.00
1991/92	90.00
1992/93	90.00
1993/94	90.00
1994/95	90.00
1995/96	90.00
1996/97	100.00
1997/98	100.00
1998/99	110.00
1999/2000	110.00
2000/01	110.00
2001/02	<u>200.00</u>
Total Overcharged	\$1,690.00

Statutory Environment

Section 6.39 (2)(b) of the Local Government Act 1995 provides that the rate records may be amended for the 5 years preceding the current financial year.

However, Section 3.1 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. This allows Council to refund the whole amount.

Strategic Implication

Nil.

Policy Implication

Nil

Financial Implication

The total to be refunded is \$1,690.00.

Voting Requirement

A simple majority is required

Officer Recommendation

That Mrs G McKenna be refunded \$1,690.00 incorrectly charged rates on Lot 7 Henty Street for the period from 1983/84 to 2001/02

Moved Cr LJ O'Connor seconded Cr DP Morrissey

That Mrs G McKenna be refunded \$1,690.00 incorrectly charged rates on Lot 7 Henty Street for the period from 1983/84 to 2001/02.

Motion put and carried 6/1

10.5.4 Tender Regulations Purchasing Policy

File: L10
Author: Lew Hills
Interest Declared: No interest to disclose
Date: 10 February 2007

Background:

The Local Government (Functions and General) Amendment Regulations 2007 were published in the Government Gazette on 2 February 2007 and come into operation on 30 March 2007.

The amendments increase the current tender threshold from \$50,000 to \$100,000 and require local governments to have a purchasing policy for amounts under the threshold.

WALGA has developed a Model Purchasing Policy to assist with the implementation of these Regulations. Council will need to adopt a purchasing policy to operate in time for the 30 March 2007 change to the Regulations.

Attachments:

A copy of the "Local Government Purchasing and Tender Guide Model Purchasing Policy" developed by WALGA is attached to this agenda. (Bright Yellow)

Comment:

I have sought advice from WALGA on Item 1.7.4 Tender Criteria. The wording applies if Council decides to call tenders (which is optional below \$100,000 and compulsory if \$100,000 or above). The evaluation panel usually consists of purchasing staff and not councillors, but the results of the evaluation with officer recommendations are presented to Council for their decision.

Statutory Environment

Regulation 11A of the Local Government (Functions and General) Amendment Regulations 2007 requires that a local government is to prepare or adopt, and is to implement, a purchasing policy in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$100,000 or less or worth \$100,000 or less.

Policy Implications

The Model Purchasing Policy will form part of Council's Policy Manual.

Financial Implications

Nil.

Strategic Implications

Nil.

Officer Recommendations

That the Model Purchasing Policy developed by WALGA be adopted in full by Council.

Moved Cr DP Morrissey seconded Cr EF Taylor

That the Model Purchasing Policy developed by WALGA be adopted in full by Council.

Motion put and carried 7/0

10.5.5 Joint Venture Housing – Lot 28a/b Selwyn Street (DHW Response)

File: H6-13/14
Author: Lew Hills
Interest Declared: No interest to disclose
Date: 10 January 2007

Background:

At the October Meeting Council resolved to notify Homeswest (Department of Housing and Works) that it is experiencing difficulties in meeting its obligations and responsibilities under the Housing Joint Venture Agreement and that it wishes to withdraw from the project.

Essentially, DHW refuses to take the units back. Their letter does not offer any assistance to Council.

I have managed to obtain details of the tenants income and can verify that there is no issue regarding overcharging of rent to be concerned with.

Attachments:

A copy of the response from DHW is attached to this agenda. (Lilac)

Comment:

This project is going to cost Council a lot of money in the future. This is an example where the State Government has shifted its responsibility to provide rental accommodation for the less fortunate onto local government without compensation for the costs involved. I believe Council has provided enough assistance towards the project to get housing for the community, however, the responsibility for community housing lies with the State Government, not local government. I also believe that we need to emphasize that the provision of community housing in Yalgoo is solely for indigenous persons who need social assistance from the State Government.

Our issues with this project are that we do not have the resources nor the expertise to manage the proper maintenance of the premises nor the financial resources. In a telephone conversation with the author of the letter, it was suggested that the tenants be evicted and the premises be let again. This clearly indicates that DHW does not understand the predicament we are in.

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.

Policy Implications

Nil

Financial Implications

On-going costs were detailed in the October Agenda.

Strategic Implications

Council's involvement in the Housing Joint Venture project is consistent with the key strategic mission of ensuring the provision of all appropriate services meet the needs of the community. However, rationalising the existing burden of the project is consistent with the key strategic mission to optimise Council resources (Financial, Human and Information) to more effectively deliver services.

Officer Recommendations

That DHW be advised that:

1. The situation with management of the Joint Venture houses in Selwyn Street is critical emphasizing that Council does not have the resources nor the expertise manage the proper maintenance of the premises;
2. Council's view on responsibility for the provision of community housing for indigenous persons lies with the State Government, and;
3. Unless the Department is willing to provide financial compensation for the ongoing losses, Council will have no option but to abandon the project, refusing to collect rental, providing maintenance and services which will subsequently result in health condemnation orders being issued and ultimately demolition of the premises.
4. If one of their inspectors provided a list of items to be reinstated in order to facilitate a handover to them, Council is prepared to pay for the repairs but no other.

Moved Cr DP Morrissey seconded Cr EF Taylor

That DHW be advised that:

1. The situation with management of the Joint Venture houses in Selwyn Street is critical emphasizing that Council does not have the resources nor the expertise manage the proper maintenance of the premises;
2. Council's view on responsibility for the provision of community housing for indigenous persons lies with the State Government, and;
3. Unless the Department is willing to provide financial compensation for the ongoing losses, Council will have no option but to abandon the project, refusing to collect rental, providing maintenance and services which will subsequently result in health condemnation orders being issued and ultimately demolition of the premises.
4. If one of their inspectors provided a list of items to be reinstated in order to facilitate a handover to them, Council is prepared to pay for the repairs but no other.

Motion put and carried 6/1

10.5.6 Ferrowest – Lot 185 (14) Shamrock Street

File	ASS 1388
Author	Lew Hills, Chief Executive Officer
Interest Declared	No interest to disclose
Date	7 February 2007

Background

Ferrowest have approached me with a proposal to acquire Lot 185 (14) Shamrock Street (the superblock) bounded by Shamrock, Stanley, King and Mitchell Streets. Their intention is to construct an accommodation complex (for up to 125 people) if their project

proceeds. They have forwarded a draft “Option Agreement & Memorandum of Understanding” for Council to consider.

Council needs to consider whether they are prepared to release the land and at what price. The Agreement includes payment Fee of 7.5% of the Purchase Price payable annually until they either use the land or advise that the project will not be proceeding.

Ferrowest is also interested in purchasing lots 68 Gibbons Street, 73 Gibbons Street and 74 Weekes Street.

Comment:

Should Council ever decide to develop the land, there would be a considerable cost to subdivide the land, plus the cost of water headworks and underground electricity. This is an ideal opportunity to have the land developed and also establish what will have a major impact on the future of Yalgoo.

Lot 68 Gibbons Street had been set aside to construct the new residence for the CEO. Should Council desire to sell that land, it will need to identify a replacement block for that purpose.

How much would Council be prepared to sell any of the blocks for?

Statutory Environment

Section 3.58(3) of the Local Government Act 1995 provides that a local government can dispose of property (other than by tender) if, before agreeing to dispose of the property, it gives local notice for at least 14 days, inviting submissions on the proposal. The notice is to include a recent market valuation (which Council would require in order to be able to arrive at a suitable price).

Strategic Implications

Releasing the land is consistent with the key strategic mission to promote the development of the local and regional economies and to promote the objective of encouraging the development of new business and employment.

Policy Implications

Nil

Financial Implications

There will be a cost to obtain a valuation from the Valuer General’s Office. The notice will not have a cost if it is only advertised in “The Yalgoo Bulldust”.

Voting Requirements

A simple majority is required.

Cr LJ O’Connor left the meeting at 4.21pm and returned at 4.22pm.

Officer Recommendation

That :

1. Ferrowest be advised that Council is prepared to enter in an agreement for the sale of Lot 185 (14) Shamrock Street,
2. A valuation of the land be obtained from the Valuer General’s Office, and
3. Notice of Council’s intention to dispose of the land be placed in “The Yalgoo Bulldust”.

4. That Ferrowest be advised that Council is prepared to sell lots 73 and 74 for \$_____ each.

Moved Cr EC Rowe seconded Cr EF Taylor

That:

1. Ferrowest be advised that Council is prepared to enter in an agreement for the sale of Lot 185 (14) Shamrock St,
2. A valuation of the land be obtained from the Valuer Generals Office, and
3. Notice of Council's intention to dispose of the land be placed in the "The Yalgoo Bulldust".
4. That Ferrowest be advised that Council is prepared to sell lots 73 and 74 and the cost be subject to advice from the Valuer Generals Office exclusive of GST.

Motion put and carried 7/0

10.5.7 Recruitment of New Chief Executive Officer

File	S6-1
Author	Lew Hills, Chief Executive Officer
Interest Declared	No interest to disclose
Date	7 February 2007

Background

Councillors would already be aware that I have tendered my resignation as Chief Executive Officer. The process to appoint my replacement should now begin.

The Act requires that the position must be advertised. This can be arranged by placing advertisements in appropriate publications or Council can engage a recruitment intermediary such as FitzGerald Strategies, WALGA or Logo Appointments (at a fee).

Before deciding the above action, Council should decide the terms and conditions of the position and the duration of the contract, so that they are included in the advertisement and the Position Description. The terms and conditions should have regard to the recommendations of the Salaries and Allowances Tribunal Enquiry.

In the meantime, Council needs to formally accept my resignation and the date of my early cessation of duties. Arrangements will have to be made for an Acting CEO until the replacement can commence duties.

Statutory Environment

Section 5.36(4) of the Local Government Act 1995 requires that if the position of CEO of a local government becomes vacant, it is to be advertised and Regulation 18A of the Local Government (Administration) Regulations 1996 determine the details required in the advertisement.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Indicative costs for engaging a recruitment service are about \$5,000. Two quotes have been received at that figure including at 2 visits and one other quote was for \$4,000 for 2 visits (3 visits \$5,000). Approximately \$2, 500 should be allowed for advertising.

Voting Requirements

A simple majority is required.

Officer Recommendation

That:

1. That the resignation of the CEO be accepted with duties to cease on _____, with no loss of entitlements,
2. That _____ be approached and appointed as Acting Chief Executive Officer.
3. That _____ be engaged to provide a recruitment service for a new CEO,
4. That the following terms and conditions and duration of contract be offered in advertising for the new CEO:

Moved Cr EC Rowe seconded Cr LJ O'Connor

That the resignation of the CEO be accepted with duties to cease on Friday 16 February 2007 with no loss of entitlements.

Motion put and carried 7/0

11. Reports of Committees

11.1 Audit Committee

Nil

11.2. Building Committee

Nil

11.3. Museum Committee

Nil

11.4. Gardens Committee

Nil

11.5. Special Meetings of Council

Nil

11.6 Healthy Community Project Reference Committee

Recommendation

That the recommendations of the Healthy Community Project Reference Committee Meeting of 05 February 2007 be adopted.

Moved Cr DP Morrissey seconded Cr L Hodder

That the recommendations of the Healthy Community Project Reference Committee Meeting of 05 February 2007 be adopted.

Motion put and carried 7/0

12. Correspondence

12.1 List of Inwards Correspondence

12.2 List of Outwards Correspondence

Recommendation

That the Inwards Correspondence be received and the Outwards Correspondence be endorsed.

Moved Cr DP Morrissey seconded Cr DJ Grey

That the Inwards Correspondence be received and the Outwards, Correspondence be endorsed.

Motion put and carried 7/0

Cr LJ O'Connor left the meeting at 4.50pm and returned at 4.51pm.

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

Nil

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

14.1 Elected Members

14.1.1 Electricity and Water Accounts for Railway Station Complex

Moved Cr EC Rowe seconded Cr D Anderson

That an itemised report of expenditure for the year to date for electricity and water be presented to Council for 15 March 2007 Ordinary Meeting.

Motion put and carried 7/0

14.1.2 Statistics Of Water Consumption Of All Council Water Meters

A request for water consumption from all council meters was raised.

Moved Cr EC Rowe seconded Cr L Hodder

That a report be presented to Council detailing Council water usage for the year to date and be presented to Council for 15 March 2007 Ordinary Meeting.

Motion put and carried 7/0

14.1.3 Employment of Staff Partners Policy

Moved Cr EF Taylor seconded Cr EC Rowe

That Council prepare a Council policy dealing with employment of staff partners.

Motion put and carried 7/0

14.1.4 Duration of Chief Executive Officer to Vacate L27 Stanley St

Moved Cr EF Taylor seconded Cr EC Rowe

That the Chief Executive Officer has six weeks from the 16 February 2007 to vacate the premises of L27 Stanley St.

Motion put and carried 7/0

14.1.5 Chief Executive Officer Selection Committee Selection

Moved Cr DJ Grey seconded Cr L Hodder

That all members of Council be appointed to a committee to select a Chief Executive Officer.

Motion put and carried 7/0

14.1.6 Local Advertising for Vacancy of Chief Executive Officer

Moved Cr EC Rowe seconded Cr DE Anderson

That the vacancy for an Acting Chief Executive Officer be advertised in the local newsletter.

Motion put and carried 7/0

14.1.7 Chief Executive Officer Selection Committee Date

Moved Cr DJ Grey seconded Cr DP Morrissey

That the Chief Executive Officer Selection Committee meet Tuesday 20 February in Council chambers at 1.00pm.

Motion put and carried 7/0

14.1.8 Local Government Compliance Audit Return

The Local Government Compliance Audit Return was presented to Council who considered they required more time to read it and therefore deferred making changes until the 15 March 2007 meeting.

Moved Cr EF Taylor seconded Cr LJ O'Connor

That consideration of the Local Government Compliance Audit Return be deferred until the meeting of 15 March 2007.

Motion put and carried 7/0

14.1.9 Auditors Report Update

McLeod Audit have not responded to the CEO's request for a completion date for the 2005-2006 Audit Report.

Moved Cr EF Taylor seconded Cr EC Rowe

That McLeod Audit be requested to advise when Council can expect to receive the 2005-2006 Audit Report.

Motion put and carried 7/0

14.2 Officers

14.2.1 Late Item - Local Government Compliance Audit Return - 2006

File: A14-3
Author: Lew Hills, Chief Executive Officer
Interest Declared: No interest to disclose
Date: 14 February 2007

Background

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

A copy of the completed return is an attachment to this agenda (bright yellow pages).

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.

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 not adopted by 31 August.
- Finance 23 – Reports to auditor not submitted by 30 September.
- Finance 84 – Auditors report not received within 30 days.
- Finance 85 – Auditors report not received by 31 December 2006.
- Finance 86 – No report on matters raised in auditors report.
- Grants Commission 1 – Grants Commission return not completed.
- Local Laws 13 – Reviews not within previous 8 years.
- Meeting Process 5 – CEO did not receive written notice of meetings.
- Meeting Process 15 – No Deputy presiding members of committees elected.
- Meeting process 18 – Minutes not kept of meetings.
- Meeting Process 21 – Not all meetings open to the public.
- Meeting Process 23 – Reasons for closing meetings not in accordance with the Act.
- Meeting Process 24 – Reasons for closing meetings not in minutes.
- Meeting Process 29 – Voting in closed meetings conducted in secret.
- Meeting Process 34 – No inclusion of members names in meetings of closed meetings.
- Meeting Process 51 – Annual Meeting of Electors not held within 56 days.

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.

Statutory Environment

Local Government Act 1995.

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

A simple majority will be required.

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 2006 – 31 December 2006 and the adjusted return be certified by the President.

Council considered that due to the late presentation of the Compliance Audit Return at 5.35pm they needed more time to absorb the content of the return and will review it in the March meeting of Ordinary Council.

Moved Cr EC Taylor seconded Cr LJ O'Connor

That the adoption of the Compliance Audit Return be deferred until the Ordinary Meeting 15 March 2007 to allow more time to review it.

Motion put and carried 7/0

Declaration of Closure of Meeting

The Ordinary Meeting of Council closed at 5.41pm.