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Minutes of the Ordinary Meeting of the Yalgoo Shire Council,
held in Paynes Find Community Centre, Paynes Find via Wubin,
on Thursday 22 April 2010, commencing at 11.20 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the Ordinary Meeting of Council open at 11.20am.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr TK Iturbide, Shire President Cr MJ Forster Cr L Hodder Cr MR Valenzuela Cr LJ Terry
STAFF	Ms S Daishe, Chief Executive Officer Ms H Duffey, Acting Deputy Chief Executive Officer
GUESTS:	
OBSERVERS	Ms Shawna Terry
LEAVE OF ABSENCE	
APOLOGIES	Cr EC Rowe, Deputy President

3. DISCLOSURE OF INTERESTS

Disclosures of Interest made prior to the Meeting
Cr MR Valenzuela declared a proximity and financial interest regarding item 11.4.4

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

None

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

None

6. APPLICATIONS FOR LEAVE OF ABSENCE

None

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

April attended Extension Hill Mining Project in Perenjori.

7.2 COUNCILLORS

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

C2010-0401 Confirmation of Minutes

Moved Cr MR Valenzuela, Seconded Cr LJ Terry

That the Minutes of the Ordinary Council Meeting held on 18 March 2010 be confirmed.

Motion put and carried 5/0

9. MINUTES OF COMMITTEE MEETINGS

None

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

None

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

None

11.1 WORKS

None

11.2 DEVELOPMENT

None

11.3 FINANCE

11.3.1 ACTING DEPUTY CEO – ACTIVITY REPORT –MARCH 2010

File: N/A
 Author: Heide Duffey, Acting Deputy CEO
 Interest Declared: No interest to disclose
 Date: 15 April 2010
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	Suncorp	1,047,441.19	22 April 2010	4.5	1,048,345.15	Yes except \$47,441.33
Reserve	Suncorp	1,067,226.37	30 April 2010	4.86	1,075,558.15	Yes

Comparative investment rates

WA Treasury (Overnight):	4.25
WA Treasury 30 days:	4.22
MBL 30 Days	4.35

Contractor Ranger Duties

-Patrols conducted of Townsite and surrounding areas on the 2 March 2010.
 3 dogs were handed over to the ranger.

One dog was impounded in the past two weeks highlighting the need for the pound to be upgraded. In it's current state it is deem to be unsatisfactory and in urgent need of replacement or major repairs

Caravan Park House:

The house for the Caravan Park is completed and has had its final inspection. Delivery date should be Friday the 23 April 2010.

Meetings

- 16th March Delivery of Light tanker at Payne's Find.
- 18th March Community Park
- 19th March Kumar Venus Mines
- 31st March J Bristow Horizon Power (re Caravan Park)

Future meetings

29th April John Johnson FESA

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0402 Acting Deputy CEO Report

Moved Cr MR Valenzuela, Seconded Cr MJ Forster

That the Deputy CEO's Activity Report for March 2010 be received.

Motion put and carried 5/0

11.3.2 FINANCIAL ACTIVITY STATEMENTS –MARCH 2010

File:
Author: Heide Duffey, Acting Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 15 April.
Finance (green) p.1 Financial Activity Statements for March 2010
p.20 Income Statement Detail
p.30 Income Statement by Nature & Type
p.31 Income Statement Summary by Program
Material Variance
p.32 Balance Sheet

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for March 2010.

BACKGROUND

Amendments to the Local Government (Financial Management) Regulations 1996 that were gazetted on 20 June 2008 and became effective from 1 July 2008 have resulted in regulations 34 and 35 relating to monthly financial reports and quarterly/triennial financial reports being repealed and substituted with a new regulation 34. The new regulation 34 requires that local government report on a monthly basis and prescribes what is required to be reported with the intention of establishing a minimum standard across the industry.

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

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

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

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

CONSULTATION

None

COMMENT

A copy of the Statement of Financial Performance is attached to this item including additional information that council deemed appropriate to receive.

The area's where material variances have been experienced, i.e. either 10% or \$5000 above or below budget, are commented on in the material variance attachment which will be given to council as a late item

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0403 Financial Activity Statements – March 2010

Moved Cr LJ Terry, Seconded Cr MR Valenzuela

That Council adopt the financial statements and material variances for the period ending 31 March 2010, as attached.

Motion put and carried 5/0

11.3.3 ACCOUNTS PAID DURING THE MONTH OF MARCH 2010

File: N/A
Author: Heide Duffey, Acting Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 15 April 2010
Finance: p38+. Listing of accounts paid
(green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of March 2010

BACKGROUND

Accounts paid are required to be submitted each month.

STATUTORY ENVIRONMENT

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.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Payment from Council's Municipal Account

CONSULTATION

None

COMMENT

Payments made during the month of March 2010 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0404 Accounts Paid during the Month of March 2010

Moved Cr MJ Forster, Seconded Cr MR Valenzuela

That:

- 1. The Cheque Detail of payments covering vouchers EFT 1 - 78 totalling \$446743.97 paid during the month of March 2010, be received;**
- 2. Cheque payments covering cheque numbers 11404-11410 totalling \$18,573.81 paid during the month of March 2010, be received; and**
- 3. Salaries and Wages totalling \$52706.49 paid during the month of March 2010 be received.**

Motion put and carried 5/0

11.4 ADMINISTRATION

11.4.1 CEO – ACTIVITY REPORT 15 March 2010 (date of commencement) to 15 April 2010

File: N/A
 Author: Sharon Daishe, CEO
 Interest Declared: No interest to disclose
 Date: 15 April 2010
 Attachments: p.1 Policy Schedule 11.2 Two Days Additional Annual Leave
 (yellow) p.3 Local Roads Blackspot Program 2010-2011

Cancelled Yalgoo Races and Yalgoo Community Fun Day Saturday 17 April 2010

As you are all aware, the Yalgoo Races were cancelled at short notice. I became aware of the cancellation on Monday 12 April and decided to call an emergency community meeting which commenced at 5pm in the Shire Chambers.

Thirteen members of the community attended to discuss how to ameliorate the effect of the cancellation on local business, our community, the reputation of Yalgoo, our artists and on travellers who may still arrive in Yalgoo.

The community decided on a low key Community Fun Day and to use any proceeds to revive the defunct, but previously extremely popular, Yalgoo Emu Cup. The Shire, having acted as treasury for the impromptu event, will hold the proceeds in trust for this event. The community formed a committee to arrange the Community Fun Day and I have asked that their last task is to initiate proceedings for a future Emu Cup.

I am tremendously proud of the enthusiasm, innovation and spirit of unity that the community has displayed to arrange this event in just four days. What an extraordinary achievement.

Implementation of the Local Government Industry Award 2010

I have learnt that there is debate about whether the new federal *Local Government Industry Award 2010* applies to local government in Western Australia.

Apparently decisions of the Western Australian Industrial Appeals Court and the full bench of the Western Australian Industrial Relations Commission have shed doubt on whether the *Local Government Industry Award 2010* applies to local governments, particularly small country Shires, as they would be unlikely to be able to establish that they are a trading (constitutional) corporation.

WALGA (Western Australian Local Government Association), via their Local Government Workplace Solutions section, comments, 'Although the issue still remains contentious Our position is that most Local Governments would be deemed to be Constitutional Corporations if assessed because they engage in trading activities of significant enough levels to be deemed so'.

It is extremely unlikely that Yalgoo has 'trading activities of significant enough levels'.

Further, the Western Australian Municipal Road Boards, Parks and Racecourse Employees Union of Workers, formerly the Municipal Employees' Union, is apparently seeking to negotiate a new State Award (which would not cover all local government employees; only 'outside' workers).

WALGA states that they are, 'hopeful that a legislative remedy to the situation will be forthcoming in the near future'.

You will understand why I am reluctant to make decisions now that may be overruled later. When I am confident about which Award/s prevail, I plan to review staff against their Award grade, check that our payments and practices comply with the Award/s, ensure we have systems in place so that progression dates are captured and acted on, calculate and pay any back payments that may be owed and ensure that we are providing appropriate training for staff to progress in accordance with their Award.

Policy Schedule 11.2 regarding two days additional annual leave, as moved at last month's Council meeting, will be enacted (or if necessary put to Council to repeal) at such time.

I anticipate that the matter must be conclusively resolved within the 2010/2011 financial year because the *Local Government Officers (Western Australia) Award 1999* and the *Municipal Employees (Western Australia) Award 1999* are apparently due to expire in March 2011.

Cattle on Road near Paynes Find

On Easter Monday residents of Mt Magnet who were travelling on the Great Northern Highway approximately 33 kilometres north of Paynes Find sustained damage to their vehicle when they hit one of two cows that had wandered onto the road.

Mark Kinsey, a passenger in the vehicle, contacted me to let me know that he had heard that the cattle may belong on Oodabunna Station and may have been wandering in the area for quite a while. Mr Kinsey had been told that the managers on Oodabunna were planning to capture and remove the cattle. I have tried unsuccessfully to contact Oodabunna to confirm this.

If councillors observe, or hear reports of, cattle on the road please let me know and I will follow this up.

Yalgoo Impounding Facility

On 29 March 2010 I inspected the Shire of Yalgoo's impounding facilities adjacent to the Shire works depot with Ranger Peter Smith, having been advised that the facilities are below standard. The inspection revealed that:

- There are no drains on the concrete flooring to allow for cleaning of the bays
- There were no containers for food or water
- I was not able to identify an accessible source of water nearby
- Handlers are endangered due to the narrow space between the entry and the bays
- The pound does not provide an area to unload an animal in a secure space meaning that a handler may not be able to prevent an animal from escaping during transfer from vehicle to pound
- The wire used to construct the pound is easily cut and therefore it is not possible to appropriately secure the facility. At the time of inspection the pound was not able to be secured because wire at the rear had been cut
- The access gate was not able to be closed at the time of inspection
- Only the front bay could be closed at the time of inspection
- The front bay receives full sun for a large part of the day which apart from causing extreme discomfort to the animal, could result in heat exhaustion and death during hot weather

Following the inspection I determined that the impounding facility should not be used.

However, on Saturday 3 April 2010 a concerned citizen captured a dog after hearing complaints that the dog had chased horses at Yalgoo Gymkhana and created a nuisance in the main street. The citizen, who was injured and bitten whilst capturing the dog, brought the animal to my home on Saturday evening. Geraldton Police were not able to contact Yalgoo Police, so I took the dog to the pound, secured it in the front bay and provided food and water.

The following morning I was able to secure the dog in the more shaded middle bay. I was not able to contact the owner of the dog, who was out of town.

Ranger Peter Smith moved the dog to the Morawa Pound on Wednesday 7 April.

The owner of the dog returned to Yalgoo on Tuesday 13 April and signed an authority for the dog to be destroyed.

This matter highlights the need for a satisfactory impounding facility in Yalgoo. I am seeking information for the design and construction of such a facility in order to estimate costs to bring a request to council.

Budget 2010/11 and Compliance with Policy Schedule 7.6

Council Policy Schedule 7.6 sets out a time based framework for preparation of the annual budget.

Due to the changeover of both the Shire's CEO and Deputy CEO, items that were to have been brought before the January, February and March meetings have not occurred and therefore, Policy Schedule 7.6 has not been complied with.

Policy Schedule 7.6 also requires the following budget items to be brought before the April meeting:

- Fees and charges
- Capital works program
- Draft departmental budgets
- Rates option
- Plan for the Future

In the absence of a staff member with the historical knowledge, and without the preceding requirements being completed, I am not able to prepare this information for the April meeting. I intend to meet with DCEO

Violet Rowe on her return to work at a date to be discussed in May, at which time we will be able to establish a timeframe to develop a sound 2010/11 budget proposal.

Blackspot Funding

Only one of three applications have been approved in the 2010/11 local roads blackspot program, being for the Great Northern Highway and Paynes Find Ninghan road intersection. Please refer attachment for details.

Information Technology and Accounting

ADCEO Duffey and I met at the offices of UHY Haynes Norton in Perth on 7 April 2010 with Mandy Wynne, Manager Local Government Services and Paul Breman, Partner, Local Government Services to discuss the Shire's financial management and accountancy programs and processes.

Currently the Shire's systems and processes contain a high margin for error due to duplication, lack of documented business processes, information kept in several different systems and unnecessarily complex processes to attempt to cope with inadequate systems.

In addition, the poor performance of outdated hardware and software causes regular system problems which consume excessive administrative time and foster an environment where errors occur too readily.

Computer crashes last month consumed the time of several staff over several days, including a staff member having to rush to Geraldton for a computer repair, just to ensure that staff received their wages. These issues also meant that financial reports were not ready in time for the Council agenda.

Paul Brennan demonstrated a potential solution, being Network One which is a scaled down version of a well established and highly regarded local government program, Technology One. Network One would integrate rating, general ledger, payroll, sundries such as dog licensing, asset register, full works costings and reporting onto one platform. The system is revolutionary, being based on a system used by major metropolitan councils scaled down to be affordable by small councils. I reviewed Technology One some years ago during a tender process and was extremely impressed with the program, the system integrity and the business acumen and reputation of the supplier.

Paul Breman is preparing a costing for me to present a full report to the May meeting of Council.

Timing will be critical as if we decide to migrate to new rates, financial and payroll software we will need to prepare data to migrate on 1 July. Mid year migration is possible but not recommended and may be more costly.

Meetings March 2010

Various dates	Met individually with all administration staff and gardener to discuss their experience, duties and training requirements
15 March	Alison Maher re complaint
16 March	Paynes Find with President, Acting Deputy CEO (ADCEO) and councillors to receive new light fire truck from Fire and Emergency Services (FESA)
17 March	Yalgoo Community Meeting
18 March	Official opening of Yalgoo Community Park followed by Council Meeting
19 March	Kumar Arunachalam, Venus Mining, regarding request to hire the block of dongas at the caravan park for six months to accommodate geologists and support staff (not work crew)
29 March	Contract Ranger Peter Smith - various matters including inspect pound, dog licensing
31 March	Environmental Health Officer (EHO) Bill Atyeo update on various matters including requirement to inspect tip and food premises
1 April	Caravan Park inspection with ADCEO Duffey and gardener R Hall.
1 April	Met with R & I Valenzuela to discuss proceeding with Council minute C2007-0827 to negotiate formalisation of the arrangement between the Shire and the Yalgoo General Store covering the Shire Caravan Park and museum.
7 April	Perth met with accountants and information technology support, UHY Haynes Norton to discuss hardware and software issues
8 April	Industrial course (employment contracts) Perth
8 April	Met at Bindoon with Gordon Houston regarding waste management
9 April	Nigel Greene, Greenfields Technical Services – on site meetings to discuss progress of Water Playground, relocation of units, solar lighting to entry statements, undercover sports facility, health centre, roads funding, road programs in 2010/11 and estimates required for the 2010/11 budget.
12 April	Shane Matthews, Regional Director, WA Country Health Services – discussed health centre and nursing post
12 April	Yalgoo Interagency Meeting

12 April Called Community crisis meeting regarding cancellation of Yalgoo Races.

Future Commitments

20 April CEO Briefing via Mullewa Community Resource Centre by the Hon John Castrilli MLA, the Hon Wendy Duncan MLC and Wendy Murray, Executive Director Strategic Policy and Structural Reform, Department of Local Government. Briefing to cover four critical issues being forward capital works plans, integrated strategic planning, regional business plan framework and local government service in remote indigenous communities.

22 April Council Meeting Paynes Find

28 April WALGA luncheon with the Hon Brendon Grylls MLA (CEO and President) Geraldton

29 April John Johnson FESA (possibly also Tex McPherson re local emergency management compliance)

3 May David Painter, Local Government Insurance - Desktop Occupational Safety and Health Audit

6-7 May Cue Parliament with President and Deputy

10 May Yalgoo Interagency Meeting

TBA Bill Thomas – interim financial audit

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0405 CEO Activity Report

Moved Cr L Hodder, Seconded Cr MR Valenzuela

That Council receives the activity report prepared by CEO Sharon Daishe for the period 15 March to 15 April 2010.

Motion put and carried 5/0

11.4.2 WA LOCAL GOVERNMENT ASSOCIATION – NOTICE OF ANNUAL GENERAL MEETING 2010.

File: W1-4
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 April 2010
Attachments: p.4 Guidelines for Submission of Motions
(yellow)

MATTER FOR CONSIDERATION

To consider any motions put forward by Councillors for inclusion in the agenda of the 2010 WALGA Annual General Meeting.

BACKGROUND

WALGA has advised that the 2010 AGM will be held on Saturday 7 August 2010 as part of the annual Local Government Convention which will be held at the Perth Convention Exhibition Centre.

Member local governments are requested to advise WALGA of any items for inclusion in the agenda of the AGM.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

This is one of the two peak industry conferences for elected members and senior staff and it is appropriate that members and the CEO attend the conference and the AGM.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

There is no direct cost associated with attending the AGM other than the cost of the lunch. The costs of conference attendance and associated accommodation will be reported to Council when they become available.

CONSULTATION

None

COMMENT

Shown in the Attachment are the criteria for submission of motions.

The closing date for submission of motions is 14 June 2010 however if a motion is proposing alterations to the constitution of the association then it must be received by 6 May 2010 in order to satisfy the 60 day constitutional notification requirement.

The matters dealing with voting rights at the AGM and the full conference content, registration and costs will be further reported to Council when disseminated by WALGA.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0406 Notice of Annual General Meeting – WA Local Government Association

Moved Cr LJ Terry, Seconded Cr MR Valenzuela

That Council consider any proposed motions put forward by Councillors or the CEO, in accordance with the submission criteria.

Motion put and carried 5/0

11.4.3 SUBMISSIONS TO ECONOMICS AND INDUSTRY STANDING COMMITTEE ON THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION'S MANAGEMENT OF FORMER PASTORAL LEASES.

File: E12
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 13 April 2010
Attachments: p.5 Draft Submission to the Economics and Industry Standing Committee
(yellow)

MATTER FOR CONSIDERATION

To consider the draft submission to the Economics and Industry Standing Committee addressing the Department of Environment and Conservation's Management Of Former Pastoral Leases.

BACKGROUND

The Legislative Assembly's Economics and Industry Standing Committee is holding an inquiry into the Department of Environment and Conservation's Management Of Former Pastoral Leases and has invited the Shire of Yalgoo to lodge a submission. The closing date for receipt of submissions is 16 April 2010.

In particular the Committee will investigate DEC's:-

1. management of pest animals and weeds;
2. preservation of pastoral heritage;
3. opportunities for improved management; and
4. consideration of the economic potential of non-pastoral uses for this land.

STATUTORY ENVIRONMENT

Parliamentary privilege applies to the submission as it becomes the property of the Legislative Assembly. Additionally the Freedom of Information Act does not apply to the submission.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

Ellen Rowe, pastoralist, Carlaminda Station.

COMMENT

Successive State Governments have been purchasing pastoral leases for many years with the intent of providing a "green belt" through the pastoral area of the State.

Management of these lands rests with the Department of Environment and Conservation. Generally the Department removes all infrastructure from the land as part of the intent of having the land revert to its natural state.

For many years there has been considerable criticism of the Department for its lack of (apparent) commitment to prudent and neighbourly land management practices particularly in terms of feral animal control. The Standing Committee's inquiry will investigate this aspect of DEC's management practices.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0407 Council to authorise CEO to forward the Submission to the Economics and Industry Standing Committee

Moved Cr LJ Terry, Seconded Cr MJ Forster

That Council authorise the CEO to forward the submission shown in the Attachment to the Economics and Industry Standing Committee.

Motion put and carried 5/0

11.4.4 TENDER – SALE OF LOT 73 GIBBONS STREET YALGOO and LOT 74 WEEKES STREET YALGOO

NOTE: Cr MR Valenzuela declared a financial and proximity interest in this item and left the meeting at 11.49am.

File: T5 2010-03
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 15th April 2010
Attachments: Nil

MATTER FOR CONSIDERATION

To consider tenders received for the sale of Lot 73 Gibbons Street, Yalgoo and Lot 74 Weeks Street, Yalgoo.

BACKGROUND

Lots 73 and 74 were originally tendered in August 2007 and the tender was awarded subject to several conditions which are repeated below. One of the conditions was that development on the lots must be commenced within two years.

The two year development condition was not satisfied and hence the contract was cancelled.

At the meeting held on 18th February 2010 Council resolved that the lots be re-tendered under the same conditions as previous.

Tenders have been called in accordance with the provisions of the legislation and closed on 7th April 2010.

STATUTORY ENVIRONMENT

The provisions of Section 3.58 of the Local Government Act prevail in this matter.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

The conditions that are attached to the sale of these two lots are:-

- a) title in the land will not be transferred until satisfactory proof of development is produced;
- b) development of the Lot must commence within two years, or other such timeframe as agreed by Council at time of acceptance of tender;
- c) on acceptance of tender a non-refundable deposit of 10% of the accepted tender price is due within 14 days, or other arrangement as accepted by Council; and
- d) Council will consider tenders for each lot separately, and is not bound to award the purchase to a single tenderer.

One tender has been received from M R & I Valenzuela (Chanelle Enterprises Pty Ltd) for Lot 73 Gibbons Street Yalgoo for the purchase price of \$7,500.

No tenders were received for Lot 74 Weekes Street.

If Council resolves to dispose of Lot 73 then it is appropriate that each party pay their own settlement agency costs.

Given that there is no financial penalty involved in not selling Lot 74 (other than the opportunity cost) it is recommended that the Shire of Yalgoo retain this lot for future disposal consideration. As the exploration

and mining activity in the region appears to be gaining momentum there may be a future opportunity to sell this Lot.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0408 Tender for Sale of Land

Moved Cr MJ Forster, Seconded Cr L Hodder

That Council resolve:-

- 1. to sell Lot 73 Gibbons Street, Yalgoo to M R & I Valenzuela (Chanelle Enterprises Pty Ltd) for \$7,500 on the conditions that:
 - a) title in the land will not be transferred until satisfactory proof of development is produced;**
 - b) development of the Lot must commence within two years, or other such timeframe as agreed by Council at time of acceptance of tender; and**
 - c) on acceptance of tender a non-refundable deposit of 10% of the accepted tender price is due within 14 days, or other arrangement as accepted by Council;****
- 2 that subject to all the conditions above being met, each party will pay its own settlement costs; and**
- 3 that Lot 74 Weekes Street, Yalgoo be retained by the Shire of Yalgoo for future disposal consideration.**

Motion put and carried 4/0

Cr TK Iturbide left the meeting at 11.50am to recall Cr MR Valenzuela and returned at 11.51am. Cr MR Valenzuela returned in the meeting at 11.51am.

11.4.5 STATE RECORDS ACT – LOCAL GOVERNMENT ELECTED MEMBERS RECORDS

File: R -5
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 15 April 2010
Attachments: p.7 Information Sheet – Local Government Elected Members Records.
(yellow)

MATTER FOR CONSIDERATION

For elected members to note their obligations under the State Records Act in regard to creating and keeping records relating to local government business or functions.

BACKGROUND

The State Records Office has released a Information Sheet to assist local government elected members in the implementation of the SRO's policy relating to creating and keeping records relating to local government business or functions.

A copy of this Information Sheet is shown in the Attachment to this report.

STATUTORY ENVIRONMENT

The State Records Act prevails in this matter. Local government staff and elected members are bound by the provisions of this Act.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

No further comment to add.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0409 State Records Act

Moved Cr MR Valenzuela, Seconded Cr L Hodder

That Councillors note their obligations in regard to creating and keeping records relating to local government business or functions.

Motion put and carried 5/0

11.4.6 UPGRADE OF COMPUTERS

File:
 Author: Sharon Daishe, CEO
 Interest Declared: No interest to disclose
 Date: 15 April 2010
 Attachments: p.8 Report on the Shire of Yalgoo Infrastructure prepared by IT (information
 (yellow) technology) consultant Paulo Franzoni

MATTER FOR CONSIDERATION

Request for approval to upgrade computer hardware in conjunction with installation of new file server (already purchased).

BACKGROUND

The Shire's computer hardware, operating environment and business software are outdated and failing with regular system freezes and system crashes.

Computer hardware is approximately four years old (2006). Industry standards require computer hardware to be replaced every three years. The laptop used in the Council chambers does not work.

Business software (Microsoft suite) is version 2003. On a daily basis I am embarrassed by not being able to open important email attachments or access internet sites because our technology is out of date.

Critical business processes including payment of wages and processing of month end accounts are jeopardised by outdated technology and systems. The Shire came close to failing to be able to transfer wages on a pay day in March due to computer failure. The Acting Deputy Chief Executive Officer (ADCEO) was unable to include February financial reports in the March agenda due to delays caused by system problems.

As I write this report the ADCEO computer has frozen during a critical financial process.

Virus protection is out of date. All staff are receiving unacceptable spam into their email. Software loaded by users has affected computer configuration. Games are available on PCs.

Systems are not configured for security of data. As an example, all users use the same password to access any machine so any user who knows the password can access all business systems. The password is widely distributed.

Accountants UHY Haines Norton provides free information technology (IT) support and advice to the Shire of Yalgoo as a value added service. ADCEO Duffey and I met with IT consultant Paulo Franzoni in Perth on 8 April 2010. Paulo was already aware of, and significantly concerned by, all of the issues that I raised as above.

The Shire has already purchased a new file server. This fileserver is due to be installed, which requires an on site visit once ADSL has been installed.

When the new file server is installed, technicians will need to work through the night to uninstall and reconfigure all the existing, failing, hardware, at an estimated cost of \$4,000. Such work will only address network problems and will not address the issue of failing aged hardware and outdated software. Additionally, outdated media (3 inch floppy discs) required for the re-install may no longer be readable.

Paulo has provided a quote to supply new computer hardware with contemporary software licences for operating and business systems. If this quote is approved, the computers will be configured in Perth with all business systems, virus protection and security systems loaded.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

A competent and contemporary IT system is an absolute imperative for the Shire of Yalgoo to be able to meet its obligations in regard to compliance issues and to present as a professional organisation to the community, government agencies, suppliers and contractors.

POLICY IMPLICATIONS

It would be prudent to implement a computer replacement program with appropriate budgetary allowance to prevent this issue from recurring.

FINANCIAL IMPLICATIONS

There is no allocation in the 2009/10 budget for replacement of computers.

However, the Shire budgeted \$50,000 to construct verandas at 54 Campbell Street and 6 Henty Street. The actual cost for these verandas was \$28,000, leaving an unspent balance of \$22,000.

Costing for the computer upgrade is as follows:

Item	No.	@	Total	Notes
Vostro Desktop PCs	8	\$1,361.50	\$10,892.00	Computer and laptop prices include operating systems and business software (Microsoft suite)
Vostro Laptop	1	\$1,730.10	\$ 1,730.10	Board Room
Anti Virus per user	10	\$ 46.86	\$ 468.60	
Surge Protectors	10	\$ 160.00	\$ 1,600.00	May not require 10
UPS for fileserver	1	\$1,053.00	\$ 1,053.00	May not be required
Backup drives	5	\$ 130.00	\$ 650.00	
Total for Approval			\$16,393.70	

Labour to preconfigure PCs and laptops \$ 3,960.00 Labour has been left out of the total for approval as it is already included for reconfiguration of existing PCs to install the approved and purchased new file server.

CONSULTATION

Paulo Franzoni, Information Technology Consultant, UHY Haynes Norton

COMMENT

As the recommended purchase is an unbudgeted capital item, a resolution to proceed with the purchase will require an absolute majority.

VOTING REQUIREMENTS

Absolute majority.

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0410 Upgrade of Computers

Moved Cr LJ Terry, Seconded Cr MR Valenzuela

That the Council approves, by absolute majority, the purchase of computer hardware at \$16,393.70 as detailed above to be funded from the surplus funds from the veranda construction project at 54 Campbell Street and 6 Henty Street.

Motion put and carried by Absolute Majority 5/0

11.4.7 TENDER – CONSTRUCTION OF YALGOO HEALTH CENTRE

File: T5 2010-02
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 15 April 2010
Attachments: p. 13 Report by Greenfield Technical Services and Tender Offers.
(yellow)

MATTER FOR CONSIDERATION

To consider the awarding of the tender for the construction of the Yalgoo Health Centre.

BACKGROUND

Tenders were called for the construction of the Yalgoo Health Centre in December 2009. Tenders closed on 28th January 2010. At the close of tenders the then Acting Chief Executive Officer was not confident that all tenderers had been working with the same documentation.

By Resolution C2009 1134 Council delegated authority to the CEO to accept the most advantageous tender, subject to consultation with and the written agreement of the President and Deputy President and WA Country Health Service Midwest Regional Director.

As the A/CEO was not satisfied that the tender documentation was consistent the tender was cancelled and the tenderers advised accordingly. The intention being to readvertise the tender.

Given that Council was in the process of recruiting a new CEO whose commencement was imminent the A/CEO determined that it would be more advantageous, for the reasons of continuity and to take the immediate pressure off the new CEO that this process be outsourced. In this regard the A/CEO engaged the services of Greenfield Technical Services (GTS) to prepare the tender documentation and arrange the advertising, receipt and analyses of the tenders.

The tender was readvertised with a closing date of 30 March 2010. GTS subsequently prepared a report on the matter and this is shown in the Attachment to this report.

STATUTORY ENVIRONMENT

The tendering provisions of the Local Government Act and associated Regulations prevail in this matter.

STRATEGIC IMPLICATIONS

The provision of a competent health service is considered to be of paramount importance to the local community. This new facility will enhance the provision of that service.

POLICY IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

The Shire of Yalgoo has received a \$501,500, plus GST, Federal Government grant. The Health department has allocated up to \$150,000, plus GST, if required to complete the project.

As shown in the Attachment the total cost of the project will be \$553,204, plus GST, which includes an allowance of \$35,000, plus GST, for project management.

The total project cost is made up of the tendered price of \$396,545.23 plus the cost of the items that are the responsibility of the Shire of Yalgoo and a provision for project management.

CONSULTATION

Health Department; and
Greenfield Technical Services.

COMMENT

The recommendation put forward by GTS is supported.

The recommended tender is significantly more advantageous than the next priced tender. The project is well within funding and the tenderer is a well regarded national firm supplying (among other things) buildings based on slab/frame/transportable configuration.

Included in the total project cost of \$553,204, plus GST, is an allowance of \$35,000, plus GST, for project management. This was not originally a consideration however given the scale of the project and the general workload faced at the present time it is considered appropriate that an external project manager be appointed.

Given that GTS is also project managing the Water Play Ground project, the timing of which will be concurrent with the Health Centre Project, it would seem prudent and financially advantageous to appoint GTS as the project manager for the Health Centre project.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0411 Tender for Construction of Yalgoo Health Centre

Moved Cr MR Valenzuela, Seconded Cr LJ Terry

That Council;-

- 1. accept the tender from Fleetwood Pty Ltd to construct the new Health Centre at a cost of \$396,545.23 plus GST; and**
- 2. appoint Greenfield Technical Services as Project Managers of the project at an anticipated cost of \$35,000 plus GST.**

Motion put and carried 5/0

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

None

13. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2010-0412 Admission of Urgent Business

Moved Cr MJ Forster, Seconded Cr MR Valenzuela

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

13.1 – Yalgoo Family Fun Day

13.2 – Country Local Government Fund – Financial Agreement

13.3 – Maintenance and Repairs for House at 17 Shamrock Street

Motion put and carried 5/0

13.1 Yalgoo Family Fun Day - Unbudgeted expenditure.

File: R-1
 Author: Kim Hastie for Sharon Daishe, CEO
 Interest Declared: No interest to disclose
 Date: 20 April 2010
 Attachments: None.

MATTER FOR CONSIDERATION

To endorse the Chief Executive Officer’s actions in arranging an event and thus incurring unbudgeted expenditure to replace the cancelled annual race day event.

BACKGROUND

Councillors are aware that the annual race day event was to be held on Saturday 17th April 2010 however was cancelled less than a week before the event.

STATUTORY ENVIRONMENT

Section 6.8(1)(c) of the Local government Act requires that unbudgeted expenditure can be incurred in an emergency with the prior authorisation of the Shire President. Section 6.8(2)(b) then requires that expenditure pursuant to Section 6.8(1)(c) is reported to the next ordinary meeting of the Council.

STRATEGIC IMPLICATIONS

None.

POLICY IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

The summary of the financial aspects of the event is as follows:-

Bouncing Castle	\$ 972.00
Catering	\$ 2238.37
Total expenditure	\$ 3310.37
Less: Income received	\$ 1464.70
Net Shire expenditure	\$ 1845.67

CONSULTATION

Shire President, staff and several members of the community.

COMMENT

The Chief Executive Officer became aware of the cancellation of the annual race day on Monday 12th April 2010.

As the race day is the premier social event of the year for the Yalgoo community and there was an anticipated several hundred people expected to arrive from out of town it was considered an emergency situation of a social and community image nature.

Accordingly the situation was discussed with the Shire President and agreement reached that an alternative event, the Yalgoo Fun Day, with a focus on family and children, would be arranged albeit with very little time available.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0413 Yalgoo Family Fun Day

Moved Cr MJ Forster, Seconded Cr LJ Terry

That Council endorse the actions of the CEO in arranging the Yalgoo Family Fun Day and incurring the necessary expenditure.

Motion put and carried 5/0

Appreciation:

On behalf of Council, Shire President Cr TK Iturbide thanked Shire staff for arranging and running this event.

13.2 Country Local Government Fund Grant– Financial Agreement.

File: G-6
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 20 April 2010
Attachments: p.5 Financial Assistance Agreement

MATTER FOR CONSIDERATION

To authorise the sealing and signing by the Shire President and Chief Executive Officer of the financial agreement, with the Department of Regional Development and Lands, in relation to the \$35,000 grant for the purposes of developing a Forward Capital Works Plan (FCWP).

BACKGROUND

Government has advised that for country local governments to access the 2010/11 funding under the Country Local Government Fund they must have in place an accepted FCWP.

A grant of \$35,000 is available to each country local government for the purpose of preparing the FCWP. These funds are subject to an application having been lodged by 30th April 2010. The FCWP must then be lodged and accepted by 31st December 2010.

The grant funds can be used for external consultancy or in-house resources or a combination of both.

A Financial Agreement, as shown in the Attachment, is required for the grant funds to be allocated.

STATUTORY ENVIRONMENT

None.

STRATEGIC IMPLICATIONS

The continuation of funding under the CLGF is of critical importance for the Shire's future works and development activities.

POLICY IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

Once the grant application is approved the \$35,000 will be made available prior to 30th June 2010.

CONSULTATION

None.

COMMENT

The Financial Agreement regarding this matter requires the use of the common seal and the signatures of the Shire President and CEO.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0414 Country Local Government Fund Grant – Financial Agreement

Moved Cr MJ Forster, Seconded Cr MR Valenzuela

That Council authorise the Shire President and CEO to seal and sign the Financial Assistance Agreement in relation to the \$35,000 grant for the purposes of developing a Forward Capital Works Plan.

Motion put and carried 5/0

13.3 Maintenance and Repairs – House at 17 Shamrock Street.

File: H6-4
Author: Kim Hastie for Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 20 April 2010
Attachments: None.

MATTER FOR CONSIDERATION

For Council to authorise the Chief Executive Officer to proceed with maintenance and repair works to the Shire owned house at 17 Shamrock Street Yalgoo.

Also to authorise the CEO to utilise funds allocated in the 2010/11 budget for the purpose of relocating two units from Stanley Street to Gibbons street.

BACKGROUND

The Shire owned house at 17 Shamrock Street has been vacant for approximately 15 weeks following the resignation of an employee.

The house is quite dated and requires some maintenance repair work along with some damage repair work.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

The provision of good housing is a key factor in attracting and retaining competent staff.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

One quote/estimate has been received for the necessary works to be done. Another quote will be sought prior to works commencing.

CONSULTATION

Deputy Chief Executive Officer.

COMMENT

The quote/estimate received is for \$18,500 including GST. The scope of the works will be detailed at the meeting.

The quote/estimate excludes works required in the yard of the premises.

The residence is otherwise structurally sound and this degree of expenditure will provide for many more years of use of the premises.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/ COUNCIL DECISION

C2010-0415 Maintenance and Repairs for House at 17 Shamrock Street

Moved Cr L Hodder, Seconded Cr LJ Terry

That Council authorise the CEO to proceed with the works necessary to renovate/repair the house and yard at 17 Shamrock Street to return the property to a suitable standard for staff housing and reallocate funds from cost centre E180005 – Relocation of Units for this purpose.

Motion put and carried 5/0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

None

15. NEXT MEETING

The next Ordinary Meeting of Council is due to be held in the Council Chamber in Gibbons Street, on Thursday, 20 May 2010, commencing at 11.00 am.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 12.25pm.

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