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Minutes of the Ordinary Meeting of the Council of the Shire of Yalgoo,
 held in the Council Chambers, 37 Gibbons Street, Yalgoo,
 on Thursday 18 November 2010, commencing at 11.00 am.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The President declared the ordinary meeting of Council open at 11.35am.

Cr EC Rowe applied to Council for approval to attend the meeting via Skype in accordance with the provisions of Regulation 14A, *Local Government (Administration) Regulations 1996*, Attendance at meetings by means of instantaneous communication — s. 5.25(1)(ba).

C2010-1101 Meeting via means of instantaneous communication (Skype)

Moved Cr LJ Terry, Seconded Cr L Hodder

That Council approves attendance at this Council meeting of Cr EC Rowe by Skype connection on the basis that CR EC Rowe is located at her Perth residence which is considered to be a suitable place for the purposes of Administration Regulation 14A(4).

Motion put and carried 3/0

** Motion subsequently declared invalid, refer note on page 37*

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

MEMBERS	Cr Terry Iturbide, Shire President Cr EC Rowe, Deputy President (via Skype) Cr LJ Terry Cr L Hodder
STAFF	Ms SH Daishe, Chief Executive Officer
GUESTS	
OBSERVERS	
LEAVE OF ABSENCE	
APOLOGIES	Cr MR Valenzuela

3. DISCLOSURE OF INTERESTS

Disclosures of interest made before the meeting

4. PUBLIC QUESTION TIME

4.1 RESPONSE TO QUESTIONS TAKEN ON NOTICE

None

4.2 QUESTIONS WITHOUT NOTICE

5. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

6. APPLICATIONS FOR LEAVE OF ABSENCE

7. ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

7.1 PRESIDENT

- 4 November Attended meeting of the Gascoyne Murchison Tourism Inc in Cue with Deputy President EC Rowe, Chief Executive Office Ms SH Daishe and Senior Administration Officer Mrs H Duffey
- 5 November Attended the Murchison Zone Meeting of WALGA in Cue with Deputy President EC Rowe and Chief Executive Office Ms SH Daishe
- 8 November Attended the Corruption and Crime Commission (CCC) workshop in Geraldton with Cr MR Valenzuela, Cr L Hodder, Cr LJ Terry Cr EC Rowe and Chief Executive Office Ms SH Daishe
- 9 November Attended meeting with the CCC Commissioner with Chief Executive Office Ms SH Daishe

7.2 COUNCILLORS

Cr EC Rowe

- 5 November Attended the Murchison Zone Meeting of WALGA in Cue

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

C2010-1102 Confirmation of Minutes

Moved Cr LJ Terry, Seconded Cr L Hodder

That the Minutes of the Ordinary Council Meeting held on 28 October 2010 be confirmed.

Motion put and carried 4/0

Note that whilst Cr Rowe was privy to the meeting proceedings and voted on this item, her vote is rendered invalid due to the invalidity of the Council decision to allow her to participate.

9. MINUTES OF COMMITTEE MEETINGS

10. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

11. REPORTS OF OFFICERS

11.0 MATTERS BROUGHT FORWARD

11.1 WORKS

11.1.1 Works Activity Report – October 2010

File:

Author: Cliff Hodder, Works Foreman

Interest Declared: No interest to disclose

Date: 09 November 2010

Attachments: None

MATTER FOR CONSIDERATION

Works report for the past month.

BACKGROUND

Overview of works for the past month.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

CONSULTATION

None

COMMENT

- a) Construction
 - Completed reforming and gravel sheeting the Yalgoo Ninghan road ready for water binding
- b) Maintenance
 - Maintenance grading on the Edah Muralgarra and Burnerbinmah roads are in progress
- c) Plant and equipment
 - Plant is still being repaired from the vandalism in October.
- d) Private Work
 - nil this month.
- e) Tip
 - nil this month.
- f) Other
 - Earthwork to water playground for landscaping and backfill where required.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1103 Works Activity Report

Moved Cr LJ Terry, Seconded Cr EC Rowe

That Council receives the works report for the period ended October 2010.

Motion put and carried 4/0

**** Motion subsequently declared invalid, refer note on page 37***

11.1.2 Annual Supply Tender – Bitumen and Aggregates

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date: 11 November 2010

Attachments: (yellow) P.1 Report of Greenfield's Technical Services, Annual Supply Tenders 2010-11, Bitumen and Aggregates

MATTER FOR CONSIDERATION

To consider the annual supply tenders for:

- YA 2010-04 supply, spray and cover of bitumen
- YA 2010-05 supply and delivery of aggregates

BACKGROUND

Bitumen and aggregates are required for budgeted works including:

- Reseal works on the Yalgoo-Ningham Road and North Roads
- 2 coat seal extension on the Yalgoo-Ningham Road
- 2 coat seal extension on the Morawa Road
- Blackspot project, intersection of Yalgoo-Ningham Rd and Great Northern Highway

As in previous years, the Shire has engaged Greenfield's Technical Services to prepare specifications and schedules of work and to call tenders for works over the \$100,000 threshold.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

Delegation 2.2: Tenders - CEO authorised to call tenders where the intended transaction is disclosed in the Budget

Policy 7.2: Purchasing and Tenders

FINANCIAL IMPLICATIONS

As per budget and tenders.

CONSULTATION

Greenfield's Technical Services

Works Foreman Cliff Hodder

COMMENT

In accordance with Delegation 2.2, Greenfield's Technical Services have called tenders on behalf of Council. GTS has summarised the tenders received and provided a recommendation to Council for adoption. Note that all tenders include a rise and fall formula regarding bitumen prices.

It is recommended that a contract is awarded to a tender panel to provide choice of two suppliers. This will ensure that if the first preferred supplier is unavailable at the time that the work is ready to commence, the Shire can appoint the second preferred supplier.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1104 Annual Supply Tender – Bitumen and Aggregates

Moved Cr LJ Terry, Seconded Cr L Hodder

- 1. That the Shire of Yalgoo awards a contract for supply, spray, spread & cover bitumen to a panel comprising Boral Asphalt (\$468,748 inc GST) followed by RNR Contracting (\$528,014 inc GST), in accordance with the recommendation of Greenfield’s Technical Services in consideration of Tender YA 2010-04.**
- 2. That the Shire of Yalgoo awards a contract for supply and delivery of aggregates to Winchester Industries for \$122,728 inc GST, in accordance with the recommendation of Greenfield’s Technical Services in consideration of Tender YA 2010-05.**

Motion put and carried by absolute majority 4/0

**** Motion subsequently declared invalid, refer note on page 37***

11.1.3 Delegate Authority to CEO to Consider Tenders for Plant

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date: 11 November 2010

Attachments:

MATTER FOR CONSIDERATION

To consider delegating authority to the CEO, in consultation with the Works Foreman and Greenfield’s Technical Services, to determine the result of three tenders for plant and equipment due to close on 25 November 2010.

BACKGROUND

Greenfield’s Technical Services, in consultation with the CEO, DCEO and Works Foreman, have prepared specifications and called for tenders for replacement of plant and equipment where the cost of the item will exceed \$100,000 as follows:

- YA 2010-07 Grader
- YA 2010-08 Multi Roller
- YA 2010-09 Backhoe

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.57 – calling of tenders
- 5.42 – delegations to CEO
- 5.43 (b) – limits on delegations to CEO, delegation of acceptance of tenders above an amount otherwise determined by Council

Functions and General Regulations –

- s.11 and following – requirements to call tenders where value is over \$100,000

STRATEGIC IMPLICATIONS

Prompt ordering will facilitate our works program.

POLICY IMPLICATIONS

Delegation 2.2: Tenders - CEO authorised to call tenders where the intended transaction is disclosed in the Budget

Policy 7.2: Purchasing and Tenders

FINANCIAL IMPLICATIONS

All tendered items have been provided for in the budget.

CONSULTATION

Greenfield's Technical Services
Works Foreman Cliff Hodder

COMMENT

Tenders YA 2010 07 to 09 for a roller, grader and backhoe close on 25 November 2010. The sooner we are able to order these items, the sooner they will be delivered to facilitate our works program. In particular, the works crew urgently need the multi tyred roller as the existing older machine has been decommissioned following assessment that it is no longer serviceable.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1105 Delegation of Authority to CEO, Plant Tenders

Moved Cr L Hodder, Seconded Cr EC Rowe

That in accordance with the Local Government Act s5.42, Council delegates authority to the CEO to accept preferred tenders under the provisions of Council Policy 7.2, on the recommendation of Greenfield's Technical Services and in consultation with the Works Foreman, for:

- YA 2010-07 - Grader
- YA 2010-08 - Multi Roller
- YA 2010-09 – Backhoe

Motion put and carried by absolute majority 4/0

**** Motion subsequently declared invalid, refer note on page 37***

11.2 DEVELOPMENT AND ENVIRONMENTAL HEALTH

11.2.1 Environmental Health and Building Report

File:

Author: Bill Atyeo – Environmental Health and Building Officer

Interest Declared: No interest to disclose

Date: 5 November 2010

Attachments: Nil

MATTER FOR CONSIDERATION

To provide Council with an Activity Report on the operations of Council's Environmental Health Officer/Building Surveyor.

REPORT

As Council's Environmental Health and Building Surveyor, I visited the Shire on the 14th October 2010, please find below a summarised activity report for that time.

1. Inspection Yalgoo Hotel:

I conducted an inspection of the kitchen and facilities following an email complaint in regard to a number of matters. I have verbally stated to Mr Forster what my findings were. I have also discussed this and other issues with the Liquor Licensing Premises Inspector, who has also inspected the hotel. The Liquor Licensing will if required suspend the liquor license if the conditions they have placed are not adhered to

2. Venus Housing within the Town-site – Yalgoo:

Sent Memo to the CEO following my research on the matters raised by the CEO regarding Venus' occupation of the old Main Roads Depot. In summary, there are legislative blockages to allowing Venus to reside in a caravan that is not in a caravan park. Venus is able to build "grouped housing" on residential lots with the consent of Council, using their discretionary powers, and they would require Building Licenses for this

3. Food Premises Registrations:

Under the new Food Act, all food premises are required to notify Council of their business, and there are a number of matters which we are compelled to keep in a register of food premises. I am in the process of recording these and will next week contact the mines in the Shire for their details.

I have now completed a register in the form of an Excel Spreadsheet in order to record these, and have drawn-up reporting forms which will need to be submitted to the Health Department on an annual basis in December each year.

4. Town Planning - Proposed Introduction of Development Assessment Panels (DAP)

I report to Council on the progress in relation to the introduction of Development Assessment Panels throughout the State, and the possible effect this would have on Local Government. In the past I have made comment on the introduction of such on behalf of the other Shires I service within the Region and feel that Yalgoo may wish to know the results of the consultation process.

In May 2010 the legislation was before Parliament with certain changes that had been brought about by the comments made by me on behalf of the Shires and other Shires throughout Western Australia.

In our situation it was felt that we were against the introduction of such a system, but we were informed that State Government was determined to push through the legislation, with the amendments that were stated by the Minister.

The Minister stated:

Development Assessment Panels are being introduced for the benefit of the community, and as a direct response to the National Development Assessment Forum's leading practice model. They will be independent decision-making bodies made up of a mix of elected local government members and independent professionals. This will ensure that decisions on development applications will benefit from the best of two very important pools of knowledge - the local member with their knowledge of the local community and detailed history of the local areas, as well as the independent technical expert with their technical knowledge and professional experience.

The financial threshold prescribing which applications must be determined by a development assessment panel have been modified to **≥\$15 million for the City of Perth and ≥\$7 million for all other local governments across the state**. This means that if the legislation reflects this, then all proposed development **>\$7 million within our Shire** will be processed by a DAP for our region.

The legislation will be proclaimed in November 2010, but the DAPs will not be operating until July 2011. In the meantime the Department will be working hard to develop additional policy documents, and a manual will be developed which will assist local governments and the general public in understanding the new DAP process.

It is expected that the panels will be established in May 2011, with training of members on metropolitan panels to occur throughout May and June. Training of regional panels with a high volume of DAP applications will occur at the same time. Training of regional panels (like us) with a low volume of DAP applications will occur at a later date.

STATUTORY ENVIRONMENT

Health Act 1911

Caravan Parks and Camping Grounds Act 1995

Caravan Parks and Camping Grounds Regulations 1997

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974

Planning and Development Act 2005

Food Act 2008

CONSULTATION

Chief Executive Officer Sharon Daishe

COMMENT

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2010-1106 Environmental Health and Building Officer Report****Moved Cr LJ Terry, Seconded Cr L Hodder****That Council receives the report of the Environmental Health and Building Officer for the reporting period.****Motion put and carried 4/0**

Note that whilst Cr Rowe was privy to the meeting proceedings and voted on this item, her vote is rendered invalid due to the invalidity of Council decision to allow her to participate.

11.2.2 Forward Capital Works Plan

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date: 9 November 2010

Attachments: (yellow) P.4 Country Local Government Fund Guidelines (Individual)

MATTER FOR CONSIDERATION

To consider and prioritise projects for inclusion in the Shire's five year Forward Capital Works Plan.

BACKGROUND

Before receiving the Shire's Country Local Government Fund (CLGF) 2010-11 allocation the Shire must acquit (ie: spend the money and submit an audited report) their 2008-09 allocation, complete a forward capital works plan to the satisfaction of the Department of Regional Development and Lands (RDL) and enter into a Financial Assistance Agreement (FAG).

The Shire applied for funding to engage a consultant to prepare the forward capital works plan. The CEO selected three suppliers from the WALGA preferred list, each with demonstrated experience in rural and remote communities and in forward capital works planning. Two of the suppliers contacted submitted a proposal and RSM Bird Cameron of Geraldton was selected based on their competitive price and their proximity to Yalgoo. A summary of the suppliers is as follows:

- RSM Bird Cameron, Geraldton: submitted acceptable estimate of \$8-10,000 plus travel and GST (engaged).
- Arup Pty Ltd, West Perth: submitted acceptable proposal of \$16,250 plus travel and GST.
- ACIL Tasman, West Perth: after initial consideration, advised that they had just secured a project for a large rural Shire and would therefore not be available until 2011.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

A consultation process is proposed to ensure that the Council and the community has opportunity to express their preferences for capital works over the next five years to benefit the community of the Shire of Yalgoo.

POLICY IMPLICATIONS

The Forward Capital Works Program will guide the activities of the CEO and staff in planning, budgeting and implementing infrastructure projects over the next five years.

FINANCIAL IMPLICATIONS

The Shire is allocated \$479,522 in the 2010-11 round of CLGF, payable when the guidelines are met. This is likely to occur around mid 2011 after the airstrip and hall projects are completed as these are required to acquit 2008-09 funds.

CONSULTATION

- Community Survey released to Yalgoo Bulldust distribution list and all Councillors on 8 November for return on 17 November
- Community consultation to occur at community meeting to be held on 17 November
- Consultation with Council to occur prior to Council meeting on 18 November

COMMENT

The proposed process and timeline for development of the Forward Capital Works Plan is as follows:

- Mon 8 November: community survey distributed with reply by date of 17 November
- Wed 17 November: RSM and CEO attend community meeting in Yalgoo (6pm) to consult with community/ workshop their ideas and priorities
- Thu 18 November: RSM attend Council meeting to workshop priorities and new works with Councillors and senior staff. Council to agree on items to include in plan and prioritise
- Fri 3 December: RSM submit prepared plan to CEO for inclusion in Council agenda
- Tue 14 December: Council to adopt final plan
- Wed 15 December: CEO submit final plan in accordance with CLGF requirements.

The Shire will not be ready to undertake new projects until the existing projects are finalised. Despite off site project management, the impact that this year's major construction projects (hall, water playground, health centre, caravan park house) have had on Shire staff has been especially significant. The works crew have dedicated many hours to preparing pads and other related works and general assistance. Securing accommodation and providing general support to tradespersons has consumed many hours and days of SAO Heide Duffey's time, particularly when the hotel has been fully booked with other contractors (Downer EDI, mining/drilling, persons involved in the MRAC housing renovations). There have been whole days when Heide has been unable to attend to her general duties as she has been kept on the run solving issues and answering queries.

Without Heide's behind-the-scenes and tireless work on the intimate details of these projects, it is extremely unlikely that we would have been able to complete on time.

I express my gratitude and compliments to the Shire works crew and to SAO Heide Duffey for their exceptional efforts in achieving this year's construction projects.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1107 Forward Capital Works Plan – Identification of Projects

Moved Cr LJ Terry, Seconded Cr EC Rowe

That Council authorises development of the Shire’s five year forward capital works plan in the approved format and including the following projects for adoption at the December meeting and submission by the due date of 31 December 2010:

Major Projects (\$500,000 +, may take longer than one budget cycle to complete)

Project	Details	Comment	Budget Yr
Reseal Yalgoo-Ninghan Rd	Repair seal Geraldton Mt Magnet Road intersection to Golden Grove		Annual 4km
Sealing Yalgoo-Morawa Rd	Complete sealing of southern section to Morawa boundary	Current/ongoing 4km per annum dependent on R2R funding	Annual 4km
Sealing Yalgoo-Ninghan Rd	Complete sealing of southern section to Great Northern Hwy	Current/ongoing 4km per annum dependent on R2R funding	Annual 4km
Staff Housing	2 x 3 bedroom residences on prepared Gibbons St lots	Priority – move up to 2010-11 financial year	2010-11
Covered sports facility	Yalgoo covered sports facility	Architect design drawn with preliminary costings. 2011-12 CLGF plus apply Dept Sport & Rec, MWDC R4R	2011-12
Gibbons Street Upgrade and footpaths to all side streets	Main street beautification project (median strip, lighting, footpaths etc)	Not costed. Could include footpaths to side streets as part of this project.	Future
Mobile phone coverage	Paynes Find and Yalgoo	State tender in progress; not Shire funds	Future

Medium Projects (\$50,000 to less than \$500,000)

Project	Details	Comment	Budget Yr
Airstrip Paynes Find	Lights, fuel bay, ambulance transfer (animal exclusion fence – for future consideration requires consultation and planning)	2008-09 CLGF (depending on Minister's decision re RADS)	2010-11
Airstrip Yalgoo	Lights, fuel bay, ambulance transfer (animal exclusion fence – for future consideration requires consultation and planning)	2008-09 CLGF (depending on Minister's decision re RADS)	2010-11
Reticulation and garden upgrades at multiple locations	Reticulation needs installing and/or replacing in conjunction with more plants in gardens. Railway complex is a priority	Priority re excess water usage, high maintenance and staff time cost of deteriorated or nonexistent retic. Cost immediately; fund 2010-11	2010-11
Refurbish Town Hall	Staged renovation to include toilets, entry, op shop, office area, storage, painting, floor repairs etc.	RLCIP 2010 and 2011 (2 x \$30K) plus CLGF 2008-09 and 2010-11	2010-11 to 2011-12
Paynes Find Rest Area	Amenities, entry statements and beautification project	Staged project to scope/cost 2010-11 and identify funds. Important for identity of Paynes Find.	2010-11 to 2012-13
Blackspot Projects	Improve safety at 4 x intersections with Gt Northern Hwy (3 already funded)	1 funded this year, 2 funded next year, 1 not yet funded	2010-11 2011-12 Future

Project	Details	Comment	Budget Yr
Football oval	Location to be determined (suggestions include North Rd, racecourse, school - all have limitations)	Highly desired by community and relevant as footballers travel out of town every week during season and have nowhere to train in Yalgoo.	Future
Youth Centre	Currently under discussion as a multi-agency project	Community Priority; must be carefully planned to ensure sustainability	Future
Gym		Tie in with youth centre and/or /covered sports? Indoor and/or outdoor equipment? Beneficial to health of community.	Future
Yalgoo Caravan Park redevelopment	Works yet to be determined but may include camp kitchen, drainage/fill, extension of caravan bays, improve or replace amenities, add extra accommodation units/ chalets	Future project not scoped or costed.	Future
Headworks	Connection of electricity/water/sewerage/ guttering etc to unserviced lots to provide development-ready land in Yalgoo	Very important to attract and accommodate future development; finish current projects first	Future
Yalgoo Dual Use Pathway	Interpretive Walk & Cycle Trail	Future project not scoped or costed.	Future
Yalgoo Railway Station Heritage Project	Preservation of heritage building – works to depend on heritage assessment that is booked for November 2010	Heritage assessment will identify costing. Need to identify source of funding (lottery west, other sources?)	Future
Depots	New sheds works & garden crew	Need to scope project to be able to determine priority and cost	Future
Anglican Church Restoration	Works dependent on heritage assessment (assessment booked for Nov 2010)	Future project. Heritage scope will assist costing. Not immediate priority.	Future

Minor Projects (under \$50,000, generally completed in one budget cycle)

Project	Details	Comment	Budget Yr
Pedestrian Maze & signage	Intersection of Gibbons St and Mt Magnet Road	2010-11 Shire budget	2010-11
Yalgoo Lookout facilities	Picnic table/s	Community priority; low cost source funds 2010-11?	2010-11
Records Storage	Construction of archive facility	In 2010-11 budget CLGF	2010-11
Cemetery Project	Gazebo, niche wall and gates	In 2010-11 budget CLGF	2011-12
Field's Find facilities	Picnic table	Future project low cost	Future
Joker's Tunnel facilities	Picnic table	Future project low cost	Future
Military Personnel Memorial	For construction at Community Park	Cost/scope once research phase completed	Future

Motion put and carried 4/0

*** Motion subsequently declared invalid, refer note on page 37**

11.3 FINANCE

11.3.1 Deputy CEO Activity Report for the Month of October 2010

File: N/A
 Author: Heide Duffey, Senior Administration Officer
 Interest Declared: No interest to disclose
 Date: 09 November 2010
 Attachments: None

Investments

Fund	Institution	Invested	Due	Interest Rate %	Amount Due	Govt guarantee
Municipal	NAB	varying		Up to 3%		Yes
Reserve	NAB	710,204.52	20.12.2010	5.33	716,380.39	No
Reserve	Suncorp	1,105,863.15	29.11.2010	5.55	1,111,075.86	No

Comparative investment rates

WA Treasury (Overnight):	4.70
WA Treasury 30 days:	4.75
Macquarie 30 Days	4.90

Activities around Yalgoo

The past few months have been a very busy time for everyone. The behind the scenes work is starting to become visible. Driving around Yalgoo one cannot help but notice the activities being carried out. The water playground, renovation of staff housing, health centre, and flag pole; these projects have been talked about for a long time, now they are finally nearing completion and I believe this is only the beginning. Before the end of the year the caravan park house and stage one of the hall should also be completed, what a great note to finish the year of 2010.

As I will not be around for the December meeting and Christmas celebrations I would like to take this opportunity to thank everyone involved in these projects for the assistance and support given during this exciting time and wish each and every one a very happy and merry Christmas.

STATUTORY ENVIRONMENT

CONSULTATION

COMMENT

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1108 Deputy CEO Report

Moved Cr LJ Terry, Seconded Cr L Hodder

That Council receives the report of the Acting Deputy CEO for the reporting period.

Motion put and carried 4/0

Note that whilst Cr Rowe was privy to the meeting proceedings and voted on this item, her vote is rendered invalid due to the invalidity of Council decision to allow her to participate.

11.3.2 Financial Activity Statements for October 2010

File:

Author: Violet Rowe, Deputy CEO

Interest Declared: No interest to disclose

Date: 10 November 2010

Attachments: Financial Activity Statements for October2010

(green) P.20-24 Balance Sheet

P.25-36 Income Statement Detail

P.37 Income Statement Summary by Program

P.38 Income Statement by Nature & Type

P.39 Material Variance

MATTER FOR CONSIDERATION

Council to consider adopting the monthly financial statements for October 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 areas where material variances have been experienced, ie: either 10% or \$5000 above or below budget, are commented on in the material variance attachment.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1109 Financial Statements and Material Variance Report

Moved Cr EC Rowe, Seconded Cr L Hodder

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

Motion Put and Carried 4/0

**** Motion subsequently declared invalid, refer note on page 37***

11.3.3 Accounts Paid During the Month of October 2010

File:

Author: Violet Rowe, Deputy CEO

Interest Declared: No interest to disclose

Date: 9 November 2010

Attachments: Finance: P.40 Listing of accounts paid
(green)

MATTER FOR CONSIDERATION

Authorisation of accounts paid during the month of October 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 October 2010 as per attached schedule.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1110 Accounts Paid

Moved Cr L Hodder, Seconded Cr LJ Terry

That:

- 1. The cheque detail of payments covering vouchers EFT 1 - 68 totalling \$449,542.65 paid during the month of October 2010 be received;**
- 2. Cheque payments covering cheque numbers 11562-11586 totalling \$27,078.12 paid during the month of October 2010 be received; and**
- 3. Salaries and wages totalling \$50,775.47 paid during the month of October 2010 be received.**

Motion put and carried 4/0

Note that whilst Cr Rowe was privy to the meeting proceedings and voted on this item, her vote is rendered invalid due to the invalidity of Council decision to allow her to participate.

11.4 ADMINISTRATION

11.4.1 CEO Activity Report 20 October to 9 November 2010

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date:

Attachments: P.1-10 [Annual Work Program 2010-11](#)

(pink) P.11 Letter from Federal Department of Agriculture, Fisheries and Forestry regarding Stronger Rural Communities Grant Funding Application

P.12 Murchison Region – Potential Restrictions on Radio and Communication Equipment

USE OF COMMON SEAL/ USE OF DELEGATED AUTHORITY NOT REPORTED ELSEWHERE
 Nil

GENERAL MATTERS

1. Murchison Radio Quiet Zone

Refer attachment. It does not appear that this proposed legislation will have any effect on our Shire unless there is an application for an unusual radio frequency. Ron Adams, CEO at Murchison, informed the Murchison Executive Group that it appears that Murchison Shire will even be able to have a mobile phone tower which they had not expected was possible.

CAPACITY BUILDING – STAFF AND ELECTED MEMBERS

Policy Schedule 3.2(b), Councillors, requires the CEO to advise Council when the Shire funds councillors to attend any conference or training. This item further informs Council of courses, conferences, training, workshops and other professional development that staff and elected members have undertaken during the reporting period to build capacity to achieve the Council’s goals and responsibilities.

Type	Description	Provider	Location	Duration	Participants
Workshop	Conflict of Interest	Crime and Corruption Commission (CCC)	Geraldton	8 Nov 10 ½ day	<ul style="list-style-type: none"> ▪ CEO Sharon Daishe ▪ President Terry Iturbide ▪ Deputy Ellen Rowe ▪ Councillors Len Terry, Raul Valenzuela and Laurence Hodder
Presentation	By Crime and Corruption Commissioner	CCC	Geraldton	8 Nov 10 Luncheon	<ul style="list-style-type: none"> ▪ President Terry Iturbide ▪ CEO Sharon Daishe
Workshop	Dealing with Misconduct – tips for managers	CCC	Geraldton	8 Nov 10 ½ day	<ul style="list-style-type: none"> ▪ CEO Sharon Daishe ▪ President Terry Iturbide ▪ Councillor Raul Valenzuela
Workshop	Understanding Misconduct	CCC	Geraldton	9 Nov 10 ½ day	<ul style="list-style-type: none"> ▪ Councillor Raul Valenzuela
Round Table	With Crime & Corruption Commissioner	CCC	Geraldton	2 hours	<ul style="list-style-type: none"> ▪ President Terry Iturbide ▪ CEO Sharon Daishe

RATES RECEIVED COMPARISON REPORT

	Jul-10	Aug-10	Sep-10	Oct-10
Bal c/f	\$ 28,328	\$ 27,210	\$ 1,133,635	\$ 463,466
Rates raised		\$ 1,104,778		
Adjustments to date	\$ 5	\$ 23,557	\$ 989	
Total Rates	\$ 28,333	\$ 1,155,545	\$ 1,134,623	\$ 463,466
Received to Date	\$ 1,123	\$ 21,910	\$ 671,158	\$ 185,506
Balance outstanding	\$ 27,210	\$ 1,133,635	\$ 463,466	\$ 277,960
Percentage outstanding		97.9%	40.0%	24.0%

	Jul-09	Aug-09	Sep-09	Oct-09
Bal c/f	\$ 71,343	\$ 51,820	\$ 1,045,685	\$ 923,275
Rates raised		\$ 1,018,940		
Adjustments to date	-\$ 335	-\$ 1,247	\$ 49	\$ 11,719
Total Rates	\$ 71,007	\$ 1,069,513	\$ 1,045,733	\$ 934,994
Received to Date	\$ 19,187	\$ 23,828	\$ 122,458	\$ 545,363
Balance outstanding	\$ 51,820	\$ 1,045,685	\$ 923,275	\$ 389,631
Percentage outstanding		92.5%	81.6%	34.5%

COUNCILLOR INFORMATION REQUESTS

Received From	Details	Status
2010 President Iturbide	Artists to have use of railway tearooms	<ul style="list-style-type: none"> FINALISED. Shire has offered MEEDAC use of eastern rooms at railway complex.
23-Sep-2010 Cr Len Terry	Accommodation lease pegged at Paynes Find in area proposed for use as a caravan parking area and construction of shed for Paynes Find fire truck.	<ul style="list-style-type: none"> FINALISED. Reported to October Council meeting.

MEETINGS ATTENDED

Date	Purpose/Who	Comments
19 Oct	Des Counsel bore on Ninghan Road	Discuss requirement for caveats and obtain contact details for licensing/permits
22 Oct	Nigel Goode, various	
25 Oct	Raul Valenzuela re invoicing of long stays at caravan park	
25 Oct	Susan Denning re Malleefowl project	Purchased book for library and discussed Karrara mine project
27 Oct	Education Forum, Geraldton	Valuable for networking although the forum itself was not particularly engaging
28 Oct	Council, Paynes Find	
4 Nov	Gascoyne Murchison Outback Pathways, Cue	With President, Deputy & SAO
4 Nov	Murchison Executive Group, Cue	With SAO.
5 Nov	WALGA zone meeting, Cue	Cue 'Parliament' – refer minutes in Information Bulletin
6-7 Nov	Worked weekend	Town planning Scheme, forward capital works community consultation paper and council papers

Date	Purpose/Who	Comments
8-9 Nov	Crime & Corruption/Misconduct meetings and workshops, Geraldton with President	Exceptionally beneficial interactive workshops, forum and round table with the Crime and Corruption Commission. President and CEO were invited to luncheon and round table with the CCC Commissioner and were fortunate that the round table was a very small private group. Roger Watson, Director, Corruption Prevention, indicated willingness to travel to Murchison and I will follow this up next year as a possible MEG joint program at Yalgoo to identify our corruption risks and jointly develop control measures.

FUTURE COMMITMENTS

Date	Purpose/Who	Comments
10 Nov	Bi-annual FESA visit	Date previously set by John Johnson, dependent on whether replacement is recruited as John has resigned
12 Nov	Travis Bate, RSM Bird Cameron	To provide details of capital works projects
12 Nov	Free science talk by Jaroslav Bouska	Evening event – please consider attending
15-16	Time in Lieu	
17 Nov	Community Meeting	Consult with community re forward capital works, also discuss opening of water playground
18 Nov	Council	
18 Nov	Heritage assessment, Yalgoo Railway Complex, Bruce Sherwood	Proposed date for initial visit
19 Nov	Handover with SAO Heide Duffey who will be on leave until 20 December	
22 Nov	Pm travel to Meekatharra	
23 Nov	Mid West Investment Plan meeting, Meekatharra	With President and Councillor Terry. Refer information in CEO report last meeting
24 Nov	Anglican Church heritage review, tentative date, Laura Gray	
24 – 25 Nov	EHO/Building officer Bill Atyeo	
14 Dec	<ul style="list-style-type: none"> ▪ Council meeting ▪ Audit committee meeting ▪ Annual electors’ meeting ▪ Possibly opening of Water Playground and Christmas function (see agenda item this meeting) 	Visitors to Council: <ul style="list-style-type: none"> ▪ Tanya Henkel re listing on heritage register of Yalgoo Justice Precinct, ▪ Nick Rosenthal, Craig Turley and Scott from Golden Grove ▪ Sally Bain, MEEDAC
16 Dec	CEO on leave, returning 12 January	
20 Dec – 4 Jan	Office is closed	
5 Jan	Office reopens	
10 – 21 Jan	SAO Duffey on leave	
12 Jan	CEO returns from leave	
24 Jan	SAO Duffey returns from leave	

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1111 CEO Activity Report

Moved Cr LJ Terry, Seconded Cr EC Rowe

That Council receives the activity report prepared by CEO Sharon Daishe for the reporting period.

Motion put and carried 4/0

**** Motion subsequently declared invalid, refer note on page 37***

11.4.2 2011 Council and LEMC Meeting Dates

File:

Author: Violet Rowe, Deputy CEO

Interest Declared: No interest to disclose

Date: 27th October 2010

Attachments:

MATTER FOR CONSIDERATION

To set dates, times and location of meetings for 2011.

BACKGROUND

Council is required under the Local Government Act to give local public notice of dates and times of Council and Committee meetings.

STATUTORY ENVIRONMENT

Local Government Act –

- s.5.3 – Council meeting not to be more than 3 months apart
- s.5.25 – Regulations may be made

Administration Regulations –

- r.12 – local public notice of date and time of Council and Committee meetings to be given at least once each year.

STRATEGIC IMPLICATIONS

None

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

Advertising expense

CONSULTATION

CEO Sharon Daishe

COMMENT

The Act does not require Council to meet on a particular day nor in a particular place. Council has generally met on a Thursday each month. In 2010, the meeting dates were based on the second last Thursday of a

month to enable time for UHY Haynes Norton to return financial reports for inclusion in the agenda papers. In 2010, two meetings were held at Paynes Find.

In previous years (with the exception of 2010 due to senior staff changeover), Council has not held a January meeting. As Council closes for a period of time around Christmas and New Year and senior staff are on leave in January, there will be no staff available to prepare for a January meeting.

As Easter Friday falls the day after the second last Thursday in April it is suggested that the April Council meeting is held on the last Thursday of the month being Thursday 28 April 2011.

The proposed Council meeting dates/times/place are as follows:

Date	Comment	Location
▪ Thursday, 17 February 2011		Yalgoo
▪ Thursday, 24 March 2011	Council noted that the CEO has a personal commitment from 23-27 March therefore will be absent at this meeting.	Yalgoo
▪ <i>Tuesday 26 April</i>	<i>Local Emergency Management Committee (LEMC)</i>	<i>Yalgoo Railway Complex</i>
▪ Thursday, 28 April 2011	Easter – 22-25 April	Yalgoo
▪ Thursday, 19 May 2011		Paynes Find
▪ Thursday, 23 June 2011		Yalgoo
▪ Thursday, 21 July 2011		Yalgoo
▪ Thursday, 18 August 2011	Local Govt week planned for 4-6 August	Yalgoo
▪ Thursday, 22 September 2011		Paynes Find
▪ <i>Tuesday 27 September</i>	<i>LEMC</i>	<i>Yalgoo Railway Complex</i>
▪ Thursday, 20 October 2011	Local Govt elections – Saturday 15 October	Yalgoo
▪ Thursday, 17 November 2011	LGMA Conference planned for early November	Yalgoo
▪ Tuesday, 13 December 2011	Change of day as in previous years for end of year function and holiday break-up on Thursday 15 th	Yalgoo

Committee Meetings –

- Audit Committee – to be determined, since will depend on receipt of Auditor’s Report etc.
- Local Emergency Management Committee – meets 11am on the 4th Tuesday in April and September

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION**C2010-1112 Council and LEMC Meeting Dates for 2011**

Moved Cr EC Rowe, Seconded Cr LJ Terry

1. That 2011 Ordinary meetings of Council be held in the Council Chambers, commencing at 11.00 am, on the following dates:

- Thursday 17 February 2011
- Thursday 24 March 2011
- Thursday 28 April 2011
- Thursday 23 June 2011
- Thursday, 21 July 2011
- Thursday 18 August 2011
- Thursday 20 October 2011
- Thursday 17 November 2011
- Tuesday 13 December 2011

and in the Paynes Find Community Centre, commencing at 11.00 am, on the following dates:

- Thursday 19 May 2011
- Thursday, 22 September 2011

2. That the 2011 meetings of the Shire of Yalgoo Local Emergency Management Committee be held at the Railway Sporting Complex commencing at 11:00 am on the following dates:

- Tuesday 26 April 2011
- Tuesday 27 September 2011

Motion put and carried 4/0

** Motion subsequently declared invalid, refer note on page 37*

11.4.3 End of Year Arrangements, Water Playground Opening and Christmas Shutdown 2010

File:

Authors: CEO Sharon Daishe and DCEO Violet Rowe

Interest Declared: No interest to disclose

Date: 27 October 2010

Attachments:

MATTER FOR CONSIDERATION

To confirm date for the last Council Meeting of 2010, consider arrangements for the Christmas function and Christmas business closure and consider how to celebrate the commissioning of the Water Playground.

BACKGROUND

December Meeting: In previous years, Council has held the December ordinary meeting earlier than usual to accommodate the Christmas break and allow staff to travel in an off peak period. Council has usually also coincided the December meeting with a function for members and staff.

Christmas Function: Proposed to be held at Golden Grove (awaiting approval of Managing Director as Golden Grove apparently no longer cater for external functions. Quote to be provided if MD approves). Pindar is closed for the summer and alternative will need to be arranged if Golden Grove is unable to accommodate our request.

Christmas Shutdown: The Shire historically has a shut down period over the Christmas New Year break and staff use a combination of public holidays, rostered days off/time in lieu and annual leave to cover leave during this period.

Water Playground: Our playground will be ready to commission after staff attend training in the first week of December. It is proposed that an official grand opening celebration be held in 2011 in conjunction with the health centre and possibly other projects such as the airstrip and town hall depending on when these will be completed. The Minister for Health has already indicated interest in opening the health centre and Council may wish to invite Minister Grylls to open the Water Playground.

However, it is appropriate for the community and children of Yalgoo to have a celebration now for the ceremonious turning on and commissioning of the Water Playground for their use over summer.

STATUTORY ENVIRONMENT

None

STRATEGIC IMPLICATIONS

A Christmas closure allows for all staff to take a minimum two week break over the hot Christmas period. Most organisations are either closed or on skeleton staff during this period so there is no critical impact on operations.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

- Water Playground Opening – budget of \$1,000 for afternoon tea and a commemorative gift for children.
- Christmas function budget of \$2,500.

CONSULTATION

Sharon Daishe, CEO Shire of Yalgoo

COMMENT

In 2009 Council met on Tuesday 15 December followed at 6:30pm by a function at the Railway Complex at a cost of \$1,200 catering and \$800 refreshments. The Shire paid the social club to cater as a fund raiser for the social club. Councillors, staff, members of committees, their spouse/partner and immediate family under the age of 12 were invited along with Councillors who had left since the previous function.

Unfortunately the previous CEO and Councillors have reported that anti social behaviour at the 2009 function reduced enjoyment and have asked the current CEO to make arrangements for 2010 that will facilitate maximum enjoyment for Councillors and staff and reduce the risk of disruptive or unpleasant behaviour.

Quotes/approval are currently being sought to hold the end of year function at Golden Grove. It is planned that buses (Shire bus and bus hired from Mt Magnet Shire) will leave at 5:45 for 6:00pm to arrive 6:30 at Golden Grove and depart for return to Yalgoo at approximately 10:00pm. An alternative will need to be discussed if Golden Grove is unable to accommodate our request.

The shutdown last year was from finish of work on Thursday 17 December 2009, being the last day of school, recommencing Monday 4 January 2010.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1113 End of Year Arrangements, Commissioning of Water Playground and Christmas Shutdown 2010

Moved Cr LJ Terry, Seconded Cr EC Rowe

That:

- a) the Ordinary meeting of Council be held on Tuesday 14 December 2010 as previously resolved; and
- b) the Shire invites the community and children of Yalgoo to celebrate commissioning of the Yalgoo Water Playground at 3:30pm (finish 5:00pm), with afternoon tea provided at Community Park; and
- c) the Shire invites staff, current Councillors and those retired or resigned in the past 12 months to attend an end of year function on Tuesday 14 December 2010, 6:30 – 10:00pm with their partner or one other person over 18 years of age; and
- d) the Shire will shut down from close of business Friday 17 December 2010 (works crew will finish on 16 Dec as 17 Dec is a rostered day off) and re-open on Wednesday 5 January 2011 (Mon 3 January being the New Year public holiday and Tue 4 January being the Local Govt employees' holiday).

Motion put and carried 4/0

** Motion subsequently declared invalid, refer note on page 37*

ADJOURNMENT

The meeting adjourned for lunch at 12.05 and resumed at 1.20pm with all who were in attendance before the adjournment being present at the resumption.

11.4.4 Erection of 'No Shooting' signs at Paynes Find

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date: 1 November 2010

Attachments: Nil

MATTER FOR CONSIDERATION

To consider erecting signs at the entrances to Paynes Find warning persons that they are entering a town common and that shooting is prohibited.

BACKGROUND

At a gathering at Paynes Find during the 2010 annual road inspection tour earlier this year, residents told Council that persons have been observed discharging firearms within the Paynes Find common area. Residents asked Council to erect 'No Shooting' signs. Mr Kim Cable of Paynes Find raised this matter again during public question time at the October 2010 meeting of Council.

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.3.1 – Provides that the general function of the local government is to provide for the good government of persons in its district.

STRATEGIC IMPLICATIONS

The community of Paynes Find has indicated that the matter of shooting within the town common area is of concern to them and they believe that signs will have an effect by informing visitors that the area is a town.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council has sufficient funds in the signage budget to purchase such signs.

CONSULTATION

Mr Kim Cable, Mr Don Anderson and other residents of the Paynes Find community.

COMMENT

Paynes Find is a small locality and as persons entering the area may not realise that they are in a townsite, signage could be used to raise awareness.

VOTING REQUIREMENTS

Simple majority.

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1114 Signs at Paynes Find to Include No Shooting

Moved Cr LJ Terry, Seconded Cr EC Rowe

That signs containing the following minimum information are erected at entrances to Paynes Find:

- **Shire of Yalgoo logo**
- **Welcome to the locality of Paynes Find**
- **Information that shooting is prohibited**

Motion put and tied 2/2

The motion was then LOST on the President’s casting vote

*** Motion subsequently declared invalid, refer note on page 37**

11.4.5 Extraordinary Election 4 December 2010 – No Eligible Nomination Received

File: E3-8 Extraordinary Election 4 December 2010
 Author: Sharon Daishe, CEO
 Interest Declared: No interest to disclose
 Date: 10 November 2010
 Attachments: Nil

MATTER FOR CONSIDERATION

To determine whether to appoint a willing and eligible person to fill the vacancy created by the resignation of Councillor Mick Forster *LGA s4.57 (3)*, or to apply for approval to allow the vacancy to remain unfilled until the date of the next ordinary or extraordinary election (ie: October 2011 unless an extraordinary election is required before that date) *LGA s4.17*.

BACKGROUND

Following the resignation of Councillor Mick Forster, President Terry Iturbide called for an extraordinary election to be held on 16 October 2010 to fill the vacancy. At the close of nominations on 9 September 2010 no nominations were received.

President Terry Iturbide then called for an extraordinary election to be held on 4 December 2010 to fill the vacancy *LGA s4.57 (1)*. At the close of nominations on 28 October 2010 no valid nominations were received (one ineligible nomination was received).

Council now has two options under the Act. Either option requires an absolute majority (ie: 4 votes).

1. Section 4.57 (3) – if Council is able to identify a person who would be eligible for nomination and is willing, Council may appoint that person.
2. Section 4.17 (3) – Council may apply to the electoral Commissioner to allow the position to remain unfilled until the next ordinary or extraordinary election (ie: October 2011 unless an extraordinary election is required before that date).

STATUTORY ENVIRONMENT

Local Government Act 1995 - Sect 4.57

4.57 . Less candidates than vacancies

- (1) If, at the close of nominations, there are no candidates for the office or offices to be filled at the election, an extraordinary election is to be held to fill the office or offices as if it or they had become vacant on the day after the close of nominations.
- (2) If, at the close of nominations, the number of candidates is less than the number of offices to be filled at the election —
 - (a) the candidate or candidates is or are elected; and
 - (b) an extraordinary election is to be held to fill the remaining office or offices as if it or they had become vacant on the day after the close of nominations.
- (3) If, at the close of nominations for an extraordinary election required under subsection (1) or (2) there are no candidates or the number of candidates is less than the number of offices to be filled at the election, the council may appoint* to any unfilled office a person who would be eligible to be a candidate for election to the office and who is willing to accept the appointment.

** Absolute majority required.*
- (4) A person appointed under subsection (3) is to be regarded as having been elected.

Local Government Act 1995 - Sect 4.17

4.17 . Cases in which vacant offices can remain unfilled

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

** Absolute majority required.*

(4A) Subsection (3) applies —

- (a) if —
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled;

- (4) If an ordinary or an extraordinary election is to be held in a district then an election to fill any vacancy in the office of councillor in that district that was allowed to remain unfilled under subsection (3) is to be held on the same election day and Division 9 applies to those elections as if they were one election to fill all the offices of councillor for the district or ward that need to be filled.

[Section 4.17 amended by No. 49 of 2004 s. 31; No. 66 of 2006 s. 8; No. 17 of 2009 s. 12.]

STRATEGIC IMPLICATIONS

It would be strategically prudent to appoint an eligible person rather than operate with only five councillors until October 2011.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

CONSULTATION

Alex McColgan and Mat Hayes, Department of Local Government

COMMENT

If Council wishes to appoint an eligible and willing person, this person should preferably be determined before the Council meeting. Council will need to advise the CEO who will check whether the person is eligible. The President should then establish that the person is willing to accept the nomination.

If Council is unable to determine an eligible and willing person before the November meeting, Council may wish to resolve to leave this item on the table for the December meeting to allow time to canvass for the position. Alternatively Council will need to apply to the electoral Commissioner for approval to leave the vacancy unfilled.

VOTING REQUIREMENTS

Absolute majority – 4.57(2) and 4.17

Simple majority – allow motion to lay on the table until next meeting

OFFICER RECOMMENDATIONS – not put

The following officer recommendations requiring absolute majority were not put:

Appointment of eligible person to fill Councillor vacancy

That in accordance with Section 4.57 (3) of the Local Government Act 1995, Council appoints (NAME – TO BE DETERMINED), being an eligible and willing candidate, to the position of Councillor.

(Alternative) Application to electoral Commissioner to allow Councillor vacancy to remain unfilled

That in accordance with Section 4.17 of the Local Government Act 1995, Council applies to the electoral Commissioner for approval to allow the vacancy created by the resignation of Councillor Mick Forster to remain unfilled until the next ordinary or extraordinary election.

COUNCIL DECISION

C2010-1115 Recommendation to Lay on Table re Councillor Vacancy

Moved Cr LJ Terry, Seconded Cr EC Rowe

That the following recommendation is put on the table until the next meeting to allow time to identify a suitable person:

That in accordance with Section 4.57 (3) of the Local Government Act 1995, Council appoints (NAME – TO BE DETERMINED), being an eligible and willing candidate, to the position of Councillor.

Motion put and carried 4/0

**** Motion subsequently declared invalid, refer note on page 37***

11.4.6 Annual Report for the year ended 30 June 2010 and Annual Electors' Meeting

File: A10
Author: Sharon Daishe, CEO
Interest Declared: No interest to disclose
Date: 11 November 2010
Attachments: Draft Annual Report for the Year ended 30 June 2010 – to be forwarded separately

MATTER FOR CONSIDERATION

To accept the annual report of the Shire of Yalgoo for the year ending 30 June 2010.

BACKGROUND

A local government must prepare an annual report each financial year that includes:

- President's report
- Chief executive officer's report
- Compliance statements/reports relating to the Plan for the Future, National Competition Policy, Disability Services Plan and Records Keeping Plan
- Audited financial statements
- Auditor's report

STATUTORY ENVIRONMENT

Local Government Act 1995 –

- s.5.27 – annual electors meeting to be held within 56 days of acceptance of the annual report on a day selected by Council
- s.5.53 – an annual report must be prepared and details the items that should be included.
- s.5.54 – the annual report must be accepted by the local government not later than 31 December after the financial year or if the auditor's report is not available by this date, not later than 2 months after the auditor's report becomes available.
- s.5.55 – CEO to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted.

Administration Regulations –

- r.15 – Annual report approved by Council to be presented.

STRATEGIC IMPLICATIONS

NA

POLICY IMPLICATIONS

NA

FINANCIAL IMPLICATIONS

The annual financial report presents the financial performance for the past financial year and is scrutinised by an independent audit to ensure compliance with legislation and accounting standards. The financial impact upon the current financial year is that the audited net current assets position becomes the actual brought forward surplus (deficit) for the rate setting standard.

CONSULTATION

Auditor

President, DCEO, SAO

COMMENT

The independent audit report was received on 11 November 2010 and the audit management report is expected to be available for presentation to the Council Meeting. The audit report did not make any audit qualification.

The audited annual financial report will be submitted to the next meeting of the Audit Committee, which will be held on Tuesday 14 December 2010.

In summary the Shire recorded a net operating surplus of \$1,771,615 and the balance sheet continues to improve with total equity increasing from \$21,283,298 to \$23,054,913. The Shire's cash position increased from \$3,022,107 to \$3,162,001 although cash backed reserves decreased from \$2,046,423 to \$1,789,804 primarily as a result of drawings against the plant reserve and Yalgoo Ninghan Road reserve.

The Act requires that the adopted annual report be available to the public for a minimum of 14 days before the annual electors meeting, which must be held within 56 days of Council adopting the annual report.

It is proposed that the electors meeting be held at 1pm on Tuesday 14 December 2010, immediately following the December meeting of Council and preceding the proposed opening of the Yalgoo Water Park.

VOTING REQUIREMENTS

Absolute majority (Annual Report)

Simple majority (Annual electors' meeting)

OFFICER RECOMMENDATION/COUNCIL DECISION

Moved Cr EC Rowe, Seconded Cr LJ Terry

C2010-1116 Annual Report 30 June 2010 and Electors Meeting

1. That Council adopts the draft annual report for the year ending 30 June 2010 with the following corrections/additions:
 - Include President's Report as distributed separately to councillors
 - Page 2., Key Statistics - Grants and Subsidies 2009/10 correct amount is 2,187,719
2. That the annual electors' meeting be held on Tuesday 14 December 2010 commencing at 1:00pm.

Motion put and carried by absolute majority 4/0

** Motion subsequently declared invalid, refer note on page 37*

12. NOTICE OF MOTIONS

12.1 PREVIOUS NOTICE RECEIVED

13. URGENT BUSINESS

ADMISSION OF URGENT BUSINESS

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

C2010-1117 Admit Urgent Business

Moved Cr LJ Terry, Seconded Cr L Hodder

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

13.1 Approval to Write off Interest Charges

Motion put and carried 4/0

Note that whilst Cr Rowe was privy to the meeting proceedings and voted on this item, her vote is rendered invalid due to the invalidity of the Council decision to allow her to participate.

Council asked the CEO to foreshadow a motion to the February 2011 Council meeting regarding nominating councillors to research the world class flora and fauna project proposed by Perenjori Shire at a presentation made to councillors before the meeting.

13.1 Request to Write off Interest Charges

File:

Author: Sharon Daishe, CEO

Interest Declared: No interest to disclose

Date:

Attachments: p.4 Letter from Powers Tax and Consulting regarding missing cheque
P.5 Letter from Mutiny Gold regarding transfer of tenements causing late receipt of rate notices

MATTER FOR CONSIDERATION

To consider writing off the accrued interest charges described within.

BACKGROUND

Council has delegated authority to the CEO to write off interest charges under certain circumstances and where the amount is up to \$30. The following interest charges are over \$30 and Council approval is sought to write off the accrued interest for the reasons described.

Rate Assessment No	Reason for Request	Amount of Interest to Write Off
1203	Instalment payment posted 17.09.10 went missing. Ratepayer will pay by instalments and incur instalment related charge rather than interest.	\$120.16
242	Rate notices were sent to previous owner, who did not forward to new owner to allow payment of first instalment by due date. Ratepayer will pay by instalments and incur instalment related charge rather than interest.	\$ 47.32
257	As above	\$ 30.51
283	As above	\$ 74.01
355	As above	\$ 33.72
822	As above	\$ 96.56
1112	As above	\$ 33.84
1121	As above	\$ 63.44

STATUTORY ENVIRONMENT

Local Government Act 1995

- 6.51 . Accrual of interest on overdue rates or service charges
- 6.12 . Power to defer, grant discounts, waive or write off debts

STRATEGIC IMPLICATIONS

Nil

POLICY IMPLICATIONS

- Delegation 2.6 Write-off of minor outstanding amounts.

FINANCIAL IMPLICATIONS

The instalment charges raised will exceed the amount of interest written off; therefore there is no loss of funds to Council.

CONSULTATION

Rates Officer

COMMENT

The Rates Officer and CEO have assessed the applications contained within on their merits and recommend that Council approves the request to write off interest charges. The principles of procedural fairness have been applied.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION/COUNCIL DECISION

C2010-1118 Approval to Write off Interest Charges

Moved Cr LJ Terry, Seconded Cr L Hodder

That Council agrees to write off interest charges accrued on the rate assessments detailed below:

Assessment No.	Interest Amount to Write Off	
1203	\$120.16	Total \$120.16
242	\$ 47.32	
257	\$ 30.51	
283	\$ 74.01	
355	\$ 33.72	
822	\$ 96.56	
1112	\$ 33.84	
1121	\$ 63.44	Total \$379.40

Motion put and carried 4/0

Note that whilst Cr Rowe was privy to the meeting proceedings and voted on this item, her vote is rendered invalid due to the invalidity of Council decision to allow her to participate.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15. NEXT MEETINGS

Ordinary Meeting

The next Ordinary Meeting of Council is due to be held in the Council Chambers in Gibbons Street on Tuesday 14 December 2010 commencing at 11.00 am.

Audit Committee

The next meeting of the Audit Committee is due to be held in the Council Chambers in Gibbons Street on Tuesday 14 December 2010 at a time to be advised.

Annual Electors’ Meeting

The Annual Electors’ Meeting is due to be held in the Council Chambers in Gibbons Street on Tuesday 14 December 2010 commencing at 1pm.

16. MEETING CLOSURE

There being no further business, the President declared the meeting closed at 1.50pm

LIST OF MOTIONS DECLARED INVALID AFTER THE MEETING

Yalgoo Shire Council comprises six councillor positions. To meet the requirements under the Local Government Act, the number required for a quorum is at least three (3) councillors and the number required for an absolute majority is at least four (4) councillors.

A quorum being present (President Terry Iturbide and councillors L Terry and L Hodder), President Terry Iturbide declared this meeting open at 11:35am. On the previous day Councillor Ellen Rowe had sought permission from the President to attend the meeting by means of instantaneous communication in accordance with Regulation 14A. Councillor Rowe, having only attended one other meeting during the year in this manner, was eligible to attend this meeting in this manner.

Acting in good faith and all persons unaware that an absolute majority vote was required to permit Councillor Rowe's presence by means of instantaneous communication, motion C2010-1101 was moved, put and carried 3/0. Councillor Rowe then joined the meeting on Skype. Councillor Rowe remained present in this manner for the duration of the full meeting, during which time she moved or seconded a number of motions and participated in voting on motions that required an absolute majority.

Following the meeting the CEO informed the President that all motions moved or seconded by Cr Ellen Rowe and all motions that required an absolute majority are considered invalid, as the motion to permit Cr Ellen Rowe to attend the meeting by instantaneous communication required an absolute majority under Regulation 14A.

The President subsequently called a Special meeting to be held at 10:00am on Wednesday 24 November 2010 to consider these motions.

Motions declared invalid due to less than the required number of Councillors being present to constitute an absolute majority:

C2010-1101	Meeting via means of instantaneous communication (Skype)
C2010-1104	Annual Supply Tender – Bitumen and Aggregates
C2010-1105	Delegation of Authority to CEO, Plant Tenders
C2010-1116	Annual Report 30 June 2010 and Annual Electors' Meeting

Motions declared invalid, having been moved or seconded by Cr Ellen Rowe

C2010-1103	Works Activity Report
C2010-1107	Forward Capital Works Plan – Identification of Projects
C2010-1109	Financial Statements and Material Variance Report
C2010-1111	CEO Activity Report
C2010-1112	Council and LEMC Meeting Dates for 2011
C2010-1113	End of Year Arrangements, Commissioning of Water Playground and Christmas Shutdown 2010
C2010-1114	Signs at Paynes Find to Include No Shooting
C2010-1115	Recommendation to Lay on Table re Councillor Vacancy

Valid motions moved at this meeting

- C2010-1102 Confirmation of Minutes
- C2010-1106 Environmental Health and Building Officer Report
- C2010-1108 Deputy CEO Report
- C2010-1110 Accounts Paid
- C2010-1117 Admit Urgent Business
- C2010-1118 Approval to Write off Interest Charges

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