



MINUTES

SPECIAL COUNCIL MEETING

Friday September 16th 2011
Commencing At 9.06am

SHIRE OF MENZIES



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SHIRE OF MENZIES

SPECIAL COUNCIL MEETING
September 16th 2011
commencing at 9.06 am

A G E N D A

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President (Cr. Gregory Dwyer) declared the meeting open, welcoming the attendees and proceeded with the agenda as planned.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE PREVIOUSLY APPROVED

Attendance:

Councillors	Cr G. Dwyer	President
	Cr G. Stubbs	Deputy President (Telephone)
	Cr J.A Dwyer	Councillor (Telephone)
	Cr I.R Tucker	Councillor

Staff:	Mr L.P Strugnell	Acting Chief Executive Officer
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9.08am.

MOVED: Cr. J Dwyer

SECONDED: Cr. I.R. Tucker

That Council close to the public the following items.

9 REPORTS OF COMMITTEES AND OFFICERS

TABLE OF CONTENTS

- 9.1 Industrial Relation Issues – WALGA
Closed under section 5.23(2)(a) of the Local Government Act
- 9.2 Financial Activities for the Shire of Menzies.
Closed under section 5.23(2)(c) of the Local Government Act
- 9.3 Recruitment of Chief Executive Officer
Closed under section 5.23(2)(a) of the Local Government Act
- 9.4 Cost Recovery for Road Damage
Closed under section 5.23(2)(ii) of the Local Government Act
- 9.5 Future of the Community Resource Centre
Closed under section 5.23(2)(a) of the Local Government Act.

Carried 4/0

5.23. Meetings generally open to public

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
 - (a) *all council meetings; and*
 - (b) *all meetings of any committee to which a local government power or duty has been delegated.*

- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
 - (a) *a matter affecting an employee or employees;*
 - (b) *the personal affairs of any person;*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person,*
where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*

- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

CONFIDENTIAL ITEM

No: 9.1 INDUSTRIAL REALTION ISSUE – W.A.L.G.A

SUBMISSION TO:	Special Meeting of Council
LOCATION:	Shire of Menzies - Admin
APPLICANT:	UHY Haines Norton
FILE REF:	S/4/11
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	14 th September 2011
AUTHOR:	L.P. Strugnell, CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

VOTING REQUIREMENTS: Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION NO: 0047

MOVED: Cr. J.A. Dwyer

SECONDED: Cr. I.R. Tucker

That W.A.L.G.A make an offer to Mr. J. McCarthy as a termination of employment payment. Details to be presented to the Ordinary Council Meeting scheduled for the 22nd September 2011

Carried 4/0

CONFIDENTIAL ITEM

No: 9.2 FINANCIAL ACTIVITIES FOR SHIRE OF MENZIES

SUBMISSION TO:	Special Meeting of Council
LOCATION:	Shire of Menzies - Admin
APPLICANT:	UHY Haines Norton
FILE REF:	A/2/5a
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	14 th September 2011
AUTHOR:	L.P. Strugnell, CEO
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

VOTING REQUIREMENTS: Simple Majority

OFFICERS RECOMMENDATION – COUNCIL RESOLUTION NO: 0048

MOVED Cr J.A. Dwyer

SECONDED Cr I.R. Tucker

That Council:

1. Confirms with the Department of Local Government that entering into a agreement with UHY Haines Norton would comply with the provisions of the Local Government (Functions and General) Regulations 1996 – Regulation 11(2)(f)
2. Negotiate with UHY Haines Norton on providing a financial function service to commence as soon as possible in the terms outlined in their letter marked
Service Proposal
Accounting and Support Services
September 2011
3. Request the Chief Executive Officer to redefine the position descriptions for the finance section if UHY Haines Norton take of the finance functions.

Carried 4/0

Cr. G.W. Stubbs expressed concerns regarding Network 1 and what happens in twelve (12) months' time if the proposed arrangements don't work out?
Can a review take place in a shorter period?

CONFIDENTIAL ITEM

No: 9.3 RECRUITMENT OF CHIEF EXECUTIVE OFFICER

SUBMISSION TO:	Special Meeting of Council
LOCATION:	Shire of Menzies – Administration.
APPLICANT:	WA Local Government Association Workplace Solutions.
FILE REF:	S/4/4
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	14 th September 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

STATUTORY ENVIRONMENT:	Section 5.36, 5.39 and 5.41 of the Local Government Act
FINANCIAL IMPLICATIONS:	Allowance to be made in 2011/2012 budget
VOTING REQUIREMENTS:	Simple majority until appointment made.

OFFICER RECOMMENDATION – COUNCIL RESOLUTION NO: 0049

MOVED Cr G.W. Stubbs

SECONDED Cr J.A. Dwyer

That Council:

1. Appoint WA local Government Association Workplace Solutions to assist Council with the recruitment, selection and appointment of a Chief Executive Officer for a three year term.
2. Agree to the quoted price of \$9,000.00 plus G.S.T of \$900.00
3. Make changes to the proposed Project Delivery timetable if necessary.
4. Advise Workplace Solutions it wishes to have input into the following:
 - Position Description
 - Selection Criteria
 - Advertisement and information package.
 - Short listing of applicants
 - Matrix details.
 - Employment Contract.

Carried 4/0

CONFIDENTIAL ITEM

No: 9.4 COST RECOVERY FOR ROAD DAMAGE
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SUBMISSION TO:	Special Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	Acting CEO – L.P. Strugnell
FILE REF:	R/6/1
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	14th September 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

VOTING REQUIREMENTS: Simple Majority required

OFFICER RECOMMENDATION – COUNCIL DECISION NO: 0050

MOVED Cr G.W. Stubbs

SECONDED Cr I.R. Tucker

That Council authorize the President and Chief Executive Officer to enter into negotiations with mining and haulage operators to put in place a Heavy Vehicle Cost Recovery process.

Carried 4/0

CONFIDENTIAL ITEM

No: 9.5 FUTURE OF THE COMMUNITY RESOURCE CENTRE

SUBMISSION TO:	Special Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	Acting CEO – L.P. Strugnell
FILE REF:	C/12/1
DISCLOSURE OF INTEREST:	The author has no disclosure of interest in this item
DATE:	14th September 2011
AUTHOR:	L.P. Strugnell Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	L.P. Strugnell, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

FINANCIAL IMPLICATIONS: To be determined during 2011/2012 budget process

VOTING REQUIREMENTS: Simple Majority

OFFICER RECOMMENDATION – COUNCIL DECISION NO: 0051

MOVED Cr

SECONDED Cr

That Council:

- (1) Request the CEO to advise the Management Committee of the CRC that Council intends to cease having any involvement with the operation of the Menzies Community Resource Centre at the earliest date.
- (2) Authorize the President G. Dwyer, Councillor I.R Tucker and CEO L.P. Strugnell to meet with officials of the CRC to finalize the take over details.
- (3) Agrees to enter into an arrangement whereby the Menzies Community Resource Centre operates the Centre in its own right on the following terms outlined:

If Councillors are to consider that the Centre would be best run by the CRC they would need to address the following issues:

- (1) Building – Rent Free – Power, water charges, insurance on building furniture and equipment, rubbish removal and maintenance on the building. This would be a significant help to get the CRC started and would need to be reviewed at twelve monthly intervals as would any untied contribution.
- (2) Accounting function – Once a formal agreement of Council's contribution has been finalized a time frame of how to hand over this function could be determined.
- (3) Library – Decision to be made as whether to leave library at CRC or to relocate back to Council office.
- (4) Caravan Park Bookings – Decide whether to leave bookings at CRC or for Council or Caravan Park Manager to take over.
- (5) Gas supplies – Council appears to believe that should private enterprise such as the Roadhouse reopen, gas should go to them.
- (6) Council to make all endeavours to complete the already agreed improvements to the building at the earliest possible date.

The Management Committee of the CRC or the body they set up to operate the Centre would:

- (1) Become the employer and be responsible for all staff issues such as superannuation, taxation, staff insurance, FBT, GST, BAS, IAS and any other relevant Australian Taxation Office reports.
- (2) CRC be responsible for all telephone and cableing issues.
- (3) CRC to operate its financial functions, including audit preparation of all required reports and returns.
- (4) Provide free of all charges the conference room and video teleconference for the days of Council's Ordinary meetings.
- (5) Provide a copy of the CRC Audited and Certified Annual Statements prior to the Council conducting its review of item 1 of Councils contribution.
- (6) The CRC to operate whatever functions they wish from the Centre provided the function does not breach any Town Planning provisions, Health Act or any other legal provision.
- (7) The CRC not to make any alterations to the building, deface any walls, fixtures or fittings, alter any locks without the written approval of the Council.
- (8) The CRC and the Council to enter into a Tenancy Agreement at Councils cost.
- (9) Provide quarterly reports to Council on the financial affairs of the CRC and include outcomes for funds provided.

Carried 4/0

12.10pm

MOVED: Cr. J.A. Dwyer

SECONDED: Cr.I.R. Tucker

That the meeting be opened to the public.

Carried 4/0

10 CLOSURE OF MEETING

There being no further business to discuss, the President declared the meeting closed at: 12.12pm.

11. CERTIFICATION BY CHAIRMAN

I, _____, hereby certify that the Minutes of the Special Meeting of Council held on Friday 16 September 2011 are confirmed as a true and correct record, as per the Council Resolution of the Special Meeting of Council held on 15 March 2012.

SIGNED: _____

DATED: _____