



MINUTES

ORDINARY COUNCIL MEETING

The Menzies Council Chambers,
Shenton Street Menzies

Thursday June 23rd, 2011
Commencing At 9.29am

SHIRE OF MENZIES



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SHIRE OF MENZIES

ORDINARY COUNCIL MEETING

JUNE 23RD, 2011

Commencing at 9.29 am

In the Shire Council Chambers,
Shenton St, Menzies

MINUTES

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 Gregory Dwyer Cr Greg Stubbs Cr Jill Dwyer Cr Ian Tucker	President Deputy President Councillor Councillor
Staff:	Mr Brian Seale Ms Carol McAllan	Chief Executive Officer Deputy Chief Executive Officer
Visitors:	Mr. Kevan Owens Mr. Jim Pianto Mrs. Jackie Carr Mr. Garry Miller	Resident Resident Resident Resident

3 RESPONSES TO PREVIOUS PUBLIC QUESTION TIME TAKEN ON NOTICE

Not Applicable.

4 PUBLIC QUESTION TIME

- 1) Mr Kevan Owens of 11 Reid Street Menzies asked what action Council is going to take with the Works Supervisor regarding the hire of the bobcat, fighting in work hours, bullying, drinking in Shire Ute, being home during work hours and driving the Shire truck on road closed due to wet weather not receiving a warning letter.

Response: The CEO will formalize a response to you within a week.

- 2) Mr. Garry Miller asked if Council had a policy on quoting for services in the town and if so could he have a copy.

Response: The CEO will respond with a copy of the Policy within the week.

- 3) Mr. Jim Pianto asked if the Works Supervisor has been stood down for the altercation with himself? (B). Has the employee been paid 608hours back pay? (C) is there a purchasing policy for local contractors? (D) Can members of the public see pay records, (i.e) are they available for public viewing?

Response: The CEO will respond to A ,B and C within the week and will investigate the answer to D and respond in due course.

5 DECLARATIONS OF INTEREST / APPLICATIONS FOR LEAVE OF ABSENCE.

Cr Stubbs declares an interest in item 9.16, having furnished the President with his declaration.

6 PETITIONS / DEPUTATIONS / PRESENTATIONS

No request of the President to present to Council was received by closure of preparation date.

7 CONFIRMATION OF PREVIOUS MINUTES

- 7.1 Confirmation of the Minutes of the ordinary Council held April 28th, 2011 as presented be adopted.

Moved: Cr. Dwyer (J)

Seconded: Cr. Tucker.

That the Minutes of the April 28th meeting with the following amendments be confirmed.

Item 9.9 (Clause 4)

Add: "Failing full recovery of balance of entitlement, the dispensation reverse to full entitlements, with further advices to issue to the October meeting."

CARRIED 4/0

- 7.2 Confirmation of the Minutes of the special Council held May 13th, 2011 as presented be adopted.

Moved: Cr. Dwyer (J)

Seconded: Cr. Stubbs

That the minutes of the May 13th meeting with the following amendments be confirmed.

Item 9.1 (Clause 1)

Edit the clause to replace the intention as follows:

"To approve additional financial support to the sum of \$3,200 to support the Tjuntjuntjara Community to enable the Desert Hawks Football Team to travel to Albany to compete in the Annual Carnival, with a total of \$12,500 in the total being provided."

CARRIED 4/0

*DCEO vacates chambers at 10.11am
DCEO returns to chambers at 10.12am.*

- 7.3 Confirmation of the Minutes of the special Council held June 3rd, 2011 as presented be adopted.

Moved: Dwyer (J)

Seconded: Cr. Stubbs

That the minutes of the June 3rd meeting with amendments be confirmed

Item 9.1 (The Goldfields Cyclclassic & Menzies Carnival)

Edited to reflect:

“Carried 3/0 – Cr Stubbs did not vote.”

CARRIED 4/0

Meeting adjourned due to loss of quorum at 12.20pm.

8 QUESTIONS ON NOTICE.

- 8.1 Questions on Notice

None received.

*Cr Stubbs vacates chambers at 10.19am
Deputy CEO vacates chambers at 10.19am
Cr. Tucker vacates chambers at 10.20am
Deputy CEO returns to chambers at 10.21am
Cr. Stubbs returns to chambers at 10.25am
Cr Dwyer vacates chambers at 10.30am
Cr. Tucker returns to chambers at 10.31am
Cr Dwyer returns to chambers at 10.31am
Mrs. Carr vacates chambers at 10.31am
Mrs Carr returns to chambers at 10.47am*

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SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23 rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

That the Financial Statements and Reports to the statements to April 30th, 2011 as presented be adopted.

BACKGROUND:

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

COMMENT:

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) are a rates report and a report on reserves funds

CONSULTATION:

Ms Mandy Wynne, Haines Norton. Reporting on Financial Activity

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996 Regulation 34

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.1

MOVED Cr Stubbs

SECONDED Cr Dwyer

That the Financial Statements and Reports to the statements to April 30th, 2011 as presented be adopted.

CARRIED 4/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23 rd , 2011
AUTHOR:	Carol McAllan, A/Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

To note cheque numbers from 1068 to 1160 including direct debits and bank statement transfers totalling \$597,293-56 as presented for payment in terms of the submitted lists.

BACKGROUND:

This report is a standard mandatory requirement.

COMMENT:

CONSULTATION:

Ms Mandy Wynne, Haines Norton.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 Regulation 13, 34

POLICY IMPLICATIONS:

All signing of cheques were carried out as per Policy 3.8.

(All amounts over \$15,000.00 were counter signed by a Council Member).

FINANCIAL IMPLICATIONS:

Reduction to the Municipal Fund Balance

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION	ITEM 9.2
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MOVED Cr Stubbs

SECONDED Cr Dwyer

To note cheque numbers from 1068 to 1160 including direct debits and bank statement transfers totalling \$597,293-56 as presented for payment in terms of the submitted lists.

CARRIED 4/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the report of aged rate debtors and Sundry Debtors as at April 30th, 2011 as required by Council on a monthly basis, to evidence the extent of outstanding indebtedness and to display the evident controls being applied and the collections achieved in this critical aspect of the Shire's operations.

BACKGROUND:

This reporting mechanism is a standard requirement as called for by Council

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.3

MOVED Cr Dwyer (J)

SECONDED Cr Tucker

To receive the report of aged Rate debtors and Sundry Debtors as at April 30th, 2011, as required by Council to be submitted on a monthly basis, to evidence the extent of outstanding indebtedness and to display the evident controls being applied and the collections achieved in this critical aspect of the Shire's operations, as presented.

CARRIED 4/0

Council adjourned at 10.56am

Council resumes at 11.25am

Jackie Carr, Kevan Owens, Jim Pianto and Garry Miller vacate chambers 11.25am

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	May 31st, 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY.

To consider the appointment of a returning Officer for the 2011 biennial election and to address the issues of potentially rescinding of the earlier resolution number 9.4 from the April 28th, 2011 meeting.

BACKGROUND:

This issue was addressed on April 28th, 2011, editing the recommendation to reflect the appointment of the Deputy C.E.O, in deference to the C.E.O., though that resolution contravenes section 4.20 (2.) of the Local Government Act 1995, in that the written approval from the officer was not held at the time of the resolution and furthermore, that the approval from the W.A. Electoral Commission was not held to appoint an officer other than the CEO for an election. The Deputy's letter declining acceptance is appended, together with an extract from S4.20(2.) of the Local Government Act 1995., as required.

COMMENT:

Council is empowered to appoint an alternative for the returning officer for the purposes of conduct of the statutory elections, if required, and this can be either another staff member or the Electoral Commission, as Council selects.

With the recent demise of former Cr. Lansdown, coupled with the two recent resignations from the April meeting of former councillors Kelly and Pusey, three vacancies exist at this time, though it is reasonable and expected to combine this requirement with the conduct of the biennial election, scheduled to be conducted on October 2011.

CONSULTATION:**STATUTORY ENVIRONMENT:**

Local Government Act 1995 – Section -	2.32 (a.)
Local Government Act 1995 – Section -	4.19
Local Government Act 1995 – Section	4.20 (2.)
Local Government Act 1995 – Section -	4.17 (2.)

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Cr. Stubbs, Tucker and Dwyer agree to address this item.

Absolute Majority required for the rescission motions.

Simple Majority required for the appointment of a returning officer motion.

COUNCIL DECISION / OFFICER RECOMMENDATION
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ITEM 9.4

MOVED Cr Dwyer (J)

SECONDED Cr Stubbs

In accordance with Section 5.25 of the Local Government Act 1995, and clause 10 (1.) (a.) of the Local Government (Administration) regulations 1996, council considers the revocation of the following Council decision at item 9.4 and "Carried 5/0" at the April 28th, 2011 ordinary council meeting:

"To approve of the appointment of the Deputy C.E.O. (Mrs Carol Mc Allan) as the returning officer for the 2011 biennial election and to incorporate the election to fill the vacancy required resulting from the recent demise of former Cr. Lansdown into the biennial election, instead of conducting an additional extra-ordinary election for this purpose, where opportunity exists and is available under Section 4.17(2.) of the Local Government Act 1995."

"Absolute Majority"

CARRIED 4/0

Moved Cr Dwyer (J).

Seconded Cr. Tucker

That Council revoke the following decision in relation to the conduct of the biennial election for 2011 and the appointment of the Returning officer.

"To approve of the appointment of the Deputy C.E.O. (Mrs Carol Mc Allan) as the returning officer for the 2011 biennial election and to incorporate the election to fill the vacancy required resulting from the recent demise of former Cr. Lansdown into the biennial election, instead of conducting an additional extra-ordinary election for this purpose, where opportunity exists and is available under Section 4.17(2.) of the Local Government Act 1995."

"Absolute Majority"

CARRIED 4/0

Moved:

Seconded:

To approve of the appointment of the C.E.O (Mr. B.W. Seale) as the Returning Officer for the 2011 Biennial Election and to incorporate the election to fill the vacancies required resulting from the recent demise of Cr Lansdown and the two recent resignations from former Crs. Kelly and Pusey into the biennial election, instead of conducting an additional "Extra-ordinary" election for this purpose, where opportunity exists and is available under section 4.17(2.) of the Local Government Act 1995.

Moved Cr Dwyer (J).

Seconded Cr. Tucker

That Council seek written agreement that the Electoral Commissioner be willing to become the Returning Officer for the 2011 Biennial Election and to incorporate the election to fill the vacancies required resulting from the recent demise of Cr. Lansdown and the two recent resignations from former Crs. Kelly and Pusey into the biennial election, instead of conducting an additional "Extra-ordinary" election for this purpose, where opportunity exists and is available under section 4.17(2.) of the Local Government Act 1995.

"Simple Majority"

CARRIED 4/0

Explanation for not adopting the recommendation is that the Administration is viewed as being under resourced for this process.

9.5 FINANCIAL STATEMENTS AND REPORTS TO MAY 31ST, 2011

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

That the Financial Statements and Reports to the statements to May 31st, 2011 as presented be adopted.

BACKGROUND:

The Financial Reports (AAS27) are presented monthly, generated by our off-site Accountants, UHY Haines Norton and printed in our office.

COMMENT:

Included in these Financial Reports, (which are an equivalent of a quarterly financial report) are a rates report and a report on reserves funds

CONSULTATION:

Ms Mandy Wynne, Haines Norton. Reporting on Financial Activity

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996 Regulation 34

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.5

MOVED Cr Dwyer (J)

SECONDED Cr Tucker

That the Financial Statements and Reports to the statements to May 31st, 2011 as presented be adopted.

CARRIED 4/0

9.6 APPLICATION FOR POWER AND WATER SUBSIDY.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

To consider the application as received from Keith Purchase relative to the application as received for his residence in Reid Street, to consider a power and Water subsidy, as requested in the attached letter of application, seeking \$40,000.

BACKGROUND:

The facility is a public service and should not necessarily be an imposition on the rate-payer.

COMMENT:

The potential issue with this application is the possibility of creating a precedent for other home builders wanting the same subsidy, though this consideration is likely to benefit future residents in Reid and Mercer Streets.

This cost only applies to getting the services to the residence verge and does not apply to connection or services inside the rate-payers boundary.

CONSULTATION:

STATUTORY ENVIRONMENT

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

Budget provision for 2011/12.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.6

Moved:

Seconded:

To approve budget provision for the 2011/12 year, in the sum of \$40,000 for the application for water and power subsidy as received from Keith Purchase relative to the application as received for his residence in Reid Street.

Moved: Cr Dwyer(J)

Seconded: Cr Tucker

To consider budget provision for the 2011/12 year, once quotes are received for the provision of water and power services along Mercer and Reid Streets in order to provide services to reserve 4531 as a part of the overall Development Plan for the Town of Menzies.

CARRIED 4/0

Explanation for not adopting the Officers Recommendation is :

“The concept is seen as a public utility to serve future development”

Meeting adjourns at 12.50pm

Meeting resumes at 1.34pm

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	B.W.Seale declares an interest in this item, although he does not have a voting right, nevertheless, as a staff member an interest in this item applies.
DATE:	June 23rd , 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMMARY.

To consider an amendment to the Council Policy at clause 5.3 relative to fitness for work relative to having alcohol on the premises and driving a shire vehicle to the Hotel.

BACKGROUND.

This issue was addressed on March 11th, 2010 to clarify and tighten the policy regarding this potential issue and where the policy was edited to reflect a “Ban’ of having alcohol on shire premise excluded Shire owned residences occupied by staff. Furthermore, the policy was edited to reflect inclusion amendment recognition of the State legal limit of 0.05 for driving.

COMMENTS.

It appears a concern exists over the issues of staff members driving shire owned vehicles to the Menzies Hotel and also having alcohol at the Depot, where this allegedly leads to a potential hazard in the driving home.

The following dot points illustrate some of the factors impacting on this issue:

1. Council can adopt an item of Policy at any time it feels it is required to contain an issue.
2. Given the limited recreational and social opportunities available to employees, it may be unwise to restrict this limited facility even further by prohibiting access to the Hotel.
3. Restriction of the use of a Shire vehicle may require a further adjustment of the employee’s entitlement resulting from the reduced value of entitlement of the vehicle illustrated by the reduced use.
4. The hotel is the only provider of grocery and dry goods, so it is arguable in determining accurately if the staff member is at the Hotel buying alcohol or groceries, and if purchasing groceries, then the staff member would be necessity be required to walk home with the parcels of groceries if a policy was introduced restricting the use of the vehicle....
5. It is further arguable that a policy item in this issue is not “Strategic” and more likely to be “Operational” and if the later, then it remains under the auspice of the CEO and not Council as this does not seem to be Strategic/Corporate (i.e.) the province of Council, then policy should not be introduced..

6. As the issue of driving a shire vehicle when exceeding the alcohol limit of 0.05 remains the matter for the driver, then perhaps an increased penalty against the employee may assist and satisfy this requirement?

CONSULTATION.

Workplace Solutions. – W.A.L.G.A. Group of facilities. – Simon White

STATUTORY ENVIRONMENT

Not applicable.

POLICY IMPLICATIONS.

Copy of the current policy at 5.3 is appended, as required.

FINANCIAL IMPLICATIONS.

None.

VOTING REQUIREMENTS.

OFFICER'S RECOMMENDATION - COUNCIL DECISION
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ITEM 9.7

Moved:

Seconded:

To decline an amendment to the Council Policy at clause 5.3 relative to fitness for work relative to having alcohol on the premises and driving a shire vehicle to the Hotel.

Moved Cr.Stubbs

Seconded Cr. Tucker

To adopt an amendment to the Council Policy at clause 5.3 relative to fitness for work prohibiting having alcohol at the depot premises and limiting to 0.02% the alcohol limit while driving a Shire vehicle, with a prohibition (excluding Senior Level Management) on parking a Shire vehicle at the Hotel, with approval to utilise the area designated at the rear of the Chambers for social activities.

CARRIED 4/0

Explanation for not adopting the Officers recommendation is:

That Council feel greater controls were warranted to limit the potential liability associated with an accident involving a Shire vehicle where the Officer had been drinking.

Cr Stubbs vacates chambers at 2.25pm

Cr Stubbs returns to chambers at 2.26pm.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23 rd , 2011
AUTHOR:	Carol McAllan, Deputy C. E. O.
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

To note cheque numbers from 1161 to 1243 including direct debits and bank statement transfers totalling \$156,665.64 as presented for payment in terms of the submitted lists.

BACKGROUND:

This report is a standard mandatory requirement.

COMMENT:

CONSULTATION:

Ms Mandy Wynne, Haines Norton.

STATUTORY ENVIRONMENT

Local Government (Financial Management) Regulations 1996 Regulation 13, 34

POLICY IMPLICATIONS:

All signing of cheques were carried out as per Policy 3.8.

(All amounts over \$15,000.00 were counter signed by a Council Member).

FINANCIAL IMPLICATIONS:

Reduction to the Municipal Fund Balance

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.8

MOVED Cr Dwyer (J)

SECONDED Cr Stubbs

To note cheque numbers from 1161 to 1243 including direct debits and bank statement transfers totalling \$156,665.64 as presented for payment in terms of the submitted lists.

CARRIED 4/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider an amendment to expand Council’s Policy Manual clause 3.15, consistent with the requirements of the Local Government (Functions and General) amendment regulations 2007, clause 11A (3.) (a.) and (b.), as required.

BACKGROUND:

Whilst Policy clause item 3.15 has been adopted, it does not include the requirements of obligation as stipulated under section 11A (3.) (a.) and (b.) of the Functions and General regulations of 2007 (the amendment regulation). This amendment clause requires policy to ensure a provision is established to enshrine :

1. That the form of quotations is acceptable., and
2. The recording and retention of written information, or documents, in respect of –
 - a.) All quotations received, and
 - b.) All purchases made. Is received, recorded and monitored.

CONSULTATION

STATUTORY ENVIRONMENT:

Local Government (Functions and General) Amendment Regulations 2007. – clause 11A (3.) (a.) and (b.)

POLICY IMPLICATIONS:

Not Applicable

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.9

MOVED Cr

SECONDED Cr

To edit Policy clause item 3.15 as adopted, to include the requirements of obligation as stipulated under section 11A (3.) (a.) and (b.) of the Functions and General regulations of 2007 (the amendment regulation) and that a process is established to ensure the provision is designed to enshrine :

1. That the form of quotations is acceptable to Council., and
2. The recording and retention of written information, or documents, in respect of –
 - c.) All quotations received, and
 - d.) All purchases made, are received, recorded and monitored.

Defer to July meeting.

9.10 SITING OF THE KOOKYNIE CENTENARY PLAQUE.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23 rd , 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the issue of the locating for the Kookynie Centenary Plaque at a suitable location that best suits the purpose and intention of the plaque and serves the community of Kookynie.

BACKGROUND:

This issue has been raised previously, though this plaque does not belong to the Shire and therefore, (in one sense) is not a Shire issue. However, a number old people have raised the question of its proposed installation and since it is in the hands of the "K.V.A.", the installation largely remains an issue for that group to address.

However, the question remains as to the proposed location and it is recommended that the Information Bay on entry to Kookynie be selected for this purpose.

COMMENT:

CONSULTATION:

Not Applicable

STATUTORY ENVIRONMENT:

Not Applicable

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9. 10

MOVED Cr Dwyer (J)

SECONDED Cr Tucker

To approve of the location for the Kookynie Centenary Plaque at the Information Bay on entry to Kookynie be selected for this purpose.

CARRIED4/0

Explanation for change of recommendation: This is not a Kookynie Volunteer Association matter.

9.11 HISTORICAL SOCIETY.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011.
AUTHOR:	Brian Seale Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the creation of the community based “Historical Society”, for the purposes of preservation and Management of the Town’s heritage information.

BACKGROUND:

Cr. Stubbs highlighted this matter at the April meeting with a supported request that this be formalized.

CONSULTATION:

Not applicable

STATUTORY ENVIRONMENT:

Not applicable

POLICY IMPLICATIONS:

Not applicable.

FINANCIAL IMPLICATIONS:

Not applicable.

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.11

MOVED Cr Stubbs

SECONDED Cr Tucker

To consider the creation of the community based “Historical Society”, for the purposes of preservation and Management of the Town’s heritage information, subject:

1. Public consultation and advertising to determine the interest in this aspect.
2. Details of the committee structure and possible incorporation of the group.
3. The location of the facility.
4. The reporting requirements to Council.
5. Funding requirements from Council (if any.);
6. Further details to be submitted to Council upon completion of the research by Septembers 2011.

CARRIED 4/0

9.12 REALIGNMENT OF THE NIAGARA ROAD.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the realignment of the road into the Niagara Dam to remedy the sharp 90 degree bend near the dam site.

BACKGROUND:

This project was addressed during the year, though it was thought and indeed intended that the sharp bend would be eliminated and that did not occur for reasons which remain obscure at this point. Notwithstanding, it is proposed that this aspect be remedied promptly and also that speed signage limiting traffic speeds to 40 kilometres per hour be installed.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.12

MOVED Cr Stubbs

SECONDED Cr Dwyer

1. To approve of the realignment of the road into the Niagara Dam to remedy the sharp 90 degree bend near the dam site during the 2011/12 year with budget provision of \$50,000 being allocated for this purpose.
2. and also that speed signage limiting traffic speeds to 40 kilometres per hour be installed along the road.
3. To incorporate the detailed costing schedule as previously presented by Works Supervisor to bitumise 50mtrs into T junctions.

CARRIED 4/0

*Meeting adjourned at 2.53pm
Meeting resumed at 3.30pm.*

9.13 ACTIONS REQUIRED AS A RESULT OF THE CONDUCT OF THE ANNUAL MEETING OF ELECTORS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY.

To consider the issues emerging from the conduct of the annual meeting of electors as addressed in chambers on Thursday April 28th, 2011.

BACKGROUND:

This annual statutory obligation was conducted as required on April 28th, 2011 and although these minutes cannot be adopted until the conduct of the next electors meeting, the issues resulting from this meeting should be addressed. Copy of the minutes is appended.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

None

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.13

MOVED Cr Dwyer (J)

SECONDED Cr Stubbs

The C.E.O. to address the issues emerging from the conduct of the annual meeting of electors as addressed in chambers on Thursday April 28th, 2011 and report back to the June Council meeting evidencing conclusion to these matters.

CARRIED 4/0

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the report of aged rate debtors and Sundry Debtors as at April 30th, 2011 as required by Council on a monthly basis, to evidence the extent of outstanding indebtedness and to display the evident controls being applied and the collections achieved in this critical aspect of the Shire's operations.

BACKGROUND:

This reporting mechanism is a standard requirement as called for by Council

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.14

MOVED Cr Stubbs

SECONDED Cr Dwyer (J)

To receive the report of aged Rate debtors and Sundry Debtors as at May 31st, 2011, as required by Council to be submitted on a monthly basis, to evidence the extent of outstanding indebtedness and to display the evident controls being applied and the collections achieved in this critical aspect of the Shire's operations, with a write-off of the following debtors being recommended as uncollectable for the following illustrated reasons.

CARRIED 4/0

9.15 PROPOSED DRAFT BUDGET FOR THE 2011/12 YEAR.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	N/A
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer
SIGNATURE OF SENIOR OFFICER:	

SUMMARY

To consider the proposed budget provision in the 2011/12 year, subject to modification as advised by Council.

BACKGROUND:

COMMENT:

At the time of writing this item, the draft budget had not been designed and with Carol having recently availing of a week's annual leave and now currently in hospital, for undetermined term, it is unlikely to be completed in time for the meeting.

CONSULTATION:

STATUTORY ENVIRONMENT

POLICY IMPLICATIONS:

FINANCIAL IMPLICATIONS:

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION / OFFICER RECOMMENDATION

ITEM 9.15

MOVED Cr

SECONDED Cr

To receive the draft budget for the 2011/12 year, as presented, subject to modification as advised by council

Defer to July Meeting.

Cr Stubbs declares an interest in this item.

9.16. RESERVE NO 4531 – LOT 178 ONSLOW STREET. MENZIES

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd t, 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the potential use of this “Shire Reserve” by private enterprise, as illustrated in the attached advices with the proposal as received to be utilized as a camp/accommodation facility on a lease arrangement with the potential of conversion to freehold in the future.

BACKGROUND:

Discussions have taken place within Council regarding this site with the object of consideration for use as an “Overflow” facility from the Shire Caravan Park and/or as a camp/accommodation block for a mining venture. Accordingly, this request from a private enterprise does not necessarily have to be mutually exclusive and could work co-operatively with the Shire’s intentions.

COMMENT:

Copy of the “Vesting / Management Order” is appended, reflecting a shire capacity to Lease.

CONSULTATION: Not Applicable.

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS: Not Applicable

FINANCIAL IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION

ITEM 9.16

MOVED Cr

SECONDED Cr

To approve of the potential use of this “Shire Reserve” by private enterprise, as illustrated in the attached advices with the proposal as received to be utilized as a camp/accommodation facility on a lease arrangement with the potential of conversion to freehold in the future, subject to:

1. Council being in receipt of a formal business proposal, setting out the intentions of the development, with plans, time-frames and future development proposals for the site.
2. Formal sub-lease approval arrangements being in place, to be approved by the Department of Regional Development and Lands.
3. Approval of the plans for the development by the Shire Building Surveyor.
4. Terms of the lease conditions being assessed and mutually agreed upon by Council and the applicant by December 2011
5. Further advices to issue to Council by August 2011.

Not addressed through lack of quorum.

9.17 SCHEDULE OF FEES AND CHARGES – Y/E JUNE 30TH 2011. Plant Hire.

SUBMISSION TO: Ordinary Meeting of Council
LOCATION: Shire of Menzies
APPLICANT:
FILE REF:
DISCLOSURE OF INTEREST: None
DATE: June 23rd, 2011.
AUTHOR: Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:
SENIOR OFFICER: Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:

SUMMARY:

To consider the imposition of a fee for the “Private Enterprise” use of the Shire Back-hoe and Vibrating Roller, with a Shire operator, as submitted by the Works Supervisor.

BACKGROUND:

These particular pieces of equipment do not feature in the Shire approved schedule of charges and therefore a fee cannot be applied. Furthermore, in order to adopt a fee or charge during the year (i.e) after the budget with the ancillary documents is adopted, an absolute majority decision is required, with the statutory fourteen days of advertising setting out the proposed fee and the date from which it is intended to apply this fee.

COMMENT:

Council is not obligated to permit the hire of these pieces of equipment and by not adopting a charge out fee effectively prevents the hire of this equipment to the private sector.

CONSULTATION:

STATUTORY ENVIRONMENT:

Local Government Act 1995 – Section 6.19(b)

POLICY IMPLICATIONS: Not Applicable.

FINANCIAL IMPLICATIONS:

Revenue for the private use of equipment is budgeted for.

VOTING REQUIREMENTS: Simple Majority required

COUNCIL DECISION

ITEM 9.17

MOVED Cr Stubbs

SECONDED Cr Dwyer (J)

To approve of the imposition of a fee for the “Private Enterprise” use of the Shire Backhoe and Vibrating Roller, with a Shire operator, as submitted by the Works Supervisor, subject to the Statutory advertising being addressed as required by Section 6.19(b) of the Local Government Act 1995, with fees proposed as follows:

1. Vibrating Roller \$120 per hour (with operator)
2. Backhoe/Loader \$130 per hour (with operator), with the date of application to be July 31st 2011

CARRIED 4/0

9.18 – SALE OF THE COMPOUND YARD AT THE GOONGARRIE COTTAGES.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the sale of the fence enclosure around the samples yard at Goongarrie, in terms of the request as received from Harvey Gurney and as attached.

BACKGROUND:

The applicant has sought council permission to purchase the yard; though it has a purpose and it was felt it could be relocated around one of the remaining cottages where damage has been inflicted in the past by vandals.

COMMENT:

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

Not Applicable.

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.18

MOVED Cr Dwyer (J)

SECONDED Cr Stubbs

To decline the sale of the fence enclosure around the samples yard at Goongarrie, in terms of the request as received from Harvey Gurney and as attached.

CARRIED 4/0

9.19 SUPPORT FOR THE G.V.R.O.C. GROUP OF COUNCILS.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	None
DATE:	June 23rd , 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider financial support for the G.V.R.O.C. councils of \$50,000 towards the requirement to design and adopt a Community Strategic Plan and Corporate Business Plan, as required.

BACKGROUND:

This requirement is very onerous and well beyond the resource capabilities of this office to provide and where the engagement of an outside consultant is the only solution available to this office.

COMMENT:

Copy of Advices as received from Don Burnett is attached to provide assistance in this matter.

CONSULTATION:

STATUTORY ENVIRONMENT:

POLICY IMPLICATIONS:

Not Applicable.

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.19

MOVED Cr Dwyer (J)

SECONDED Cr Stubbs

To approve budget support for the G.V.R.O.C. councils of \$50,000 in the 2011/12 year towards the requirement to design and adopt a Community Strategic Plan and Corporate Business Plan, as required and subject to the budget adoption meeting supporting same.

CARRIED 4/0

Moved: Cr Dwyer (J)

Seconded: Cr Tucker

That Council go behind closed doors.

CARRIED 4/0

CEO and DCEO vacate chambers at 3.42pm

Moved: Cr Dwyer (J)

Seconded Cr Tucker

To recruit a replacement CEO with accounting skills for the week of 11/07/2011 to 15/07/2011 for the CEO's Annual Leave.

CARRIED 4/0

Moved: Cr Dwyer

Seconded: Cr Stubbs

To engage W.A.L.G.A group to assist the CEO in the dispute involving the Works Supervisor with much urgency.

CARRIED 4/0

Moved: Cr Dwyer (J)

Seconded: Cr Tucker

That Mike Fitzgerald be appointed to assist Council with employee matters regarding the CEO

CARRIED 4/0

Moved Cr: Dwyer (J)

Seconded: Cr Stubbs

That Council come out from behind closed doors.

CARRIED 4/0

Cr. Stubbs vacates chamber at 4.10pm
Cr Stubbs returns to chambers at 4.12pm
CEO returns to chambers at 4.12pm

9.20 PERFORMANCE APPRAISAL REVIEW FOR THE C.E.O.

SUBMISSION TO:	Ordinary Meeting of Council
LOCATION:	Shire of Menzies
APPLICANT:	
FILE REF:	
DISCLOSURE OF INTEREST:	Whilst not having a voting interest in this matter, nevertheless the C.E.O. declares an interest in this item as being the subject of this review process.
DATE:	June 23rd , 2011.
AUTHOR:	Brian Seale, Chief Executive Officer
SIGNATURE OF AUTHOR:	
SENIOR OFFICER:	Brian Seale, Chief Executive Officer.
SIGNATURE OF SENIOR OFFICER:	

SUMMARY:

To consider the process for the conduct of the annual review of the performance of the incumbent C.E.O. (B.W.Seale), for the third triennium of the contract, and this review falling due on July 16th, 2011, and with the potential recruitment of a consultant for that purpose.

BACKGROUND:

It is a statutory requirement to conduct the review of the performance of the C.E.O. on an annual basis, where this falls due on July 16th, 2011, being the conclusion of the final triennium of the current contract of employment for the incumbent.

COMMENT:

It is further advised that the K.P.I.'s as endorsed by Council for the new contract of employment commencing on July 17th, 2011 for a further period of two years requires some attention as the date frames for the achievement of some of these indicators have already passed before the contract commenced and this needs attention.

CONSULTATION:

Possible contractors for consideration in this matter, but not limited to, are as follows:

1. WALGA – Work Place Solutions.
2. Anne Lake.
3. Mike Fitz Gerald.
4. Gary Martin.

STATUTORY ENVIRONMENT:

Clause 8 of the current employment contract applies and covers the requirements of the review process.

POLICY IMPLICATIONS:

Not Applicable.

FINANCIAL IMPLICATIONS:

None

VOTING REQUIREMENTS:

Simple Majority required

COUNCIL DECISION

ITEM 9.20

MOVED Cr

SECONDED Cr

To approve of the process for the conduct of the annual review of the performance of the incumbent C.E.O. (B.W.Seale), for the third triennium of the contract, with this review falling due on or after July 16th, 2011, and with the recruitment of a consultant for that purpose in Gary Martin being selected for that function.

Defer to July Meeting

10 STATUS REPORTS

10.1 Shire of Menzies Status Report

Presented, in case there are any Council resolutions to be addressed from this report.

11 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Elected Members motions with previous notice.

11.2 Confidential Business to be held behind closed doors.

11.3 REPORTS OF COUNCILLORS AND STAFF

Cr Stubbs:

- 1) Kookynie Rd needs maintenance.
- 2) Report requested of Cyclclassic Event.

Cr Tucker:

- 1) Bollards requested at Kensington St speed hump.

Cr Dwyer. (J.)

- 1) Clearing road verges is required.

Cr Dwyer G:

- 1) Cyclclassic event was a success, although wet.

Mr Seale: B.

No comments.

12 INFORMATION BULLETIN

12.1 Information Bulletin as presented for discussion and resolutions (if required).

NEXT MEETING / MEETING CLOSURE

The next Meeting will be held on Thursday, July 28th , 2011 at the Shire of Menzies Council Chambers, commencing at 9.00am.

There being no further business to discuss, the President declared the meeting closed at: 5.14pm.

These Minutes were confirmed as a True and Accurate record of proceedings at the Ordinary meeting of Council, held on Thursday July 28th , 2011.

**Confirmed by the Shire of Menzies President,
Cr. Gregory Dwyer**

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