



MINUTES FOR THE  
ORDINARY COUNCIL MEETING  
HELD ON  
WEDNESDAY  
**16<sup>TH</sup> MARCH 2011**



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**SHIRE OF MINGENEW**  
**MINUTES OF THE ORDINARY MEETING HELD IN THE COUNCIL CHAMBERS,**  
**MINGENEW, ON WEDNESDAY THE 16<sup>TH</sup> MARCH 2011**

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**1.0 DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS**

The Presiding Member, Cr Michelle Bagley, declared the meeting open at 2:05pm.

**2.0 ATTENDANCE**

**2.1 PRESENT**

MA Bagley	President	Rural Ward
BP Horwood	Councillor	Rural Ward
JL Holmes	Councillor	Town Ward
PJ Ward	Councillor	Rural Ward
MP Pearce	Councillor	Town Ward
PJ Gledhill	Councillor	Town Ward

**STAFF**

IB Fitzgerald	Chief Executive Officer	
E Greaves	Community Development Officer	
KA McGree	Senior Finance Officer	3:54 – 4:09pm
TB Brandy	Environmental Health Officer	2:16 – 2:28pm
WL Borrett	Works Manager	

**2.2 APOLOGIES**

ET Hathaway	Deputy President	Town Ward
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**2.3 LEAVE OF ABSENCE**

Nil

**3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil

**4.0 PUBLIC QUESTION TIME / PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS**

**Questions submitted by Mrs J Thomas to be considered for the Annual General Meeting of Electors**

Mingenew – Morawa Road and it's use by Sinosteel Midwest and Karara

Q1) Has Council representing its ratepayers requested that Main Roads WA further upgrade the Mingenew-Morawa Road to the standard of the Midlands Road and Allanooka Springs Road to accommodate these increased movements?

Q2) Has Council representing its ratepayers requested that Main Roads WA have an ongoing maintenance programme to maintain the 'shoulders' of the Mingenew – Morawa Road?

Q3) If Council has not requested either of the above then would it please do so in the interest of safety for all users of this road?

Staff numbers employed by the Mingenew Shire

Q1) What changes have been made to the office and outside staffing levels since the sharing arrangements with Three Springs no longer occur?

Q2) What changes will be made when amalgamation goes ahead?

Chief Executive Officer provided a draft response and a table of current staffing arrangements comparable to prior to Resource Sharing Agreement dissolving.

**Environmental Health Officer – Trevor Brandy entered the meeting at 2:16pm to provide his report.**

- Plans for the Swedish Space Station have changed but plans not yet received.
- Two applications for food stalls had been received this month.
- Greywater Reuse System Policy discussed

Council felt strongly about recommending the installation of a Greywater Reuse System due to its efficiency and capacity. Mr Brandy to develop a policy for Council's consideration at the next meeting.

110301

**COUNCIL RESOLUTION**

**MOVED: Cr PJ Gledhill**

**SECONDED: Cr PJ Ward**

**That it become a policy of Council that all new buildings to install a Greywater Reuse Septic System.**

**CARRIED**  
**Voting 6/0**

- Finished Floor Levels – Cr PJ Gledhill indicated this was not feasible for all of Mingenew and each case would have to be considered individually. Mr Brandy to reword for Council's consideration at the next meeting.

- Boyland's Lease – Mr Brandy to clarify lease agreement and investigate conditions in relation to storage of explosives for Councils review at next meeting.
- Abandoned houses and untidy property to be inspected and reported on for further action at Council's direction.

**Trevor Brandy exited the meeting at 2:28pm**

**5.0 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

**6.0 DECLARATIONS OF INTEREST**

Chief Executive Officer – Ian Fitzgerald declared an interest in Item 9.3.4 relating to the CEO Contract of Employment.

**7.0 CONFIRMATION OF PREVIOUS MEETING MINUTES**

110302

**MOVED: Cr PJ Ward**

**SECONDED: Cr PJ Gledhill**

**That the Minutes of the Ordinary Meeting of Council held on Wednesday, 16<sup>th</sup> February 2011, be confirmed as a true and accurate record of proceedings.**

**CARRIED**  
**Voting 6/0**

**8.0 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION**

Nil

**9.0 OFFICERS REPORTS**

## CHIEF EXECUTIVE OFFICER

### 9.3.1 ANNUAL COMPLIANCE AUDIT RETURN 2010

<b>Agenda Reference:</b>	CEO 03/11 - 01
<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Department of Local Government
<b>File Reference:</b>	N/A
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	2 <sup>nd</sup> March 2011
<b>Author:</b>	Ian Fitzgerald

#### SUMMARY

Council to adopt the Annual Compliance Audit Return for the 2010 year as presented. Each Councillor has been provided with a copy of the return (attached) with the Agenda to enable the opportunity to review the return and make comment.

#### ATTACHMENT

A copy of the 2010 Compliance Audit Return is attached to this item.

#### BACKGROUND

The Annual Compliance Audit Return was introduced into Local Government in 1995 which is now a requirement of all Local Governments.

#### COMMENT

Each Councillor has been provided with a copy of the return for perusal prior to this meeting. It is required that the printed copy of the 2010 report is to be;

- 1) Presented to Council at a meeting of the Council;
- 2) Adopted by the Council;
- 3) An extract of the minutes of the meeting at which the CAR is adopted by Council is to be provided to the Department along with the report.

The one item in the Compliance Audit Return that is to be brought to Council's notice is the non review of the Local Laws. This will be completed as part of the amalgamation project if successful or by Shire staff if amalgamation does not proceed.

#### CONSULTATION

Environmental Health Officer

Senior Finance Officer

Community Development Officer

#### STATUTORY ENVIRONMENT

Local Government Act 1995

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**110303 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – Item 9.3.1**

**MOVED: Cr BP Horwood**

**SECONDED: Cr PJ Ward**

**That Council adopt the Compliance Audit Return as presented as the official return of Council for the period 1<sup>st</sup> January 2009 to 31<sup>st</sup> December 2010.**

**CARRIED**

**Voting 6/0**

**9.3.2 2010/11 ANNUAL BUDGET REVIEW**

**Agenda Reference:** CEO 03/11 - 01  
**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** N/A  
**Disclosure of Interest:** Nil  
**Date:** 28<sup>th</sup> February 2011  
**Author:** Ian Fitzgerald

**SUMMARY**

Council has a requirement to conduct a budget review between 1<sup>st</sup> January and 31<sup>st</sup> March of each financial year as per Regulation 33A of the Local Government (Financial Management) Regulations 1996.

The Chief Executive Officer, together with the Senior Finance Officer, has conducted a review and this report is now presented for Council's consideration.

**ATTACHMENT**

The report refers to the Financial Activity for the period 1<sup>st</sup> July 2010 to 31<sup>st</sup> January 2011 provided in schedule as an attachment to this item.

**BACKGROUND**

The legislation was introduced to ensure every local government conducts at least one budget review in the first 9 months of the financial year.

**COMMENT**

The budget review was carried out on the period 1<sup>st</sup> July 2010 to 31<sup>st</sup> January 2011.

The following items, including the end of January 2011, are brought to Council's notice;

**Rates:**

All items only showing minor variance to budget

**Other General Purpose Funding:**

Property enquiry income is down but only a minor income area.

Income from investments is above budget at this time due to strong cash flow control and administering of structural reform grant funds.

**Members of Council:**

Travel expenses are up due to extra Resource Sharing and MWRC meetings. Members Allowances are also up due to greater attendance at committee meetings, structural reform meetings and road meetings. Conference expenses are up due to additional costs at Local Government Week and National Roads Congress.



All other items are showing only minor variation to budget.

**Other Governance:**

All items only showing minor variance to budget to-date.

Expenditure and Income from the Resource Sharing Agreement will be down for the year but will not adversely impact the budget.

**Fire Prevention:**

All items showing only minor budget variance. The Community Services Manager position will commence later than expected generating some savings this financial year.

**Animal Control:**

Ranger Services are up marginally due to extra call-outs to address issues.

**Other Law, Order, Public Safety:**

Waiting on quotes from Western Power to allow grant funds to be expended.

**Maternal & Infant Health:**

Slightly up on budget to-date due to fence repairs. May go slightly over budget for the year.

Playground project has not commenced as yet.

**Other Health:**

There will be some savings in the Group Regional Scheme with the reduction in days purchased as from 1<sup>st</sup> January 2011 – estimated savings \$7,500.

Received \$2,500 unbudgeted contribution from Shire of Three Springs towards previous EHO.

**Preventative Services:**

No items to note

**Other Education:**

No items to note.

**Aged & Disabled:**

Autumn Centre Project is on track to provide minor savings. Received unbudgeted refund of \$5,800 from Western Power.

**Other Welfare:**

No items to note.

**Staff Housing:**

Invoices for repairs to Lot 5 Field Street were incorrectly processed for this financial year rather than 2009/10 which may require one or two planned projects to be deferred to prevent a budget overrun.

The Forward Capital Works Plan has yet to be approved by the Department of Regional Development as no Royalties for Regions funds have been released and therefore the new housing project has not commenced.

**Other Housing:**

No items to note.

**Sanitisation / Household Refuse:**

No items to note at this time. There may be some savings in the rubbish site maintenance area depending on availability of the crew to carry out more rehabilitation work.

**Sewerage:**

No items to note.

**Town Planning & Regional Development:**

No items to note.

**Other Community Amenities:**

No items to note.

**Public Halls & Civic Centres:**

No items to note.

**Other Recreation & Sport:**

No items to note.

**Libraries:**

No items to note.

**Other Culture:**

No items to note.

**Road Construction:**

No items to note. Work is almost complete on the Regional Road Group projects and then the Roads to Recovery project (Mingenew South Road) will commence. On track to complete all projects within budget.

**Road Maintenance:**

The budget for town street maintenance has been fully expended but other areas of the road maintenance area are currently under budget and should offset the overspend on town streets.

**Road Plant Purchases:**

Some minor savings have been achieved on plant purchases made to-date. Reserve transfers have not occurred as yet, allowing interest to accumulate. Sale proceeds will be brought to account at the end of the financial year.

**Traffic Control:**

Vehicle licensing transactions are down resulting in lower commissions being received – projected budget shortfall on current trend is \$4,500.

No other items to note.

**Aerodromes:**

No items to note.

**Rural Services:**

Minor savings to-date on MWRC contributions

**Tourism & Area Promotion:**

Cost of installing the caravan “dump point” went over budget by \$4,500 which, in part, has been offset by savings in the Tourist & Promotions Committee area.

Council received \$20,000 Dry Seasons Grant which was unbudgeted with no expenditure made to-date.

**Building Control:**

There will be savings in the Group Scheme Expenses area due to reduction in EHO time as from 1<sup>st</sup> January 2011. Projected savings for the year of \$10,000.

**Post Office Agency:**

No items to note.

**Other Economic Services:**

Water usage by staff through the standpipe up marginally due to dry season in 2010.

No other items to note.

**Private Works:**

Nett income from Private Works up on budget due to extra Main Roads WA contract work – projected increase in net income on budget of \$20,000 at this time.

**Public Works Overheads:**

Works Manager supervision is up on budget due to salary adjustments made whilst performing dual role with Three Springs for 3 months but more than offset by income received of \$20,800 which was unbudgeted income.

**Plant operation Costs:**

On current trends there will be savings on the purchase of fuels and oils and repair wages. An insurance adjustment on motor vehicles from 2009/10 has put this area slightly over budget. Overall this area of budget is performing well.

**Salaries & Wages:**

Minor savings at this point.

**Unallocated:**

Finalisation of the light industrial area sub-division is on track to be completed within budget.

Council will need to determine sale price of new lots which may impact on budgeted income.

**General Observations:**

The budget is currently on track to see a small surplus at the end of the financial year with some areas having minor over expenditure and these being offset by savings in other areas or additional income from private works.

Some projects, reliant on Royalties for Regions funding, may not proceed this year due to the delay in receiving the funds.

The ending of the Resource Sharing Agreement does not appear to have adversely affected the budget.

The expenditure on the reform / amalgamation project will need to be closely monitored to ensure this does not exceed budget or that additional funds are secured from the government to meet any cost overruns.

**CONSULTATION**

Senior Finance Officer

**STATUTORY ENVIRONMENT**

Local Government Act 1995

Local Government (Financial management) Regulations 1996

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

The current trend would indicate a tight end to the financial year, with the chance of a small surplus being achieved.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**110304 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – Item 9.3.2**

**MOVED: Cr PJ Gledhill**

**SECONDED: Cr BP Horwood**

**That Council notes that the budget review for 2010/11 has been conducted and receives the comments on the various areas of operation.**

**CARRIED**

**Voting 6/0**

**Note: Council to discuss conference and travel allocations during budget preparation for 2011/12.**

### 9.3.3 FORWARD CAPITAL WORKS PLAN

<b>Agenda Reference:</b>	CEO 03/11 - 01
<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>File Reference:</b>	N/A
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	28 <sup>th</sup> February 2011
<b>Author:</b>	Ian Fitzgerald

#### SUMMARY

As a part of the Royalties for Regions program Councils are required to prepare and lodge a Forward Capital Works Plan before any funding will be released. Council received funding to assist with the project and Morrison Low was engaged to prepare plans for the Shires of Mingenew, Morawa, Perenjori and Three Springs.

The plan was required to be submitted to the Department of Regional Development and Land by 31<sup>st</sup> December 2010. It was not received at this office until the 23<sup>rd</sup> December so could not be presented to Council prior to lodging and was presented at the February 2011 meeting. At that meeting Council resolved to seek more information and clarification before adopting the Plan. The updated Plan is now provided for Council's adoption.

#### ATTACHMENT

A copy of the revised Forward Capital Works Plan has been forwarded separately to all Councillors.

#### BACKGROUND

In the first year eligible Councils simply had to lodge a list of projects they wished to be funded by their allocated Royalties for Regions grant. For the second year of funding, the current year, the guidelines were changed to require the preparation of a Forward Capital Works Plan for approval prior to funds being released.

#### COMMENT

Council is administering funds on behalf of the Shires of Mingenew, Morawa, Perenjori and Three Springs that were received to assist in the preparation of the Forward Capital Works Plans. Morrison Low was selected to carry out this task on behalf of the 4 councils because of the other work completed for the amalgamation project and their knowledge of the shires.

The Mingenew plan has been developed with the projects previously approved by Council for funding in 2010/11 though the Royalties for Regions scheme clearly identified. Council will have the option of re-assessing projects and priorities for out years.

The revised Plan presented addresses the matters raised by the Department of regional Development and clearly outlines the projects and funding previously approved by Council.

The Plan also nominates the \$330,000 requested from the regional component of the Royalties for Regions fund for the upgrading of the Depot Hill Crossing. As the host Council for this project there is a requirement for it to be listed in our Forward Capital Works Plan.

The plan for the out years can be updated by Council as it deems appropriate, especially considering the allocations of the Royalties for Regions are not yet known for the out years.

### **CONSULTATION**

Council

Morrison Low

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

The projects identified in the Forward Capital Works Plan, and in particular for year 1, are those previously endorsed by Council and are included in the 2010/11 budget. Should the funding not be forthcoming the projects will not proceed unless Council otherwise directs. The allocation for 2010/11 as advised by the Department of Regional Development and Lands is \$322,874.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

#### **110305 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – Item 9.3.3**

**MOVED: Cr PJ Ward**

**SECONDED: Cr MP Pearce**

**That Council adopt the revised Forward Capital Works Plan as amended.**

**CARRIED**  
**Voting 6/0**

**9.3.4 CONTRACT OF EMPLOYMENT – CHIEF EXECUTIVE OFFICER**

<b>Agenda Reference:</b>	CEO 03/11 - 04
<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire President & Deputy President
<b>File Reference:</b>	N/A
<b>Disclosure of Interest:</b>	Chief Executive Officer is party to the contract
<b>Date:</b>	2 <sup>nd</sup> March 2011
<b>Author:</b>	Ian Fitzgerald

**SUMMARY**

Council is requested to formally approve the Contract of Employment with Chief Executive Officer, Ian Fitzgerald as discussed prior to the February 2011 Council meeting. The final terms and conditions were negotiated by the Shire President and Deputy President.

**ATTACHMENT**

Contract of Employment - "Confidential".

**BACKGROUND**

The new contract has been negotiated following the termination of the Resource Sharing Agreement with the Shire of Three Springs that saw the sharing of a Chief Executive Officer

**COMMENT**

The Chief Executive Officer had a Contract of Employment with a termination date of 30<sup>th</sup> June 2013 and included remuneration acknowledging the dual role of Chief Executive Officer at both Mingenew and Three Springs.

The terms and conditions of the new contract were discussed by Councillors prior to the February 2011 Council meeting with the final negotiations completed by the Shire President and Deputy President.

The full employment details are provided in the Contract of Employment forwarded separately with this agenda.

**CONSULTATION**

Council  
Shire President & Deputy President  
Chief Executive Officer

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**5.36. Local Government Employees**

(1) *A local government is to employ –*



- (a) *a person to be the CEO of the local government*
- (2) *A person is not to be employed in the position of CEO unless the Council –*
  - (a) *believes that the person is suitably qualified for the position; and*
  - (b) *is satisfied\* with the provisions of the proposed employment contract.*

*\*Absolute majority required*

### **5.39. Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) –*
  - (a) *An employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
  - (b) *A person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section –*
  - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
  - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless –*
  - (a) *the expiry date is specified in the contract;*
  - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
  - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied*

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Remuneration package is included in the 2010/11 Budget.

### **STRATEGIC IMPLICATIONS**

Nil

## VOTING REQUIREMENTS

Absolute Majority

NOTE: THESE SHOULD BE MOVED AND SECONDED AS 3 SEPARATE MOTIONS.

### OFFICER RECOMMENDATIONS – ITEM 9.3.4

- (1) That the doors be closed to discuss a matter relating to a staff member in accordance with the Local Government Act 1995 section 5.23.
- (2) That Council approves the Contract of Employment between the Shire of Mingenew and Ian Fitzgerald as presented and authorises the affixing of the Common Seal to the Contract
- (3) That the doors be opened at the conclusion of discussions.

### 110306 COUNCIL RESOLUTION – Item 9.3.4

MOVED: Cr BP Horwood  
SECONDED: Cr MP Pearce

That the doors be closed to discuss a matter relating to a staff member in accordance with the Local Government Act 1995 section 5.23.

CARRIED  
Voting 6/0

Chief Executive Officer and Community Development Officer exited the meeting at 2:50pm

### 110307 COUNCIL RESOLUTION – Item 9.3.4

MOVED: Cr BP Horwood  
SECONDED: Cr PJ Ward

That Council approves the Contract of Employment between the Shire of Mingenew and Ian Fitzgerald as amended and authorises the affixing of the Common Seal to the Contract

CARRIED  
Voting 6/0

**110308 COUNCIL RESOLUTION – Item 9.3.4**

**MOVED: Cr BP Horwood**

**SECONDED: Cr MP Pearce**

**That the doors be opened at the conclusion of discussions.**

**CARRIED**

**Voting 6/0**

**Chief Executive Officer and Community Development Officer re-entered the meeting at 3:05pm.**

**NOTE: CEO Review Committee to be added to Council Committee listing.**

**Meeting adjourned for afternoon tea at 3:08pm**

**Meeting reconvened at 3:34pm**

**9.3.5 WAIVER OF HIRE FEES – MINGENEW LIONS CLUB**

**Agenda Reference:** CEO 03/11 - 01  
**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** ADM0013  
**Disclosure of Interest:** Nil  
**Date:** 4<sup>th</sup> March 2011  
**Author:** Ian Fitzgerald

**SUMMARY**

The Mingenew Lions Club is requesting the Hall hire charges be waived for fundraising events they plan to hold.

**ATTACHMENT**

Letter from Lions Club requesting hire fee waiver or reduction.

**BACKGROUND**

Nil

**COMMENT**

The Mingenew Lions Club is working hard to attract new members and to run a series of activities that will support the youth of our community as well as raising funds for local projects.

They are planning to use the Hall for some of these events and have requested that Council reduce or waive the current hire fee. Depending on the nature of the event the hire fee would range between \$22 and \$133. One event they have suggested holding is a kids disco and a request has been received for this event to attract no hire charge due to the low balance of funds currently held.

**CONSULTATION**

Mingenew Lions Club

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Council has adopted a Schedule of Fees & Charges for 201/11

**FINANCIAL IMPLICATIONS**

The Main Hall has limited use so it would be good to see activities take place there.

Only a small income is budgeted for the Hall. Any additional usage would generate some cleaning and power costs to Council which should be offset by a hire fee.

### **STRATEGIC IMPLICATIONS**

The use of the Main Hall on a regular basis would support Council's hope for the facility to be more regularly utilised than it currently is.

### **VOTING REQUIREMENTS**

Absolute Majority

#### **OFFICER RECOMMENDATION – ITEM 9.3.5**

**That the hire fee for the use of the Hall by the Mingenew Lions Club be waived for the kids disco scheduled for the 18<sup>th</sup> March 2011 and reduce the fee for future activities to \$22.**

#### **110309 COUNCIL RESOLUTION – Item 9.3.5**

**MOVED: Cr MP Pearce**

**SECONDED: Cr PJ Gledhill**

**That the hire fee for the use of the Hall by the Mingenew Lions Club be waived**

**CARRIED**  
**Voting 6/0**

#### **Reasons for variation to recommendation:**

- a) Number of times the facility is intended to be used is minimal**
- b) Council would like to encourage use of the Hall**
- c) Council would like to support the Mingenew Lions Club**

**9.3.6 BUILDING COMMITTEE**

**Agenda Reference:** CEO 03/11 - 01  
**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:** N/A  
**Disclosure of Interest:** Nil  
**Date:** 4<sup>th</sup> March 2011  
**Author:** Ian Fitzgerald

**SUMMARY**

Council discussed the formation of a Building Committee at the February meeting and requested the matter be listed for consideration at the March meeting.

**ATTACHMENT**

Nil

**BACKGROUND**

Nil

**COMMENT**

Section 5.8 of the Local Government Act 1995 provides for the establishment of a committee with an Absolute Majority required.

During discussions at the February meeting the purpose of establishing a Building Committee was to discuss the design of buildings and the detail of any refurbishment.

At present all major building works are presented to full Council for their consideration. If works are to be undertaken on a public building the main users of the building are invited to have input into the project – the refurbishment of the Tennis Clubhouse involved members of that Club and HACC staff were consulted in the refurbishment and layout of the Autumn Centre.

Where work is being undertaken to replace the existing facilities less consultation occurs as no changes are being made.

Council has a limited number of buildings and an annual building program is presented at budget time for Council's consideration.

Due to the limited amount of building work undertaken each year the formation of a dedicated Building Committee is not considered necessary. The discussions of any major building project at Council, with expertise Councillors provide, and consultation with the major facility users, as is the current practise, is working and it is recommended this be continued. This would see Council making the decision as policy and staff managing the day to day operations.

**CONSULTATION**

Council

**STATUTORY ENVIRONMENT**

Local Government Act 1995

**POLICY IMPLICATIONS**

Council currently does not use Committees with all matters referred to full Council.

**FINANCIAL IMPLICATIONS**

If a committee is formed, Councillors attending meetings as members would be entitled to a sitting fee and travel.

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER RECOMMENDATION – ITEM 9.3.6**

**That Council continue the current practice of having all major buildings matters referred to full Council for consideration.**

**110310 COUNCIL RESOLUTION – Item 9.3.6**

**MOVED: Cr BP Horwood**

**SECONDED: Cr PJ Ward**

**That Council adopt the practice of having all major buildings matters referred to full Council for consideration.**

**CARRIED**

**Voting 6/0**

**Ms KA McGree – Senior Finance Officer joined the meeting to present the financial reports at 3:54pm.**

## 9.6 FINANCE

### 9.6.1 FINANCIAL STATEMENTS FOR MONTH ENDING 28 FEBRUARY, 2011

<b>Agenda Reference:</b>	SFO 03/11 - 01
<b>Location/Address:</b>	Shire of Mingenew
<b>Name of Applicant:</b>	Shire of Mingenew
<b>File Reference:</b>	N/A
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	9 March, 2011
<b>Author:</b>	Kylie McGree, Senior Finance Officer

#### SUMMARY

The Monthly Statement of Financial Activity report for the month ending 28 February, 2011 is presented to Council for adoption.

#### ATTACHMENT

Finance Report ending 28 February, 2011

#### BACKGROUND

Financial Regulations require a monthly statement of financial activity report to be presented to Council.

#### COMMENT

Council's current operating surplus as at the 28 February, 2011 is \$747,267.00

<b>SUMMARY OF FUNDS – SHIRE OF MINGENEW</b>	
Municipal Account	\$110,395.56
Business Cash Maximiser (Municipal Funds)	\$579,049.43
Trust Account	\$60,138.10
Reserve Maximiser Account	\$555,159.05

Debtor's accounts continue to be monitored with all efforts being made to ensure that monies are recovered. \$43,987.57 remains outstanding as at 28 February, 2011 with approximately \$23,000.00 outstanding for 30 days or more. Aimee Bendsdorp is following up on these outstanding debtors and will advise accordingly.

The total outstanding rates debt is \$73,731.09 as at 28 February, 2011.



It should be noted that Rates Outstanding as at end of February, 2010 was \$52,866.67. The final instalment is due on 29 April, 2011.

The Statement of Financial Activities Report contains explanations of Councils variances for the 2010 / 2011 financial year.

### **CONSULTATION**

No consultation required

### **STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.4

Local Government (Financial Management) Regulations 1996 Section 34

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

Financial implications are outlined in comments.

### **STRATEGIC IMPLICATIONS**

Nil

### **VOTING REQUIREMENTS**

Simple Majority

**110311 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – Item 9.6.1**

**MOVED: Cr PJ Ward**

**SECONDED: Cr PJ Gledhill**

**That Council adopts the Monthly Statement of Financial Activity for the month ending the 28 February, 2011**

**CARRIED**  
**Voting 6/0**

**Note: Letter to be written to Community Resource Centre requesting that contributions be made annually towards the outstanding account for stock on-hand at time of post office hand-over.**

**9.6.2 ACCOUNTS FOR PAYMENT – FEBRUARY 2011**

**Agenda Reference:** AO 03/11 - 01  
**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Shire of Mingenew  
**File Reference:**  
**Disclosure of Interest:** Nil  
**Date:** 10<sup>th</sup> March 2011  
**Author:** Julie Borrett

**SUMMARY**

Council to confirm the payment of creditors for the month of February in accordance with the Local Government (Financial Management) Regulations 1996 section 13(1).

**ATTACHMENT**

Copy of list of accounts due (EFT & cheque payments), which will enable Council to confirm the payment of its creditors in accordance with Local Government (Financial Management) Regulations 1996, Section 13 (1).

**BACKGROUND**

Financial Regulations require a schedule of payments made through the Council bank accounts to be presented to Council for their inspection. The list includes details for each account paid incorporating the payee's name, amount of payment, date of payment and sufficient information to identify the transaction.

**COMMENT**

Invoices supporting all payments are available for inspection. All invoices and vouchers presented to Council have been certified as to the receipt of goods and the rendition of services and as to prices, computations and costings, and that the amounts shown were due for payment.

**CONSULTATION**

Nil

**STATUTORY ENVIRONMENT**

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996, Sections 12, 13 and 14

**POLICY IMPLICATIONS**

Payments have been made under delegation

**FINANCIAL IMPLICATIONS**

Funds available to meet expenditure

**STRATEGIC IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**110312 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – Item 9.6.2**

**MOVED: Cr PJ Ward**

**SECONDED: Cr JL Holmes**

**That Council confirm the accounts as presented for February 2011 from the Municipal Fund totalling \$214,526.41 represented by Electronic Funds Transfers of EFT4855 to EFT4913 and Cheque No's 7330 – 7337.**

**CARRIED**  
**Voting 6/0**

**NOTE: Council requested more detailed payment listing.**

**Ms KA McGree exited the meeting at 4:09pm.**

**10.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**11.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

Nil

**12.0 CONFIDENTIAL ITEMS**

**12.1 SALE OF LOT 6 ERNEST STREET – LIGHT INDUSTRIAL BLOCK**

**Agenda Reference:** CEO 03/11 - 01  
**Location/Address:** Shire of Mingenew  
**Name of Applicant:** Mr J Western  
**File Reference:** N/A  
**Disclosure of Interest:** Nil  
**Date:** 4<sup>th</sup> March 2011  
**Author:** Ian Fitzgerald

**SUMMARY**

Council discussed this matter at the December 2010 meeting but resolved to lay the matter on the table to allow valuation information to be obtained.

**ATTACHMENT**

Plan of the area including Lot 6 Ernest Street.

**BACKGROUND**

Councillor P Ward requested the sale of Lot 6 Ernest Street be brought to Council and the matter was discussed at the December 2010 meeting.

**COMMENT**

The final stage of getting the titles for the lots in the sub-division has commenced with formal application lodged on Council's behalf on the 3<sup>rd</sup> March 2011. It is anticipated titles should be issued in 3 – 4 weeks time.

Agreements for the sale of some lots have already been entered into. These previous agreements have set the value of the land very low. The detail on the files is limited but there is reference to sales at 50 cents and \$1.50 per square metre when the "sales" in 2003 were discussed. It is not known if this was to help attract or retain businesses or because the lots were not serviced or possibly a combination of the two.

The business Cr Ward has spoken of wishes to purchase Lot 6 on the same basis – at a highly subsidised price as far as can be determined by staff. Council has a requirement under the Local Government Act 1995 to seek an independent valuation of the land before it sells it by private treaty and then advertise the intended sale outlining the valuation, intended selling price, and naming the purchaser. The notice of intended sale is required to invite submissions and Council then is required to consider any submissions.

If Council agrees to sell this Lot 6 at a subsidised price it runs the risk of receiving submissions and having to respond as to why it proposes to proceed with the sale. The relevant sections of the local Government Act are quoted below:

**3.58 *Disposing of property***

(1) *In this section-*

**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;

**property** includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to-
- (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –
- (a) it gives local public notice of the proposed disposition –
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the first notice is first given;

And

- (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of the proposed disposition that are required by subsection (3)(a)(ii) include –
- (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - (c) the market value of the disposition –
    - (i) as ascertained by a valuation carried out more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.

An independent valuation was obtained from Russel Coupe & Associates whom has placed a valuation of \$3.50 per square metre or \$95,000 for Lot 6 Ernest Street. This is considerably more than Mr Western has indicated he is willing to pay. As there have been no

other comparable sales in Mingenew it is not possible to ascertain if a price in the order of \$95,000 is achievable.

### **CONSULTATION**

Cr Peter Ward

Russell Coupe & Associates

### **STATUTORY ENVIRONMENT**

Local Government Act 1995

### **POLICY IMPLICATIONS**

Nil

### **FINANCIAL IMPLICATIONS**

It should be pointed out that whilst Council did secure a grant to help meet the cost of installing the water and power there has been considerable cost incurred by Council including plant and machinery time and administration staff time in getting to the stage where the lots may be offered for sale. The 2010/11 budget allows for \$80,000 income to be received this year from the sale of land. Some of this (\$16,550) is held in Trust and some will come from other funds that will become due on formal sale of the land proceeding. It has been budgeted to receive funds from the sale of the other lots at fair market value. If the land is sold at a heavily discounted price it will have a negative impact on the budget.

### **STRATEGIC IMPLICATIONS**

The sale of Lot 6 Ernest Street to Mr Western would potentially see a business remain in town with his proposal to move from his existing location to Lot 6.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER RECOMMENDATION – ITEM 12.1**

**That Council determine if they wish to proceed with the sale of Lot 6 Ernest Street and, if so, give direction to staff as to an acceptable sale price.**

**110313 OFFICER RECOMMENDATION & COUNCIL RESOLUTION – Item 12.1**

**MOVED: Cr MP Pearce**

**SECONDED: Cr PJ Gledhill**

**That Lot 6 Ernest Street Mingenew to be offered for sale to Mr J Western for \$35,000.**

**CARRIED**

**Voting 5/1**

**Council felt \$35,000 was a realistic price for the land which would encourage business in Mingenew.**



### **13.0 COUNCILLOR REPORTS**

CEO discussed his report provided as part of the Information Bulletin.

In addition the CEO advised that Nareida Costick has handed in her resignation with 4 week's notice.

Truck driver job interviews are being held tomorrow – 17<sup>th</sup> March 2011.

#### **Works Manager – Warren Borrett joined the meeting at 4:11pm.**

Mr Borrett discussed his report provided as part of the Information Bulletin.

Cr MA Bagley requested that Mr Borrett investigate potholes in drive behind Coalwagon Park and rectify before tourist season begins.

#### **Mr Borrett exited the meeting at 4:16pm**

Mr Fitzgerald continued with his report.

Informed Council that the Historical Society would like the Shire to provide administration assistance and are required to become unincorporated. Staff to assist. The Expo Committee has been approached to volunteer some time to help them with cataloguing.

Shire President Bagley requested a report from the Community Development Officer regarding the Autumn Centre Opening.

The CDO reported that the opening is scheduled for the 30<sup>th</sup> March 2011 starting at 10am. All Councillors welcome. A plaque and honour board is to be purchased for the Senior of the Year Award along with a gift to the value of \$50 for the recipient. The parents of the 6/7 class have offered to cater for the morning tea and provide service at \$10 per head to raise funds for the 6/7 camp. Mr Ivan Wilton has happily agreed to officially open the Centre and cut the ribbon. Erin has made a request for the HACC bus to be available on the day and is awaiting a response from Coordinator Sherry Martin.

Road Inspection – Council to carry out inspection on the 7<sup>th</sup> April. Meeting at the Shire office at 9am and return for lunch. Road submissions to be provided to CEO by the 1<sup>st</sup> April 2011.

Dry Seasons Grant – the CEO informed Council that there have been 3 submissions received to-date including P&C, Polocrosse Club and the CRC (for the Rodeo).

Mingenew Newsletter – several complaints have been received by Councillors, request for Council delegate to voice issues at next CRC meeting (29/03/11). Council sponsorship is missing from cover page of newsletter.

#### **Cr MA Bagley**

Meetings attended or to be attended;

24/02/11      Regional Road Group Meeting in Geraldton

28/02/11      Structural Reform Working Group Meeting

- Met with Electoral Commission representative and discussed polls and amalgamation process

08/03/11 MWRC at Morawa

- Met with Grant Woodhams and spoke about water issues in area. Mr Woodhams indicated that there will be no policy changes in retrospect but need to work on changes for future.

25/03/11 Freeman of the Shire Dinner in Perenjori – for Ian west and Brian Baxter

28/03/11 Northern Country Zone Meeting in Mingenew – Cr MA Bagley not able to attend, Cr BP Horwood to represent.

30/03/11 Autumn Centre Opening

04/04/11 ISA Governance Meeting at Main Roads in Geraldton.

### **Cr JL Holmes**

28/02/11 Structural Reform Working Group Meeting

- Electoral Commission attended to provide information on procedures for voting and poll.
- There were 5 petitions for a poll on amalgamation submitted by the closing date however only 1 was valid. The poll will be conducted by postal vote and votes are due in by the 16<sup>th</sup> April. 51% of Perenjori's 353 registered electors are required to vote and 50% plus 1 vote must vote against amalgamation for the poll to be successful (meaning amalgamation will not go ahead).
- Committee discussed disappointment with late communication from LINC
- Expenditure for the year is looking like going over budget and the Department of Local Government have been advised that additional funds may be requested.

CEO responded as himself and other Shire representatives attended a teleconference with LINC on 2<sup>nd</sup> March 2011

- Has been lack of communication between Project Officer and LINC
- Invitation to last meeting was forgotten to be passed on by Project Officer.
- Department of Local Government would most likely meet any shortfall with over expenditure

### **Cr PJ Gledhill**

No meetings attended in February / March. Sports Advisory Meeting to be attended on the 22<sup>nd</sup> March.

### **Cr MP Pearce**

No meetings attended in February / March.

**Cr PJ Ward**

25/02/11 Regional Road Sub-Group Meeting in Coorow

28/02/11 Intensive Agriculture Meeting

Cr PJ Ward informed Council that Mills Mechanical would no longer be undertaking the freight business as of the 27<sup>th</sup> March 2011.

Council agreed this is an important service and therefore authorised the CEO to investigate options for taking this on, at least for the short term to ensure service continues.

**Cr BP Horwood**

No meetings attended in February / March. Tourist & Promotions meeting scheduled for 21<sup>st</sup> March 2011.

**Cr MP Pearce**

Cr MP Pearce informed Council that the Silver Chain Branch Committee are holding a farewell luncheon for Rosie Atkinson on Saturday 19<sup>th</sup> March.

Tidy Towns 2011 – what projects can be included? The CDO informed Cr Pearce that all projects can be incorporated into the submissions and asked that if anyone becomes aware of a project that may be relevant could the information be forwarded to CDO.

Council were also informed that the Golf Club would be hosting the VDC (District competition) in 2012 and would be entering a submission for the Provincial (state) competition to be held in 2013.

CR MP Pearce submitted a road list for inspection on the 7<sup>th</sup> April.

Cr MP Pearce enquired as to whether the stoves at the Recreation Centre would be replaced as part of upgrade? No they are in good condition particularly after a good clean.

Enquiry was made as to whether the Autumn Group Committee had been formed yet? Not yet.

Cr MP Pearce also enquired about the surplus items discussed at the December meeting. A list of surplus items for tender has been prepared and will be advertised as soon as possible.

**Cr PJ Gledhill**

Cr PJ Gledhill questioned the work completed on the flooring at the Autumn Centre. It is suggested that the join finishes were poor and there is bubbling in the carpet. Staff to investigate with Carpet Choice Geraldton.

**Cr JL Holmes**

Cr JL Holmes asked for an update on the Community Bus Project. The CDO informed Council that an application for \$20,000 grant funding has been submitted to the MWDC to cover shortfall as a further contribution was requested by Lotterywest.

Is Mingenew entering the 2011 Banners in the Terrace competition? Yes.

Cr JL Holmes asked for clarification of where funds came from for Recreation Centre upgrade. CEO advised this was funded by 80/09 Royalties for Regions money (which was carried over into this year). 2010/11 funds will not be released until acquittals are complete and the Forward Capital Works Plan has been adopted by Council.

Cr JL Holmes also requested clarification on RLCIP (Regional and Local Community Infrastructure Program) and CLGF (Country Local Government Fund). RLCIP is federal money with our allocation for 2011 being \$30,000. CLGF is funds allocated to Royalties for Regions, regional component of R4R and another bucket for utility upgrades in the region.

**Cr MP Pearce**

Cr MP Pearce enquired whether a doctor service had been obtained? CEO advised he is awaiting a response from Midwest Aero – CEO to follow up.

CEO also advised that blocks in Eleanor Street may have been missed in the application for subdivision. Council gave the CEO direction to investigate further and have the properties surveyed immediately and an application be submitted if necessary.

**14.0 TIME AND DATE OF NEXT MEETING**

**That the next Ordinary Council Meeting be held on Wednesday, the 21<sup>st</sup> April 2011 at 2:00pm.**

**15.0 CLOSURE**

The Shire President thanked all for attending and declared the meeting closed at 5:26pm.

These minutes were confirmed at a meeting on 21<sup>st</sup> April 2011.

Signed: \_\_\_\_\_

Presiding Officer

Date: 21<sup>st</sup> April 2011