

SHIRE OF CUBALLING

COUNCIL MEETING THURSDAY 15 JULY 2010

MINUTES

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**ORDINARY COUNCIL MEETING MINUTES**

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE  
CUBALLING SHIRE, HELD IN THE COUNCIL CHAMBER, CAMPBELL  
STREET, CUBALLING ON THURSDAY 15 JULY 2010**

**1. OPENING – ANNOUNCEMENT OF VISITORS**

The Shire President welcomed Councillors and declared the meeting open at 3:00pm.

**2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**ATTENDANCE**

Shire President, Cr TH Wittwer  
Deputy President, Cr RDJ Newman  
Cr M Conley  
Cr TP Haslam  
Cr C Hawksley  
Cr CJ McDougall  
Cr JRA Meharry  
Chief Executive Officer, Mr P T Naylor  
Mr Allan Middleton  
Cr Janet Thompson, Shire of Narrogin (3:35pm to 4:20pm)

**3. APOLOGIES**

Nil

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

**Moved Cr Hawksley, seconded Cr Conley that Leave of Absence be granted to Cr McDougall for the Ordinary Meeting of Council to be held on Thursday 19 August 2010.**

*CARRIED 6/0*

5. **MINUTES**

5.1 **CONFIRMATION OF 17 JUNE 2010 ORDINARY MEETING OF COUNCIL**

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the minutes (as circulated) of the ordinary meeting of the Shire of Cuballing held in the Council Chambers on 17 June 2010 be confirmed.**

**COUNCIL ACTION**

**Moved Cr Haslam, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.**

*CARRIED 7/0*

6. **PETITIONS, DEPUTATIONS, PRESENTATIONS & DECLARATIONS**

1:00pm Members of the Loots family (five) attended the Council Chamber prior to the commencement of the Council meeting and undertook a Citizenship Ceremony with the Shire President administering.

3:35-4:20pm Cr Janet Thompson, Shire of Narrogin, attended the meeting to address Council on the Wheatbelt Land Use Planning Strategy project.

Cr Thompson expressed grave concerns about the process and perceived outcome of the Strategy and feels that the final decision may already have been made by State Government bureaucrats. She further expressed concerns that if this is the case the State Government will effectively take control of land use in the Wheatbelt region away from local governments and property owners.

**COUNCIL ACTION**

**Moved Cr Meharry, seconded Cr McDougall that information pertaining to the Wheatbelt Land Use Planning Strategy be sourced and the matter be referred to the next Ordinary Meeting of Council.**

*CARRIED 7/0*

7. **DISCLOSURES OF INTEREST**

Councillors' and Employees' Disclosures of Interest.

7.1 **DISCLOSURE OF FINANCIAL INTEREST AND PROXIMITY INTEREST**

Members must disclose the nature of their interest in matters to be discussed at the meeting.

Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting.

Nil

7.2 **DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the Member or employee has given or will give advice.

Nil

**8.1 REPORTS – FINANCE AND ADMINISTRATION**

**8.1.1 LIST OF ACCOUNTS SUBMITTED FOR COUNCIL APPROVAL AND PAYMENT – JULY 2010**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Not applicable  
**Reporting Officer:** Tanya Stobie, Administration Officer  
**Enabling Legislation:** Local Government (Financial Management) Regulations 1996  
**Council Policy:** Register Delegated Authority  
**Budget Implications:** Nil  
**File Reference:** CMR 7  
**Voting Requirements:** Simple Majority

**Background**

Council is supplied with a list of payments for consideration.

**Comment**

A copy of the list of payments made from each of Councils bank accounts is attached to this item.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Council:**

- **Approve for payment the list of Creditors paid from the Municipal fund, as detailed below, totalling \$196,507.27:**

Vouchers 13876-13888	\$ 11,109.19
Electronic fund transfers	\$185,338.08
Credit Card	\$ 60.00
- **Approve for payment the list of Creditors paid from the Trust fund, as detailed below, totalling \$779.76:**

Vouchers T2103-T2108	\$ 779.76
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**COUNCIL ACTION**

Moved Cr Conley, seconded Cr Newman that the Chief Executive Officers recommendation be adopted.

*CARRIED 7/0*

**8.1.2 STATEMENT OF FINANCIAL ACTIVITY**

**Submission to:** Ordinary Meeting of Council  
**Location/Address:** Not applicable  
**Reporting Officer:** Clare Thomson, Accountant  
**Enabling Legislation:** Local Government (Financial Management) Regulations 1996  
**Council Policy:** Nil  
**Budget Implications:** Nil  
**File Reference:** CMR 7  
**Voting Requirements:** Simple majority

**Background**

Local Government (Financial Management) Regulations 1996, section 34, provides for monthly financial reporting requirements for local government.

**Comment**

A Statement of Financial Activity has been prepared for period ending 30 June 2010 in accordance with the abovementioned legislation and circulated with the Council Meeting Agenda.

Please note that this report does not represent the true end of financial year figures for the 2009/2010 financial year. Administration staff are waiting on receipt of all invoices for transactions up to 30 June 2010, to enable finalisation of all payments and accruals & provisions prior to closing off the books for the financial year.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Statement of Financial Activity, as circulated, for the Shire of Cuballing for period ending 30 June 2010, be received.**

**COUNCIL ACTION**

**Moved Cr Newman, seconded Cr McDougall that the Chief Executive Officers recommendation be adopted.**

*CARRIED 7/0*

### 8.1.3 ANNUAL RETURNS

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Nil
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Members 5
<b>Voting Requirements:</b>	Simple Majority

#### **Background**

The *Local Government Act 1995*, Section 5.76, provides that in each year Councillors, the Chief Executive Officer, and other employees (relevant persons) to whom delegated powers have been authorised in accordance with the provisions of the *Act*, must lodge an annual return in the prescribed form by 31 August in that year.

#### **5.76. Annual returns**

- (1) *Each year, a relevant person other than the CEO must lodge with the CEO an annual return in the prescribed form by 31 August of that year.*
- (2) *Each year, a CEO must lodge with the mayor or president an annual return in the prescribed form by 31 August of that year.*

*Penalty applicable to subsections (1) and (2): \$10 000 or imprisonment for 2 years.*

#### **Comment**

Copies of the prescribed form (Form 3) have been circulated with the Council Meeting Agenda for early attention.

*Corruption and Crime Commission Act 2003*, Sections 4 & 28, requires the Chief Executive Officer to notify the Department of Local Government and the Corruption and Crime Commission of any annual returns lodged after the due date of 31 August.

### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

For Councillor information and early attention please.

### **COUNCIL ACTION**

**Council noted the requirement for Councillors and senior staff to complete the Annual Return by 31 August 2010.**

**8.1.4 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) – ANNUAL GENERAL MEETING**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Nil
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Nil
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Councils & Associations 5
<b>Voting Requirements:</b>	Simple Majority

**Background**

The WALGA Annual General Meeting (AGM) is to be held at the Perth Convention Exhibition Centre on Saturday 7 August 2010, as part of the Local Government Week Convention.

**Comment**

Copies of the Agenda for the WALGA AGM have been provided to Councillors with the Council Meeting Agenda. Councils delegates to the AGM, Cr's Wittwer and Newman, received original copies of the document.

In previous years Council has resolved for the delegates to listen to the debate on each of the various agenda items presented to the meeting and make a joint informed decision on how to vote in the best interests of the Shire of Cuballing and the local government industry as a whole.

However it would be beneficial for Council to take this opportunity to peruse the AGM Agenda to gain an insight into and discuss the various items being presented for consideration.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the two Council Delegates for the Western Australian Local Government Association Annual General Meeting be requested to listen to the debate on the various matters presented to the meeting for consideration and make a joint informed decision in the best interests of the Shire of Cuballing and the local government industry as a whole.**

**COUNCIL ACTION**

**Moved Cr Haslam, seconded Cr Hawksley that the Chief Executive Officers recommendation be adopted.**

*CARRIED 7/0*



### 8.1.5 APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Nil
<b>Reporting Officer:</b>	Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	Staff 8
<b>Voting Requirements:</b>	Absolute Majority

#### **Background**

With the imminent departure of the Chief Executive Officer, Mr Peter Naylor, effective from completion of duties on Friday 30 July 2010, it will be necessary for Council to appoint an Acting CEO until a replacement CEO has been appointed and is ready to assume duties with the Shire of Cuballing.

Section 5.36 of the *Local Government Act 1995*, and section 18A of the *Local Government (Administration) Regulations 1996* provide for the appointment of the CEO and/or Acting CEO.

#### **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; and*
  - (b) *such other persons as the council believes are necessary to enable the functions of the local government and the functions of the council to be performed.*
- (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.*
- (3) *A person is not to be employed by a local government in any other position unless the CEO —*
  - (a) *believes that the person is suitably qualified for the position; and*
  - (b) *is satisfied with the proposed arrangements relating to the person's employment.*
- (4) *Unless subsection (5A) applies, if the position of CEO of a local government becomes vacant, it is to be advertised by the local government in the manner prescribed, and the advertisement is to contain such information with respect to the position as is prescribed.*
- (5A) *Subsection (4) does not require a position to be advertised if it is proposed that the position be filled by a person in a prescribed class.*

- (5) *For the avoidance of doubt, subsection (4) does not impose a requirement to advertise a position before the renewal of a contract referred to in section 5.39.*

**Local Government (Administration) Regulations 1996**

**18A. Advertisement for position of CEO or senior employee — s. 5.36(4) and 5.37(3)**

- (1) *If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —*
- (a) *on a notice board exhibited to the public at the local government's offices, if the position is —*
- (i) *to be filled on a part time basis by a person who is also employed by another local government; or*
- (ii) *an acting position for a term not exceeding one year;*
- or*
- (b) *otherwise, in a newspaper circulating generally throughout the State.*
- (2) *An advertisement referred to in subregulation (1) is to contain —*
- (a) *the details of the remuneration and benefits offered;*
- (b) *details of the place where applications for the position are to be submitted;*
- (c) *the date and time for the closing of applications for the position;*
- (d) *the duration of the proposed contract;*
- (e) *contact details for a person who can provide further information about the position; and*
- (f) *any other information that the local government considers is relevant.*

**Comment**

As Council is aware the Chief Executive Officer has organised for an Acting CEO, Mr Allan Middleton, to commence duties with the Shire on Monday 2 August 2010. Mr Middleton will also be in attendance at the Ordinary Meeting of Council on Thursday 15 July 2010, and spend the week commencing 26 July 2010 with the outgoing CEO in changeover capacity.

Mr Middleton's terms and conditions of employment have been verbally agreed to by Council.

**CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That Mr Allan Middleton be appointed Acting Chief Executive Officer for the Shire of Cuballing effective from Monday 2 August 2010.**

**COUNCIL ACTION**

**Moved Cr Newman, seconded Cr Haslam that the Chief Executive Officers recommendation be adopted.**

***CARRIED 7/0***

## 8.2 **REPORTS – WORKS**

### 8.2.1 **WORKS MANAGERS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Alex Richardson, Works Manager Peter Naylor, Chief Executive Officer
<b>Enabling Legislation:</b>	Local Government Act 1995
<b>Council Policy:</b>	Nil
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 10
<b>Voting Requirements:</b>	Simple majority

#### **GRADING/GENERAL MAINTENANCE**

Winter grading maintenance is proceeding throughout the Shire.

Gravel sheeting works carried out on parts of Wardering and Halls Roads.

Roadside spraying program is in progress.

Contract roadside mulching commenced on Thursday 8 July 2010, on Reeds Road.

The Works Manager and designated staff have been updating the Roman Roads Data Base in preparation for introduction of new Roman system in February 2011. As this process continues the Works Manager is compiling a list of various minor maintenance works to be carried out.

#### **PLANT AND EQUIPMENT**

All items of plant and equipment are being serviced and maintained as required and generally in good working order.

#### **PRIVATE WORKS**

Various works requests are still being received and these are being done as time permits.

Private works invoices for month of June \$34,530.80; year to date total \$71,926.71.

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Works Managers Report be received and information noted.**

#### **COUNCIL ACTION**

**Moved Cr Conley, seconded Cr Meharry that the Chief Executive Officers recommendation be adopted.**

*CARRIED 7/0*

### **8.3 REPORTS – HEALTH AND BUILDING**

#### **8.3.1 ENVIRONMENTAL HEALTH OFFICER/BUILDING SURVEYORS REPORT**

<b>Submission to:</b>	Ordinary Meeting of Council
<b>Location/Address:</b>	Whole of Shire
<b>Reporting Officer:</b>	Allan Ramsay, Environmental Health Officer/Building Surveyor
<b>Enabling Legislation:</b>	Local Government (Miscellaneous Provisions) Act 1960 Building Code of Australia, Building Regulations 1989 Builders' Registration Act 1939 Environmental Protection (Noise) Regulations 1997
<b>Council Policy:</b>	Register Delegated Authority Shire of Cuballing Health Local Law 2007 Shire of Cuballing Town Planning Scheme No 2
<b>Budget Implications:</b>	Nil
<b>File Reference:</b>	CMR 2
<b>Voting Requirements:</b>	Simple majority

#### **Summary**

There were no building application(s) approved and license(s) issued for the month of June 2010.

#### **Food Premises Inspections**

##### Popanyinning General Store and Kitchen

A further inspection on 1 July 2010 revealed that all outstanding items requiring attention from the previous inspection (on 12 May 2010) have been attended to.

#### **Water Sampling**

##### Dryandra Village

Bacterial analysis of water samples collected from the potable water supply at the tank and two of the cottages at the village were found to be satisfactory. Another water sample collected for chemical analysis of Aluminium Sulphate levels is yet to be received from the laboratory.

#### **CHIEF EXECUTIVE OFFICERS RECOMMENDATION**

**That the Environmental Health Officer/Building Surveyors Report be received.**

#### **COUNCIL ACTION**

**Moved Cr McDougall, seconded Cr Conley that the Chief Executive Officers recommendation be adopted.**

*CARRIED 7/0*

8.4 **REPORTS – TOWN PLANNING**

Nil

9. **ELECTED MEMBERS MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

10. **OTHER URGENT BUSINESS**

**FINAL MEETING FOR CHIEF EXECUTIVE OFFICER**

Prior to closing the meeting the Shire President acknowledged this being the final meeting for the outgoing Chief Executive Officer, Mr Peter Naylor. The Shire President thanked Mr Naylor for his commitment to the position and loyalty to Council and community over the past 8½ years and wished him and his family best wishes in the future.

Mr Naylor responded thanking Council for having faith in him when appointed to the CEO position in January 2002 and their ongoing support whilst in the position. Mr Naylor expressed his gratitude to Council for providing him with the autonomy to fulfil the position and manage the operations and functions of Council without outside influence. Mr Naylor wished Council and the community all the best for the future.

11. **CLOSURE OF MEETING**

There being no further business the Shire President declared the meeting closed at 4.35pm.