



**MINUTES
ORDINARY MEETING
OF COUNCIL**

16TH OF MAY 2017

NOTICE OF MEETING

Please be advised that the next

Ordinary Meeting of Council

is to be held on

Tuesday, 20Th June 2017

commencing at **6:30pm**

in the Council Chambers at 73 Austin Street, Cue WA

Rob Madson
Chief Executive Officer
16 May 2017

DISCLAIMER

The advice and information contained herein is given by and to the Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to the Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Please note this agenda contains recommendations, which have not yet been adopted by Council.

SHIRE OF CUE

DISCLOSURE OF FINANCIAL INTEREST AND INTERESTS AFFECTING IMPARTIALITY

To: Chief Executive Officer

As required by section 5.65(1)(a) or 5.70 of the Local Government Act 1995 and Council’s Code of Conduct, I hereby declare my interest in the following matter/s included on the Agenda paper for the Council meeting to be held on _____
(Date)

Item No.	Subject	Details of Interest	Type of Interest Impartial/Financial	*Extent of Interest

(see below)

* Extent of Interest only has to be declared if the Councillor also requests to remain present at a meeting, preside, or participate in discussions of the decision making process (see item 6 below). Employees must disclose extent of interest if the Council or Committee requires them to.

Name (Please Print)

Signature

Date

NB

1. This notice must be given to the Chief Executive Officer prior to the meeting or at the meeting immediately before the matter in which you have declared an interest is discussed, Section 5.65(1) (a) & (b).
2. It remains Councillors’/Employees’ responsibility to make further declarations to the Council if a matter arises during the course of a meeting and no previous declarations have been made.
3. It is a Councillor’s/Employee’s responsibility to ensure the interest is brought to the attention of the Council/Committee when the Agenda item arises and to ensure that it is recorded in the minutes.
4. It remains the Councillor’s responsibility to ensure that he/she does not vote on a matter in which a declaration has been made. The responsibility also includes the recording of particulars in the minutes to ensure they are correct when such minutes are confirmed.
5. It is recommended that when previewing Agenda, Councillors mark Agendas with items on which an interest is to be declared and complete the declaration form at the same time.
6. Councillors may be allowed to remain at meetings at which they have declared an interest and may also be allowed to preside (if applicable) and participate in discussions and the decision making process upon the declared matter subject to strict compliance with the enabling provisions of the Act and appropriately recorded resolutions of the Council. Where Councillors request consideration of such Council approval the affected Councillor must vacate the Council Chambers in the first instance whilst the Council discusses and decides upon the Councillor’s application.

Remember: The responsibility to declare an interest rests with individual Councillors / Employees. If in any doubt seek legal opinion or, to be absolutely sure, make a declaration.

Office Use Only: Date/Initials

1. Particulars of declaration given to meeting _____
2. Particulars recorded in the minutes: _____
3. Signed by Chief Executive Officer _____

Local Government Act 1995 - SECT 5.23

Meetings generally open to the public

5.23. (1) Subject to subsection (2), the following are to be open to members of the public:

- (a) All Council meetings; and
- (b) All meetings of any committee to which a local government power or duty has been delegated.

(2) If a meeting is being held by a Council or by a committee referred to in subsection (1) (b), the Council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following --

- (a) A matter affecting an employee or employees;
- (b) The personal affairs of any person;
- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
- (e) A matter that if disclosed, would reveal:
 - (i) A trade secret;
 - (ii) Information that has a commercial value to a person; or
 - (iii) Information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;
- (f) A matter that if disclosed, could be reasonably expected to:
 - (i) Impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) Endanger the security of the local government's property; or
 - (iii) Prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

(g) Information which is the subject of a direction given under section 23 (1a) of the Parliamentary Commissioner Act 1971; and

(h) Such other matters as may be prescribed.

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

SHIRE OF CUE

REVOKING OR CHANGING DECISIONS MADE AT COUNCIL MEETINGS

Local Government (Administration) Regulations 1996 (**Regulation No.10**)

If a previous Council decision is to be changed then support for a revocation motion must be given by an **Absolute Majority** of Councillors (that is at least 4 Councillors) if a previous attempt to rescind has occurred within the past three months or, if no previous attempt has been made the support must be given by at least **1/3rd** of all Councillors (that is at least 4 Councillors).

Regulation 10(1a) also requires that the support for revocation must be in writing and signed by the required number of Councillors, including the Councillor who intends to move the revocation motion.

Any revocation motion must be carried by the kind of vote that put the motion into place in the first instance (that is, if carried originally by an Absolute Majority or Special Majority vote then the revocation motion must also be carried by that same kind of vote).

If the original motion was carried by a Simple Majority vote then any revocation motion must be carried by an Absolute Majority vote.



To the Presiding Member,

The following Councillors give notice of their support for the bringing forward to the Council meeting to be held on _____ of a motion for revocation of Council resolution number _____ as passed by the Council at its meeting held on _____

Councillor's Names

Councillor's Signature

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

SHIRE OF CUE

Ordinary Council Meeting

MINUTES

Held in the Council Chambers, Austin Street Cue on Tuesday 16th May 2017 commencing at 6:30pm

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1. OFFICIAL OPENING

The Shire President welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

Please be advised that in accordance with a Department of Local Government recommendation this Meeting is being electronically recorded with my permission.

PRESENT:

Councillor Ross Pigdon, Shire President

Councillor Les Price, Deputy Shire President

Councillor Ian Dennis

Councillor Leonie Fitzpatrick

Councillor Ron Hogben

Councillor Pixie Pigdon

Councillor Fred Spindler

STAFF:

Mr Richard Towell, Acting Chief Executive Officer

Miss Kim Ryan, Records Officer

Ms Claire Buckenara, Coordinator Human Resources & Rates

GALLERY:

Jeff Gregory

Jim Jones

Cath Willet

Peter Tegg

Ernie Campbell

Terry Bloxsome

Maria Zadow

Adam Houghton

Elizabeth Houghton

Norma Van Vuuren

Gideon Van Vuuren

2. PUBLIC QUESTION TIME

Questions on Notice

At the Ordinary Meeting of Council held on 18 April 2017 the following questions were asked by Mr Ernie Campbell and taken on notice:

- When is the Shire going to fix the potholes near the Roadhouse? (In front of the standpipe).
- Is the Shire supplying bottled drinking water to the community considering it is not safe to drink?

The following response was provided to Mr Campbell by the Chief Executive Officer in correspondence dated 12 May 2017.

- Thank you for bringing our attention to the pothole near the standpipe. This has now been repaired.
- The scheme water supply in Cue is safe to drink, except for infants under three months old. I have enclosed some information on water quality from the Water Corporation for your information.

Terry Bloxsome, 65 Stewart St Cue

- Does the Shire have a Code of Conduct for their employees?

Acting Chief Executive officer advised that we do.

- A question regarding staff matters was asked.
- Pixie, why did you inform Martin King that the dozer was in the river pushing up sand for the Shire while it was doing a boundary fence?

Cr Pixie Pigdon replied that that was what she was told.

- The bob cat trailer, Pixie was going to look after that, what has happened to that?

The President advised that there have been enquiries made and at this stage nothing has happened. The police have been informed about it.

- A question regarding staff matters was asked.

Acting Chief Executive officer advised that these are staff matters and not up for discussion

Ernie Campbell, 27 Darlot St Cue.

1. Can you please tell me why are we starting more contracted work and not finishing the existing contracts, and why are the Shire getting engaged in any contracts when in the past and present that the Shire is not equipped to do so?
2. Why did we contract a builder at the Visitors Tourist Park to erect then complete the project when the Shire completed most it themselves?

Acting Chief Executive officer advised that we contracted a site supervisor to oversee the project and we subcontracted other trades to complete the works

3. Do we have a breakdown on the price of that, which is which?

Acting Chief Executive officer advised that yes we do.

Peter Tegg, 45 Dowley St Cue.

1. When are we going to get answers from questions at the last council meetings?

Acting Chief Executive officer advised that he has signed off on your questions today and they are in the mail.

2. When/if/how did the GST ever get paid on the funding we were paid for Cue/Beringarra Rd. Leonie have you ever got an answer on your question on that?

Cr Fitzpatrick replied no.

Acting Chief Executive officer advised that he is confident that GST was paid on that.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. PETITIONS/PRESENTATIONS/SUBMISSIONS

Nil

5. CONFIRMATION OF MINUTES

***Council Decision:* 01052017**

MOVED: CR DENNIS

SECONDED: CR P PIGDON

That the Minutes of the Ordinary Meeting of 18th April 2017 are confirmed as a true and correct record of the meeting.

CARRIED: 6/1

AGAINST: CR FITZPATRICK

6. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.

Nil

7. MATTERS FOR WHICH THE MEETING MAY GO BEHIND CLOSED DOORS

Nil

8.1 ACCOUNTS & STATEMENTS OF ACCOUNTS	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	11 May 2017
Matters for Consideration:	
To receive the List of Accounts Due & Submitted to Ordinary Council Meeting on Tuesday 16th May 2017 as attached – see Appendix 1	
Comments:	
The list of accounts is for the month of April 2017	
Background:	
The local government under its delegated authority to the CEO to make payments from the municipal and trust funds is required to prepare a list of accounts each month showing each account paid and presented to Council at the next ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.	
Statutory Environment:	
Local Government (Financial Management Regulations) 1996 – Clause 13.	
Policy Implications:	
Nil	
Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
Nil	

Officer's Recommendation:	Voting requirement: Simple Majority																								
<p><i>That Council endorse the payments for the period 1 April 2017 to 30 April 2017 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p> <table border="0"> <tr> <td><i>Municipal Fund Bank</i></td> <td><i>EFTs</i></td> <td><i>4848 - 4945</i></td> <td><i>\$ 949,420.48</i></td> </tr> <tr> <td><i>Direct Debit Fund Transfer</i></td> <td></td> <td></td> <td><i>\$ 25,770.68</i></td> </tr> <tr> <td><i>Payroll</i></td> <td></td> <td></td> <td><i>\$ 82,781.46</i></td> </tr> <tr> <td><i>BPAY</i></td> <td></td> <td></td> <td><i>\$ 17,984.22</i></td> </tr> <tr> <td><i>Cheques</i></td> <td></td> <td></td> <td><i>\$ 0.00</i></td> </tr> <tr> <td><i>Total</i></td> <td></td> <td></td> <td><i>\$1,075,956.84</i></td> </tr> </table>		<i>Municipal Fund Bank</i>	<i>EFTs</i>	<i>4848 - 4945</i>	<i>\$ 949,420.48</i>	<i>Direct Debit Fund Transfer</i>			<i>\$ 25,770.68</i>	<i>Payroll</i>			<i>\$ 82,781.46</i>	<i>BPAY</i>			<i>\$ 17,984.22</i>	<i>Cheques</i>			<i>\$ 0.00</i>	<i>Total</i>			<i>\$1,075,956.84</i>
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Council Decision: 02052017	Voting requirement: Simple Majority																								
<p>MOVED: CR PRICE SECONDED: CR DENNIS</p> <p><i>That Council endorse the payments for the period 1 April 2017 to 30 April 2017 as listed, which have been made in accordance with delegated authority per LGA 1995 S5.42.</i></p> <p>CARRIED: 7/0</p>																									

8.2 FINANCIAL STATEMENT	
APPLICANT:	Shire of Cue
DISCLOSURE OF INTEREST:	Nil
AUTHOR:	Richard Towell – Deputy Chief Executive Officer
DATE:	10 May 2017
<i>Matters for consideration:</i>	
<p>The Statement of Financial Activity for the period ended 30 April 2017 including the following reports:</p> <ul style="list-style-type: none"> • Statement of Financial Activity • Significant Accounting Policies • Graphical Representation – Source Statement of Financial Activity • Net Current Funding Position • Cash and Investments • Major Variances • Budget Amendments • Receivables • Grants and Contributions • Cash Backed Reserve • Capital Disposals and Acquisitions • Trust Fund <p>see Appendix 2</p>	
<i>Comments:</i>	
The Statement of Financial Activity is for the month of April 2017.	
<i>Background:</i>	
Under the Local Government (Financial Management Regulations 1996), a monthly Statement of Financial Activity must be submitted to an Ordinary Council meeting within 2 months after the end of the month to which the statement relates. The statement of financial activity is a complex document but presents a complete overview of the financial position of the local government at the end of each month. The Statement of Financial Activity for each month must be adopted by Council and form part of the minutes.	
<i>Statutory Environment:</i>	
Local Government (Financial Management Regulations) 1996 – Clause 14.	
<i>Policy Implications:</i>	
Nil	

Financial Implications:	
Nil	
Strategic Implications:	
Nil	
Consultation:	
RSM Bird Cameron Chartered Accountants	
Officer's Recommendation:	
<i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 April 2017.</i>	
Council Decision: 03052017	Voting requirement: Simple Majority
<p>MOVED: CR P PIGDON SECONDED: CR HOGBEN</p> <p><i>That Council receive the Financial Statements, prepared in accordance with the Local Government (Financial Management) Regulations, for the period ended 30 April 2017.</i></p> <p>CARRIED: 7/0</p>	

8.3 BUDGET AMENDMENT - LIGHT VEHICLE REPLACEMENT							
APPLICANT:	Shire of Cue						
DISCLOSURE OF INTEREST:	The author is entitled to private use of a vehicle.						
AUTHOR:	Richard Towell – Deputy Chief Executive Officer						
DATE:	10 April 2017						
<i>Matters for Consideration:</i>							
To utilise the savings on the purchase of plant and equipment from the current budget for the early replacement of four light vehicles that will be due for replacement in the next financial year.							
<i>Background:</i>							
<p>The Shire of Cue currently has unspent funds for the purchase of plant and equipment totalling \$71,687. These funds are made up of savings achieved on the purchase of plant and equipment for the current year.</p> <p>The amended budget from the budget review reallocated \$40,000 from the plant and equipment budget for the tipper body and aggregate spreader that were not purchased.</p> <p>The remaining unspent funds of \$71,687 if not utilised would be allocated to the plant replacement reserve at the end of the financial year and reallocated to plant and equipment purchases in 2017-2018.</p> <p>From 1 July 2017 the State Government will be removing the licensing concession for Local governments, this will also remove the stamp duty concession when purchasing a new vehicle.</p> <p>It is proposed that a budget amendment be passed to authorise the early purchase of vehicles from the savings on hand which will provide savings in stamp duty of approximately \$11,000 by purchasing the vehicles prior to 1 July 2017.</p>							
<i>Comments:</i>							
<p>The budget amendment will be made up of:</p> <table> <tbody> <tr> <td>Purchase of Plant and equipment – light vehicles</td> <td>\$200,000</td> </tr> <tr> <td>Proceeds of sale (Estimated trade in)</td> <td>\$135,000</td> </tr> <tr> <td>Net change over (Funds required)</td> <td>\$ 65,000</td> </tr> </tbody> </table> <p>The trade-in value of the vehicles will offset the purchase costs which will result in no effect on the estimated surplus carried forward.</p> <p>The vehicles to be replaced will be:</p> <ul style="list-style-type: none"> P54 – Works Supervisor Ford Ranger dual cab. P62 – Works Manager Ford Ranger dual cab. P67 – CEO Toyota Prado wagon P68 – Deputy CEO Toyota Hilux dual cab. 		Purchase of Plant and equipment – light vehicles	\$200,000	Proceeds of sale (Estimated trade in)	\$135,000	Net change over (Funds required)	\$ 65,000
Purchase of Plant and equipment – light vehicles	\$200,000						
Proceeds of sale (Estimated trade in)	\$135,000						
Net change over (Funds required)	\$ 65,000						

Statutory Environment:	
Local Government Act 1995 Local Government (Financial Management) Regulations 1996	
Policy Implications:	
Shire of Cue Policy Manual – D12 Light Vehicle Purchasing Policy.	
Financial Implications:	
The purchase of the vehicle will have a nil effect on the current budget in terms of estimated surplus carried forward and will have no effect on estimated cash flows. The purchase price less the trade in value will leave a changeover amount that fits within the current available funds.	
Strategic Implications:	
Nil	
Consultation:	
Rob Madson – Chief Executive Officer	
Officer’s Recommendation:	Voting requirement: Absolute Majority
That Council By absolute majority approve the following budget amendment for the early replacement of light vehicles. Increase expense account 12302 - Purchase Plant and Equipment – Road Plant Purchases by \$135,000 Increase income account 12306 - Proceeds from sale of Plant and Equipment by \$135,000	
Council Decision: 04052017	Voting requirement: Absolute Majority
<p>MOVED: CR PRICE SECONDED: CR DENNIS That Council</p> <p>By absolute majority approve the following budget amendment for the early replacement of light vehicles.</p> <p>Increase expense account 12302 - Purchase Plant and Equipment – Road Plant</p>	

Purchases by \$135,000

Increase income account 12306 - Proceeds from sale of Plant and Equipment by \$135,000

CARRIED: 6/1

AGAINST: CR FITZPATRICK

9. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

10. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

11. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

12. MATTERS BEHIND CLOSED DOORS

Nil

13. CLOSURE

The President thanked those present for attending the meeting and declared the meeting closed at : 7.13pm

To be confirmed at Ordinary Meeting on the 20 June 2017

Signed:.....

Presiding member at the Meeting at which time the Minutes were confirmed.