

SHIRE OF LAKE GRACE



Minutes

Ordinary Council Meeting

20 December 2006

Question time commencing 1.00 pm
Ordinary Meeting commencing at 1.30 pm

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SHIRE OF LAKE GRACE

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD AT THE LAKE GRACE TOWN HALL, McMAHON ST LAKE GRACE, ON WEDNESDAY, 20 DECEMBER 2006.

1.0 OPENING & ANNOUNCEMENT OF VISITORS

The Chairperson (President) opened the Meeting at 1.30pm and welcomed Councillors and members of the public to the final Council Meeting for 2006.

2.0 ATTENDANCE RECORD

2.1 PRESENT

Cr G.E.J. Roberts	Shire President
Cr A.J. Walker	Deputy Shire President
Cr H.R. Bennett	
Cr I.G. Chamberlain	
Cr O.P. Farrelly	
Cr W.A. Newman	
Cr D.P. Sinclair	
Cr D.M.McL. Stewart	
Cr R.P. Taylor	
Mr C.G. Jackson	Chief Executive Officer
Ms L.I. McIlree	Deputy Chief Executive Officer
Mr J Fraser	Project Officer
Mrs J. Bennett	Executive Assistant

Members of the Public

Mr Graham (Rusty) Lee
Mr Stuart Chamberlain

2.2 APOLOGIES

None

2.3 LEAVE OF ABSENCE PREVIOUSLY GRANTED

None.

3.0 PUBLIC QUESTION TIME

3.1 MR STUART CHAMBERLAIN

Mr Stuart Chamberlain reported on his attendance at the recent week long Rural Youth Conference held at El Caballo Blanco. During the year Council made funds available to sponsor four young people from throughout the Shire to attend the conference and asked for applications from the community. Stuart's application was the single application received.

The conference was attended by 70 young people from all over Australia with even numbers of girls and guys present. It was a great week for young people to get together with lots of opportunities for singles to mingle. Many social events were held throughout the week which concluded with a young peoples pre harvest ball in Katanning.

Participants attended the Dowerin Field Days which included the final judging for the Young Farmers competition. The week of activities included ropes and dog training courses, a welding workshop, a FESA fire briefing and a public speaking session.

Asked by Cr Bennett whether he considered it worthwhile for the Shire to send youth to different conferences each year, Stuart replied that he feels it a great opportunity for young people in this district.

The President thanked Mr Chamberlain for his presentation.

1.39 pm Mr Chamberlain left the meeting.

3.2 MR GRAHAM (RUSTY) LEE

Mr Lee, former Lake Grace Shire Councillor and current Shire of Ravensthorpe Councillor, made a submission to Council regarding the Lake Grace Airstrip and proposed improvements to Old Ravensthorpe Road.

Mr Lee handed out and spoke to the notes as follows:

Presentation to Shire of Lake Grace
20th December 2006

Reason for making submission,

Future financial planning Long-term impacts.

Lake Grace Airport sealing.

Grant/Old Ravy Road

The options have been put to the community and have been assessed to have Grant Road option as the preferred outcome.

The other option that is now being considered is the sealing of Old Ravy Road.

- There are compelling reasons why we should not be sealing The Old Ravy Rd and they are

This road runs parallel to the Magenta Rd which is already sealed just short of Kane Rd, in the south and intersects the Pingrup Newdegate Rd in the west **The Magenta Rd has no destination!!**

Old Ravy travels through low lake areas that have a higher road maintenance than that of where Grant travels.

RRG do not support roads that are running parallel to each other, Magenta and Old Ravy **11.7 at the widest point**

Alignment Old Ravy onto King Rd

Old Ravy Rd is much longer than Grant Rd.

- The compelling reasons for upgrading and construct and seal Grant Rd through to Magenta are many, some of them are

Grant road to the south has a destination.

It is a feeder rd to both Newdegate and beyond as well as Pingrup and west. Traffic would be led straight into Newdegate

This would lead to an already sealed road and will give better access to farmers in the area to both Newdegate and Katanning regions

This road is shorter to seal and maintain

Has the effect of bringing traffic into the Shire, better for the community.

Lends the road from Pingrup area access though to Mt Madden and the Fitzgerald Coast. Via Dunn Rock West River area.

Opens up another tourism route for the benefit of the Shire. This will support the Hollands Way through Hyden and through to the Fitzgerald coast, this could be a drive route for the weekend traveler and have destinations in the Shire benefiting from this route

Long-term financial benefit- resealing in 15years will be much less than that of Old Ravy due to length of roads and future costs of bituminous products

Magenta road will get greater assurity of funding as it will have a higher traffic count to justify future expenditure to RRG

Where Grant Rd accesses Old Ravy is something that needs careful consideration. The further south this road goes could may disadvantage the grain growers of the immediate area, care should be to keep this access as close to Tuck Rd as practical. This will encourage grain and livestock haulage through Grant/Magenta Rds to Newdegate and Katanning.

The concerns of the landholder that Grant Rd will travel through, is something that will need to be thought through really carefully. This should be done using the benefits that can be to the land and there properties. It could be the Shire assists in replanting of native vegetation along the roads to give shelterbelts for livestock and to assist in landcare rehabilitation. It is known that there are drains that are to be installed down a water way, there could be assistance with revegetation of this water course using various grants through Landcare. Research into this would need to be done and Council give the land holder some confidence the road would be of a benefit to them and the Shire and not have an impact on them.

4.0 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 CR BENNETT

Written notice for Application of Leave of Absence was submitted by Cr Bennett at the commencement of the Meeting.

MOTION 10325

Moved Cr Newman
Seconded Cr Sinclair

That Cr Bennett's Application for Leave of Absence from 8 February 2007 to 12 April 2007 for the purpose of holidays be accepted.

MOTION CARRIED 9/0

5.0 MINUTES OF PREVIOUS COUNCIL MEETINGS

5.1 ORDINARY MEETING – 22 NOVEMBER 2006

Resolution

MOTION 10326

Moved Cr Newman
Seconded Cr Taylor

That the minutes of the Ordinary Meeting of Council held on the 22 November 2006 be confirmed as a true and accurate record.

MOTION CARRIED 9/0

6.0 NOTICES OF URGENT BUSINESS

6.1 LAKE GRACE SPORTING COMPLEX REDEVELOPMENT PROJECT

Cr Walker has concerns regarding the timeframe on the proposed works at the sports oval and that the playing surfaces will not be ready in time for the Colts Carnival scheduled to be held in June 2007.

The Chief Executive Officer advised that the project is community driven with the Shire providing assistance. Work is scheduled to recommence in January with the Committee likely to meet and the Shire providing assistance with the carting of sand as required.

7.0 MOTIONS OF WHICH NOTICE HAS BEEN RECEIVED

None

8.0 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

9.0 MEMBERS' REPORTS

10.0 MATTERS FOR CONSIDERATION – WORKS & SERVICES**10.1 CALLING OF TENDERS – VEHICLE PURCHASES**

Applicant: Project Officer
File No. 0415
Attachments: Tender Specifications
Author: Mr Jim Fraser
Project Officer
Disclosure of Interest: Nil
Date of Report: 13 December 2006
Senior Officer: Chris Jackson
Chief Executive Officer

Summary

This report recommends that tenders be invited for the purchase of three vehicles.

Background

The Ford Fairlane Sedan LG001 allocated to the Chief Executive Officer has travelled 28,400 kilometres and the Ford Falcon sedan LG139, purchased in October 2005 has travelled approximately 39,000 kilometres.

To improve the logistical efficiency for the road construction crew there is a provision to trade-in the current Ford Courier 4 x 4 Utility LG003 on a bus with a seating capacity of up to fifteen.

There is no Council policy in place and without any significant replacement programmes available through local dealerships, staff have returned to the previous local government position of recommending the changeover of administration vehicles at approximately 40,000 kilometres.

Comment

Both the Plant Replacement Programme and the 2006/07 budget make a provision for the replacement of the three vehicles.

In discussion with industry representatives it is evident that there has been a trend away from larger vehicles, particularly with V8 power motors. It is not known what effect this will have on the values of the current vehicles.

Council has previously utilised a small bus for the road construction crew and the specifications are based on a similar vehicle.

As there is no Council meeting scheduled for January 2007 and there is some urgency particularly for the purchase of the bus, it is also recommended that the Chief Executive Officer be given delegated authority to accept the tenders up to a net changeover of \$65,000 for the three (3) vehicles.

Legal Implications

Local Government Act 1995 s 5.42 (1), s5.43 (b)

Local Government (Functions and General) Regulations 1996

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The 2006/07 budget includes:

LG001 – gross \$40,000 trade \$35,500 nett \$4,500

LG139 – gross \$30,000 trade \$26,000 nett \$4,000

LG003 – gross \$50,000 trade \$20,000 net \$30,000

Recent quotes received indicate that the adopted budget is not sufficient and will need amendment.

Strategic Implications

Nil

Cultural Implications

Nil.

Recommendation

That tenders be invited for the supply of:

1. Executive Sedan equivalent to a Holden Statesman, Ford Fairlane or alternatively equivalent to an auto 6 cylinder 4 x 4 Ford Territory on the basis of either trading a Ford Fairlane sedan LG001 or the outright purchase of the vehicle;
2. Sedan equivalent to a Commodore and Falcon on the basis of either trading a Ford Falcon sedan LG139 or the outright purchase of the vehicle;
3. Commuter bus approximately 14 – 15 seater capacity with diesel motor on the basis of either trading a Ford Courier 4 x 4 dual cab utility or the outright purchase of the vehicle; and

4. That delegated authority be given to the Chief Executive Officer to accept the tenders up to a net changeover of \$65,000 for the three (3) vehicles as per Section 5.43(b) of the Local Government Act 1995.
5. The Chief Executive Officer is to consult the Shire President and Deputy Shire President prior to exercising the delegation.

Voting Requirements

Absolute majority (5) required.

Resolution

MOTION 10327

Moved Cr Newman
Seconded Cr Farrelly

That tenders be invited for the supply of:

1. Executive Sedan equivalent to a Holden Statesman, Ford Fairlane or alternatively equivalent to an auto 6 cylinder 4 x 4 Ford Territory on the basis of either trading a Ford Fairlane sedan (LG001) or the outright purchase of the vehicle (LG 001);
2. Sedan equivalent to a Commodore and Falcon on the basis of either trading a Ford Falcon sedan(LG139) or the outright purchase of the vehicle(LG139);
3. Commuter bus approximately 14 – 15 seater capacity with diesel motor on the basis of either trading a Ford Courier 4 x 4 dual cab utility (LG003) or the outright purchase of the vehicle(LG003); and
4. That delegated authority be given to the Chief Executive Officer to accept the tenders up to a net changeover of \$65,000 for the three (3) vehicles as per Section 5.43(b) of the Local Government Act 1995.
5. The Chief Executive Officer is to consult the Shire President and Deputy Shire President prior to exercising the delegation.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

REASON FOR CHANGE

Point one of the recommendation – Registration numbers inserted to clarify the fact that the current vehicles are to be sold.

11.0 MATTERS FOR CONSIDERATION – TOWN PLANNING

No items for consideration.

12.0 MATTERS FOR CONSIDERATION – HEALTH & BUILDING

No items for consideration.

13.0 MATTERS FOR CONSIDERATION – FINANCE

13.1 ACCOUNTS FOR PAYMENT NOVEMBER 2006

Applicant: Shire of Lake Grace
File No. 0277
Attachments: List of Creditors
Author: Ms Leonie McIlree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 12 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to ratify expenditures incurred for the month of November 2006.

Background

List of invoices paid for the month of November 2006 through the Municipal Account is attached.

Comment

In accordance with the requirements of the Local Government Act 1995, a list of creditors is to be completed for each month showing:

- (a) The payee's name
- (b) The amount of the payment
- (c) Sufficient information to identify the transaction
- (d) The date of payment

The attached list meets the requirements of the Financial Regulations.

Legal Implications

Local Government (Financial Management) Regulations 1996 – Reg 12
Local Government (Financial Management) Regulations 1996 – Reg 13

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The list of creditors paid for the month of October 2006 from the Municipal Account amounts to \$791,929.76 and Trust Account amounts to \$340.00.

Cheques 32242 – 32256, 32265 and 32277 were cancelled.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10328

Moved Cr Bennett
Seconded Cr Stewart

That Municipal Account cheques 32257 to 32316, Electronic Funds Transfers EFT2197 to EFT2341 and direct debits to the Municipal Accounts totalling \$791,929.76 and Trust Account cheques 512 – 513 totalling \$340.00 having been checked and certified in accordance with the Financial Management Regulation 12, be confirmed, and passed for payment against the respective accounts as shown on the summary of Accounts for Payment schedule.

MOTION CARRIED 9/0

FINANCIAL STATEMENTS – OCTOBER 2006

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Ms Leonie McIlree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 6 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 31 October 2006.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Notes to and forming part of the Statement
- Operating and Capital Financial Report
- Bank Reconciliation

The following comments are made in relation to the variances budget to year to date:

Operating Revenue

If variance column is reported as a positive (no brackets) more income has been brought to account than budgeted, if variance column is a negative (brackets) then income received is less than budgeted. If variance column reports in excess of 10% or -10% then an explanation is required.

Governance:

Received advertising rebate from WALGA and rent for Lake Grace Railway Station Building (not budgeted for).

Transport:

Timing difference for funding from Main Roads for Regional Road Group funding and Direct Road Grant.

Other Property & Services:

Variance is due to plant operation costs and public works overheads allocations which are completed on a quarterly basis (will be completed for December 2006 financial statements).

Operating Expenses

If variance column is reported as a positive (no brackets) less expense has been brought to account than budgeted, if variance column is a negative (brackets) then expenditure incurred is higher than budgeted. If variance column reports in excess of 10% or -10% then an explanation is required.

Housing:

Timing difference associated with painting and replacing carpets in units in Newdegate.

Community Amenities:

Sewerage maintenance Lake Grace, Lake Grace Town Planning Expenses and Townscape Design – all timing differences as budget has been prepared on expenditure incurred being averaged over 12 months.

Recreation & Culture:

Various timing differences associated with all accounts within Function 11.

Economic Services:

Timing difference for standpipe water accounts.

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10329

Moved Cr Taylor
Seconded Cr Newman

That the financial reports for the month ending 31 October 2006 as attached be accepted.

MOTION CARRIED 9/0

13.3 FINANCIAL STATEMENTS – NOVEMBER 2006

Applicant: Shire of Lake Grace
File No. 0275
Attachments: Financial Reports
Author: Leonie McIlree
 Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 12 December 2006
Senior Officer: Chris Jackson
 Chief Executive Officer

Summary

Consideration of the financial statements for the month ending 30 November 2006.

Background

The following financial reports are included for your information:

- Monthly Statement of Financial Activity
- Notes to and forming part of the Statement
- Operating and Capital Financial Report
- Bank Reconciliation

The following comments are made in relation to the variances budget to year to date:

Operating Revenue

If variance column is reported as a positive (no brackets) more income has been brought to account than budgeted, if variance column is a negative (brackets) then income received is less than budgeted. If variance column reports in excess of 10% or -10% then an explanation is required.

Governance:

Received advertising rebate from WALGA and rent for the Lake Grace Railway Station Building (not budgeted for).

Law, Order & Public Safety:

Received an additional \$4,000 unbudgeted income for administering Emergency Services Levy.

Health:

Rent for hire of Doctors surgery for period October to December 2006 yet to be raised.

Transport:

Timing difference for funding from Main Roads for Regional Road Group funding and Direct Road Grant.

Other Property & Services:

Variance is due to plant operation costs and public works overheads allocations which are completed on a quarterly basis (will be completed for December 2006 financial statements).

Operating Expenses

If variance column is reported as a positive (no brackets) less expense has been brought to account than budgeted, if variance column is a negative (brackets) then expenditure incurred is higher than budgeted. If variance column reports in excess of 10% or -10% then an explanation is required.

Governance:

Variance is due to administration allocations which are completed quarterly – will be completed for December 2006 statements.

Law, Order & Public Safety:

Various timing differences within sub-function Fire Prevention and additional expenditure incurred for protective clothing.

Housing:

Timing difference associated with painting and replacing carpets in units in Newdegate.

Community Amenities:

Lake Grace Town Planning Expenses and Townscape Design – all timing differences as budget has been prepared on expenditure incurred being averaged over 12 months.

Economic Services:

Timing difference for standpipe water accounts.

Other Property & Services:

Variance is due to plant operation costs and public works overheads allocations which are completed on a quarterly basis (will be completed for December 2006 financial statements).

Legal Implications

Local Government Act 1995 – section 6.4

Local Government (Financial Management) Regulations 1996

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

Nil.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10330

Moved Cr Stewart
Seconded Cr Walker

That the financial reports for the month ending 30 November 2006 as attached be accepted.

MOTION CARRIED 9/0

13.4 DEBT WRITE-OFF – OUTSTANDING DEBTORS

Applicant: Deputy Chief Executive Officer
File No. 0276
Attachments: List of debtors
Author: Ms Leonie McIllree
 Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 1 December 2006
Senior Officer: Mr Chris Jackson

Chief Executive Officer

Summary

For Council to agree to the write-off of various outstanding debtor accounts.

Background

Following an extensive review of Council's debtor ledger during November 2006 staff are of the view that a number of debtor accounts need writing off for varying reasons.

Comment

The debtors and amounts to be written off are as follows:

DEBTOR	AMOUNT	COMMENT
Anne Maree Downing	\$40.00	Tried to make contact – no success
Ben Haines	\$6.60	Raised for a lost library book charge May 2005 – account paid but receipted incorrectly
Chris Smith	\$0.80	GST component not paid
Esperance Conveyancing	\$44.00	Raised for settlement enquiry – raised in error and account was paid on EAS
Jesse Kingsbury	\$93.00	Raised for various dog offences, \$100 paid off – took legal action however advised to write-off outstanding amount
Lily Jensen	\$5.10	Raised in error for water consumption
Ms Maginnis	\$13.20	Raised for lost library book May 2005 – Contact with debtor unsuccessful
Nita King	\$20.90	Raised for lost library book – debtor no longer lives in Shire and contact unsuccessful
Peter Warren	\$773.10	Outstanding debt goes back to 2002 dog fines)
DrumMuster	\$404.01	Invoice raised for training costs – not covered by DrumMuster
TOTAL	\$1,400.71	

The total amount requested to be written off totals \$1,400.71.

Legal Implications

Section 6.12 (c) of the Local Government Act 1995 gives authority to Council to write-off any amount of money which is owed to the local government (absolute majority required).

Policy Implications

N/A

Community Consultation

N/A

Financial Implications

The write-off will have an effect on Council's end of year surplus/deficit as no provision has been made in the 2006/07 budget for the write-off of these debtor accounts.

Strategic Implications

N/A

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution**MOTION 10331**

Moved Cr Chamberlain
Seconded Cr Sinclair

That Council agrees to the write off the following outstanding debtor accounts totalling \$1,400.71:

DEBTOR	AMOUNT	COMMENT
Anne Maree Downing	\$40.00	Tried to make contact – no success
Ben Haines	\$6.60	Raised for a lost library book charge May 2005 – account paid but receipted incorrectly
Chris Smith	\$0.80	GST component not paid
Esperance Conveyancing	\$44.00	Raised for settlement enquiry – raised in error and account was paid on EAS
Jesse Kingsbury	\$93.00	Raised for various dog offences, \$100 paid off – took legal action however advised to write-off outstanding amount
Lily Jensen	\$5.10	Raised in error for water consumption
Ms Maginnis	\$13.20	Raised for lost library book May 2005 – Contact with debtor unsuccessful
Nita King	\$20.90	Raised for lost library book – debtor no longer lives in Shire and contact unsuccessful
Peter Warren	\$773.10	Outstanding debt goes back to 2002 dog fines)
DrumMuster	\$404.01	Invoice raised for training costs – not covered by DrumMuster
TOTAL	\$1,400.71	

MOTION CARRIED 9/0

13.5 LAKE GRACE SWIMMING POOL FUN DAY

Applicant: Mr Kevin Seaman
File No. 0517
Attachments: Nil
Author: Ms Leonie McIlree
Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 6 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to consider a request from Mr Kevin Seaman, Manager of the Lake Grace Swimming Pool to hold a fun day at the Swimming Pool during March 2007.

Background

Council has previously supported a request for a fun day, and following the success of last year's fun day it is proposed to make this an annual event.

Comment

It has been suggested that the day operate from 11.00am – 3.30pm with a gold coin entry to all patrons (no season passes) with all gate proceeds being donated to the Royal Flying Doctor Service (RFDS).

Legal Implications

Not Applicable.

Policy Implications

Nil.

Community Consultation

N/A

Financial Implications

Expenditure for promotion, refreshments and purchase of prizes for the day can be incorporated into account E112020 Lake Grace Pool Operating Expenses.

Limited prizes have been received from Leanne Gledich, Be Active Coordinator to assist with planning for the day.

Strategic Implications

Nil.

Cultural Implications

N/A

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10332

Moved Cr Bennett
Seconded Cr Farrelly

That Council supports the Royal Flying Doctor Service Fun Day at the Lake Grace Swimming Pool during March 2007 and agrees to donate entry fees to the Royal Flying Doctor Service.

MOTION CARRIED 9/0

13.6 VARLEY PROGRESS ASSOCIATION – WAIVER OF RATES

Applicant: Varley Progress Association
File No. 0260
Attachments: Letter
Author: Mrs Danielle Robertson
Senior Finance Officer
Disclosure of Interest: Nil
Date of Report: 13 December 2006
Senior Officer: Ms Leonie McIlree
Deputy Chief Executive Officer

Summary

The purpose of the report is for Council to consider waiving the rates and service charges for the property situated at 17 (lot 22) Seward Avenue, Varley. The property is owned by the Varley & Districts Progress Association.

Background

A letter has been received from the Secretary of the Varley Progress Association, Anna-Lisa Newman, requesting that the rates and service charges for the current financial year be waived. The account has not been paid and the Varley Progress Association have also requested to be reimbursed for rates paid by the Association over the last two financial years.

The total rates payable for the 2006/07(current) year is \$311.34. Rates paid by Varley Progress Association for the 2005/06 and 2004/05 financial year total \$380.41 and \$369.17 respectively.

Comment

A review of Council minutes indicates that the last time Council waived the rates for Varley Progress Association was at its Ordinary Meeting held on 22 October 2003. Refer to motion 9577 October 2003 Council Meeting.

Legal Implications

Section 6.47 of the Local Government Act 1995 states that a local government, may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

Absolute majority required.

Policy Implications

N/A

Community Consultation

Nil.

Financial Implications

Council has a budget provision of \$4,000 for donations. To date 50% of this budget has been expended.

Strategic Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10333

Moved Cr Walker
Seconded Cr Newman

1. That Council agree to the waiver of \$311.34 in rates and service charges payable on Lot 22, 17 Seward Avenue, Varley, and that the Varley Progress Association be advised accordingly.
2. That Council agree to the refund of rates paid for the 2004/05 and 2005/06 financial year being \$749.58.

MOTION CARRIED BY ABSOLUTE MAJORITY 9/0

14.0 MATTERS FOR CONSIDERATION – ADMINISTRATION

2.00 pm CEO left the meeting and returned at 2.02 pm.

14.1 LOT 53 LAKE BIDDY – CROPPING AND GRAZING LEASE

Applicant:	Department for Planning & Infrastructure
File No.	0362
Attachments:	Correspondence & map
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	6 December 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends the cancellation of the Lease Agreement over Lake Bidy Lot 53 for Cropping and Grazing.

Background

Council has previously leased Lot 53 Lake Bidy for the purposes of Cropping and Grazing. The lease expired on 31 December 2004.

In the past, local community groups utilised the land for cropping as a fundraising activity however the land area is less than 15 hectares and is unsuitable for use with the agricultural machinery currently in use.

Council currently pays the annual lease fees.

Comment

The concept of leasing land for cropping to raise funds for community projects generally is supported.

The situation at Lake Bidy is a reflection on the size of machinery now being utilised by farmers and not the actual concept. For this reason it is recommended that the lease over Lot 53 not be pursued.

Legal Implications

The actual Lease for Lot 53 Lake Bidy expired on 31 December 2004.

Policy Implications

Nil.

Community Consultation

The matter was presented to Councillors at their November 2006 information briefing session.

Financial Implications

There will be a saving of \$55.00 per annum in lease fees.

Strategic Implications

N/A

Cultural Implications

N/A

Recommendation

That the Department for Planning and Infrastructure, Land Asset Management Services be advised that Council does not require a new lease over Lake Bidy Lot 53 for the purposes of Cropping and Grazing.

Voting Requirements

Simple majority required.

Resolution

MOTION 10335

Moved Cr Newman
Seconded Cr Bennett

That the Department for Planning and Infrastructure, Land Asset Management Services be advised that Council does not require a new lease over Lake Bidy Lot 53 for the purposes of Cropping and Grazing but that this is subject to community consultation being undertaken and that the matter then be re-presented to Council's March 2007 Meeting.

MOTION CARRIED 9/0

REASON FOR CHANGE

Council wish to consult with the Newdegate community prior to advising the Department for Planning & Infrastructure that it does not require a new lease on the land.

14.2 RECYCLING BIN CHARGES EXEMPTION – NEW POLICY AND ANGLICAN PARISH OF LAKE GRACE REQUEST

Applicant: Anglican Church Lake Grace
File No. 0265
Attachments: Correspondence
Author: Mr Jim Fraser
Project Officer
Disclosure of Interest: Nil
Date of Report: 6 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

This report recommends:

1. Adoption of a policy related to the exemption of charges for Council's recently introduced recycling project; and,
2. Recommends exemption from recycling bin charges for the Anglican Parish of Lake Grace.

Background

Council has recently introduced a kerbside recycling project for the towns of Lake Grace and Newdegate. The service is currently on a fortnightly basis and is being delivered by Warren Blackwood Waste.

An early assessment of the service has already indicated a substantial reduction in rubbish being placed in landfill.

A request for an exemption from the recycling charge has been received from the Anglican Parish of Lake Grace.

Council, at its 18 October 2006 Ordinary Meeting resolved in part ***that Council formulate a policy to manage similar requests in future.***

The resolution was in response to a request from the Catholic Church in Lake Grace for an exemption from the service charge imposed to cover the costs of the recycling service.

The report to the October 2006 meeting outlined the basis for the imposition of the recycling service charge and is again repeated.

When rates billing was undertaken all properties in the Lake Grace and Newdegate townsites with a current refuse service charge had the recycling charge applied to their account.

Comment

In addressing the formulation of a policy to exempt properties from the payment of a recycling service charge several criteria were considered. Under current legislation places of worship are exempt from the payment of general rates. Another consideration was the capacity for the premises to generate recycled products. Usage patterns were also considered.

Generally, places of worship and adjoining halls and meeting rooms, halls and infrastructure associated with service groups and volunteer organisations were considered. There are 4 churches in Lake Grace and Newdegate townsites with 2 Parish Centres attached to the churches.

The Country Women's Association has a centre in each town; St John Ambulance and Volunteer Fire Brigades also have structures in each town.

Whilst other service groups and volunteer organisations are well represented in the towns they do not have dedicated headquarters/buildings.

A review of the various land use areas was also undertaken however it is not recommended that the policy be extended into these areas.

Specifically the request from the Anglican Parish of Lake Grace for exemption from the recycling services charges is supported.

Legal Implications

Section 6.47 of the Local Government Act 1995.

Policy Implications

The Policy Manual will be amended to reflect the decision of Council.

Community Consultation

N/A

Financial Implications

The 2006/07 service charge for recycling is \$77.00.

Strategic Implications

The introduction of a recycling service reflects Council's strategic direction to reduce the quantity of rubbish disposed to landfill.

Cultural Implications

N/A

Voting Requirements

Absolute majority (5) required.

Recommendation/Resolution

MOTION 10336

Moved Cr Walker
Seconded Cr Farrelly

That:

1. The Anglican Parish of Lake Grace be granted an exemption from the payment of a recycling service charge on their properties located at:

7 Bennett St Lake Grace
9 Bennett St Lake Grace
Collier St Newdegate

And the current recycling service charge of \$77.00 for each property be waived.

2. The Policy as below be adopted:

**Section 2 Community Support - Policy 2.7
Exemption from Service Charges – Recycling**

Policy

Places of worship including associated parish halls and facilities in the towns of Lake Grace and Newdegate shall be exempt from the payment of the service charge for recycling set by Council on an annual basis.

Buildings constructed for the purpose of carrying out their normal activities including the storage of plant and equipment under the care, control and management of service clubs including the Country Women's Association, St John Ambulance Sub Centres, Volunteer Fire Brigades and Lions Clubs in the townsites of Lake Grace and Newdegate shall be exempt from the payment of the service charge for recycling set by Council on an annual basis.

Objectives

To exempt the payment of a service charge for recycling for places of worship and buildings under the care, control and management of services clubs and volunteer organisations recognising the minimal impact on Council's recycling service.

Guidelines

The status of the organisation and the impact of their operations on the recycling service.

History

N/A

Review

Manager of Community Services

MOTION CARRIED 9/0

14.3 AUDIT COMMITTEE – NEW POLICY – CREDIT CARD USE

Applicant: Audit Committee
File No. 0275
Attachments: Nil
Author: Ms Leonie McIlree
 Deputy Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 1 December 2006
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

The purpose of this report is for Council to approve the Minutes of the Audit Committee Meeting held on 22 November 2006 and endorse the Audit Committee's recommendation for the introduction of a new policy to cover the use of the Shire's credit card.

Background

The Audit Committee meeting was held in Newdegate, following the Ordinary Council Meeting. All Councillors were in attendance for the meeting with the exception of Cr Walker.

Comment

The Audit Committee meeting held on 22 November 2006 made resolutions on the dates for Audit Committee meetings for 2007 and the creation of a policy for the use of a corporate credit card.

Note: In the Audit Committee Minutes attached the 2007 Schedule of Meetings proposes the venue for the February meeting to be Council Chambers. As the building renovations will not be completed by this time the schedule reflects a change of venue (refer Officer/Committee Recommendation below).

Legal Implications

Local Government Act 1995 – s 5.9 (2) c
 Local Government Act 1995 – s 5.25 (g)
 Local Government (Administration) Regulations 1996 s 12 (1) (b)

Policy Implications

Introduction of new Council Policy 3.5

Community Consultation

N/A

Financial Implications

N/A

Strategic Implications

N/A

Cultural Implications

N/A

Resolution/Officer/Committee Recommendation**MOTION 10337**

Moved Cr Farrelly
Seconded Cr Taylor

1. That the minutes of the Audit Committee meeting held 22 November 2006 be approved;
2. That the following schedule of dates be advertised for the Shire of Lake Grace 2007 Audit Committee meetings:

Date	Time	Venue
21 February 2007	11.00am	Lake Grace CWA Rooms
16 May 2007	11.00am	Council Chambers Lake Grace
15 August 2007	11.00am	Council Chambers Lake Grace
21 November 2007	11.00am	Council Chambers Lake Grace

That the following policy be adopted for the authorised use of a Council Credit Card:

**Section 3 Finance/Accounting
Policy 3.5
Authorised Use of Credit Card**

POLICY

To govern the issue, use and reporting requirements of a corporate credit card for the Shire of Lake Grace.

OBJECTIVES

To provide details for the use, allocation, control and safe custody of corporate credit cards.

DEFINITIONS

“Credit Card” is defined as a facility allowing the cardholder to pay for goods and services on credit.

MOTION 10337 continued.

“Business Expense” is defined as any expense necessary to the conduct of the business or for the benefit of the Shire of Lake Grace, is under the terms of the employee’s contract of employment with the Shire of Lake Grace or relevant Council policies.

GUIDELINES

The following guidelines governs the issue and use of corporate credit cards:

1. Credit Card to be issued to the Chief Executive Officer (CEO) only.
2. The use of the credit card by the CEO is restricted to business expenses only. The use of corporate credit cards for any item of personal expenditure is disallowed.
3. All credit card receipts are to be handed to the Finance Department for reconciliation and allocation purposes.
4. The CEO when utilising the corporate credit card to purchase goods and services must provide an invoice, or documentation to support the request, to the Finance Department before any payment is made via credit card.
5. Council can revoke any delegation if any of the policy conditions are breached.
6. A list of expenses incurred on credit is to be presented to Council with normal monthly municipal expenditure and is to be clearly marked that the purchase has been made via a credit card.
7. Corporate credit cards are issued with a maximum credit of \$5,000.

MOTION CARRIED 9/0

14.4 NEWDEGATE SWIMMING POOL

Applicant:	Department of Education and Training
File No.	0412
Attachments:	Site plan, draft agreement & notes, correspondence, letter dated March 1986 and meeting notes
Author:	Mr Jim Fraser Project Officer
Disclosure of Interest:	Nil
Date of Report:	7 December 2006
Senior Officer:	Mr Chris Jackson Chief Executive Officer

Summary

This report recommends continuing the negotiations with the Department of Education and Training (DET) for the ongoing management of the Newdegate Swimming Pool.

Background

The Newdegate community first started negotiations with Council for the construction of a swimming pool in Newdegate in 1984. The negotiations led to the construction of a 25 metre six lane swimming pool with diving bowl, a wading pool, change-rooms, kitchen/kiosk and associated infrastructure on a site within Reserve 19505. The site also incorporates the Newdegate Primary School and the Newdegate Library/Telecentre.

An assessment of earlier records indicates that the pool was developed under the Community, Sporting and Recreation Facilities Fund guidelines i.e. one third of the cost contributed in cash and in-kind by the Shire of Lake Grace; one third of the cost contributed in cash and in-kind by the Newdegate community and one third of the cost being a grant from the Department of Sport and Recreation under the CSRFF programme.

There is no evidence of a capital contribution from the Department of Education and Training however the pool is constructed on a site under their care, control and management.

The Department of Education has recently requested Council to consider a new Management Agreement for the ongoing operations of the Newdegate Pool. The proposed Agreement is significantly different to the current arrangements and is causing a great deal of concern within the community.

The proposed Agreement has the potential to impact significantly on Council. Currently the facility could be best described as a 'school pool with community access'.

Comment

Following receipt of advice from DET that a new agreement for the management of swimming pools within school grounds was being considered a meeting was held in Newdegate on 25 September 2006 (refer attached notes). It was evident from the discussions at the meeting that there were significant differences between the expectations of the community and DET. In his capacity as Acting Chief Executive Officer, the Project Officer Jim Fraser, conveyed this information to DET by way of correspondence dated 4 October 2006 (refer attached copy).

Messrs Ioppolo and Robertson from Capital Programs Branch of DET met with Crs Newman and Chamberlain, the Chief Executive Officer Mr Chris Jackson and community members representing the Newdegate P&C Association and the Pool Committee in Newdegate on Tuesday 21 November 2006.

Notes from the meeting prepared by the Project Officer Mr Jim Fraser are attached.

The sample pool agreement tabled for discussion is based on an agreement between the Shire of West Arthur and the Minister for Education for facilities within the Darkan Primary School and both parties have signed the agreement.

Whilst a general assessment of the proposed agreement has been made by staff a full review has not been carried out as it is evident that it does not reflect the views of the community. No legal opinions have been sought.

During research into the issue correspondence dated March 1986 confirms the position of the community and certainly those of Crs Newman and Chamberlain that the then Education Minister agreed to accept responsibility for major maintenance as a major long term contribution (refer attached correspondence).

Staff make this point as Mr Ioppolo indicated at the meeting that there was no "agreement" in place confirming the actions of the then Minister.

The condition of the pool bowls has been raised over recent years and a major upgrade is required.

With the polarised positions of the parties it is recommended that negotiations continue.

CEO Comments

Following a meeting attended by the CEO with the Health Department to discuss Education Department Swimming Pools which are used by the local community the following information is provided. Proposed new Health (Aquatic Facility) Regulations are due to be implemented in early 2007.

Under the Regulations Code the Newdegate Swimming Pool will be classified as a Group 3 pool.

Immediately on application of the code the pool will require:

- Operation Manuals & Emergency Actions Plans
- Water Quality & Testing Requirements
- Sanitation and Operational Requirements.

There will also be increased requirements for bather numbers; entry age, safety signage and first aid equipment together with a range of other technical aspects of the pool operations.

Following 6 months introduction of the code the following qualification requirements will also be required:

- Technical Operations
- Patron Rescue
- Emergency Care

For the Newdegate Pool to continue to function with the key latch system one person who is present at the pool must have the Patron Rescue and Emergency Care qualifications (Bronze Medallion) and whilst they are not required to supervise they must be on the premises whenever the pool is open or available for use. At present those purchasing a key are required to have a current first aid certificate only. The technical operations qualification can be held by another person.

The introduction of the regulations are very relevant as, if Council was to take responsibility for the operation of community use of the pool, which is what is being proposed, the code as outlined above would need to be complied with.

It should also be noted that the pool will be classified as a Group 2 pool when being used by the Education Department/School. The Group 2 operation requirements for the pool are different and will require that the pool is only used as a group 2 pool when being used by the school and it can not at these times be used by the community. i.e. during school hours.

Under these arrangements it is clear that for the pool to operate at times for community use an incorporated body or the Shire would need to take on this responsibility. It would appear that if an incorporated body or the Shire did not take responsibility for community use the Education Department could only choose to use the pool solely for school or close the facility completely.

At this time I am unclear about insurance requirements but am led to believe that existing pools such as Darkan operate under the key latch system with Council having suitable liability coverage. This detail will be investigated in light of the new regulations.

Legal Implications

There are no legal implications at this stage in proceedings.

Policy Implications

Nil.

Community Consultation

Whilst there has not been a full community consultation process the community has been represented at the two meetings held to discuss the matter.

Financial Implications

Council currently pays \$8,000.00 per annum to the Newdegate P&C Association to assist with the cost of operating the Newdegate Swimming Pool through the Newdegate Specified Area Rate process.

The proposed Agreement could increase Council's financial commitment to the facility.

Strategic Implications

The Newdegate Swimming Pool is an important and valuable asset to the Newdegate community.

Cultural Implications

N/A

Recommendation

That negotiations continue with the Department to finalise an Agreement for the ongoing management of the Newdegate Swimming Pool for use by the school and the community.

Voting Requirements

Simple majority required.

Resolution

MOTION 10338

Moved Cr Newman
Seconded Cr Chamberlain

1. That negotiations continue with the Department to finalise an Agreement on behalf of the Newdegate community for the ongoing management of the Newdegate Swimming Pool for use by the school and the community.
2. That the Education Department to also be advised that Council is of the view that the long term maintenance of the pool is the responsibility of the Department.

MOTION CARRIED 9/0

REASON FOR CHANGE

Addition of point 2 – Although it has not changed the original intent of the motion Council considered it could be misread and that it clarifies Council's position on the matter.

14.5 LAKE GRACE LIBRARY, RESOURCE & TELECENTRE MANAGEMENT COMMITTEE

Applicant: Lake Grace Library, Resource & Telecentre
Management Committee

File No. 0157

Attachments: Minutes

Author: Mrs Jeanette Bennett
Executive Assistant

Disclosure of Interest: Nil

Date of Report: 13 December 2006

Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to accept the minutes of the Lake Grace Library Resource & Telecentre Management Committee Meeting held 16 November 2006 and to endorse Committee recommendations with regard to Writing WA membership and the 2007 meeting schedule.

Background

At its meeting held 16 November 2006, the Lake Grace Library, Resource & Telecentre Management Committee (refer attached minutes) discussed various matters and recommended membership to Writing WA and determined a preferred schedule of meetings for 2007.

As a Committee of Council formed under the terms of the Management Agreement and Section 5.9 (2) c of Local Government Act 1995, the Lake Grace Library, Resource & Management Committee does not have delegated powers therefore Officer/Committee recommendations require Council endorsement.

Comment

Membership to Writing WA

Writing WA is an organisation that has a pool of money from Arts WA to bring West Australian authors into regional libraries. Libraries are encouraged to liaise with other community groups to apply for an author's visit and libraries who are members of the organisation are given priority. Writing WA pays for the authors fee and travel costs.

Schedule of Meetings 2007

Under the Local Government Act 1995, Council Management Committee is required to give local public notice of the intended dates for committee meetings to be held in the next 12 months.

The preferred schedule for 2007 is as follows, all meetings to commence at 11am at the Lake Grace Library:

- Thursday 15 February
- Thursday 2 August
- Thursday 15 November

Legal Implications

Local Government Act 1995 – s 5.9 (2) c

Local Government Act 1995 – s 5.25 (g)

Local Government (Administration) Regulations 1996 s 12 (1) (b)

Policy Implications

Nil.

Community Consultation

The Lake Grace Library Resource & Telecentre Management Committee has Councillor and staff, Lake Grace District High School, Telecentre and community representation.

Financial Implications

Membership to Writing WA costs \$110.00 per annum. Funds are available in Account E115021 Lake Grace Library Control Expenses to cover the membership cost.

Strategic Implications

Nil.

Cultural Implications

The opportunity for the Library to host author's visits is an important cultural activity for isolated communities such as ours.

Voting Requirements

Simple majority required.

Resolution/Officer/Committee Recommendation

MOTION 10339

Moved Cr Farrelly
Seconded Cr Bennett

That Council:

1. Accept the minutes of the Lake Grace Library Resource and Telecentre Management Committee;
2. Endorse the library membership of \$110.00 for 2007 to Writing WA; and,
3. Advertise the following schedule of meetings for 2007:
 - Thursday 15 February, commencing 11 am at the Lake Grace Library
 - Thursday 2 August, commencing 11am at the Lake Grace Library
 - Thursday 15 November, commencing 11am at the Lake Grace Library

MOTION CARRIED 9/0

14.6 LAKE GRACE KINDERGARTEN BUILDING - LEASE

Additional information handed out – letter from Playgroup

Applicant: Department of Education and Training
File No. 0254
Attachments: Draft Lease, Item 21 December 2005 and copies of various letters
Author: Mr Chris Jackson
 Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 14 December 2006
Senior Officer: Mr Chris Jackson
 Chief Executive Officer

Summary

For Council to consider future lease arrangements for the Lake Grace Kindergarten.

Background

Council at its December 2005 ordinary meeting previously discussed the future of the Lake Grace Kindergarten following a request from the Department of Education and Training to re-enter in to a lease for the Kindergarten. Council resolved as follows.

“That we enter into discussion with the Department of Education on the sale of the building located on Reserve 27864.”

No formal response has been received from the Department but following discussion with the school it has been indicated that the purchase of the property is not an option at this time. The lease originally expired in March 2002 and the building has been used in recent times by the Lake Grace Play Group. The Department would prefer to enter into lease arrangements for use of these facilities.

Comment

The Lake Grace District High School has advised that the facility is required for pre-primary use and whilst the school has not used the facility for the past school year it again requires its use. Previously the School has shared the building with the Lake Grace Play Group but they are not happy with these arrangements. The Play Group have now written to Council (refer attached) requesting the continued use of the Kindergarten.

A meeting was held with representatives from Play Group who indicated their preference was to stay at the Kindergarten for the one morning per week use. The school is not happy with this arrangement as it requires

that the class room is packed up together with making sure it is left in a suitable condition prior to being used by pre-primary.

A letter has also been received from Lake Grace Toy Library and Lake Grace Day Care indicating that they could also support a move into the Kindergarten facility. Although they have both clearly pointed out that they are happy with their current arrangements with use of the RSL and Lake Grace Pavilion facilities.

The Kindergarten with some modifications would be an ideal location for share community use such as play group, toy library, day care but the shared use by the school does pose problems as previously indicated. In the long term the focus on use by community groups may be the best option if the Department of Education and Training can provide suitable facilities for pre-primary on the School site.

Numerous telephone calls and correspondence has since the matter was raised in the School Newsletter been received from parents and interested parties indicating strong support for the retention of the building for use by the school for pre-primary. The Play Group has also indicated that they appreciate the needs of the school and the desire of parents to continue to use the building for pre-primary.

It is recommended that Council withdraw its offer to discuss the sale of the building at this time, allow the Education Department the continue use of the Kindergarten facility for the next school year and continue negotiations on the future of the facility.

It is also recommended that assistance continue to be provided to the Lake Grace Play Group for a future venue for their activities. Venues that could be considered include the Lake Grace Lessor Hall, Old Doctors Surgery when vacated by the Shire and the Lake Grace Pavilion.

Legal Implications

Local Government Act 1995 Section 3.58 “Disposing of Property”

Local Government (Functions and General) Regulations 1996 Section 30
(2) (c) (ii)

Policy Implications

N/A

Community Consultation

The matter has been included in the School Newsletter, meetings have been held with the Lake Grace Play Group and the School and correspondence has been received on the matter.

Financial Implications

The proposed lease provides that the lessee is not required to pay any rent for the term due the \$16,000 capital contribution previously made by the lessee towards the property.

Council currently does not receive any rental payments from the use of this property and has made no provision to receive any such income in its 2006/07 Budget.

Strategic Implications

The continued operation of community groups and facilities is important to the sustainability of our communities.

Cultural Implications

The continued operation of community groups and facilities is important to the sustainability of our communities.

Recommendation

- 1) That the Department of Education and Training be advised that:
 - a) Council withdraws its offer to discuss the sale of the building at this time,
 - b) The continued use of the Kindergarten facility for use by the Lake Grace District High School for pre-primary is approved for the 2007 school year only under the arrangements as set out in the draft lease agreement, and that;
 - c) Discussion continue with the Department and the School on the future of the Kindergarten facilities with the discussions to be concluded prior to the end of the 2007 school year.
- 2) That the Lake Grace Play Group be advised that every assistance will be provided to endeavour to find a suitable location for their activities and that discussion will continue with the Department of Education and Training on the future long term use of the Kindergarten facilities.

Voting Requirements

Simple majority required.

Resolution

MOTION 10340

Moved Cr Farrelly
Seconded Cr Walker

- 1) That the Department of Education and Training be advised that:
 - a) Council withdraws its offer to discuss the sale of the building at this time,
 - b) The continued use of the Kindergarten facility for use by the Lake Grace District High School for pre-primary is approved until the 2009 school year under the arrangements as set out in the draft lease agreement, and that;
 - c) Discussion continue with the Department and the School on the future of the Kindergarten facilities with the discussions to be concluded prior to the end of the 2007 school year.

- 2) That the Lake Grace Play Group be advised that every assistance will be provided to endeavour to find a suitable location for their activities and that discussion will continue with the Department of Education and Training on the future long term use of the Kindergarten facilities.

MOTION CARRIED 8/1

REASON FOR CHANGE

Point 1(b) was changed from the 2007 school year to the 2009 school year to bring it into line with the original lease agreement.

15.0 URGENT BUSINESS BY DECISION OF THE MEETING

None.

16.0 SCHEDULING OF MEETING

16.1 NEXT ORDINARY MEETING OF COUNCIL

Refer Motion 10319, 22 November 2006 Ordinary Meeting

The next Ordinary Meeting of Council is to be held on 28 February 2007, commencing at 1pm at the Lake Grace Sportsmans Club.

17.0 CONFIDENTIAL BUSINESS – As per Local Government Act s.5.23 (2)

MOTION 10341

Moved Cr Newman
Seconded Cr Stewart

That Council close the meeting to the public at this time, being 2.40 pm, to discuss staff matters.

MOTION CARRIED 9/0

2.40pm *Mr Graham (Rusty) Lee, Mr Jim Fraser, Ms Leonie McIlree & Mrs Jeanette Bennett left the meeting.*

17.1 MANAGER OF WORKS - APPOINTMENT

Applicant: Chief Executive Officer
File No. Personal File
Attachments: Application Mr Glen Brigg & Contract of Employment
Author: Mr Chris Jackson
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 8 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

To inform Council of the appointment of a Manager of Works (senior employee).

Background

As Council is aware the previous Manager of Works Garry Moulds passed away suddenly in October 2006 following appointment to the position in July 2006.

LOGO Appointments assisted with the recruitment process and have provided the following report

*Shire of Lake Grace
Manager Works and Services
Report to Mr Chris Jackson CEO*

The position of Manager Works and Services was advertised in the West Australian on Saturday 21st October 2006. The advertisement complied with the requirements of the Local Government (Administration) Regulations and the Local Government Operational Guidelines No. 10 – Appointing a CEO. These also relate to Senior Officer Appointments.

Applications for the position closed on Monday 13th November 2006.

In addition to the advertisement in the West Australian the position was also advertised in the Local Government Job Directory and on LO-GO Appointments web page and an email notification was sent to over 900 Local Government contacts in LO-GO Appointments data base.

A total of 13 information packages were sent out and 6 applications were received and are listed below:

<i>Name</i>	<i>Current Position</i>
<i>Mr Rick Keen</i>	<i>Works Officer Balonne Shire Council Qld</i>
<i>Mr Glen Brigg</i>	<i>Supervisor of Works Tambo Shire Council Qld</i>
<i>Mr Ross Hooper</i>	<i>Consultant to Local Government and Civil Contractors.</i>
<i>Mr Andrew Donn</i>	<i>Building Estimator Jaxon Homes Construction. Currently unemployed.</i>
<i>Norbert Marwick</i>	<i>CEO Shire of Quairading</i>
<i>Terry Blanchard</i>	<i>Consultant Engineer</i>

Of the applications received, the most suitable candidates were Mr R Keen and Mr G Brigg. Telephone reference checks were done on these two applicants with their current CEO.

Telephone interviews were arranged to be conducted from the Shire of Lake Grace offices on Thursday 23rd November 2006 and these were attended by the Shire President Mr D Roberts, Councillor I Chamberlain, CEO Mr C Jackson and Mr S McKay of LO-GO Appointments.

Interviews were held with Mr R Keen, Mr G Brigg and Mr R Hooper.

*Steven McKay
Manager*

Comment

The interview panel consisted of the Shire President Cr Darcy Roberts, Cr Ian Chamberlain, Steve McKay of LOGO Appointments and the CEO. Three applicants were considered for the position with all three being initially interviewed over the telephone. One applicant was then invited to the Shire for an interview and one was interviewed in person by the CEO.

Mr Glen Brigg and his family from Tambo Queensland visited the Shire for two days for meetings with the interview panel and inspections of roads and facilities in each Shire town.

The CEO met with Mr Ross Hooper in Perth to discuss his application following the telephone interview. Ross had previously worked for the Shire on contract.

After much discussion and consideration the position of Manager of Works has been offered to Mr. Glen Brigg for a three year contract term which includes a three month probationary period. Glen has indicated that he is happy to accept the position. Glen, his wife Cathy and son Jesse will be looking to arrive in Lake Grace during January before the start of the school year.

Whilst Glen has only been in Local Government for two years he has a wealth of experience working in the gas & oilfields, plant operation, road construction and maintenance. His current

position with the Tambo Shire Council in a similar role of Supervisor of Works has given Glen full exposure to Local Government.

Whilst some members of the interview panel had some reservations about Glen's ability to adapt to the Shire of Lake Grace conditions and the move to Western Australia; I am confident that he will adjust and make a very good Manager of Works.

Legal Implications

Local Government Act 1995 s5.37 (2) Senior Employees "The CEO is to inform the council of each proposal to employ or dismiss a senior employee other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for doing so."

Policy Implications

Policy 4.3 Senior Employees -The Manager of Works position is designated senior employee.

Community Consultation

N/A

Financial Implications

The position was advertised with a cash component of up to \$78,000 and the package up to \$111,000. The position has been offered with a cash component of \$70,000 and the package of \$103,892.

Strategic Implications

The role of Manager of Works is vitally important in the management of infrastructure assets.

Cultural Implications

The role of the Manager of Works is vitally important in the management of Council assets.

Recommendation

That Council accept the appointment of Glen Brigg to the position of Manager of Works for a 3 year period.

Voting Requirements

Simple majority required

Recommendation/Resolution

MOTION 10342

Moved Cr Newman
Seconded Cr Walker

That Council accept the appointment of Glen Brigg to the position of
Manager of Works for a 3 year period.

MOTION CARRIED 9/0

17.2 DEPUTY CHIEF EXECUTIVE OFFICER – CONTRACT RENEWAL

Applicant: Mr Chris Jackson
File No. Personal File
Attachments: Contract
Author: Mr Chris Jackson
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 13 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For renewal of the Deputy Chief Executive Officer's contract.

Background

The Deputy Chief Executive Officer, Leonie McIlree has been employed with the Shire of Lake Grace since 2 February 2004 with her contract expiring on the 1 February 2007. The contract requires that the officer be invited, no later than three months prior to the expiry of the term, to discuss the possibility of the parties entering into a further term with the intent of the discussions to be completed no later than a month prior to expiry of the term.

Discussion on contract renewal with Leonie commenced during August and needs to conclude by the 1 January 2007.

Comment

A staff development review has been conducted which has confirmed that Leonie has managed the financial operations of the Shire to a high standard meeting the required statutory and Council deadlines. The relocation to the temporary arrangements has been a difficult time but Leonie has continued to oversee the operations of the Shire office to the required standards including supervision of additional staff. The move back to the new and improved office will be most welcomed by all.

Leonie has requested an extension to the contract for a 12 month period with the option of a further 12 months. I am pleased to support the request for extension of the contract on the basis that the role of the Deputy CEO changes to a focus on Corporate

Services as per the proposed changes to the Staff Organizational Structure Item 17.3.

Legal Implications

Local Government Act 1995 s5.37. Senior employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) If the position of a senior employee 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.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

Policy Implications

Policy 4.3 Senior Employees -The Deputy CEO and Manager of Works positions are currently designated senior employees.

Community Consultation

N/A

Financial Implications

Local Government Officers Award Contract \$58,000

Strategic Implications

Refer proposed changes to the Staff structure as a separate item to this meeting.

Cultural Implications

N/A

Recommendation

- 1) That Council approve of the extension of contract for Leonie McIlree for a 12 month period commencing 2 February 2006 with an option to extend for a further 12 months.

- 2) That Leonie McIlree be advised of the contract extension and that proposed changes to the staff structure will amend the role of the Deputy Chief Executive Officer to be responsible for Corporate Services for the life of this contract (subject to Staff Organization Restructure Item 17.3).

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10343

Moved Cr Newman
Seconded Cr Stewart

1. That Council approve of the extension of contract for Leonie McIlree for a 12 month period commencing 2 February 2006 with an option to extend for a further 12 months.
2. That Leonie McIlree be advised of the contract extension and that proposed changes to the staff structure will amend the role of the Deputy Chief Executive Officer to be responsible for Corporate Services for the life of this contract (subject to Staff Organization Restructure Item 17.3).

MOTION CARRIED 9/0

17.3 SHIRE OFFICE – STAFF ADMINISTRATION RESTRUCTURE

Applicant: Mr Chris Jackson
File No. 0013
Attachments: Chart of Functional Responsibilities
Author: Mr Chris Jackson
Chief Executive Officer
Disclosure of Interest: Nil
Date of Report: 5 December 2006
Senior Officer: Mr Chris Jackson
Chief Executive Officer

Summary

For Council to approve of changes to the staff structure of the Shire of Lake Grace.

Background

Over the past 12 months it has become increasingly evident that the current Shire organizational structure struggles to cope with the volume and diversity of the Shire workload. Notwithstanding the floods that occurred in January 2006 and the difficulties in attracting and retaining a Manager of Works, it is clear that change is required. The appointment of two trainees and two Project Officers together with a short term trial of an Administration Officer (appointed 6/11/06) in the Works Area has highlighted the need to retain these staff and to better focus the whole organization.

The next 6 months will also potentially see Council move closer to an Alliance contracting model with a possible introduction during 2007. The Manager of Works will need to play a key role in this change process. The introduction of Administration support in this area is also long overdue and will be an important aspect of any possible future change.

Comment

It is proposed that a new structure be created that consists of three senior staff plus the CEO with the positions of Manager Corporate Services, Manager Community Services and Manager of Works to replace the existing two tiered structure of Deputy CEO and Manager of Works & Services.

The positions would be responsible as follows.

Manager Corporate Services

- Administration
- Finance
- Payroll/Human Resources
- Records
- Cemetery
- IT

Manager Community Services

- Recreation including swimming pools & Aquatic and Recreation Program
- Community Development & Funding
- Libraries
- Environmental Health
- Building Surveyor
- Ranger
- Cleaning Teams

Manager of Works

- Construction crew
- Maintenance crew
- Parks & Gardens
- Mechanical Services
- Building Maintenance

It is also proposed that the CEO retain direct responsibility for town planning, cultural planning, strategic planning and alliancing. Refer also attached Chart of Functional Responsibilities.

Deputy CEO, Leonie McIlree's contract expires on the 1st February 2007 and it is recommended that the contract be extended for a further 12 months with the option of an additional 12 months in the role of Manager Corporate Services. Refer separate item to this meeting.

Current Project Officer Jim Fraser has developed a good working arrangement with the Shire and he has indicated that he would be happy to stay. With this in mind it is recommended that Jim Fraser take on the role Manager Community Services role for a trial period.

It is proposed that the changes take effect immediately with the current positions retained but duties be aligned to the new

structure. This would allow the new structure to be trialed for 12 to 24 months with the current Deputy CEO taking on the Manager Corporate Services role, Jim Fraser taking on the role of Manager Community Services and the Manager of Works to remain as is. The new positions would then be advertised as follows:

- Manager Corporate Services position to be advertised in accordance with the act to commence in February 2008 or February 2009 dependant on the existing Deputy electing to extend her contract by 12 months.
- The position of Manager Community Services would be undertaken by Jim Fraser with the title Project Officer Community Services for 12 month period expiring in December 2007 at which time the new senior manager position would be advertised in accordance with the act.

The Manager of Works position to remain with the proposed term of 3 years. Refer separate item of this meeting

Legal Implications

Local Government Act 1995 s5.37. Senior employees

(1) A local government may designate employees or persons belonging to a class of employee to be senior employees.

(2) The CEO is to inform the council of each proposal to employ or dismiss a senior employee, other than a senior employee referred to in section 5.39(1a), and the council may accept or reject the CEO's recommendation but if the council rejects a recommendation, it is to inform the CEO of the reasons for its doing so.

(3) If the position of a senior employee 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.

(4) For the avoidance of doubt, subsection (3) does not impose a requirement to advertise a position where a contract referred to in section 5.39 is renewed.

2.7. The role of the council

(1) The council-

(a) directs and controls the local government's affairs; and

(b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the council is to -

(a) oversee the allocation of the local government's finances and resources; and

(b) determine the local government's policies.

Policy Implications

Policy 4.3 Senior Employees -The Deputy CEO and Manager of Works positions are currently designated senior employees. It is proposed that the policy change when the new positions are advertised.

Community Consultation

N/A

Financial Implications

The gross annual wages and salaries budget totals \$1,410,232 and with the proposed changes it increases to \$1,436,697. Given that the Shire has been without a Manager of Works on and off over the past 12 months no changes will be required to the existing budget to accommodate the changes effective immediately.

Strategic Implications

The proposed introduction of a Strategic Plan will be aligned to the new structure.

Cultural Implications

The Draft Cultural Plan has been completed and will be submitted to Council at its February 2007 meeting for formal approval.

Voting Requirements

Simple majority required.

Recommendation/Resolution

MOTION 10344

Moved Cr Farrelly
Seconded Cr Walker

That

1) Council approve changes to the Staff Organizational Structure with introduction of the positions of Manager Corporate Services (DCEO), Manager Community Services (New) and Manager of Works (existing), and

2) The changes to be effective as follows:

a) Existing Deputy CEO to undertake the role of Manager Corporate Services effective immediately with the new senior position to be advertised to commence in February 2008 or February 2009 dependant on contract renewal of the current Deputy CEO;

b) Existing Project Officer Jim Fraser to undertake the role of Manager Community Services effective immediately with the new senior position to be advertised in December 2007.

MOTION CARRIED 9/0

MOTION 10345

Moved Cr Chamberlain
Seconded Cr Newman

That Council re-open the meeting to the public at this time,

being 3.20pm.

MOTION CARRIED 9/0

3.20pm *Mr Graham (Rusty) Lee, Mr Jim Fraser, Ms Leonie McIlree and Mrs Jeanette Bennett re-entered the meeting along with Ms Michelle Slarke.*

As per the requirements of Section 5.23 (2) of the Local Government Act 1995 the Chief Executive Officer read aloud Resolutions 10342, 10343 and 10344.

18.0 CLOSURE

There being no further business, the Chairperson closed the meeting at 3.24 pm.

19.0 CERTIFICATION

I _____ certify that the minutes of the meeting held on the 20 December 2006 as shown on page numbers _____ to _____ were confirmed as a true record at the meeting held on the 21 February 2007.

Chairman

Date