

SHIRE OF LEONORA

MINUTES OF THE ORDINARY COUNCIL MEETING



LEONORA

Star of the West

**HELD IN COUNCIL CHAMBERS,
LEONORA ON TUESDAY,
15th April, 2003**

SHIRE OF LEONORA

Minutes of the Ordinary Meeting held in Council Chambers, Leonora on Tuesday 15th April, 2003 commencing at 9:02am.

1.0 DECLARATION OF OPENING / ANNOUNCEMENTS OF VISITORS / FINANCIAL INTEREST DISCLOSURES

- 1.1 Shire President Cr Dawes declared the meeting open at 9.02am and announced visitors at 10.00am, 10.45am, 11.15am and 11.45am as per Agenda.
- 1.2 Financial Interest Disclosure - Nil

2.0 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

2.1 PRESENT

President	G R Dawes
Deputy President	N.G Johnson
Councillors	T C Demasson
	M J Mulcahy
	S J Heather
	T P Hewson
	J F Carter
	P J Craig
	B S D Taylor
Chief Executive Officer	J G Epis

2.2 APOLOGIES Nil

2.3 LEAVE OF ABSENCE Nil

3.0 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE Nil.

4.0 PUBLIC QUESTION TIME Nil.

5.0 APPLICATIONS FOR LEAVE OF ABSENCE Nil

6.0 PETITIONS / DEPUTATIONS / PRESENTATIONS Nil

7.0 CONFIRMATION OF THE MINUTES OF THE PREVIOUS MEETING

Moved Cr Demasson seconded Cr Craig that the Minutes of the Ordinary Meeting held on Tuesday, 18th March, 2003 be confirmed as a true and accurate record.

CARRIED (9 VOTES TO 0)

8.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION Nil

9.0 REPORTS OF OFFICERS
9.1 CHIEF EXECUTIVE OFFICER
9.1(A) TENDERS - GENERAL

SUBMISSION TO: Meeting of Council
Meeting Date: 15th April, 2003

AGENDA REFERENCE: 9.1 (A) APR03

SUBJECT: Tenders - General

LOCATION / ADDRESS: Leonora

NAME OF APPLICANT: Not Applicable

FILE REFERENCE: Tenders – General 10.7

AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT

NAME: James Gregory Epis

OFFICER: Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 25th March, 2003

BACKGROUND

In accordance with Council's Town Improvement Policy, tenders were called on the 27th February, 2003 for minor works, being dual use paths in the Leonora Townsite (Gwalia) as detailed in plans and specifications. Councillors were invited to peruse these documents on the 24th February, 2003.

A notice of proposed works was published in the Kalgoorlie Miner on the 27th February, 2003. Tenders closed on Friday 21st March, 2003.

Tenders were opened by the Chief Executive Officer in the presence of the Shire President, Cr G.R Dawes.

Tenders received were as follows:

Total Asphalt & Traffic Management	\$78,120.35
ERTECH Pty Ltd	\$133,785.00

Tendered prices include GST.

STATUTORY ENVIRONMENT

Section 3.57(1) of the Local Government Act 1995 provides that a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods and services.

Local Government (Functions and General) Regulation 11 states that tenders must be invited if the consideration under the contract is expected to be worth more than \$50,000.00.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Costs associated with proposed work were not included in the current budget as it was considered that the grant application for possible funding would not be successful.

9.0 REPORTS OF OFFICERS

9.1 CHIEF EXECUTIVE OFFICER

9.1(A) TENDERS – GENERAL (continued)

On or about the 9th August, 2002, after the budget had been adopted, the Department for Planning and Infrastructure advised that Council's grant application had been successful and that \$35,000.00 would be made available provided Council contributed towards the project on a \$ for \$ basis.

Section 6.8(1) of the Local Government Act 1995 states that a local government is not to incur expenditure from its municipal Fund for an additional purpose except where the expenditure:

- (a) is incurred in a financial year before the adoption of the annual budget by the Local Government
- (b) is authorised in advance by resolution
- (c) is authorised in advance by the Mayor or President in an emergency

STRATEGIC IMPLICATIONS

Nil

RECOMMENDATIONS

- (i) That Council authorise expenditure of \$78,120.35 from its municipal fund for minor works as detailed (Absolute majority required)
- (ii) That the tender submitted by Total Asphalt and Total Traffic Management amounting to \$78,120.35 including GST be accepted

VOTING REQUIREMENT

Recommendation (i) Absolute majority
Recommendation (ii) Simple majority

Moved Cr Taylor seconded Cr Hewson

- (i) *That Council authorise expenditure of \$78,120.35 from its municipal fund for minor works as detailed (Absolute majority required)*

CARRIED (9 VOTES TO 0)

Moved Cr Taylor seconded Cr Craig

- (ii) *That the tender submitted by Total Asphalt and Total Traffic Management amounting to \$78,120.35 including GST be accepted*

CARRIED (9 VOTES TO 0)

Subject to variations to be negotiated with the Tenderer.

9.0 REPORTS OF OFFICERS

9.1 CHIEF EXECUTIVE OFFICER

9.1(B) WA LOCAL GOVERNMENT ASSOCIATION - PRESIDENCY

SUBMISSION TO: Meeting of Council
Meeting Date: 15th April, 2003

AGENDA REFERENCE: 9.1 (B) APR03

SUBJECT: WA Local Government Association - Presidency

LOCATION / ADDRESS: Not Applicable

NAME OF APPLICANT: Not Applicable

FILE REFERENCE: CSCA General 2.10

AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT

NAME: James Gregory Epis

OFFICER: Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 27th March, 2003

BACKGROUND

In developing the single association proposal, feedback obtained during consultation supported two alternative methods for determining the entitlement to President of the WA Local Government Association.

The first proposition was that determining the presidency should be based upon the merit principle of 'best person for the job', with all representatives to State Council, irrespective of their Constituency, eligible to nominate for President. The second proposal was for the adoption of a rotational policy whereby the entitlement to President would alternate every two years between the metropolitan and country constituencies.

The architects behind the single association framework reconciled this issue by including a specific provision within the Constitution requiring that a referendum be held prior to August, 2003 to allow member Local Governments to determine whether they supported rotation of the presidency.

If a majority were in favour of rotation, the Association's Constitution would be amended so as to provide a rotational entitlement prospectively between the country and metropolitan constituencies. If a majority preferred determining, the President on the merit principle of 'best person for the job', the existing provisions of the Constitution would be retained.

A non-exhaustive list of advantages to the two methods of determining the President is outlined below for consideration.

Rotation of President:

- Promotes equity between constituencies by ensuring that the entitlement to President of the Association rotates between each constituency every second term; and
- Injects 'new blood' into the leadership of the Association.

Merit Based Determination:

- Accords with the Association's merit- based selection policy and reflects the best practice principles of effective corporate governance.
- Allows a representative to serve consecutive terms as President where he or she retains the confidence of the State Council.
- Improves the stability of leadership and increases the capacity for a President to implement his or her strategic vision for the association.

9.0 REPORTS OF OFFICERS

9.1 CHIEF EXECUTIVE OFFICER

9.1(B) WA LOCAL GOVERNMENT ASSOCIATION - PRESIDENCY (continued)

The outcome of the referendum will be determined by an absolute majority of member Local Governments. Where an absolute majority is achieved in favour of rotation, the State Council will instigate an amendment to the Association's Constitution to enshrine this principle. This constitutional amendment will then be presented to delegates at the Annual General Meeting in August, 2003. Where a majority favours the merit principle in determining the President, the existing provisions of the Constitution will be retained.

STATUTORY ENVIRONMENT

Nil

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

RECOMMENDATIONS

The Council resolve to endorse the merit principle of 'best person for the job'.

VOTING REQUIREMENT

Absolute Majority required.

Moved Cr Johnson seconded Cr Hewson

That the Council resolve to endorse the merit principle of 'best person for the job'.

CARRIED (9 VOTES TO 0)

9.0 REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (A) QUARTERLY FINANCIAL STATEMENTS – MARCH 2003

SUBMISSION TO:	Meeting of Council Meeting Date: 15 th April, 2003
AGENDA REFERENCE:	9.2(A) APR 03
SUBJECT:	Quarterly Financial Statements – MARCH 2003
AUTHOR:	J F Rowe
POSITION:	Deputy Chief Executive Officer
INTEREST DISCLOSURE:	Nil
DATE:	4 th April, 2003
COMMENT:	Quarterly statements submitted for adoption include: (a) Financial Position as at 4 th April, 2003 (b) Operating Statement Summary – 31 st March, 2003 (c) Operating Statement - Detail – 31 st March, 2003 (d) Operating Statement - Nature/Type– 31 st March, 2003 (e) Balance Sheet as at – 31 st March, 2003 (f) Statement of Fixed Assets – 31 st March, 2003 (g) Statement of Outstanding Debtors – 31 st March, 2003

RECOMMENDATION

The quarterly financial statements for the month ended 31st March, 2003 consisting of Operating Statements (3), Balance Sheet, Statement of Fixed Assets, Lists of Outstanding Debtors, and the Financial Position as at 4th April, 2003 showing balances of:-

	\$	
Municipal	27,283.69	Credit
Long Service Leave Reserve	54,745.66	Credit
Fire Disaster Reserve	2,130.56	Credit
Building Reserve	145,650.53	Credit
Plant Replacement Reserve	6,859.60	Credit
Community Amenities Reserve	18,567.10	Credit
Municipal Investment	700,000.00	Credit

be adopted.

VOTING REQUIREMENTS

Simple Majority

Moved Cr Demasson seconded Cr Taylor

That the quarterly financial statements for the month ended 31st March, 2003 consisting of Operating Statements (3), Balance Sheet, Statement of Fixed Assets, Lists of Outstanding Debtors, and the Financial Position as at 4th April, 2003 showing balances of:-

	\$	
<i>Municipal</i>	<i>27,283.69</i>	<i>Credit</i>
<i>Long Service Leave Reserve</i>	<i>54,745.66</i>	<i>Credit</i>
<i>Fire Disaster Reserve</i>	<i>2,130.56</i>	<i>Credit</i>
<i>Building Reserve</i>	<i>145,650.53</i>	<i>Credit</i>
<i>Plant Replacement Reserve</i>	<i>6,859.60</i>	<i>Credit</i>
<i>Community Amenities Reserve</i>	<i>18,567.10</i>	<i>Credit</i>
<i>Municipal Investment</i>	<i>700,000.00</i>	<i>Credit</i>

CARRIED (9 VOTES TO 0)

9.0

REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (A) QUARTERLY FINANCIAL STATEMENTS – MARCH 2003

SHIRE OF LEONORA		
FINANCIAL POSITION AS AT 4TH APRIL, 2003		
		MUNICIPAL
		\$
Balance as at 31 st March, 2003		105,462.85CR
Receipts to 3 rd April, 2003		14,184.43CR
Balance		119,647.28CR
Less Accounts since 31 st March, 2003		92,363.59DR
Balance 4th April, 2003		27,283.69CR
AMOUNT HELD ON TERM DEPOSIT - NATIONAL AUSTRALIA BANK		
		\$
A) PLANT REPLACEMENT RESERVE	6,859.60	CREDIT
B) LONG SERVICE LEAVE	54,745.66	CREDIT
C) FIRE DISASTER RESERVE	2,130.56	CREDIT
D) BUILDING RESERVE	145,650.53	CREDIT
E) COMMUNITY AMENITIES RESERVE	18,567.10	CREDIT
F) MUNICIPAL INVESTMENT	700,000.00	CREDIT

9.0 REPORTS OF OFFICERS
9.2 DEPUTY CHIEF EXECUTIVE OFFICER
9.2 (B) ACCOUNTS FOR PAYMENT – MARCH 2003

SUBMISSION TO: Meeting of Council
Meeting Date: 15th April, 2003

AGENDA REFERENCE: 9.2(B) APR 03

SUBJECT: Accounts for Payment

AUTHOR: J F Rowe

OFFICER: Deputy Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 8th April, 2003

COMMENT:

Attached statement consists of Vouchers 826 to 919 plus Direct Bank Transactions and totalling \$466,558.59 attached.

RECOMMENDATION

That accounts as represented by Vouchers 826 to 919 inclusive plus Direct Bank Transactions and totalling \$466,558.59 be authorised for payment.

VOTING REQUIREMENTS

Simple Majority

Moved Cr Taylor seconded Cr Johnson

That accounts as represented by Vouchers 826 to 919 inclusive plus Direct Bank Transactions and totalling \$466,558.59 be authorised for payment.

CARRIED (9VOTES TO 0)

The Meeting was adjourned at 10.10am for morning tea.

The Meeting resumed at 10.25am with the attendance identical to that at item 2.1.

Cr Dawes welcomed Mr Max Betteridge (Officer with the Telecentre Support Branch, Department of Local Government and Regional Development), Mr Adrian Jones (Chairperson, Leonora Telecentre) and Ms Annaliese Walster Secretary, Leonora Telecentre).

Mr Jones advised that the Telecentre was experiencing serious problems due to staffing issues and declining committee membership.

Mr Jones further advised that a number of factors were also causing financial problems. The accommodation for the kinds of services being offered by the Telecentre was no longer suitable and it was suggested that the future of the Telecentre hinges on being able to be co-located with other agencies in the town.

Cr Dawes advised that it was a possibility that Council could assist by taking on the management of the co-ordinator and the financial/administration role of the Telecentre, however the current financial position of the organisation would need to be determined prior to Council making any commitment.

Mr Betteridge, Mr Jones and Ms Walster left the Meeting, the time being 11.05am.

At 11.07am Cr Dawes welcomed Ms Jo Ruprecht, Mrs Michelle Calderbank and Ms Annaliese Walster representing Residents for Childcare.

A site and floor plan of the proposed Childcare Centre together with a childcare needs survey were provided to all Councillors.

Ms Ruprecht advised that the proposed building design had been sent to the Childcare Licencing Board so that advice on licencing requirements could be obtained. Once approved, the need to obtain quotes to reconstruct the building in Hoover Street would be required.

Ms Ruprecht asked if Council had considered its role and responsibilities in regards the facility once the Childcare Centre became operational.

Cr Dawes advised that it was difficult for Council to make any commitment until operating income and expenditure details were known.

The representative group advised that they would attend to this issue and provide the relevant information to Council in the near future.

Ms Ruprecht, Ms Walster and Mrs Calderbank left the meeting the time being 11.30am.

At 11.35am Cr Dawes welcomed Mr Mike Morgan, Principal, Leonora District High School.

Mr Morgan outlined some of the programs he has introduced to the school since his arrival. He further advised that the better communications between the school, local government and the community was a necessity.

Mr Morgan singled out truancy and the lack of youth activities after school hours as problems he has had to contend with.

Mr Morgan offered to conduct a survey of the school to determine the type of after school hour activities, the youth are interested in.

Mr Morgan left the meeting, the time being 12.05pm.

At 12.07pm Cr Dawes welcomed Dr Shah to the meeting.

Dr Shah advised that his company's employment contract with Council to provide medical services to the community, eventhough workable, did require changes to suit the requirements of both parties.

Dr Shah provided comment in regards a number of proposed changes.

Cr Dawes advised that the Chief Executive Officer would meet with the Doctor to discuss and refine those subclauses in the agreement that may require change.

Dr Shah left the meeting the time being 12.35pm.

The meeting adjourned for lunch at 12.40pm and reconvened at 1.50pm with the attendance identical to that at item 2.1.

9.0 REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (C) SWIMMING POOL – RECREATION CENTRE EXTENSION

SUBMISSION TO: Meeting of Council
Meeting Date: 15th April 2003

AGENDA REFERENCE: 9.2(C)APR 03

SUBJECT: Construction of a Swimming Pool and Extensions to Recreation Centre

LOCATION/ADDRESS: Not Applicable

NAME OF APPLICANT: Not Applicable

FILE REFERENCE: Swimming Pool 4.9(a)

AUTHOR, DISCLOSURE OF ANY INTEREST AND DATE OF REPORT

NAME: John F Rowe

OFFICER: Deputy Chief Executive Officer

INTEREST DISCLOSURE: Nil

DATE: 2nd April 2003

BACKGROUND

A swimming pool for Leonora gained a high priority in Councils Strategic Planning and a Feasibility Study was commissioned and completed in 2002. As part of the study the author Mr Tony Bright and Councillors attending Local Government Week 2002 inspected pools in the metropolitan area and provided recommendations to Council regarding size, construction types, general features considered desirable for Leonora and with the proposed pool being incorporated as part of the Recreation Centre.

These recommendations were considered at the August 2002 meeting of Council where it was resolved that Council proceed with construction of an indoor pool in either 2003/4 or 2004/5 and that an architect be engaged immediately and quotes for pool and building be obtained with a view to proceeding with grant applications. When results of grants applications are known completion and adoption of the Feasibility Study could be effected.

M.P.S Architects were engaged to prepare preliminary plans and indicative costings. These plans and costings were presented in a report to the Council Meeting held on 17th September 2002 where Council resolved to proceed with an application for funding through the Department of Sport and Recreation with a view of including the swimming pool project in the 2003/2004 budget.

As you are aware the Grant Application was successful with an amount of \$1.068 million being announced in March 2003.

M.P.S Architects were asked to provide a Project Brief in relation to the provision of Architectural and Tender Documentation and Contract Administration Services and this brief is attached hereto for your consideration.

A public meeting has been scheduled for 6.00pm Monday 14th April, 2003 at which issues and concerns can be raised and discussed.

STATUTORY ENVIRONMENT

As the costs of Contract Administration Services are expected to exceed \$50,000.00 it will be necessary to invite tenders should Council proceed down this path.

9.0 REPORTS OF OFFICERS

9.2 DEPUTY CHIEF EXECUTIVE OFFICER

9.2 (C) SWIMMING POOL – RECREATION CENTRE EXTENSION (continued)

POLICY IMPLICATIONS

Should Council appoint an Administration Services Architect consideration would then be needed to be given to the appointment of Councils preferred Engineer as Councils Representative at meetings with the consultant and to generally oversee a stage or stages of the project.

FINANCIAL IMPLICATIONS

The project will impact on Councils 2003/2004 Budget with Councils portion of costs in preliminary estimates being \$1.113 million. This figure is subject to final tender amounts and any other financial contributions being obtained.

Operating costs will impact in Councils 2004/2005 Budget.

STRATEGIC IMPLICATIONS

The timing of the project is detailed at Appendix 3 of the attached project brief with a completion date of 13th August 2004.

RECOMMENDATION

1. That Council adopt all recommendations contained in the feasibility study completed by Mr Bright and circulated to all Councillors.
2. That Council call tenders for the appointment of a consultant for the provision of Architectural and Tender Documentations and Contract Services as per the brief prepared by M.P.S Architects, with a closing date of 30th May, 2003.

VOTING REQUIREMENTS

Simple Majority required

1. **Moved Cr Demasson seconded Cr Heather**

That Council adopt all recommendations contained in the feasibility study completed by Mr Bright and circulated to all Councillors.

MOTION LOST (7 VOTES TO 2)

Council considered that the feasibility study was to binding and the need to adopt the feasibility study was not a requirement.

2. **Moved Cr Hewson seconded Cr Carter**

That Council call tenders for the appointment of a consultant for the provision of Architectural and Tender Documentations and Contract Services as per the brief prepared by M.P.S Architects, with a closing date of 30th May, 2003.

CARRIED (7 VOTES TO 2)

Cr Mulcahy requested that those votes for and against the motion be recorded.

<u>FOR</u>	Councillors	Dawes Heather Carter Taylor	Demasson Hewson Craig
-------------------	--------------------	--	--------------------------------------

<u>AGAINST</u>	Councillors	Mulcahy	Johnson
-----------------------	--------------------	----------------	----------------

9.3 ENVIRONMENTAL HEALTH OFFICER – TIM YOUNG
Nil

10.0 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

(A) ELECTED MEMBERS
Nil

(B) OFFICERS
Nil

11.0 NEXT MEETING

The next Ordinary Meeting was set for Tuesday 20th May, 2003 in the Council Chambers Leonora, commencing at 9.00am.

12.0 CLOSURE

Cr Dawes declared the meeting closed at 2.46.

PRESIDENT

DATE