



Western Australia

MURCHISON SHIRE COUNCIL

NOVEMBER 2006 UNCONFIRMED MINUTES

ORDINARY COUNCIL MEETING

NOTICE IS HEREBY GIVEN that an
Ordinary Meeting of Council was held,
In the Council Chambers, Murchison Settlement,
9.40am, Friday, 17th November 2006.

Dirk Sellenger
CHIEF EXECUTIVE OFFICER

SHIRE OF MURCHISON

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Murchison for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Murchison disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee Meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council Meeting does so at that person's or legal entity's own risk.

The Shire of Murchison warns that anyone who has any application or request with the Shire of Murchison must obtain and should rely on

WRITTEN CONFIRMATION

Of the outcome of the application or request of the decision made by the Shire of Murchison.

Dirk Sellenger
Chief Executive Officer

**SHIRE OF MURCHISON
ORDINARY COUNCIL MEETING
9.40^{AM} FRIDAY, 17th November 2006**

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- 1. Declaration of Opening / Announcement of Visitors**
The President opened the meeting at 9.40am, welcoming all councillors and staff present.
- 2. Record of Attendances / Apologies / Leave of Absence/ Next Meeting**

2.1 Attendances

President	Cr SA Broad
Deputy President	Cr KL Keynes (from 10.31am)
Councillors	Cr MW Halleen
	Cr PM Walsh
	Cr PN Jeffries
	Cr R Foulkes-Taylor

2.2 Apologies

2.3 Leave of Absence

Cr Mitchell received Leave of Absence at the October Ordinary Council meeting.

2.4 Next Meeting Date

The third Friday of December is 15th. Council agreed that the meeting would be held on this day.

- 3. Public Question Time – (Section 5.24 of the Local Government Act)**
- 4. Petitions / Deputations / Presentations**

Mr Robert Vagnoni, Managing Director and Mr Peter George, Production Co-ordination & Logistics Manager from Murchison Metals entered the Chambers at 10.15am to speak on the road upgrade and discuss issues concerning the payment of the Bond. See item number **0607.63** of this document for outcomes. The Gentlemen left the chambers at 11.36am.

Mrs Emma Foulkes-Taylor, Mrs Carolyn Halleen and Ms Sarah Halleen entered the Chambers at 11.42am to discuss the progress of the relocation of the Meekatharra School of the Air. Council was advised that the three attended a lengthy meeting in Meekatharra on Thursday 16th November with representatives from the Education Department to hear reasons for and against the relocation and that the Minister of Education was expected to make a decision on Monday 20th November.

The ladies left the Chambers at 12.07pm.

- 5. Confirmation of Minutes**

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen, Seconded Cr Walsh

Minutes of the Ordinary Meeting of Council held on Tuesday 20th October 2006, be confirmed as a true and correct record of proceedings subject to the following correction:

COUNCIL DECISION

Moved Cr Foulkes-Taylor, Seconded Cr Walsh

That Cr Mitchell be granted Leave of Absence from the "September" to be relaxed with "November" Ordinary Council Meeting.

CARRIED

RECORD OF VOTE 7-0

CARRIED

RECORD OF VOTE 5-0

6. Announcements by the President

Cr Broad discussed issues raised at the last Midwest Development Commission Meeting in Coorow.

Cr Broad discussed issues from the Cue Parliament, held in Cue on 10th November including his disappointment of not having the matter of the Meekatharra School of the air relocation heard at the meeting.

Cr Broad advised that Steve Johns was going well with the grid clearing and that the cleaned grids looked nice and tidy.

Cr Broad congratulated the CEO and staff on winning the award at the recent Tidy Towns awards and becoming a State finalist.

Cr Foulkes-Taylor left the chambers at 12.27pm

Council adjourned for lunch at 12.30pm

Council reconvened at 1.27pm

7. Items for Discussion without Notice

Cr Foulkes-Taylor

Cr Foulkes-Taylor discussed the matter of overflow pipes in the council constructed turkey nests, the CEO advised that he would ensure suitable pipes were installed in all new turkey nests made by council staff.

Cr Halleen

Cr Halleen advised the first corner south of the Nookawarra Homestead was very sandy and could cause problems, the CEO advised the Maintenance crew had recently graded this section of road and it was not realistic to grade it again prior to the end of the year, the CEO advised that temporary "Traffic Hazard Ahead" signage would be erected to warn road users of this problem.

Cr Halleen provided council with an update on the MML stage 2 railway and advised that they were experiencing a lack of co-operation with some ratepayers which was unfortunate.

Cr Halleen spoke in length of the outcomes from the Cue Parliament meeting and mentioned the comments by Geoff Pilkington regarding the excellent job WALGA is currently doing and that he believes we (Local Government in WA) are very fortunate to have a team including the President, CEO and Senior Staff who are very switched on and really achieving things for Local Government.

Cr Walsh

Cr Walsh provided council with an update of the Beringarra Cue road and advised that the road was nearing completion with trucking expected to commence on 24th November 2006.

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council to be held on Friday 17th November 2006.

Cr Walsh spoke of the Mt Hale road which although better after a recent grade by council staff is in need of some serious work to prevent it becoming a creek after even a small rain.

Cr Keynes

Cr Keynes advised that the Carnarvon Mullewa Road was breaking up north of Butchers track, the CEO advised that he received a letter from a ratepayer about the state of the Carnarvon Mullewa Road and despite the fact it was graded only 6 weeks ago from South to North prior to the Landor bush races, due to the extremely dry winter the road was simply becoming loose and corrugating all the more quickly. The CEO will arrange for the Maintenance Crew to commence work on the Carnarvon Mullewa Road within the next week.

Cr Keynes raised a query regarding the Earth Bunds throughout the Shire, the CEO advised that he had discussed a query Cr Keynes had with the Bunds and was awaiting advice from Councils insurer regarding the matter. Information will be provided and discussed at the December council meeting.

Cr Keynes advised that a Busy Bee would be held on 24th November to complete the northern entry statement and if anyone was available on the day the assistance would be appreciated.

Cr Jeffries

Cr Jeffries advised that he thought the Carnarvon Mullewa Road was “shocking” the CEO apologised and advised he would try and have the road improved within the week.

Cr Jeffries advised he recently attended a Natural Disaster Relief Enquiry in Mullewa on 10th November, while the forum allowed opinions and ideas to be heard Cr Jeffries was unsure what would actually be achieved from the meeting.

Cr Jeffries wanted to have recorded in the Minutes to thank Emma Foulkes-Taylor and Carolyn Halleen for their efforts trying to relocate the Meekatharra School of the air to Geraldton.

8. Declarations

9. Agenda Items

9.1 Works

0607.56	Plant Report Update to November 2006
0607.57	Road Closures
0607.58	Side Tipper Tender 4.0607
0607.59	Hire of Caravan – Hamelin Pool Station

9.2 Finance

0607.60	Monthly Financial Update- November 2006
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9.3 Administration

0607.62	Department of Agriculture and Food
0607.63	Murchison Metals – Bond Lodgement
0607.64	President Meeting Attendance Fee
0607.65	Annual Report and Electors Meeting
0607.66	2007 Council Meeting Dates
0607.67	Chief Executive Officers Report – November 2006

10. New Business of an Urgent Nature

11. Declaration of Closure

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council to be held on Friday 17th November 2006.

ITEM NUMBER: **0607.56**
SUBJECT: **Plant Report Update to November 2006**
FILE REFERENCE: N/A
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

To advise and update council on the usage and status of various council owned machinery.

Background Nil

Comments/Options/Discussions

To be read in conjunction with the detailed plant report on the following page.

1. Water Tanker MU 2024

Problems were recently experienced with the new engine on the Water Tanker. Despite regular servicing the motor appeared to be worn out, an inspection found a hole in the intake hose between the Donaldson air cleaner and the engine which was allowing dust to enter the engine, in turn wearing out the engine. The pump has been stripped to receive maintenance to the impeller and new gaskets, a new engine will be fitted and the standard Honda air cleaner system used in favour of the Donaldson setup.

2. Nissan Patrol – MU 0

The engine oil warning light as reported last month is coming on more regularly. The CEO has checked with Langer Auto group who advised that they are aware of this happening in this model vehicle and the cause is a faulty oil sender unit, the sender will be replaced under warranty when the vehicle is next in Geraldton.

The vehicle had a new windscreen installed when in Geraldton recently.

3. Caterpillar Vibe Roller – MU 177

A collision between the Roller and the Grader when preparing the new works depot yard caused damage to the left rim on the roller which required it to be taken to Geraldton for repairs. The wheel has been repaired and costs associated with repairs will be claimed on Council motor vehicle insurance policy.

4. IVECO Prime Mover MU 000

The IVECO truck recently experienced total steering failure after returning from the north of the Shire with the Bulldozer and Hilux Ute on the back, if the failure had occurred 500mtrs sooner the outcome could have been fatal. A mechanic was set out from Purcher International to rectify the problem as well as carry out a thorough inspection of the steering on the IVECO Tipper, no problems were discovered. The cause of the failure on the Prime Mover is unknown at this stage however it is thought to have had a hit from the top, perhaps from a bit of wood on the road etc. I am just thankful it failed when backing up the ramp to unload the Bulldozer.

5. IVECO Tipper MU 00

A recent problem caused the body to slide out of position on the truck. The Foreman believes this is caused by the wearing on a knuckle that needs to be built up again. The truck will be taken into Geraldton on Wednesday 15th November for repairs.

6. Ford Louisville Prime Mover – MU 156

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council to be held on Friday 17th November 2006.

Following a recent engine rebuild and the Council decision to keep the truck instead of trade the CEO made the decision to get the truck painted in fleet colour "white". As well as minor rust removal and fibreglass repairs. The cost of this work will be a total of \$3,000. With the new configuration of trucks and side tippers the Ford Louisville will effectively become the fulltime water tanker truck.

Statutory Implications/Requirements Nil

Policy Implications Nil

Financial Implications

Council has made an allowance of \$200,000 in the 2006/2007 Budget (A/C E144030) to date \$43,899 has been expensed from this account.

Voting Requirements Simple

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen, Seconded Cr Foulkes-Taylor

That the plant information report for November 2006 be received.

**CARRIED
RECORD OF VOTE 6-0**

SHIRE OF MURCHISON
MONTHLY PLANT USAGE AND STATUS REPORT
14th November 2006

PLANT ITEM	Plant No.	Year	Normal Operator	Rego	HRS / KMS 20th Oct	HRS / KMS 14th Nov	TOTAL	YTD Service/ Repairs Cost	Total Ownership Since Jan 2004	COMMENT
Cat Grader 12H	n/a	2005	Barry Jackson	MU 141	1,354	1,425	71	\$ 3,369.41	\$ 10,687.50	
Cat Grader 12H	P096	2003	Brain Mahony	MU 121	5,299	5,493	194	\$ 5,811.79	\$ 57,159.93	
Cat Grader 12H	P065	2000	Phillip Willock	MU 51	8,379	8,532	153	\$ 8,847.22	\$ 75,049.87	
Volvo L110 Loader	P053	2006	Neil Combe	MU 65	472	538	66	\$ 1,673.83	\$ 2,573.83	
Komatsu Dozer	P070		Neville Hobbs	N/A	5,317	5,463	146	\$ 4,005.69	\$ 120,907.85	
IVECO Powerstar Prime Mover	P101	2003	Barry Jackson	MU 000	99,220	102,894	3,674	\$ 481.86	\$ 26,385.31	4.
Ford Louisville Prime Mover	P059	1989	Neville Hobbs	MU 156	643,819	645,497	1,678	\$ -	\$ 46,366.23	6.
IVECO Powerstar Tipper	P103	2004	Trevor Poland	MU 00	51,806	55,421	3,615	\$ 3,118.30	\$ 20,463.42	5.
Cat Vibrating Roller	P062	2005	Neil Combe	MU 177	940	973	33	\$ 2,015.33	\$ 3,415.86	3.
Moore Rubber Tyre Roller	n/a	1977	Trevor Poland	MU1007	1,524	1,524	0	\$ 320.27	\$ 449.12	
Generator 2 - 90KVA	0	2005	Peter Ardley	N/A	898	986	88	\$ -	\$ -	
Generator 1 - 83KVA	0	2005	Peter Ardley	N/A	13,765	14,328	563	\$ -	\$ -	
Generator - 13KVA Construct	0	2005	Barry Jackson	N/A	5,831	5,831	0	\$ -	\$ -	
Toyota Landcruiser	0	2005	Phillip Willock	01 MU	29,609	32,473	2,864	\$ 2,018.82	\$ 6,152.64	
Mitsubishi Canter	n/a	2004	Barry Jackson	MU 140	79,671	83,260	3,589	\$ 184.95	\$ 6,310.93	
Nissan Patrol	0	2005	Dirk Sellenger	MU 0	41,000	44,859	3,859	\$ 208.21	\$ 6,200.86	2.
Toyota Hilux	P102	2001	Barry Jackson	MU 166	61,406	64,360	2,954	\$ 3,795.77	\$ 5,630.01	
Mazda Bravo	n/a	2006	Tyrone Lewis	MU 300	4,321	5,298	977			
Toyota Patient Transfer Vehicle	n/a	1986	Dirk Sellenger	MU1017	15,115	15,162	47	\$ -	\$ 860.36	
Side Tipping Trailer	P092	2001	N/A	MU2010	115,514	119,365	3,851	\$ 175.00	\$ 9,481.54	
Dual Axle Low Loader	n/a		N/A	MU698			0	\$ -	\$ 2,854.78	
Tri Axle Low Loader	n/a	2001	N/A	MU2004			0	\$ -	\$ -	
30,000lt Water Tanker	n/a	2005	Neville Hobbs	MU2024	11,066	12,290	1,224	\$ 27.79	\$ 747.79	1.

ITEM NUMBER: **0607.57**
 SUBJECT: **Road Closures**
 FILE REFERENCE: Roads - General
 NAME OF APPLICANT: N/A
 AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
 DISCLOSURE OF INTEREST: Nil

Report Purpose

To allow Council to consider the closure of the Meka Noondie and Noondie Coodardy Road as previously discussed at the August and October Ordinary Council meeting.

Background

The issue of Road Closures was discussed at the August Council meeting with council resolving:

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen Seconded Cr Keynes

That council advertise its intention to permanently close the Meeka Noondie Road, Coodardy Noondie and New Forrest Yallalong Road effective immediately. That the CEO write to all concerned parties including Meka Station, Pinegrove Station, Yallalong Station and the Shires of Cue and Yalgoo advising them of council's intentions with the roads.

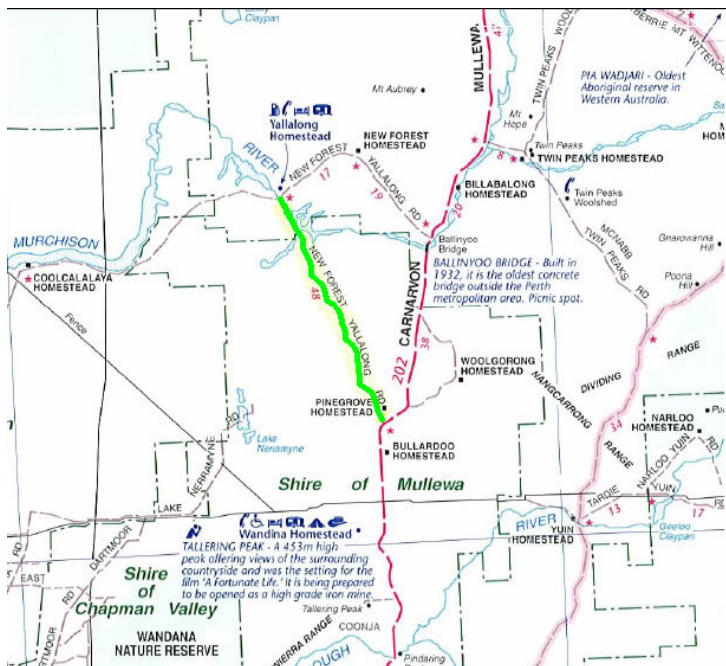
**CARRIED
 RECORD OF VOTE 7-0**

The matter was discussed at the September Council meeting with council resolving:

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen, seconded Cr Foulkes-Taylor

THAT Council proceed with the closure of the New Forrest Yallalong Road (between Pinegrove and Yallalong Station as highlighted in green as follows:



That Council consider the closure of the Meka Noondie and Coodardy Noondie Road at the November Ordinary Council meeting following an address from Mr Derek Gascoine.

**CARRIED
 RECORD OF VOTE 7-0**

Comments/Options/Discussions

Councils intention to close the roads was advertised state-wide in accordance with section 58 of the Land Administration Act 1997. At the close of public submissions on 2nd October none had been received however discussion had taken place between Derek Gascoine (owner of Meka Station) and the Shire President with the President assuring Mr Gascoine that no decision on the closure of the Meeka Noondie and Coodardy Noondie would be made until such time as Mr Gascoine had the opportunity to meet with Council.

A meeting with Mr Gascoine took place at Boolardy Station on Thursday 2nd November, this meeting was attended by Cr Broad, Cr Halleen, Cr Walsh, Cr Keynes and the CEO.

The President explained the reasoning for the proposed road closure as well as Councils Policy with regards to the Maintenance of Station Roads. The CEO has written to Mr Gascoine detailing the outcomes of the meeting and the following response was received from Mr Gascoine.



MEKA PASTORAL COMPANY
ABN 58 776 504 728

Mr Dirk Sellenger CEO
Shire of Murchison
PO Box 61
Mullewa WA 6630

7 November 2006

Dear Dirk,

RE: Closure of Meka Noodie/Noodie Coodardy Road

Thank you for your letter of 5.11.06 and the time afforded us last Thursday by you and council.

On the basis of the matters set out in your letter, I advise that the owners of Meka Station will offer no objection to the closure of the roads in question.

Yours faithfully,

Derek R. Gascoine

Statutory Implications/Requirements

Section 58 of the Land Administration Act 1997.

Policy Implications

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council to be held on Friday 17th November 2006.

2.3.4 Maintenance of Station Roads

Grading of Station access roads from the nearest Council road to the nominated station shearing shed or cattle yard will be carried out as required by the Maintenance Crew while the machines are in the vicinity and upon request from the landowner or manager to the Chief Executive Officer. Grading of the shearing shed or cattle yard access roads will be carried out at no cost and all requested grading must be directed to and approved by the Chief Executive Officer prior to commencement of the works when the machinery is in the vicinity.

Amended 17th February 2006 : Item Number 0506.67

Financial Implications

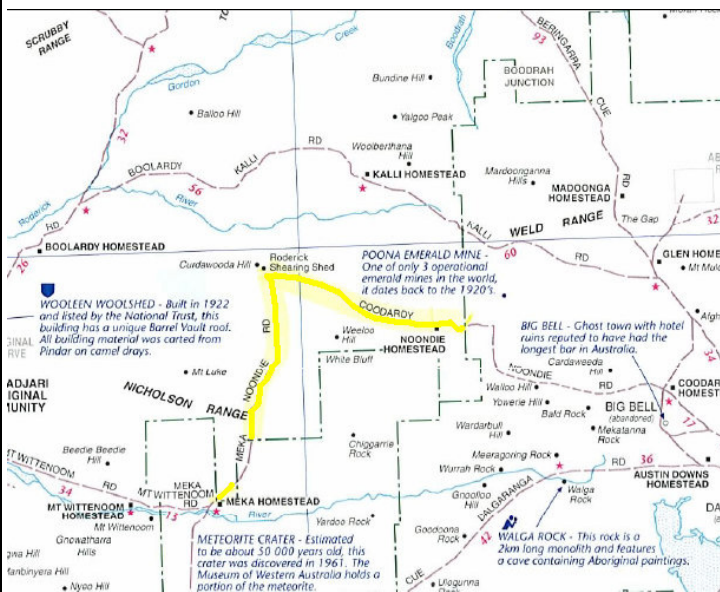
As the road is 70kms of mostly unformed road, Council receives funding for upkeep of this road of approximately \$3,000 per annum (06/07 allocation rates), should council resolve to proceed with the closure of the road councils Grants Commission funding will be reduced by approximately this amount remembering that this amount is per year and is likely to increase into the future.

Voting Requirements

Absolute

OFFICERS RECOMMENDATION / COUNCIL DECISION

**Moved Cr Keynes, seconded Cr Walsh
That Council proceed with the closure of the Meka Noondie and Coodardy Noondie Road as highlighted in yellow as follows:**



**CARRIED
RECORD OF VOTE 6-0**

Council requested that the CEO arrange for the road to be graded prior to the Christmas shutdown.

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council to be held on Friday 17th November 2006.

ITEM NUMBER: 0607.58
SUBJECT: Side Tipper Tender – 4.0607
FILE REFERENCE: Tender File
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

To allow council to consider tenders received for the supply and delivery of one (1) new 20 cubic metre side tipping trailer.

Background

Council has made an allowance of \$75,000 in the 2006/2007 Budget for the supply and delivery of one (1) x side tipping trailer.

Comments/Options/Discussions

The CEO called state-wide tenders for the supply and delivery of a side tipping trailer with tenders closing on Friday 27th October 2006.

At close of tenders the following were received:

Tender 4.2006/2007 Side Tipper Trailer

Tenderer	Amount
Bruce Rock Engineering	\$69,909.00
General Transport Equipment Pty Ltd	\$73,920.00
S.F.M. Engineering	\$74,000.00
Haulmore Pty Ltd	\$78,500.00
Roadwest Transport Equipment	\$85,000.00
D-Trans	\$87,474.00

NB: The above amounts exclude GST

Statutory Implications/Requirements

As this supply of these goods were expected to exceed \$50,000 State-wide Tenders were called in accordance with Section 3.57 of the Local Government Act 1995.

Policy Implications Nil

Financial Implications

Council made an allowance of \$75,000 (seventy five thousand dollars) (A/C E161570) in the 2006/2007 Budget for the supply and delivery of a side tipping trailer.

Voting Requirements Simple

OFFICER'S & PLANT COMMITTEE RECOMMENDATION / COUNCIL DECISION

Moved Cr Keynes, seconded Cr Foulkes-Taylor

That Council not award the tender for the supply and delivery of a new side tipping trailer as per tender specifications 4.2006/2007 at this time.

That the reason for not awarding any tender was due to the recent council decision to purchase 2 x used side tipping trailers from Mr Peter Day.

**CARRIED
RECORD OF VOTE 6-0**

ITEM NUMBER: 0607.59
SUBJECT: Hire of Caravan – Hamelin Pool Station
FILE REFERENCE: Plant Hire
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

To allow council to consider a request from Mr and Mrs Wake from Hamelin Station to hire the Shire Caravan during shearing.

Background

Each year Council adopts a schedule of fees and charges, these fees and charges include the cost to hire various items of plant. The Caravan as requested by Mr and Mrs Wake is not included in the schedule of fees and charges and the CEO does not have delegated authority to hire items not included in this list.

Comments/Options/Discussions

Mrs Wake recently wrote to the Shire requesting to hire Councils Caravan for Shearing, letter as follows:

Dear Dirk

We would like to hire the Murchison Shire shower/toilet unit as discussed. We would require to use it for 2-3 weeks, depending on the duration of our shearing. Shearing is scheduled to begin on the 27th of November 2006 but obviously several days would be required to relocate and set it up.

It would be most convenient for us to return the unit early in the new year. However, if this was not suitable we would endeavour to return it when required by the Shire.

We look forward to your response and if favourable, to discuss the cost of hire and collection details.

Yours sincerely,

Mary Wake

The construction crew are not expected to use the Caravan again between now and the end of the year and if Council were to hire this Caravan it is not expected to cause any significant problems or inconvenience.

By hiring this Caravan it could set a precedent to hire the Caravan to others for accommodation of ablution facilities, the financial benefit from any hire would not be considered significant.

Statutory Implications/Requirements Nil

Policy Implications Nil

Financial Implications

Council has made no allowance in the 2006/2007 Budget for the Hire of Caravans.

Voting Requirements Simple

OFFICER'S RECOMMENDATION / COUNCIL DECISION

**Moved Cr Walsh, seconded Cr Foulkes-Taylor
THAT Council not hire the Council owned Caravan to Mr and Mrs Wake from Hamelin Station.**

**CARRIED
RECORD OF VOTE 6-0**

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council to be held on Friday 17th November 2006.

ITEM NUMBER: 0607.60
SUBJECT: Monthly Financial Update – 17th November 2006
FILE REFERENCE: Monthly Financials
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

To provide Councillors with a monthly financial statement on operations of Council.

Background

The monthly financial update provides council with the following information

- 1) Cash balances to the end of the previous month
- 2) Transactions from the Beginning of the month to the close of report
- 3) Reserve Investment Details
- 4) Sundry Debtors
- 5) Monthly Statement of Financial Activity
- 6) Any significant payments since last update

Comments/Options/Discussions

The Chief Executive will provide an overview and explanation as required of how to interpret the financial statement at the meeting.

Statutory Implications/Requirements

Section 6.4 of the Local Government Act states that financial records are to be prepared and presented in the manner and form prescribed.

Regulation 34 (1) of the Local Government (Financial Management) Regulations states that:

"A Local Government is to prepare –

(a) monthly financial reports in such a form as the Local Government considers to be appropriate"

Policy Implications Nil

Financial Implications

This report discloses financial activities for the period under review.

Voting Requirements Simple

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen, seconded Cr Jeffries
That the monthly financial statement to 17th November 2006 be received.

**CARRIED
RECORD OF VOTE 6-0**

ITEM NUMBER: **0607.61**
 SUBJECT: **Creditors for Payment – November 2006**
 FILE REFERENCE: N/A
 NAME OF APPLICANT: N/A
 AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
 DISCLOSURE OF INTEREST: Nil

Report Purpose

For Council to endorse the payment to creditors.

Background

The list of payments that is enclosed in this Agenda outlines payment made to creditors since the Council meeting held on 20th October 2006.

Comments/ Option Discussions

Provide details of payments in summary.

Please note that the computer system allows for only a limited field for the description of good/services purchased, therefore the description shown on the attached Schedule of Accounts may not show the entire description of good/services purchased. A file containing each invoice to be endorsed for payment is available for Councillors information upon request.

Statutory Implications / Requirements

Local Government (Financial Management) Regulations 1996 – Section 11

“A Local Government is to develop procedures for the authorisation and payment of, accounts to ensure that there is effective security for the properly authorised use of..” Section 12 (2) “payment from municipal fund or trust fund” “the Council must not authorise payment from those funds until a list is prepared under regulation 13 (2) containing details of the accounts to be paid has been presented to the Council”

Policy Implications

Nil

Financial Implications

Total Expenses	
Municipal Account	\$234,371.55
Trust Account	<u>\$1,704.45</u>
Total Payments	<u>\$236,076.00</u>

Voting Requirements

Simple

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen, seconded Cr Foulkes-Taylor

That Council endorse the payments: Trust Cheques numbers from 1600 to 1603 totalling \$1,704.45. Municipal Cheques 7245 to 7315 totalling \$234,371.55 making a Grand Payment total of \$236,076.00 submitted to each member of the Council on Friday 17th November 2006, have been checked and are fully supported by vouchers and duly certified invoices with checks being carried out as to prices, computations and costing.

**CARRIED
 RECORD OF VOTE 6-0**

ITEM NUMBER: **0607.62**
SUBJECT: **Department of Agriculture and Food**
FILE REFERENCE: Council Representative
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

For council to consider Shire of Murchison representatives on the Murchison Land Conservation District Committee which expired on 31st October 2006.

Background

Council nominated Mr James Warne (previous CEO) and Reginald Seaman (former councillor) on 5th December 2003, their term expired on 31st October 2006.

Since the appointment of the previous representatives in December 2003, very little seems to have been achieved by the Committee in the way of on ground results however the CEO believes it is important that the Murchison Region continues to be well represented in this area.

Comments/ Option Discussions

It is recommended that Council nominate two new representatives for the Committee. The term for both new members will be for a term of three years, to expire on 31st October 2009.

Statutory Implications / Requirements Nil

Policy Implications Nil

Financial Implications Nil

Voting Requirements Simple

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr Keynes, seconded Cr Halleen
That Council nominate Cr Halleen and the Chief Executive Officer, Dirk Sellenger to represent the Murchison region on the Murchison Land Conservation District Committee.

CARRIED
RECORD OF VOTE 6-0

ITEM NUMBER: **0607.63**
SUBJECT: **Murchison Metals – Bond Lodgement**
FILE REFERENCE: MML
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

For council to consider the request from Murchison Metals (MML) to withhold the payment of the Bond for a period of 12 months.

Background

The Shire of Murchison and MML entered into a Legal Agreement in February 2006 to improve and use the Beringarra Pindar Road for the purpose of carting Iron Ore from Jack Hills north of Mileura into Cue. Roadworks are nearly complete and trucking is expected to commence on 24th November 2006.

Comments/ Option Discussions

Section 9.5 of the signed agreement reads as follows:

On the expiry of any defects liability period applying in any contract for public road improvement works within the Shire of Murchison the subject of this Agreement and to which MML is a party or 12 months after practical completion of the said road improvement works, whichever is the earlier, MML shall lodge a bond with the Shire in the sum of \$500,000 (“this Bond”) which may take the form of a bank guarantee. The Bond is intended as a guarantee of compliance with the Agreement by MML.

The CEO was aware that the road improvements were nearing completion and that no defects liability period exists between MML and road builders, Central Earthmoving. Under the terms of section 9.5 of the agreement the CEO requested that MML lodge with the Shire of Murchison a Bond for \$500,000.

The following response was received:

Dear Dirk

With reference to the ‘Road Train Permit Agreement’ bond requirement (clause 9.5), our understanding and we believe the ‘intent’ of the bond clause in the agreement is that at the completion of the road improvement works, a bond will be required to be in place a period 12 months thereafter.

As there is no warranty period given by the construction company CEM whereby the works was carried out on an alliance basis with MML, a bond is payable ‘...12 months after practical completion of the said road improvements, whichever is the earlier ‘... reference clause 9.5. (The road improvement works are planned for completion within the next 5- 10days).

MML would appreciate the understanding of the full Council that the Company has limited funds available until income is derived from first shipments. MML and the Murchison Shire have been working together in good faith and request that the council agree and confirm acceptance of the bond payment 12 months after practical completion of the road improvements.

We hereby request that this item be added to the coming Council meeting agenda that the Council’s consideration and acceptance

Best Regards

Robert Vagnoni
Executive Director
Murchison Metals Ltd

Although it may have been the understanding of MML that the Bond was payable 12 months after the completion date this understanding was incorrect, while it is understood that MML has limited funds available and this will not be assisted by paying the Bond now, a Legal Agreement is in place and must be adhered to.

Statutory Implications / Requirements Nil

Policy Implications Nil

Financial Implications

As the Bond of \$500,000 will be held in trust, these funds are not part of Councils ordinary operating revenue and is not able to be drawn on unless under terms of the signed agreement between the Murchison Shire and MML.

Voting Requirements Simple

OFFICERS RECOMMENDATION

That Council advise Murchison Metals that although it understands current Cash flow may be an issue prior to the commencement of trucking, the Murchison Shire and Murchison Metals are bound by the Agreement which requires Murchison Metals to pay to the Murchison Shire a Bond of \$500,000 upon practical completion of the said road and Council is not willing to alter this agreement at this time.

Mr Robert Vagnoni advised Council that it did infact have an agreement with Central Earthmoving to provide a 12 months warranty period and that a formal agreement would be completed early next week and forwarded to the Shire.

The CEO advised that if a warranty period was to be provided by Central Earthmoving for the Beringarra Cue Road then lodgement of the Bond was not required until 24th November 2007, in accordance with section 9.5 of the signed agreement.

It was noted that should a signed legal agreement not be forthcoming then Council would request that Main Roads withdraw the Road train permit until such time as:

- 1. The signed warranty agreement between MML and Central Earthmoving is provided.**

or

- 2. MML Lodge with the Shire a Bond equal to \$500,000 (five hundred thousand dollars) which may be in the form of Cash or a Bank guarantee.**

*Cr Broad declared an interest and left the chambers at 2.52pm.
The nature of the interest is as Shire President and a direct beneficiary of any decision to back-pay the meeting attendance fee.*

Deputy President, Cr Keynes become the Presiding Member in Cr Broads absence from the Chambers.

ITEM NUMBER: **0607.64**
SUBJECT: **President Meeting Attendance Fee**
FILE REFERENCE: Member Meeting Attendance
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

For Council to consider correcting meeting attendance fees paid to the Shire President.

Background

The CEO recently discovered that a Financial Management amendment was Gazetted on 23rd April 1999, this amendment included an alteration to members meeting attendance fees payable by Council to elected members.

The regulation 30(4) stipulates that the Shire President must be paid an amount of between \$120 and \$280 per ordinary Council meeting.

Councils records indicate that Cr Broad has been paid an amount of \$100.00 per meeting or \$20.00 less than the minimum as required by the Local Government Financial Management regulations.

Comments/Options/Discussions

The CEO has discussed the matter with the staff from the Department of Local Government and their recommendation is that to correct this Cr Broad be offered a back-pay for the Council meetings since the amendment in April 1999.

The CEO has calculated the adjustment based on twelve council meetings per year (eleven ordinary plus one road inspection) and the months from May 1999. It should be noted that each council meeting attended by Cr Broad has not been confirmed however given the relatively small amount of this adjustment per meeting the CEO believes the final amount will be very close to the correct final figure.

May 99 to December 99 –	8 months
January 00 to December 00 –	12 months
January 01 to December 01 –	12 months
January 02 to December 02 –	12 months
January 03 to December 03 –	12 months
January 04 to December 04 –	12 months
January 05 to December 05 –	12 months
January 06 to June 06 –	6 months
Total	86 months at \$20.00 per month = \$1,720.00

UNCONFIRMED MINUTES: Ordinary Meeting of the Murchison Shire Council held on Friday 17th November 2006.

Policy Implications

9.1.1 *Members Meeting Expenses*

Councillors shall be paid for travel, meeting expenses and communication allowance at a rate set by Council annually. Travel Payments will be paid in arrears on an as required basis but are not to remain outstanding for more than six months. Meeting attendances will be made on a bi-annual basis, usually in December and June of each year. Councillors are required to complete a travel claim form to receive refunds.

Financial Implications

Council has made an allowance of \$10,000 in the 2006/2007 Budget (A/C E41080) to date nothing has been expensed from this account however payments relating to the July to December period will be made in December 2006.

Voting Requirements Simple

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen, seconded Cr Foulkes-Taylor

- That Council authorise the payment of \$1,720 to Cr Broad, being an adjustment to meeting attendance fees payable in accordance with sections 5.98 to 5.102 of the Local Government Act 1995

- That Council amend Policy 9.1.1, Member Meeting Expenses as follows:

NB: Amendments and new wording shown underlined.

9.1.1 *Members Meeting Expenses*

Councillors shall be paid for travel, meeting expenses and communication allowance at a rate set by Council annually and are to be included in the Annual Schedule of Fees and Charges. Travel Payments will be paid in arrears on an as required basis but are not to remain outstanding for more than six months. Meeting attendances will be made on a bi-annual basis, usually in December and June or each year. Councillors are required to complete a travel claim form to receive refunds.

All members payments are to be in accordance with sections 5.98 to 5.102 of the Local Government Act 1995 (the Act) and regulations 30 to 34AB of the Local Government (Administration) Regulations 1996 (the regulations).

**CARRIED
RECORD OF VOTE 5-0**

Cr Broad returned to the chambers at 2.54pm.

Cr Keynes vacated the Chair for the President.

ITEM NUMBER:	0607.65
SUBJECT:	Annual Report and Electors Meeting
FILE REFERENCE:	N/A
NAME OF APPLICANT:	N/A
AUTHOR NAME AND POSITION:	Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

Report Purpose

To present the 2005/2006 Annual Report to Council and set the date for the Annual Electors meeting.

Background

The Annual Report had been provided to each member of council as a separate document titled “Audited Financial Statements to 30th June 2006” this document includes the Independent Audit Report.

Comments/Options/Discussions

Under the Local Government Act, it is necessary to produce an Annual Report and to conduct an Annual Electors Meeting.

It is proposed that the Annual Electors Meeting be held in conjunction with Council's Ordinary Meeting on 15th December 2006 commencing at 2.30pm.

Due to the timeframe required under local government act council must.

1. Accept the Annual Report by no later than 31st December of that financial year.
2. Hold the Annual General Meeting no less than 56 days after the acceptance of the Annual Report.

Based on this requirement council are to accept the Annual report at the December council meeting and then set a date to hold the Annual Electors meeting not more than 56 days afterwards.

Statutory Implications/Requirements

Section 5.54 of Local Government Act, 1995 - Acceptance of Annual Reports.

The Annual Report must be accepted by Council within 56 days of the receipt of the auditors report.

Section 5.27 of Local Government Act, 1995 - Electors General Meetings.

The Annual Electors Meeting must be held within 56 days of the acceptance of the Annual Report.

Policy Implications	Nil
Financial Implications	Nil
Voting Requirements	Simple

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr Foulkes-Taylor, seconded Cr Halleen
That council accept the Annual Report and Independent Audit report for the period ending 30th June 2006.

CARRIED
RECORD OF VOTE 6-0

Moved Cr Foulkes-Taylor, seconded Cr Keynes
The council hold the Annual meeting of Electors on Friday 15th December 2006, at the Murchison Sports Club, commencing at 2.30pm.

CARRIED
RECORD OF VOTE 6-0

ITEM NUMBER: 0607.66
SUBJECT: 2007 Council Meeting Dates
FILE REFERENCE: N/A
NAME OF APPLICANT: N/A
AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
DISCLOSURE OF INTEREST: Nil

Report Purpose

To set Council meeting dates and times and venues for the 2007 Calendar year.

Background

Council is required under the Local Government Act to set and advertise meeting dates, times and venues for the next twelve months.

Comments/ Option Discussions

Dates have been set to fit in with Easter and Christmas Public Holidays.. Council meetings are normally held on the third Friday of each month commencing at 9.30am, with the exception of January

Statutory Implications / Requirements

Local Government (Administration) Regulations 1996 Paragraph 12 (1) states:

Public notice of Council or Committee meetings - s 5.25 (g)

12. (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which -

- a) the ordinary Council meetings; and
- b) the committee meetings that are required under the Act to be open to the members of the public or that are proposed to be open to members of the public, are to be held in the next twelve months

Policy Implications Nil

Financial Implications Nil

Voting Requirements Simple

OFFICERS RECOMMENDATION / COUNCIL DECISION

Moved Cr Walsh, seconded Cr Keynes

That the dates for the next twelve months as listed below be adopted and advertised in accordance with the Local Government (Administration) Regulations.

All council meetings commence at 9.30am and are held at the Shire of Murchison Administration Office.

MEETING DATES

16th February 2007; 16th March 2007 ; 20th April 2007; 18th May 2007; 15th June 2007; 20th July 2007; 17th August 2007; 21st September 2007; 19th October 2007; 16th November 2007; 14th December 2007.

**CARRIED
RECORD OF VOTE 6-0**

ITEM NUMBER: **0607.67**
 SUBJECT: **Chief Executive Officers Report – November 2006**
 FILE REFERENCE: N/A
 NAME OF APPLICANT: N/A
 AUTHOR NAME AND POSITION: Dirk Sellenger – Chief Executive Officer
 DISCLOSURE OF INTEREST: Nil

Report Purpose

To allow the Chief Executive Officer to report on any issues and projects currently in progress.

Background Nil

Comments/Options/Discussions

The Chief Executive Officers Report is provided to each councillor as a separate document to this agenda.

Statutory Implications/Requirements Nil

Policy Implications Nil

Financial Implications Nil

Voting Requirements Simple

OFFICER'S RECOMMENDATION / COUNCIL DECISION

Moved Cr Halleen seconded Cr Keynes
 That the Chief Executive Officers Report for November 2006 be received.

**CARRIED
 RECORD OF VOTE 6-0**

10. New Business of an Urgent Nature

11. Declaration of Closure

The President thanked everyone for attending and declared the meeting closed at 4.00pm

Confirmed this.....day of

SHIRE PRESIDENT