

AGENDA FOR SPECIAL MEETING OF COUNCIL

WEDNESDAY 27 MARCH 2019

Council Chambers
6177 Great Northern Highway
Bindoon

Commencement: 4.30PM



Disclaimer

The purpose of this Council meeting is to discuss and, where possible, make resolutions about items appearing on the agenda.

Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a member or officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions of the *Local Government Act 1995* (section 5.25 (e)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The Shire of Chittering expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the Council meeting.

Procedure for Public Question Time, Petitions, Deputations and Presentations at Council Meetings

Council thanks you for your participation in Council Meetings and trusts that your input will be beneficial to all parties. Council has a high regard for community input where possible, in its decision making processes.

<p>Petitions A formal Process where members of the community present a written request to the Council.</p>	<p>Deputations A formal process where members of the community request permission to address Council or Committee on an issue.</p>	<p>Presentations An occasion where awards or gifts may be accepted by the Council on behalf of the community, when the Council makes a presentation to a worthy recipient or when agencies may present a proposal that will impact on the Local Government.</p>
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Procedures for Deputations

The Council allows for members of the public to make a deputation to Council on an issue related to Local Government business.

Notice of deputations need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9576 4600 or email chatter@chittering.wa.gov.au to arrange your deputation.

Where a deputation has been agreed to, during the meeting the Presiding Member will call upon the relevant person(s) to come forward and address Council.

A Deputation invited to attend a Council meeting:

- (a) is not to exceed five (5) persons, only two (2) of whom may address the Council, although others may respond to specific questions from Members;
- (b) is not to address the Council for a period exceeding ten (10) minutes without the agreement of the Council; and
- (c) additional members of the deputation may be allowed to speak with the agreement of the Presiding Member.

Council is unlikely to take any action on the matter discussed during the deputation without first considering an officer's report on that subject in a later Council agenda.

Procedure for Presentations

Notice of presentations being accepted by Council on behalf of the community, or agencies presenting a proposal, need to be received by **5pm on the day before the meeting** and agreed to by the Presiding Member. Please contact Executive Support Services via telephone on 9576 4600 or email chatter@chittering.wa.gov.au to arrange your presentation.

Where the Council is making a presentation to a worthy recipient, the recipient will be advised in advance and asked to attend the Council meeting to receive the award.

All presentations will be received/awarded by the Shire President or an appropriate Councillor.

Procedure for Petitions

Please note the following protocol for submissions of petitions. Petitions must:

- be addressed to the Shire President.
- be made by electors of the district.
- state the request on each page of the petition.
- contain the names, addresses and signatures of the elector(s) making the request, and the date each elector signed.
- contain a summary of the reasons for the request.
- state the name and address of the person whom arranged the petition for correspondence to be delivered to, as correspondence is not sent to all the signatures on the petition.

Where a petition does not relate to or conform to the above it may be treated as an 'informal' petition and the Chief Executive Officer may at his discretion forward the petition to Council accompanied by an officer report.

Procedure for Public Question Time

The Council extends a warm welcome to you in attending any meeting of the Council. Council is committed to involving the public in its decision making processes whenever possible, and the ability to ask questions during 'Public Question Time' is of critical importance in pursuing this public participation objective.

Council (as required by the *Local Government Act 1995*) sets aside a period of 'Public Question Time' to enable a member of the public to put up to two (2) questions to Council. Questions should only relate to the business of Council and should not be a statement or personal opinion. Upon receipt of a question from a member of the public, the Shire President may either answer the question or direct it to a Councillor or an Officer to answer, or it will be taken on notice.

Having regard for the requirements and principles of Council, the following procedures will be applied in accordance with the *Shire of Chittering Local Government (Council Meetings) Local Law 2014*:

1. Public Questions Time will be limited to fifteen (15) minutes.
2. Public Question Time will be conducted at an Ordinary Meeting of Council immediately following "Responses to Previous Public Questions Taken on Notice".
3. Each member of the public asking a question will be limited to two (2) minutes to ask their question(s).
4. Questions will be limited to two (2) per person.
5. Please state your name and address, and then ask your question.
6. Questions should be submitted to the Chief Executive Officer in writing by **5pm on the day before the meeting and be signed by the author**. This allows for an informed response to be given at the meeting.
7. Questions that have not been submitted in writing by 5pm on the day before the meeting will be responded to if they are straightforward.
8. If any question requires further research prior to an answer being given, the Presiding Member will indicate that the "question will be taken on notice" and a response will be forwarded to the member of the public following the necessary research being undertaken.
9. Where a member of the public provided written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
10. A summary of the question and the answer will be recorded in the minutes of the Council meeting at which the question was asked.

During the meeting, no member of the public may interrupt the meetings proceedings or enter into conversation.

Members of the public shall ensure that their mobile telephone and/or audible pager is not switched on or used during any meeting of the Council.

Members of the public are hereby advised that use of any electronic, visual or audio recording device or instrument to record proceedings of the Council without the permission of the Presiding Member.

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* indicates separate attachments

Notice is hereby given that a Special meeting of the **Shire of Chittering** will be held on **Wednesday 27 March 2019** in the Council Chambers, Bindoon commencing at **4.30pm**



NEIL HARTLEY
Acting Chief Executive Officer

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member to declare the meeting open.

2. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 Attendance

2.2 Apologies

2.3 Approved leave of absence

2.3.1 Cr Peter Osborn

Council approved Leave of Absence for the period inclusive of Thursday 21 March to Thursday 18 April 2019 (Council Resolution 050319).

3. DISCLOSURE OF INTEREST

4. PUBLIC QUESTION TIME

4.1 Public question time

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

5.2 Presentations

5.3 Deputations

6. PURPOSE OF MEETING

6.1 2018-2019 Budget Review to 28 February 2019*

Report Date	22 March 2018
Applicant	Shire of Chittering
File ref	12/07/4
Prepared by	Executive Manager Corporate Services
Supervised by	Executive Manager Corporate Services
Voting requirements	Absolute Majority
Attachments	1. 2018-2019 Budget Review ¹ 2. 2018-2019 Budget Review Variances ²

Executive Summary

Council is requested to consider adopting the review of the 2018-2019 Annual Budget.

Background

The *Local Government (Financial Management) Regulations 1996, Regulation 33A* requires that between 1 January and 31 March in each financial year a local government is to carry out a review of its Annual Budget for that year. Within 30 days after the review of the Annual Budget of a local government is carried out, it is to be submitted to Council. The Council is to consider the review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendation made in the review. Within 30 days after Council has made a determination, a copy of the Budget Review and determination is to be provided to the Department.

A Statement of Financial Activity for the period ended 28 February 2018 incorporating forecast actual budget variations to 30 June 2019 is presented with this report.

Consultation/Communication Implications

Local

Chief Executive Officer
Executive Manager Technical Services
Executive Manager Development Services
Human Resources Coordinator
Community Emergency Services Manager
Building Coordinator

State

Nil

¹ Not available at time of agenda distribution

² Not available at time of agenda distribution

Legislative Implications

State

- *Local Government (Financial Management) Regulations 1996*

Local

Nil

Policy Implications

State

Nil

Local

Nil

Financial Implications

Nil

Strategic Implications

Local

- *Strategic Community Plan 2017-2027*
- *Corporate Business Plan 2017-2021*
- *Long Term Financial Plan 2018-19 to 2027-28*
- *Roads Asset Management Plan – Version October 2017*
- *Buildings Asset Management Plan – Version October 2017*

State

Nil

Site Inspection

Not applicable

Triple Bottom Line Assessment

Economic implications

There are no known significant economic implications associated with this proposal.

Social implications

There are no known significant social implications associated with this proposal.

Environmental implications

There are no known significant environmental implications associated with this proposal.

Officer Comment/Details

The Budget Review has been based on the Shire's 28 February 2019 actual financial balances and was completed on 22 March 2019.

A snap shot of the changes to the overall operating costs and the capital program and the 2018-2019 Annual Budget Review document will be available prior to the Special Meeting of Council to be held on 27 March 2019.

6.1 OFFICER RECOMMENDATION

That Council:

- 1. Adopts the Budget Review as presented in the Statement of Financial Activity for the period ended 28 February 2019 and amend the 2018-19 Annual Budget accordingly; and**
- 2. Forwards a copy of the Budget Review to the Department of Local Government and Communities within 30 days.**

BY AN ABSOLUTE MAJORITY

7. MEETING CLOSED TO THE PUBLIC

7.1 Matters for which the meeting may be closed

7.1 OFFICER RECOMMENDATION

That Council moves into a confidential session to discuss Item 7.1.1 “supply and Lay of Asphalt Seal Contract (RFQ VP139378)” and Item 7.1.2 “Appointment of Chief Executive Officer” under the terms of the *Local Government Act 1995, Section 5.23(2)*:

- “(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
- (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

7.1.1 **CONFIDENTIAL ITEM:** Supply and Lay of Asphalt Seal Contract (RFQ VP139378)*

Report date	21 March 2019
Applicant	Shire of Chittering
File ref	
Prepared by	Executive Manager Technical Services
Supervised by	Acting Chief Executive Officer
Disclosure of interest	Nil
Voting requirements	Simple Majority
Attachments	1. Evaluation Report – CONFIDENTIAL “NOT FOR PUBLIC DISCLOSURE”

Reason for Confidentiality

Local Government Act 1995, Section 5.23(2)(c) and (e)(ii) Meetings generally open to public

- “(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;

7.1.2 CONFIDENTIAL ITEM: Appointment of Chief Executive Officer*

Report date	22 March 2016
Applicant	Shire of Chittering
File ref	22/02/25
Prepared by	Executive Support Officer
Supervised by	Acting Chief Executive Officer
Voting requirements	Absolute Majority
Attachments	1. Selection report – CONFIDENTIAL “NOT FOR PUBLIC DISCLOSURE”

Reason for Confidentiality

Local Government Act 1995, Section 5.23(2)(c) and (e)(iii) Meetings generally open to public

“(2) If a meeting is being held by a council or a committee, the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following:

(b) the personal affairs of any person; and

(e) a matter that if disclosed, would reveal —

(iii) information about the business, professional, commercial or financial affairs of a person,

where the trade secret or information is held by, or is about, a person other than the local government;

7.2 Public reading of resolution that may be made public

8. CLOSURE

The Presiding Member to declare the meeting closed.



6177 Great Northern Highway
PO Box 70 Bindoon WA 6502
T: 08 9576 4600 F: 08 9576 1250
E: chatter@chittering.wa.gov.au
www.chittering.wa.gov.au

Office hours: Monday to Friday
8.30am - 4.30pm