

**MINUTES FOR
SPECIAL MEETING OF COUNCIL**

WEDNESDAY 27 MARCH 2019

**Council Chambers
6177 Great Northern Highway
Bindoon**

**Commencement: 4.31PM
Closure: 4.36PM**



Preface

When the Chief Executive Officer approves these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

Attachments that formed part of the agenda, in addition to those tabled at the Ordinary Meeting of Council are put together as an addendum to these Minutes.

Unconfirmed Minutes

These minutes were approved for distribution on 29 March 2019



Neil Hartley
Acting Chief Executive Officer
Shire of Chittering

Confirmed Minutes

These minutes were confirmed at a meeting held on 17 April 2019.

Signed

Note: The Presiding Member at the meeting at which the minutes were confirmed is the person who signs above.

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.

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* indicates separate attachments

1. DECLARATION OF OPENING OF MEETING / ANNOUNCEMENTS OF VISITORS

The Presiding Member declared the meeting open at 4:31PM.

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

2.1 Attendance

The following Members were in attendance:

Member: Cr Gordon Houston President (Presiding Member)
Cr Peter Osborn
Cr Aaron King
Cr George Tilbury
Cr Carmel Ross
Cr Mary Angus
Cr Don Gibson

Quorum – 4 members

The following Shire staff were in attendance:

Neil Hartley	Acting Chief Executive Officer
Rhona Hawkins	Executive Manager Corporate Services
Peter Stuart	Executive Manager Development Services
Jim Garrett	Executive Manager Technical Services
Natasha Mossman	Executive Support Officer (Minute Secretary)

Members of
the public: 0

Media: 0

2.2 Apologies

Nil

2.3 Approved leave of absence

Nil

3. DISCLOSURE OF INTEREST

Nil

4. PUBLIC QUESTION TIME

4.1 Public question time

Nil

5. PRESENTATIONS / PETITIONS / DEPUTATIONS

5.1 Petitions

Nil

5.2 Presentations

Nil

5.3 Deputations

Nil

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 / COUNCIL RESOLUTION 380319

Moved Cr Osborn / Seconded Cr Tilbury

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.**

**THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY**

4:32PM

7. MEETING CLOSED TO THE PUBLIC

7.1 Matters for which the meeting may be closed

7.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 390319

Moved Cr Osborn / Seconded Cr King

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;

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

4:33PM

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;

No members from the general public returned to the meeting at 4.34pm and therefore the resolutions from behind closed doors were not read aloud at the meeting.

7.2 Public reading of resolution that may be made public

7.1.1 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 400319

Moved Cr Gibson / Seconded Cr Tilbury

That Council:

1. Award the contract to Downer EDI Works Pty Ltd to supply and lay approximately 15,058m³ of asphalt seal on various road construction projects within the Shire of Chittering for \$247,279.22;
2. Grant approval for the Chief Executive Officer to sign purchase orders to supply and lay approximately 15,058m³ of asphalt seal on the road construction projects to the value of \$247,279.22; and
3. Delegate Authority to the Chief Executive Officer to manager the Downer EDI Works Pty Ltd contract, including the provision of possible variations, providing the variation is necessary in order for the goods and services to be supplied, does not change the scope of the contract, and is management within the overall budget for the projects listed in this report.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0

4:33PM

7.1.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION 410319

Moved Cr King / Seconded Cr Angus

That Council:

1. Appoints Mr Matthew Gilfellow to the position of Chief Executive Officer with the Shire of Chittering for a period of three years commencing on 1 July 2019 and concluding on 30 June 2022;
2. Is of the belief that Mr. Matthew Gilfellow is suitably qualified for the position of Chief Executive Officer; and
3. Is satisfied with the provisions of the proposed employment contract to be entered into with Mr Matthew Gilfellow with a total reward package of \$200,000 per annum.

THE RECOMMENDATION WAS PUT AND DECLARED CARRIED 7/0
BY AN ABSOLUTE MAJORITY

4:34PM

8. CLOSURE

The Presiding Member declared the meeting closed at 4:36PM.



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