



S H I R E O F G N O W A N G E R U P

MINUTES

SPECIAL MEETING OF COUNCIL

8th December 2017
Commencing at 12:00pm

Council Chambers
28 Yougenup Road, Gnowangerup WA 6335

COUNCIL'S VISION

Gnowangerup Shire – A progressive, inclusive and prosperous community built on opportunity

Shire of Gnowangerup

NOTICE OF AN ORDINARY MEETING OF COUNCIL

Dear Council Member

The next Ordinary Meeting of the Shire of Gnowangerup will be held on Wednesday 20th December 2017, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 3:30pm.

.....

S. Pike

CHIEF EXECUTIVE OFFICER

Meaning of and CAUTION concerning Council's "In Principle" support:

When Council uses this expression it means that:

(a) Council is generally in favour of the proposal BUT is not yet willing to give its consent; and

(b) Importantly, Council reserves the right to (and may well) either decide against the proposal or to formally support it but with restrictive conditions or modifications.

Therefore, whilst you can take some comfort from Council's "support" you are clearly at risk if you act upon it before Council makes its actual (and binding) decision and communicates that to you in writing.

Disclaimer:

"Warning - Verbal Information & Advice:

Given the inherent unreliability and uncertainty that surrounds verbal communication, the Shire strongly recommends that, if a matter is of importance to you, then you should NOT act upon or otherwise rely upon any VERBAL information or advice you receive from the Shire unless it is first confirmed in writing."



DECLARATION OF INTEREST FORM

To: Chief Executive Officer
Shire of Gnowangerup
28 Yougenup Road
GNOWANGERUP WA 6335

I, (1) _____ wish to declare an interest in the following item to be considered by Council at its meeting to be held on (2) _____

Agenda Item (3) _____

The type of Interest I wish to declare is (4).

- ☐ Financial pursuant to Section 5.60A of the Local Government Act 1995
- ☐ Proximity pursuant to Section 5.60B of the Local Government Act 1995
- ☐ Indirect Financial pursuant to Section 6.51 of the Local Government Act 1995
- ☐ Closely Associated Persons pursuant to Section 5.62 of the Local Government Act 1995
- ☐ Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulations 2007.

The nature of my interest is (5) _____

The extent of my interest is (6) _____

I understand that the above information will be recorded in the minutes of the meeting and placed in the Disclosure of Financial and Impartiality of Interest Register.

Yours sincerely

Signed

Date

Notes:

1. Insert your name (print).
2. Insert the date of the Council Meeting at which the item is to be considered.
3. Insert the Agenda Item Number and Title.
4. Tick box to indicate type of interest.
5. Describe the nature of your interest.
6. Describe the extent of your interest (if seeking to participate in the matter under S. 5.68 of the Act).

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE)

A Member, who has a Financial Interest in any matter to be discussed at a Council or Committee Meeting that will be attended by the Member, must disclose the nature of the interest:

- a) In a written notice given to the Chief Executive Officer before the Meeting or;
- b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- a) Preside at the part of the Meeting, relating to the matter or;
- b) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (NOTES FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. These notes will be included in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measured in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc.), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. **If in doubt declare.**
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it MUST be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The only exceptions are:
 - 6.1 Where the Councillor discloses the extent of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'. A member who has an Interest Affecting Impartiality in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest; (a) in a written notice given to the Chief Executive Officer before the Meeting; or
(b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY DISCLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote. With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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OPENING PROCEDURES

1. OPENING AND ANNOUNCEMENT OF VISITORS

Shire President, Keith House welcomed Councillors, Staff and visitors and opened the meeting at 12.03pm.

2. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

2.1 ATTENDANCE

Cr Keith House
Cr Richard House
Cr Frank Hmeljak
Cr Shelley Hmeljak
Cr Lex Martin
Cr Greg Stewart
Cr Chris Thomas

Shelley Pike	Chief Executive Officer
Vin Fordham Lamont	Deputy Chief Executive Officer
Renae Walker	Executive Assistant
Anna Boschman	Manager of Community Services

Late Attendance

Cr Fiona Gaze
Cr Ben Moore

2.2 APOLOGIES

Phil Shephard	Town Planner
Carol Shaddick	Senior Finance Officer
Yvette Wheatcroft	Manager of Works
John Skinner	Asset and Waste Management Coordinator

2.3 APPROVED LEAVE OF ABSENCE

3. APPLICATION FOR LEAVE OF ABSENCE

Nil

4. RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. DECLARATION OF FINANCIAL INTERESTS AND INTEREST AFFECTING IMPARTIALITY

Nil

7. PETITIONS / DEPUTATIONS / PRESENTATIONS

7.1 PETITIONS

7.2 DEPUTATIONS

7.3 PRESENTATIONS

8. CONFIRMATION OF PREVIOUS MEETING MINUTES

9. USE OF THE COMMON SEAL

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

REPORTS FOR DECISION

11. COMMITTEES OF COUNCIL

Nil

12. STRATEGY AND GOVERNANCE

12.1 ACTING CEO WHILST CEO IS ON ANNUAL LEAVE

Location:	Shire of Gnowangerup
Proponent:	N/A
File Ref:	ADM
Date of Report:	29 th November 2017
Business Unit:	Strategy and Governance
Officer:	Shelley Pike - Chief Executive Officer
Disclosure of Interest:	Nil

ATTACHMENTS

Nil

PURPOSE OF THE REPORT

To appoint an acting CEO when the CEO is absent on leave. Appointment of an acting CEO is required to be endorsed and resolved by Council in accordance with the requirements of the *Local Government Act 1995*.

BACKGROUND

In order to cover prolonged periods of absence, the Chief Executive Officer (CEO) customarily appoints the Deputy Chief Executive Officer.

Although major decisions can usually be deferred during shorter periods, tasks of a basically routine, administrative nature including signing of documents and like tasks need to be addressed on a regular day to day basis.

It is proposed that Council resolve to appoint the Deputy Chief Executive Officer Vin Fordham Lamont to the position of Acting CEO in respect of periods of absence by the CEO.

COMMENTS

The Deputy Chief Executive Officer has previously acted in the position of Chief Executive Officer for the Shire during periods of leave and has performed the duties in a capable manner.

CONSULTATION

Nil

LEGAL AND STATUTORY REQUIREMENTS

The *Local Government Act 1995* requires a Council resolution to appoint persons to the position of Acting CEO. A Council resolution in terms of the Recommendation hereunder will assist to fulfil this obligation.

In the event the CEO's position becomes vacant then sections 5.36(2)(a) and (b), 5.39 and 5.40 of the Local Government Act 1995 and Regulations 18A, 18B, 18C, 18F and 19A of the Local Government (Administration) Regulations 1996 will apply and a separate resolution of Council will be required by absolute majority.

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

For periods of approved leave by the CEO, an Acting CEO is entitled to any "higher duties" or other forms of allowance. Higher duties are paid for acting periods in excess of one (1) day under the Local Government Industry Award 2010. It should be noted that an acting CEO is not required to be appointed when the CEO is attending Shire business within the region or in Perth or is actively still the CEO whilst not necessarily within the Shire of Gnowangerup.

STRATEGIC IMPLICATIONS

Consistent with the Shire's Strategic Community Plan 2017-2027 – Theme 4: A Sustainable and Capable Council – Objective 1. Provide accountable and transparent leadership.

RISK MANAGEMENT CONSIDERATIONS:

The Shire's Risk Framework does not identify any relevant risk profiles.

IMPACT ON CAPACITY

The Deputy Chief Executive Officer will perform the duties of both roles and it is anticipated that new projects will not be commenced during the acting period.

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Nil

CONCLUSION

It is appropriate and necessary for Council to appoint the Deputy Chief Executive Officer as Acting Chief Executive Officer for the period of the CEO's leave.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

Moved: Cr S Hmeljak

Seconded: Cr G Stewart

1217.136 That Council:

Appoint Deputy Chief Executive Officer Vin Fordham Lamont to the position of Acting CEO in respect to the approved period of leave from 21st December 2017 through to 15th January 2018 inclusive.

UNANIMOUSLY CARRIED: 7/0

13. CORPORATE SERVICES & COMMUNITY DEVELOPMENT

Nil

14. INFRASTRUCTURE AND ASSET MANAGEMENT

Nil

15. STATUTORY COMPLIANCE

Nil

16. FINANCE

Nil

17. CONFIDENTIAL ITEMS

Nil

OTHER BUSINESS AND CLOSING PROCEDURES

18. URGENT BUSINESS INTRODUCED BY DECISION OF COUNCIL

Nil

19. MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

20. DATE OF NEXT MEETING

That the next Ordinary Council Meeting will be held on the 20th December 2017.

21. CLOSURE

The Shire President thanked council and staff for their time and declared the meeting closed at 12.31pm.