



MINUTES

SPECIAL MEETING OF COUNCIL

11th September 2019
Commencing at 5:00pm

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 A SPECIAL MEETING OF COUNCIL

Dear Council Member

A Special Meeting of the Shire of Gnowangerup will be held on Wednesday 11th September 2019, at the Council Chambers 28 Yougenup Road Gnowangerup, commencing at 5:00pm.

Signed: 

Vin Fordham Lamont

ACTING 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


No responsibility whatsoever is implied or accepted by the Shire of Gnowangerup for any act, omission or statement or intimation occurring during Council or committee meetings.

The Shire of Gnowangerup 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 or committee meeting does so at that person's or legal entity's own risk.

In particular and without detracting in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by any member or officer of the Shire of Gnowangerup during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Gnowangerup.

The Shire of Gnowangerup advises that anyone who has any application lodged with the Shire of Gnowangerup shall obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the Shire of Gnowangerup in respect of the application.

Signed: 

Vin Fordham Lamont
ACTING CHIEF EXECUTIVE OFFICER



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 5.61 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 & 5.69 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 5:02pm.

2. ACKNOWLEDGEMENT OF COUNTRY

The Shire of Gnowangerup would like to acknowledge the Goreng people who are the Traditional Custodians of this land. The Shire of Gnowangerup would also like to pay respect to the Elders both past and present of the Noongar Nation and extend that respect to other Aboriginals present.

3. ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

The Acting Chief Executive Officer Vin Fordham Lamont announced that Cr Ben Moore has resigned from Council effective today.

3.1 ATTENDANCE

Cr Keith House

Shire President

Cr Fiona Gaze

Deputy Shire President

Cr Richard House

Cr Chris Thomas

Cr Frank Hmeljak

Cr Greg Stewart

Cr Shelley Hmeljak

Vin Fordham Lamont

Acting Chief Executive Officer

Kirsty Buchanan

Community Development Coordinator

Anita Finn

Executive Assistant

Jacqui Thomas

Member of the public

3.2 APOLOGIES

Yvette Wheatcroft

Manager of Works

John Skinner

Asset & Waste Management Coordinator

Carol Shaddick

Senior Finance Officer

3.3 APPROVED LEAVE OF ABSENCE

Cr Lex Martin

4. APPLICATION FOR LEAVE OF ABSENCE

Nil

5. RESPONSE TO QUESTIONS TAKEN ON NOTICE

Nil

6. PUBLIC QUESTION TIME

Nil

7. DECLARATION OF FINANCIAL INTERESTS AND INTERESTS AFFECTING IMPARTIALITY

Nil

8. PETITIONS / DEPUTATIONS / PRESENTATIONS

8.1 PETITIONS

Nil

8.2 DEPUTATIONS

Nil

8.3 PRESENTATIONS

Nil

9. CONFIRMATION OF PREVIOUS MEETING MINUTES

Nil

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

REPORTS FOR DECISION

11. COMMITTEES OF COUNCIL

Nil

12. STRATEGY AND GOVERNANCE

Nil

13. CORPORATE SERVICES & COMMUNITY DEVELOPMENT

Nil

14. INFRASTRUCTURE AND ASSET MANAGEMENT

14.1 DISPOSAL OF OUTGOING CEO'S VEHICLE

Location:	N/A
Proponent:	N/A
File Ref:	ADM0377
Date of Report:	2 nd September 2019
Business Unit:	Infrastructure & Asset Management
Officer:	Y Wheatcroft – Manager of Works
Disclosure of Interest:	Nil

ATTACHMENTS

Nil

PURPOSE OF THE REPORT

For Council to consider the future of the outgoing CEO's Shire Vehicle (Toyota RAV – GN 00), and decide on whether to dispose of it or retain it in lieu of another vehicle.

BACKGROUND

At the Councillor and Executive Workshop meeting of 12th June 2019, the CEO indicated to Council that she was interested in purchasing her Shire vehicle when her contract ends in September this year. Council has already agreed to the incoming CEO's request for an alternative vehicle and the Shire's normal practice would be to trade the Toyota RAV in on the new vehicle.

It was determined that expressions of interest to purchase the Toyota RAV would be publically invited, and any submissions would be assessed against each other, trade-in prices quoted by car dealerships, and any other factors determined by Council.

The invitation to submit expressions of interest was advertised on the Shire website on 2 July, and in the Great Southern Herald newspaper of 11th July 2019. The advertisement also appeared in the "Borden Bulletin" on 4th July 2019 and "In the Gnow" on 5th July 2019. The closing date for submissions was 26th July 2019.

Submissions were received from the following parties:

- Maddington Toyota (\$34,800)
- S Pike (\$32,000)
- Conplant (\$8,000)

Note: All figures above are inclusive of GST.

Council, at its Ordinary Meeting of 28th August 2019, resolved to not accept the offer from S Pike but the resolution did not address the other offers.

COMMENTS

As Council did not, in effect, reach a decision on the future of the Toyota RAV (GN 000) at the Ordinary Meeting of 28th August 2019, it is now required to make a resolution to decline ALL the offers which were received for this vehicle.

Officers recommend allocating the vehicle to the Deputy CEO and disposing of his current Toyota Prado, which is due for replacement in the 2019/2020 adopted budget.

Reasons for the officers' recommendation:

- Deputy CEO's vehicle was already planned for replacement in the Plant Replacement Schedule.
- The CEO's vehicle (Toyota RAV) was only purchased in December 2018 and is not due for replacement.
- The Deputy CEO is happy to replace the Prado with the RAV, particularly now that the incoming CEO has a Toyota Kluger which is large enough to accommodate several councillors or other passengers as required.

CONSULTATION

The incoming CEO, Mr Bob Jarvis, was consulted on this matter.

LEGAL AND STATUTORY REQUIREMENTS

Local Government Act 1995

Section 3.58 Disposing of Property

POLICY IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

An allocation of \$65,000 was included in the 2019/2020 budget for the purchase of a replacement vehicle for the CEO and \$29,500 for the disposal of the current CEO vehicle. This would result in a \$36,500 turnover cost for the CEO vehicle.

An allocation of \$55,000.00 was included in the 2019/2020 budget for the purchase of a replacement vehicle for the Deputy CEO and \$25,000 for the disposal of the current Deputy CEO vehicle. This would result in a \$30,000 turnover cost for the Deputy CEO vehicle.

If the officer's recommendation is followed, instead of a net expenditure of \$66,500 on both vehicles, there will be a turnover cost of \$65,000 on the CEO vehicle and proceeds of \$25,000 from the disposal of the Deputy CEO vehicle, giving a net expenditure of \$40,000. The saving of \$26,500 would be transferred to the Plant Reserve. This will be formally addressed in the half yearly budget review.

STRATEGIC IMPLICATIONS

Strategic Community Plan

Theme: Financial Sustainability

Objective: Effective management to conduct business in a financially sustainable manner

Strategic Initiative: Manage liabilities and assets through a planned, long-term approach

STRATEGIC RISK MANAGEMENT CONSIDERATIONS:

Nil

IMPACT ON CAPACITY

Nil

ALTERNATE OPTIONS AND THEIR IMPLICATIONS

Sell the vehicle to Maddington Toyota for \$34,800 (offer expires on 13th September 2019). There is no apparent benefit in choosing this option over the Officer's recommendation (see reasons listed in the Comments section above).

CONCLUSION

Council should decline all offers on the outgoing CEO's Toyota RAV (GN 00) to ensure that this matter has been dealt with correctly from an administrative perspective.

VOTING REQUIREMENTS

Simple Majority

COUNCIL RESOLUTION

Moved: Cr G Stewart

Seconded: Cr S Hmeljak

0919.105 That Council:

- **Decline all offers on the outgoing CEO's Toyota RAV (GN 00).**
- **Authorise the Acting CEO to advise all parties who submitted an offer of Council's decision.**

UNANIMOUSLY CARRIED: 7/0

15. STATUTORY COMPLIANCE

Nil

16. FINANCE

Nil

OTHER BUSINESS AND CLOSING PROCEDURES

17. CONFIDENTIAL ITEMS

Nil

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 25th September 2019.

21. CLOSURE

The Shire President thanked Council and staff for their time and declared the meeting closed at 5:12pm.