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MINUTES

1. DECLARATION OF OPENING/ ANNOUNCEMENT OF VISITORS:

THE PRESIDENT CR HUTCHINSON DECLARED THE MEETING OPEN AT 11:00 AM

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

ATTENDANCE

CR HUTCHINSON (PRESIDENT)

CR BURROWS

CR HOWDEN

CR BAJRAI

CR TRENFIELD

CR NICHOLS

TA HARTMAN

CEO

ROSE JONES

MANAGER OF FINANCE & ADMINISTRATION

APOLOGIES

CR BAIN

CR O'DWYER

CR HUNT

APPROVED LEAVE OF ABSENCE

NIL

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

NIL

4. PUBLIC QUESTION TIME:

NIL

5. APPLICATIONS FOR LEAVE OF ABSENCE:

THAT LEAVE BE GRANTED FOR CR HOWDEN FOR THE APRIL 2005 ORDINARY MEETING.

Council Resolution:

RESOLVED: (Moved by Cr Trenfield Seconded by Cr Bajrai)

THAT LEAVE BE GRANTED FOR CR HOWDEN FOR THE APRIL 2005 ORDINARY MEETING.

CARRIED 6.0

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

6.1 ORDINARY MEETING HELD 19th February 2005.

Council Resolution

RESOLVED:(Moved by Cr Burrows Seconded by Cr Howden)

THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING OF THE SHIRE OF MEEKATHARRA HELD IN THE COUNCIL CHAMBERS ON 19TH FEBRUARY 2005 BE CONFIRMED

CARRIED 6.0

7. PETITION/ DEPUTATIONS/ PRESENTATIONS/ SUBMISSIONS:

NIL

8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION:

PRESIDENT REPORTED MATTERS ARISING FROM THE MEEKATHARRA SAFETY AND CRIME PREVENTION COMMITTEE REGARDING THE COMMUNITY PATROL.

9. REPORTS OF COUNCILLORS:

NIL

10.1 CHIEF EXECUTIVE OFFICER REPORT SUBMITTED TO THE FULL COUNCIL MEETING TO BE HELD 19th MARCH 2005.

10.1.1 2004 Compliance Audit Return for Local Governments

File Ref: A/45

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil.

Date of Report: 9th March, 2005

Summary: Report submits compliance audit return to Council for adoption.

Background: Department of Local Government and Regional Development requires all Local Governments to carry out a compliance audit for the period January 1st to December 31st.

Comment: The return has been completed and is attached for Councillors endorsement.

Consultation: Nil

Statutory Environment: Local Government (Audit) Regulations.

Policy Implications: Nil.

Financial Implications: Nil.

Strategic Implications: Assists Council in ensuring that Statutory Compliance in required areas are complied with.

Voting Requirements: Simple Majority.

Recommendation:

THAT COUNCIL ADOPT THE 2004 COMPLIANCE AUDIT RETURN AND SUBMIT IT TO THE DIRECTOR GENERAL, DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT.

Council Resolution

RESOLVED:(Moved by Cr Nichols Seconded by Cr Bajrai)

THAT COUNCIL ADOPT THE 2004 COMPLIANCE AUDIT RETURN AND SUBMIT IT TO THE DIRECTOR GENERAL, DEPARTMENT OF LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT.

CARRIED 6.0

10.1.2 Town Maintenance Contract

File Ref: T/46

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil.

Date of Report: 10th March, 2005.

Summary: Report raises matter concerning the expiry of the current Town Maintenance contract and recommends inviting tenders for a further 5 years.

Background: The attached contract details the extent of the Town Maintenance Contract. This contract expires on the 30th April 2005.

Comment: It is suggested that the Town Maintenance Contract be continued, based upon the success Council has had with contracting out this work. A tender can be invited and Council could consider the matter at the April meeting.

Consultation: Nil.

Statutory Environment: Local Government Act Section 3.57
Local Government (Functions and General) Regulations 2001 - Part 4

Policy Implications: Nil.

Financial Implications: Allowance made in the 2004/05 budget for this expense.

Strategic Implications: Appearance of the town is enhanced by the maintenance of the parks and gardens.

Voting Requirements: Simple Majority.

Recommendation:

THAT COUNCIL INVITE TENDERS FOR THE TOWN MAINTENANCE CONTRACT FOR THE PERIOD 1ST MAY 2005 TO 30TH APRIL 2010 AND CONSIDER THE TENDER/S RECEIVED AT THE APRIL 2005 MEETING.

Council Resolution:

RESOLVED: (Moved by Cr Burrows Seconded by Cr Bajrai)

THAT COUNCIL INVITE TENDERS FOR THE TOWN MAINTENANCE CONTRACT FOR THE PERIOD 1ST MAY 2005 TO 30TH APRIL 2010 AND CONSIDER THE TENDER/S RECEIVED AT THE APRIL 2005 MEETING.

CARRIED 6.0

10.1.3 Tenders - Road Sweeper

File Ref: T/35

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil.

Date of Report: 10th March, 2005

Summary: Report raises matter of the replacement of the town street sweeper and recommends that tenders be invited.

Background: Council is required to invite tenders for the supply of goods and services worth more than \$50,000 unless the requirements of the tender regulations state otherwise.

Comment: The existing road sweeper was purchased in 1996 from the City of Subiaco and has given good service to Council. It is however starting to wear out and should be considered for replacement. Expenditure for its replacement has been included in this budget.

Consultation: Works Supervisor
Suppliers.

Statutory Environment: Local Government Act Section 3.57.

Policy Implications: Nil.

Financial Implications: Council has placed \$60,000 on the 2004/05 budget for the replacement of plant No 309 - Road Sweeper.

Strategic Implications: This plant assists with keeping the main street clean and tidy.

Voting Requirements: Simple majority.

Recommendation:

THAT COUNCIL INVITE TENDERS FOR THE REPLACEMENT OF PLANT NO 309 WITH AN EQUIVALENT MACHINE.

Council Resolution:

RESOLVED: (Moved by Cr Trenfield Seconded by Cr Nichols)

THAT COUNCIL INVITE TENDERS FOR THE REPLACEMENT OF PLANT NO 309 WITH AN EQUIVALENT MACHINE.

CARRIED 6.0

10.1.4 Tender - 21 Seater Bus

File Ref: B/36

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil.

Date of Report: 11th March 2005.

Summary: Report advises Council of tender being invited for the supply of a 21 seater bus and recommends endorsement and delegation to the CEO to accept a tender.

Background: An application submitted in November 2004 to lotterywest for assistance to purchase a 21 seater bus has been successful. Council were recently advised that the grant for \$73 726 is approved. Council need to match this grant with \$10000 which has been budgeted for.

Comment: It was decided to invite tenders as soon as possible to allow for the process to commence and reduce any delays in acquiring the bus. I will also recommend that Council delegate to the CEO to accept the most advantageous tender received.

Consultation: Nil.

Statutory Environment: Local Government Act 3.57(1)
Local Government Act 5.43

Policy Implications: Nil.

Financial Implications: Council has funds in the budget for this income and expenditure.

Strategic Implications: Will have positive impact on Councils role in the community.

Voting Requirements: Simple majority for inviting tenders
Absolute majority to delegate powers.

Recommendation:

1. THAT COUNCIL ENDORSE THE ACTIONS OF THE CEO TO INVITE TENDERS TO SUPPLY A 21 SEATER BUS.
2. THAT COUNCIL DELEGATE TO THE CEO THE POWER TO ACCEPT THE MOST ADVANTAGEOUS TENDER FOR THE SUPPLY OF A 21 SEATER BUS WITHIN THE BUDGET ESTIMATES.

Council Resolution:

RESOLVED: (Moved by Cr Trenfield Seconded by Cr Howden)

-
1. THAT COUNCIL ENDORSE THE ACTIONS OF THE CEO TO INVITE TENDERS TO SUPPLY A 21 SEATER BUS.
 2. THAT COUNCIL DELEGATE TO THE CEO THE POWER TO ACCEPT THE MOST ADVANTAGEOUS TENDER FOR THE SUPPLY OF A 21 SEATER BUS WITHIN THE BUDGET ESTIMATES.

CARRIED BY ABSOLUTE MAJORITY 6.0

10.1.5 **Proposal for New Local Laws**

File Ref: L/52

Reporting Officer: Tom Hartman CEO.

Disclosure of Interest: Nil

Date of Report: 11th March 2005

Summary: Resolution to propose making of new Local Laws.

Background: Section 3.16 of the Local Government Act 1995 (The Act) requires that all of the Local Laws of Local Governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged or be repealed or amended. For the Shire of Meekatharra the enactment of the 1995 Local Government Act which converted previous By-Laws to Local Laws resulted in a review date of 01 July 2004. The review was commenced in 2002 but never completed.

Table 1 show all current Local Laws for the Shire of Meekatharra.

Gazette Date	Title
25/02/1916	Loan Poll Special Roll
5/07/1929	Poundage Fees
3/01/1936	Stall keepers - General
19/06/1936	Dogs
11/12/1942	Employees Appointment of
7/01/1943	Roads Stock Using
8/06/1951	Long Service Leave
21/09/1951	Road Damage to
2/04/1953	Straying Stock
26/10/1962	Old Refrigerators and Cabinets - Draft Model by-law No. 8
21/07/1965	Prevention of Damage to Streets - Draft Model by-law No. 15
24/05/1966	Memorial Swimming Pool
13/07/1966	Petrol Pumps - Draft Model by-law No. 10
23/03/1967	Deposit of Refuse & Litter - Draft Model by-law No. 16
19/02/1969	Sick Leave
19/02/1969	Storage of Inflammable Liquids - Draft Model by-law No. 12
26/06/1981	Cemeteries
4/08/1995	Trading in Public Places
15/09/1995	Refuse, Rubbish, Litter, Vehicle Bodies, Disused and unsightly items or objects from land Removal of
13/03/1998	Caravan Parks

Comment:

As can be seen from the above table all of the existing laws are either redundant or out of date. Many have been incorporated into other Acts or Regulations. Rather than review existing laws which under section 3.16 of the Act requires a separate process, it is more effective, economical and time saving to simply repeal existing laws and create new ones where necessary.

The West Australian Local Government Association (formerly WAMA) developed in 2002 a Local Laws Manual which contained guidelines and “model” local laws for adaptation to each Council. Most Councils including Meekatharra have used these laws as a basis for their own. During the review in 2002 new Meekatharra Local Laws were developed in line with these guidelines and to provide conformity with neighbouring shires.

Each Local Law is approximately 30 pages in length and is available for perusal by Councillor’s under separate cover.

Procedure:

The Statutory process for making and adoption of new Local Laws is contained under Section 3.12 of the Act.

Council is first required to compile the law and then

- At a Council meeting, read aloud (CEO) a summary of the purpose and effect of the Local Law,

- Give Statewide Public Notice and invite submissions,
- Provide copies to relevant Ministers,
- Adopt the law and
- Gazette the Law.

This agenda item deals with the first point.

Proposed New Laws: *The following should be read aloud.*

Dogs Local Law

Purpose and Effect – To control the number of Dogs that can be kept on premises and the manner of keeping those dogs and to prescribe areas in which dogs are prohibited and dog exercise areas.

Bush Fire Brigades Local Law

Purpose and Effect – To provide for the organization, maintenance and equipment of Bush Fire Brigades.

Public Cemetery Local Law

Purpose and Effect - To provide for the orderly management of the Meekatharra Public Cemetery in accordance with established plans and to create offences for inappropriate behaviour within the cemetery grounds.

Activities in Thoroughfares and Public Places Local Law

To contain within one local law all local laws regulating activities in thoroughfares and public places, and trading.

Local Government Property Local Law

To regulate the care, control and management of all property of the local government other than thoroughfares.

Shire of Meekatharra Health Local Laws

To provide for proper sanitary and health requirements for people living in the shire and to maintain appropriate public health standards.

Standing Orders Local Law

To provide for the orderly conduct of meetings of the Council and committees, the manner of making an effective petition to the local government, and for the safe custody and use of the Common Seal.

Repeal Local Law 2005

To repeal local laws on a variety of subjects, considered to be superfluous, obsolete or defunct.

Consultation: K E Anderson.

Statutory Environment: Section 3.12 of the local Government Act 1995.

- Policy Implications:** New Local laws.
- Financial Implications:** Advertising and Gazettal Costs.
- Strategic Implications:** Nil.
- Voting Requirements:** Absolute Majority.

Recommendation:

THAT COUNCIL ADVERTISE FOR PUBLIC COMMENT THAT IT PROPOSES TO MAKE THE FOLLOWING NEW LOCAL LAWS:

- DOGS LOCAL LAW
- BUSH FIRE BRIGADES LOCAL LAW
- PUBLIC CEMETERY LOCAL LAW
- ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW
- LOCAL GOVERNMENT PROPERTY LOCAL LAW
- SHIRE OF MEEKATHARRA HEALTH LOCAL LAWS
- STANDING ORDERS LOCAL LAW
- REPEAL LOCAL LAW 2005

Council Resolution:

RESOLVED: (Moved by Cr Burrows Seconded by Cr Bajrai)

THAT COUNCIL ADVERTISE FOR PUBLIC COMMENT THAT IT PROPOSES TO MAKE THE FOLLOWING NEW LOCAL LAWS:

- DOGS LOCAL LAW
- BUSH FIRE BRIGADES LOCAL LAW
- PUBLIC CEMETERY LOCAL LAW
- ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW
- LOCAL GOVERNMENT PROPERTY LOCAL LAW
- SHIRE OF MEEKATHARRA HEALTH LOCAL LAWS
- STANDING ORDERS LOCAL LAW
- REPEAL LOCAL LAW 2005

CARRIED BY ABSOLUTE MAJORITY 6.0

10.2 MANAGER OF FINANCE AND ADMINISTRATION REPORT
SUBMITTED TO THE FULL COUNCIL MEETING TO BE HELD
19th MARCH 2005

10.2.1 June Quarterly Financial Statements

File Ref: F/6

Reporting Officer: Rose Jones - Manager of Finance and Administration.

Disclosure of Interest: Nil.

Date of Report: 10th March, 2005.

Summary: June Quarterly Financial Statements.

Background: The Financial Management Regulations require Local Government to produce a financial statement at each Quarter's end and present that statement to the Council.

Comment: Section 34 (1a) of the Regulations recognises that the statement produced at the end of the fourth quarter of any given year would be identical to the Annual Statement which is required to be audited and presented to Council in any case. This Section allows Council to forego receiving the fourth quarterly Statement providing there is an absolute majority in favour of so doing.

Consultation: Nil.

Statutory Environment: Financial Management Regulations 34(1a).

Policy Implications: Nil.

Financial Implications: Nil.

Strategic Implications: Nil.

Voting Requirements: Absolute Majority.

Recommendation:

THAT IT NOT BE NECESSARY FOR A FOURTH QUARTERLY STATEMENT TO BE PRODUCED AND PRESENTED TO COUNCIL IN JULY 2004 AS COUNCIL IS PREPARED TO AWAIT RECEIPT OF THE ANNUAL AUDITED STATEMENT.

Council Resolution:**RESOLVED: (Moved by Cr Nichols Seconded by Cr Trenfield)**

THAT IT NOT BE NECESSARY FOR A FOURTH QUARTERLY STATEMENT TO BE PRODUCED AND PRESENTED TO COUNCIL IN JULY 2004 AS COUNCIL IS PREPARED TO AWAIT RECEIPT OF THE ANNUAL AUDITED STATEMENT.

CARRIED BY ABSOLUTE MAJORITY 6.0**10.2.2 Accounts to Be Paid****File Ref:** F/6**Reporting Officer:** Rose Jones - Manager of Finance and Administration.**Disclosure of Interest:** Nil.**Date of Report:** 11th March, 2005**Summary:** The following accounts are presented to Council for payment:

Municipal	Voucher No.s 20245-20449	Amount: \$ 323175.71
Trust Account	Voucher No.s 100759-100761	Amount: \$ 188.40
Air BP Account	Voucher No.s Various	Amount: \$ 3369.11

Voting Requirements: Simple majority.**Recommendation:**

THAT THE ACCOUNTS AS DETAILED BE PAID.

Council Resolution:**RESOLVED: (Moved by Cr Trenfield Seconded by Cr Nichols)**

THAT THE ACCOUNTS AS DETAILED BE PAID.

CARRIED 6.0**10.2.3 Statement of Cash Position****File Ref:** F/6**Reporting Officer:** Rose Jones - Manager of Finance and Administration**Disclosure of Interest:** Nil.

Date of Report: 11th March, 2005.

Summary: Statement of cash position as of the 17th March 2005, will be presented at the meeting.

Voting Requirements: Simple majority

Recommendation:

THAT THE STATEMENT OF CASH POSITION AS OF 17th MARCH 2005, BE RECEIVED.

Council Resolution:

RESOLVED: (Moved by Cr Trenfield Seconded by Cr Nichols)

THAT THE STATEMENT OF CASH POSITION AS OF 17th MARCH 2005, BE RECEIVED.

CARRIED 6.0

11. **ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

NIL

12. **NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:**

CR BURROWS DECLARED AN INTEREST AND LEFT THE ROOM AT 11:45 AM. INTEREST BEING OWNER OF DOLLY.

Moved by Cr Trenfield Seconded by Cr Howden

THAT COUNCIL INTRODUCE THE LOCAL PURCHASE OF A SECOND HAND TANDEM AXLE DOLLY FOR \$9000 AS NEW BUSINESS OF AN URGENT NATURE.

CARRIED 5.0

Moved by Cr Trenfield Seconded by Cr Howden

THAT COUNCIL PURCHASE THE SECOND HAND TANDEM AXLE DOLLY FROM A. G. BURROWS FOR \$9000 USING CAPITAL FUNDS FROM THE SMALL PLANT - MISC ITEM UNDER TRANSPORT.

CARRIED 5.0

CR BURROWS RETURNED AT 11:49 AM.

13. **CLOSURE OF MEETING:**

THE PRESIDENT CR HUTCHINSON DECLARED THE MEETING CLOSED AT 11:50 AM.