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MINUTES**1. Declaration of Opening and Announcement of Visitors**

The Chairperson declared the meeting open at 12.10pm and welcomed everyone to the meeting.

2. Record of Attendance / Apologies and Leave of Absence Previously Approved

Cr Jim Quadrio	President
Cr Graham Harris	Deputy President
Cr Chris Webb	
Cr Norma Ward	
Cr Stacey Petterson	
Cr Caroline Thomas	

Dean Taylor	Acting Chief Executive Officer
Glenn Deocampo	Executive Manager Corporate Services
Tracey Luke	Executive Manager Community & Economic Development
Katrina Boylan	Senior Administration Officer

Gill Marchant	Member of the public
David Betteridge	Member of the public

3. Response to Previous Public Question Taken on Notice

Nil

4. Public Question Time

David Betteridge

Q1. How many contractors are being housed by the shire to the detriment of local business?

Jim Quadrio – Shire President

A1. Only one, the rest are Shire employees.

Q2. When are local residents going to get a fair go in regards to employment with the shire. The local mines try to employ local and have training programs in place to enable local people to be gainfully employed. Why is the shire so focused on spending huge amounts of money to employ outside knowledge when at a reduced wage but increased training budget the shire could employ from within and as a result have employees that have intimate knowledge of the requirements of the local population and have a sympathetic approach to nurture prosperous growth within the community?

Jim Quadrio – Shire President

A2. Employment is an ongoing process and the shire believes in nurturing and training local residents. Each specific position is assessed individually.

Q3. Why pay over the top for outsiders when local people can be trained, i.e. Clinton Farmer

Jim Quadrio – Shire President

A3. Some positions need experience and it takes time to train, it's not always about the money.

Q4. I'm not talking about menial jobs, I'm talking about executive positions for locals.

Jim Quadrio – Shire President

A4. I'm sure this will happen in time.

Gillian Marchant

Q1. Are there any plans for a trainee in the administration area? Do other Shires employ trainees?

Dean Taylor – A/CEO

A1. Yes, other Shires do have trainees, but you also need to have mature experienced staff to train and mentor a trainee. We will be getting a trainee for the art gallery in the near future. There are vacancies in the administration area but we have no vacant housing to offer anyone at the moment.

Q2. Have approaches been made to the aboriginal community for applicants?

Dean Taylor – A/CEO

A2. We do have 2 vacancies in administration but have no capacity to train anyone at the moment.

Jim Quadrio – Shire President

A2. I was not aware that Clinton Farmer had applied for any jobs but he would be considered if he had done.

Q3. No one has been employed to fill the Sports and Rec position yet, were none of the locals who applied suitable?

Dean Taylor – A/CEO

A3. None of the applicants were suitable.

5. Applications for Leave of Absence

5.1. Cr Harris and Cr Webb requested a leave of absence for the Ordinary Council Meeting on 24 August 2016.

Council Decision	Item 5.1.
That Cr Harris and Cr Webb be granted leave of absence for the Ordinary Council Meeting to be held on 24 August 2016.	
MOVED CR PETTERSON	SECONDED CR THOMAS
<u>CARRIED 6/0</u>	Resolution 052/16

6. Notations of Interest**6.1. Interest Affecting Impartiality Shire of Wiluna Code of Conduct**

Nil

6.2. Financial Interest Local Government Act Section 5.60A

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Shire President Jim Quadrio	10.3.3.	Financial	Shire Presidents allowance

Councillor/Officer	Item	Nature of Interest	Extent of Interest
Deputy Shire President Graham Harris	10.3.3.g	Financial	Deputy Presidents allowance

Councillor/Officer	Item	Nature of Interest	Extent of Interest
A/CEO Dean Taylor	10.3.4.	Financial	Principal of a tenderer

6.3. Proximity Interest Local Government Act Section 5.60B

Nil

7. Petitions and Deputations

Vince Catania MLA, National Member for North West Central attended the Council Forum meeting which was held prior to the Council Meeting. He informed Council that the announcement of the sealing of the Wiluna – Meekatharra would be made on 13 August 2016 in Meekatharra.

8. Confirmation of Minutes of Previous Meeting

8.1. The Minutes of the Meeting held on 17 June 2016 be accepted as a true record of the meeting.

Council Decision***Item 8.1.*****MOVED CR HARRIS****SECONDED CR WEBB**

The Minutes of the Meeting held on 17 June 2016 be accepted as a true record of the meeting.

CARRIED 6/0**Resolution 053/16****9. Announcement Presiding Member without Discussion**

Nil

10. Reports of Officers and Committees

10.1. Chief Executive Officer's Reports

10.1.1. Subject/Applicant:	ELECTED MEMBER VACANCY
File:	ADM 0343
Reporting Officer:	Dean Taylor – Acting Chief Executive Officer
Date of Report:	11 July 2016
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider making an application to the Western Australian Electoral Commissioner to operate with 6 Councillors until 2017.

Background

Following the recent disqualification of a Councillor, the Shire now needs to plan for the replacement of this position.

There are two options for replacement:

- Council can call an extra-ordinary election to fill the vacancy; or
- The Council can, pursuant to S4.17 (3) of the Local Government Act, make an application to the Electoral Commissioner to allow the vacancy to remain unfilled and then be filled at the time of the next election in October 2017.

The first option is self explanatory. The second option means that the Council resolves to leave the position vacant and that 4 vacancies be filled at the 2017 Ordinary Election in October, i.e. 3 positions which normally expire in 2017 and the position left vacant which would not have expired until 2019. Approval is required from the Western Australian Electoral Commissioner to do so.

Comment

First Option – The benefit of having an extra-ordinary election is that the position will be filled within 4 months so that there is a full sitting Council of seven members. If an extra-ordinary election was to proceed we have two choices, we either run it ourselves or have the Western Australian Electoral Commission (WAEC) run it. The timeframe for an election is quite rigorous and demanding and adds an extra level of administrative work. The cost of having the WAEC run the last election in 2015 was approximately \$12K.

Second Option – Having only 6 Councillors would generally mean that 4 Councillors are needed each time to get a quorum and there must be four votes in favour of a motion where an absolute majority is required. It would also mean that if any vote is tied 3/3, the Shire President can cast a (another) deciding vote.

Consultation

Local Government Act 1995

Statutory Environment

4.8. Extraordinary elections

- (1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32 an election to fill the office is to be held.

4.17. Cases in which vacant offices can remain unfilled

- (1) If a member's office becomes vacant under section 2.32 on or after the third Saturday in July in the election year in which the term of the office would have ended under the Table to section 2.28, the vacancy is to remain unfilled and the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.
- (2) If a member's office becomes vacant under section 2.32 —
 - (a) after the third Saturday in January in the election year in which the term of the office would have ended under the Table to section 2.28; but
 - (b) before the third Saturday in July in that election year,

the council may, with the approval of the Electoral Commissioner, allow the vacancy to remain unfilled and, in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

- (3) If a councillor's office becomes vacant under section 2.32 and under subsection (4A) this subsection applies, the council may, with the approval of the Electoral Commissioner, allow* the vacancy to remain unfilled and, subject to subsection (4), in that case, the term of the member who held the office is to be regarded in section 4.6 as ending on the day on which it would have ended if the vacancy had not occurred.

* *Absolute majority required.*

- (4A) Subsection (3) applies —
 - (a) if —
 - (i) the office is for a district that has no wards; and
 - (ii) at least 80% of the number of offices of member of the council in the district are still filled;
 - (b) if —
 - (i) the office is for a ward for which there are 5 or more offices of councillor; and
 - (ii) at least 80% of the number of offices of councillor for the ward are still filled.

Policy Implications

Nil

Financial Implications

If council decided to hold an extra-ordinary election run by the Electoral Commission then the cost would probably be around \$12,000, if run internally the cost would be around \$4-5,000.

If Council decides to request that the position is not filled, council will save councillor attendance fees, travelling and telecommunications expenses in the order of \$12000.

Strategic Implications

Nil

Voting Requirements ABSOLUTE MAJORITY

Officer Recommendation & Council Decision	Item 10.1.1.
MOVED CR WEBB	SECONDED CR THOMAS
<p>That pursuant to S4.17 (3) of the Local Government Act 1995, approval be sought from the WA Electoral Commissioner to allow the current vacancy on the Council to remain unfilled until the date of the next election, being October 2017.</p>	
<u>CARRIED 6/0 by Absolute Majority</u>	Resolution 054/16

10.1.2. Subject/Applicant:	COUNCILLOR SITTING FEES
File:	Finance
Reporting Officer:	Dean Taylor, Contract Project Manager
Date of Report:	12/07/16
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider the method of payment of council meeting fees for the 2016/17 financial year.

Background

As a part of the budget process council is required to determine the fees to be paid to councillors for the attendance at meetings.

The fees paid to councillors is determined by the Band Classification of the council and within a range determined by the Salaries and Allowances Tribunal (attached as Appendix 10.1.2.). The Shire of Wiluna is classified as Band 4.

Council has essentially two options;

- (1) To pay an annual fee in lieu of paying individual council and committee fees; or
- (2) To pay a fee for each meeting attended by councillors

In the past an annual fee in lieu of paying individual meeting fees has been adopted by council. An annual fee is administratively simpler but not necessarily equitable if councillors don't all attend the same number of meetings.

Council currently pays the following meeting attendance fees;

Councillors	\$ 8,500	per annum
Shire President	\$16,000	per annum

If council decides to move to a payment per meeting the following will apply;

Meeting fees are payable for the following types of meetings;

- (1) Council and Committee meetings.
- (2) Western Australian Local Government Association meetings. (WALGA)
- (3) Main Roads Western Australia Regional Road Group Meetings.
- (4) Regional Local Government Meetings
- (5) Meetings attended at the request of a Minister of the Crown.
- (5) Meetings where an elected member is a delegate of the council.

Council has approximately 11 council meetings and on average 3 special council meetings per annum.

Committee meetings are those with delegated responsibility;

Audit committee		3 per annum
Management Review committee	est	4 per annum
WALGA meetings (GECZ)		? per annum
Regional Road Group meetings	est	3 per annum
Regional Local Government meetings (GVROC)		4 per annum
Ministerial Meetings	approximately	3 per annum

Elected Member Delegated meetings

Local Emergency Management Committee		3 per annum
Development Assessment Panels		? as required
Goldfields Esperance Regional Collaboration Group		? per annum
Friends of the Wiluna Cemetery Advisory Group		? per annum
Administration Centre Advisory Group		? as required
Interpretive Centre Advisory Group		? as required

There are separate and different fees payable for Council meetings and other meetings such as Committee Meetings and other prescribed meetings.

At present under a strict interpretation of the determination; attendance at a Forum meeting is probably not subject to the payment of an attendance fee. Council may determine that attendance at a Forum meeting is considered to be attendance at a Committee meeting.

The fees payable for the different meeting are detailed below;

Determination of the Salaries and Allowances Tribunal for Local Government 2016

Table 4: Council meeting fees per meeting – local governments

For a council member other than the mayor or president		For a council member who holds the office of mayor or president			
Band	Minimum	Maximum	Band	Minimum	Maximum
1	\$609	\$785	1	\$609	\$1,177
2	\$369	\$576	2	\$369	\$772
3	\$191	\$406	3	\$191	\$628
4	\$90	\$236	4	\$90	\$485

Table 6: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)

Band	Minimum	Maximum
1	\$305	\$392
2	\$184	\$288
3	\$96	\$203
4	\$45	\$118

Comment

Councillor fees payable will vary from councillor to councillor depending upon which meetings councillors attend and/or are delegates to attend.

(1) Estimates of fees payable on a per meeting basis as follows,

Shire president		Min	Max
Council meetings	say 14 per annum	\$1,260	\$6,790
Audit Committee	say 3 per annum	\$135	\$354
Management Review	say 4 per annum	\$135	\$354
GVROC	say 4 per annum	\$135	\$354
Regional Road Group	say 3 per annum	\$135	\$354
Ministerial meeting	say 3 per annum	\$135	\$354
Council Forum committee*	14 per annum	\$630	\$1,652
Administration Centre Advisory Group	say 4 pa	\$180	\$472
Interpretive Centre Advisory Group	say 4 pa	\$180	\$472

*assuming council determines that a forum is a committee meeting

Estimated attendance fee payable	\$2,925	\$11,156
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Annual Presidents fee in lieu of attendance fees are as follows;

	Min	Max
Shire President (as determined by SAT)	\$3,553 pa	\$19,341 pa
Current Annual fee in lieu paid to Shire President	\$16,000 per annum	

(2) Estimates of fees payable on a per meeting basis as follows,

Councillor fees

Councillor attendance fees will be determined depending upon the meetings and delegations of each councillor

	Min	Max
Council meetings say 14 per annum	\$1,260	\$3,304
Audit Committee say 3 per annum	\$135	\$354
Council Forum committee* 14 per annum	\$630	\$1,652
Estimate say 4 other committee meetings**	\$180	\$472

*assuming council determines that a forum is a committee meeting

** the number of additional meetings will vary from councillor to councillor

Estimated attendance fee payable	\$2,205	\$5,782
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Annual Councillors fee in lieu of attendance fees are as follows;

	Min	Max
Councillors (as determined by SAT)	\$3,553 pa	\$9,410 pa
Current Annual fee paid to Councillors	\$8,500 per annum	

Shire Presidents Annual Allowance

In addition to the above meeting attendance fees council also pays an annual allowance for the Shire President and Deputy Shire President as follows;

Shire president	Min	Max
Shire Presidents Allowance	\$508	\$19,864
Deputy Shire Presidents Allowance	\$127	\$ 4,966

Council currently pays

Shire President	\$16,000 per annum
Deputy Shire President	\$ 4,000 per annum

Consultation

Nil

Statutory Environment

Local Government Act 1995 (as amended)

5.98. Fees etc. for council members

(1A) In this section —

determined means determined by the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7B.

- (1) A council member who attends a council or committee meeting is entitled to be paid —
- (a) the fee determined for attending a council or committee meeting; or
 - (b) where the local government has set a fee within the range determined for council or committee meeting attendance fees, that fee.

Salaries and Allowances Act 1975**Determination of the Salaries and Allowances Tribunal for Local Government Chief executive Officers and Elected members****Part 6: Meeting Attendance Fees****6.1 General**

- (1) Pursuant to section 5.98(1)(b) of the LG Act, a council member who attends a council meeting is entitled to be paid the fee set by the local government or the regional local government within the range determined in section 6.2 of this Part for council meeting attendance fees.
- (3) Each of the following meetings is a type of meeting prescribed in regulation 30(3A) of the LG Regulations -
- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
 - (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

Policy Implications

Nil

Financial Implications

The 2016/17 budget will includes a provision for the payment of fees to councillors

Strategic Implications

Nil

Voting Requirements ABSOLUTE MAJORITY***Officer Recommendation*****That Council:**

Adopt the annual sitting fee option and the fee be set at:

Councillors \$ 8,500 per Councillor

Shire President \$16,000 Shire President

Or

To receive a fee for each meeting attended by councillors as outlined in the comment section of this report.

Council Decision***Item 10.1.2.*****MOVED CR HARRIS****SECONDED CR WARD****That Council:**

Adopt the annual sitting fee option and the fee be set at:

Councillors \$ 9,410 per Councillor

Shire President \$19,341 Shire President

CARRIED 6/0 by Absolute Majority**Resolution 055/16***Reason for change: Council agreed to set the rate at the maximum allowance.*

10.1.3. Subject/Applicant:	OLD SCHOOL SITE
File:	Finance
Reporting Officer:	Dean Taylor, Contract Project Manager
Date of Report:	20/11/15
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider a request from the Department of Lands concerning the Old Wiluna School Site on Wotton Street.

Background

The Old Wiluna School Site was previously vested into the Department of Education for use as the Wiluna School. With the opening of the new School buildings in Scotia Street the Old School Site was abandoned and eventually transferred back to the Department of Lands.

Over the past few years the old school building has been vandalised and the site is no longer maintained. The school buildings are clad in asbestos and numerous sheets have been damaged with asbestos pieces littering the site.

In November council wrote to the Department of Lands requesting that they undertake the removal of the asbestos. A response was received in December indicating that Dept of Lands were hopeful that a developer was interested in the site and as such they were unwilling to undertake the asbestos removal until the developer interest was determined.

Council again wrote to the Department of Lands in June to follow up on the issue. The Department has now written to council asking whether council would like to takeover the land for any council usage.

The old school site precinct comprises a number of different Crown reserves, School Site R23797 approximately 3.4ha, Playing Courts R34508 approx 0.3ha and adjoining R45973 approx 0.9 and R39432 approx 1.16ha. In total the area incorporates 8 separate parcels of land covering a total of approximately 5.76 ha. The largest portion (R23797) has an easement dissecting the North West corner of the block. (Appendix 10.1.3.)

It is difficult to estimate the cost of asbestos removal because many of the asbestos fragments from the broken cladding is now incorporated into the soil surrounding the buildings. Removal of the asbestos from the buildings is estimated to be around \$50,000 - \$75,000 with an additional cost to remove contaminated soils and replacement with clean fill.

Under the current Town Planning Scheme No 2 23 April 2013, the school site portion of Reserve 23797 is zoned Tourist, the area of Reserve 23797 to the south is zoned Public Purpose, Reserve 34508 is zoned Commercial, Reserve 45973 is zoned Recreation and Reserve 39432 is zoned Recreation.

Comment

The site in question is strategically located across from the hotel at the exit/entrance to town via the Canning Stock Route/Wiluna North Road.

At present this entrance to town is particularly unattractive with the disused caravan park and the Hotel on the eastern side of the road and the disused school with its dilapidated buildings on the west side.

Council should consider its strategic planning for the township and whether vesting ownership of one or more of these parcels of land could be beneficial for the Shire of Wiluna.

If council has an interest in the land or any of the parcels located near or adjoining, council can request that it be given a Management Order over the area. If council receives a Management Order over the properties council is required to control and maintain the land.

It appears that the area is either a part of the current Native Title determination or is the subject of the current Revised Native Title Determination Application – WR2016/001 Tarlka Matuwa Piarku (Aboriginal Corporation RNTBC).

It appears that the Department of Lands are trying to offer the land to council in an attempt to avoid the costs of removing the asbestos from the site. If council accepted the land without conditions it would be incumbent on the shire to also take on the responsibility to manage the land – which would include being responsible for the asbestos.

If council is interested in the land it could offer to accept the Vesting - Management Order after the asbestos has been removed.

Even if council does not take the land it can continue its pressure on the Department of Lands to remove the asbestos and the buildings on the site.

Consultation

Nil

Statutory Environment

Local Government Act 1995 (as amended)

Policy Implications

Nil

Financial Implications

The 2016/17 budget does not include any funds to remove the asbestos from the land.

Strategic Implications

The northern entrance to the Town is at present unattractive which does not portray a positive image of Wiluna. Clearing up the land in question and removing the dilapidated buildings would assist in better presenting the Town to tourists and other visitors arriving from the Wiluna North Road.

Voting Requirements SIMPLE MAJORITY

<i>Officer Recommendation</i>

That the shire advise the Department of Lands that

- 1. It is not interested in accepting the vesting/Management Order over Reserves 23797, 34508, 45973 or 39432.**
- 2. It requests that the asbestos be removed from the site as it constitutes a Health hazard to the population of Wiluna**
- 3. It requests that the property be managed to remove grass and other flammable matter from the site as it constitutes a fire risk and it is in contravention of the Bushfire Notice.**

4. It requests that the property fencing be maintained to prevent access to the derelict buildings and playground equipment on the property as they are a hazard to the community and in particular the children of Wiluna.
5. It requests that the derelict buildings and play equipment be removed from the site.

Or

1. That the shire advise the Department of Lands that it is willing to accept the vesting/Management Order over Reserves 23797, 34508, 45973 or 39432 after the following works have been carried out by the Department
2. The asbestos is removed from the site and
3. The derelict buildings and play equipment are removed from the site.

Officer Recommendation & Council Decision

Item 10.1.3.

MOVED CR HARRIS

SECONDED CR WEBB

1. That the shire advise the Department of Lands that it is willing to accept the vesting/Management Order over Reserves 23797, 34508, 45973 or 39432 after the following works have been carried out by the Department
2. The asbestos is removed from the site and
3. The derelict buildings and play equipment are removed from the site.

CARRIED 6/0

Resolution 056/16

10.1.4. Subject/Applicant:	MAINTENANCE & BUILDING WORKS PANEL TENDER
File:	ADM 0359
Reporting Officer:	Dean Taylor – Acting Chief Executive Officer
Date of Report:	19 July 2016
Disclosure of Interest:	Nil

Purpose

Council issued a tender to seek contractors who were interested in forming a panel of contractors to undertake Maintenance & Building Works for the Shire of Wiluna

Background

In December 2015 council adopted changes to its purchasing policy to allow the appointment of a panel of contractors to undertake various works for the shire.

Tenders for Maintenance and Building Works were firstly called with applications to be submitted by 4.00pm Tuesday 8 March 2016. Due to a very limited response to the tender it was re-advertised with a closing date of 3.00pm Tuesday 27 May 2016.

The primary purposes of the request for tender :

- To achieve and maintain a high standard of performance in provision of the Services by the Contractor;
- To promote the health, safety and welfare of all persons engaged in or affected by the Services;
- To provide well maintained plant and equipment for the construction and maintenance of buildings and infrastructure within the Shire of Wiluna;
- To ensure the provision of ongoing effective communication and cooperation between the Council and the Contractor;
- To provide cost-effective services that will offer genuine value for money.

A total of fifteen tenders were received with rates being submitted for single areas of work or multiple areas of work.

The tenders have taken some time to assess as there was information not provided and/or that need to be clarified. The assessment is also somewhat in-depth due to the different charges that apply. There have also been delays due to other pressing priorities.

Aside from ensuring compliance, each tender was considered based on the hourly rates, experience and qualifications.

Comment

Currently council purchases goods in accordance with councils purchasing policy which requires quotes of various numbers to be obtained prior to awarding work. This process is both costly and time consuming which in turn delays response times to various maintenance and other works.

By determining a panel of contractors who have expressed a desire to be included on a panel, the contractors have also predetermined the hourly rates etc that council will be charged for the work. As such council is ensuring that it receives good value for money and has a ready supply of contractors willing and able to carry out the works required.

Shire staff will ensure that the most appropriate contractor is appointed for each job and can still request quotes from contractors on the panel should it be necessary.

Consultation

Nil

Statutory Environment

Local Government Act 1995, Section 3.57

Local Government (Functions & General) Regulations 1996 – Part 4 **Division 3**

Policy Implications

Nil all procurement will still be done in compliance with Policy 2.6 Purchase of Goods and Services.

Financial Implications

The 2016/17 budget includes a significant allocation for various maintenance and building works.

Voting Requirement SIMPLE MAJORITY**Officer Recommendation****MOVED****SECONDED**

That Council determine a panel of contractors as detailed in the attached spreadsheets (10.1.4(a) and 10.1.4.(b)) to undertake Maintenance and Building Works as required

The Panel of contractors will be managed in accordance with Council purchasing policy

Council Decision**Item 10.1.4.****MOVED CR HARRIS****SECONDED CR THOMAS**

To defer this item until the next OCM in August 2016.

CARRIED 6/0**Resolution 057/16**

Reason for change: Council wanted more time to discuss the tender.

10.2. Principal Environmental Health Officer and Building Surveyor Report

Nil

12. Urgent Business Approved by the Person Presiding or by Decision of Council**Officer Recommendation and Council Decision****Item 12.1.****MOVED CR PETERSON****SECONDED CR WEBB**

That the following late item be accepted by the meeting for consideration in order to adopt Item 10.3.3. 2016/2017 Budget.

12.1. 2016/2017 Rates Submission**CARRIED 6/0****Resolution 058/16**

12.1. Subject/Applicant:	2016/2017 RATES SUBMISSION
File:	Finance
Reporting Officer:	Glenn Deocampo – Executive Manager Corporate Services
Date of Report:	26 July 2016
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to consider the submissions received as a result of the 21 day advertising period of the Differential Rating Strategy for the 2016/2017 financial year.

Background

At its meeting on 25 May 2016, Council resolved to advertise the proposed Differential Rates for 2016/2017 and the “Objects and Reasons”, in accordance with S6.36 of the Local Government Act 1995, calling for public comments. The advertisements were placed in the Western Australian on 28 May 2016 and in various areas in town. The deadline for submission was on 24 June 2016.

The report has been prepared for Council to consider the feedback prior to the adoption of the rates through budget process.

The table shows the proposed rate in the dollar and minimum rates previously endorsed by the Council for advertisement:

RATE CATEGORY

Non Minimum	Rate/\$ (c)	Minimum Rates \$
GRV Town	8.670	410
GRV Mining	17.143	310
UV Rural/Pastoral	11.695	310
UV Mining	15.349	310
UV Exploration & Prospecting Pastoral	22.682	310

Comment

At the conclusion of the statutory advertisement, Council received 3 submissions. (Appendix 12.1. grey pages).

Submissions were received from McMahon Mining Title Services Pty Ltd and Strategic Tenements. Both companies have a number of ratepayers who hold either mining or exploration licenses in the vicinity of Wiluna. Their concern is over the “high rate proposed for Exploration and Prospecting properties”, and submitted requests for the Council to review the proposed rate in the dollar for these properties, and “carefully consider a lower rate in light of the current economic conditions, and significantly lower use of Shire’s infrastructures”; and “sector’s reduced capacity to pay”.

A submission was also received from Chamber of Minerals and Energy. The association has a number of members who are ratepayers of the Shire of Wiluna. Its concern is on the “proposed increases on rates and rationale on these increases”. Likewise, the request is for Council to review the proposed rates, considering the “rates burden for sector’s ratepayers”.

The attached submissions detail their concerns and the requests to reconsider the proposed rates for 2016/2017.

A significant drop in valuation of properties in the 2015/2016 financial year from the 2014/2015 year impacted the rates revenue for setting the rate in a dollar. It is unlikely such change in valuation for financial year 2016/2017 will occur.

The updated valuations received this year shows that on average the Gross Rental Revenue (GRV) has decreased by 7.09% compared to 2015/2016 financial year, and this is in addition to 2014/2015 average reduction of 11.53%, and 9.20% in Unimproved Valuation (UV). The previous year’s significant reduction in value for both GRV and UV impacted 2015/2016 rates revenue that Council resolved to raise rates as proposed. No submission was received during the year.

At the Budget Workshop (Council Forum), the Council considered to retain the minimum for all categories from financial year 2015/2016, and allow an overall increase in the rate yield for 2016/2017 of 6-8% excluding the changes in valuation and interim rates. This increase will provide additional resources for the Shire’s growth and high costs of services

The comparison table below shows that Shire’s rating strategy is within the median range for the neighbouring shires.

Rate in Dollar	Wiluna	Meekatharra	Cue	Mount Magnet	Laverton	Sandstone
GRV	8.6700	8.621	8.86 – 30.75	10.1143-18.4747	10.94	6.6166
GRV Mining	17.4300	8.621			8.20	34.4879
UV Rural/Pastoralist	11.6950	6.044	8.22	6.6960	8.98	5.7086
UV Mining	15.3490	19.0389 all UVs	31.32	31.2859	15.16	25.2164
UV Exploration & Prospecting Pastoral	22.6820	19.0389		31.2859 Exploration	15.16	25.2164
Minimums						
GRV Town	410	400	440 - 530	138-775	286	200
GRV Mining	310	400			286	200
UV Rural	310	350		413	286	310
UV Mining	310	350	440	468	286	305

After considering the submission and all sources of income in line with Shire's financial sustainability, the Council is required to raise rates sufficient to meet the expenditure demands of the budget. It is recommended that Council retain the rates in a dollar as endorsed at its meeting on 25 May 2016.

Consultation

Councillors and Officers

Statutory Environment

Local Government Act 1995 (as amended)

Local Government (Financial Management) Regulations 1996

Policy Implications

Nil directly

Financial Implications

After taking into consideration the submission and all sources of income, Council is required to raise sufficient rates to meet its total expenditure.

The rating strategy deployed by Council in the 2016/17 financial year will form part of a long term financial planning strategy to maintain the sustainable operations of Council.

Strategic Implications

Nil directly

Voting Requirement ABSOLUTE MAJORITY

Officer Recommendation & Council Decision	Item 12.1.
MOVED CR HARRIS	SECONDED CR WARD
That Council considers the submissions received, but resolves to retain the rates in a dollar and minimums as proposed for 2016/2017.	
<u>CARRIED 6/0</u>	Resolution 059/16

10.3. Executive Manager of Corporate Services Reports

10.3.1. Subject/Applicant:	FINANCIAL REPORT – JUNE 2016
File:	Finance
Reporting Officer:	Glenn Deocampo - Executive Manager Corporate Services
Date of Report:	19 July 2016
Disclosure of Interest:	Nil

Purpose

Presentation of the Financial Reports for the period ending 30 June 2016

Background

Section 6.4 of the Local Government Act 1995 requires the CEO to prepare monthly/quarterly financial reports in accordance with the provisions of regulation 34 and 35 of the Local Government Act (Financial Management) Regulations 1996.

The report for the period ending 30 June 2016 is listed as Appendix 10.3.1.

Comment

The figures shown in this financial report are not finalised until after the auditors have completed their audit. The balances reported are subject to final adjustments, if any.

The net current asset as at 30 June 2016 is \$7,278,391. The Statement of Financial Activity and Net Current Asset reports details the composition of this surplus. This amount may vary, once audit is completed.

Consultation

Nil

Statutory Environment

Local Government Financial Management Regulations 1996 – Regulations 34-35.

Voting Requirement SIMPLE MAJORITY

Officer Recommendation & Council Decision		Item 10.3.1.
MOVED CR WEBB		SECONDED CR THOMAS
That:		
1	The Financial Reports, including the Statement of Financial Activity, for the period ending 30 June 2016 be received.	
2	Council receives the list of accounts paid by authority for 30 June 2016, \$373,788.85	
<u>CARRIED 6/0</u>		Resolution 060/16

10.3.2. Subject/Applicant:	FINANCIAL INVESTMENTS REPORT
File:	
Reporting Officer:	Glenn Deocampo – Executive Manager, Corporate Services
Date of Report:	5 July 2016
Disclosure of Interest:	Nil

Purpose

Information to Council regarding the current investments - June 2016.

Background

The Council policy no. 2.20 - Financial Investment Policy requires that monthly report is to be presented to “Council detailing the performance of all investments”. Further, it requires that investment register is to be maintained.

The current investments of both reserves and municipal funds are presented as Appendix 10.3.2.

Comment

Municipal Funds: The funds are currently deposited in “call deposit” and fixed term accounts. Both types of deposits yield higher interest than the normal checking account.

A total of \$4,247,474.11 fund was reinvested with NAB-Curve Securities in a fixed term, 122 days, due to mature on 29 August 2016 and the expected interest earnings at maturity is \$43,017.02. This fund includes the Asset Replacement reserve, \$3,163,589.98 and Municipal Funds, \$1,083,884.13.

Reserve Funds: The reserve funds comprised of the following:

Asset Replacement Reserve	\$3,163,589.98
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Leave Reserve	\$ 72,893.59
Computer Reserve	\$ 100,871.77
Airport Reserve	\$1,084,260.51
Wiluna Tele centre	\$ 15,846.29

The Leave Reserve, Computer Reserve, Airport Reserve and Wiluna Tele centre reserve funds totalling to \$1,273,872.16, were invested in NAB, 122 days, due to mature on 09 September 2016, and expected earnings at maturity of \$12,347.84.

The call account balance as at 30 June 2016 is \$2,024,856.32.

All investments are done in compliance with the policy.

Consultation

Chief Executive Officer

Statutory Environment

Nil

Policy Implications

In compliance with Policy No. 2.20 - Financial Investments Policy

Financial Implications

Interest earned from investments is an income for the Council.

Strategic Implications

Effective governance and administration of Shire's services and prudent financial management all underpin the ability of the Shire to effectively deliver services and programmes.

Voting Requirements **SIMPLE MAJORITY**

Officer Recommendation & Council Decision

Item 10.3.2.

MOVED CR HARRIS

SECONDED CR WEBB

That information in this report is received.

CARRIED 6/0

Resolution 061/16

10.3.3. Subject/Applicant:	2016/17 BUDGET
File:	Finance
Reporting Officer:	Glenn Deocampo – Executive Manager Corporate Services
Date of Report:	18 July 2016
Disclosure of Interest:	Nil

Purpose

To consider adopting the 2016/17 Budget for the Shire of Wiluna.

Background

The Local Government Act requires that each year, a Local Government (LG) is to adopt their annual budget by 31 August. The budget is required to be adopted by an absolute majority.

Comment**Budget Summary**

A copy of the 2016/17 draft budget is attached as Appendix 10.3.3.(a)

A separate Budget Highlights document is also attached as Appendix 10.3.3.(b)

The budget has been prepared with due regard to the Integrated Planning and Reporting Framework consisting of the Community Strategic Plan and the Corporate Business plan with the Long Term Financial Plan, the Asset Management Plan and the Workforce Plan as informing documents. Due regard has also been given to the Forward Capital Works Plan, the Plant Replacement Programme, decisions made by Council during the previous twelve months, initiatives introduced by staff and amendments following the presentation of earlier drafts to Council.

As presented the draft budget allows for an increase of approximately 7.1% in rate yield for both Gross Rental Value and Unimproved Value valued properties. The minimum rates-GRV Town and UV remains the same from financial year 2015/2016.

It is recommended that Council adopt a balanced budget.

Consultation

Councillors and Officers have participated in the special budget forum in relation to inclusions in the budget and the broader strategic implications/plans that underpin the budget.

Statutory Environment

Budget document prepared in accordance with legislative/statutory requirements, including provisions of the:

- ✓ Local Government Act 1995 (as amended)
- ✓ Local Government (Financial Management) Regulations 1996
- ✓ Relevant Accounting Standards where applicable

- ✓ Shire Plans as per integrated planning framework requirements

Policy Implications

Nil directly

Financial Implications

This document is the financial framework that the Shire will operate within for the 2016/17 financial year. The document itself clearly spells out the financial implications of the Shire's proposed works, services, administration and operative requirements.

Strategic Implications

Once adopted, the Budget will shape the overall administrative, operative and strategic outcomes of the Shire for the 2016/17 financial year.

As required by legislation, consideration has been given to both the Strategic Community Plans and Corporate Business Plan that have previously been adopted by the Council; references to these plans are within budget document where relevant/applicable.

Voting Requirement ABSOLUTE MAJORITY

The following 8 items were moved "en bloc"

Rates Paid by Instalments & Overdue Rates

Where ratepayers choose to pay their rates by instalments Council is required to adopt a rate of interest to be charged for this option and to determine an administrative charge for this service. Similarly, Council is required to adopt the rate of penalty interest to be imposed on outstanding rates.

Officer Recommendation & Council Decision***Item 10.3.3.*****MOVED CR HARRIS****SECONDED CR PETERSON****That Council adopt:**

- 1) An administrative charge of \$10 per instalment notice;**
- 2) Interest of 5.5% per annum be imposed on rates paid by instalments in 2016/17;**
- 3) A penalty interest rate of 11% per annum to be imposed on outstanding rates in 2016/17.**

CARRIED 6/0 by Absolute Majority**Resolution 062/16**

Minimum Rate***Officer Recommendation & Council Decision******Item 10.3.3.*****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:****Adopt a minimum rate for the 2106/17 year at:****Unimproved Value, \$310.00****Gross Rental Value- Town, \$410.00****Gross Rental Value – Mining, \$310.00****CARRIED 6/0 by Absolute Majority****Resolution 062/16****Rate in the Dollar (Unimproved Value)*****Officer Recommendation & Council Decision******Item 10.3.3.*****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:****Adopt the rate in the dollar of 11.6950 cents for the Unimproved Valuation-Rural/Pastoral rating in 2016/17.****CARRIED 6/0 by Absolute Majority****Resolution 062/16*****Officer Recommendation & Council Decision******Item 10.3.3.*****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:****Adopt the rate in the dollar of 15.3490 cents for the Unimproved Valuation-Mining rating in 2016/17.****CARRIED 6/0 by Absolute Majority****Resolution 062/16**

Officer Recommendation & Council Decision**Item 10.3.3.****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:****Adopt the rate in the dollar of 22.6820 cents for the Unimproved Valuation-
Exploration & Prospecting Pastoral rating in 2016/17.****CARRIED 6/0 by Absolute Majority****Resolution 062/16****Rate in the Dollar (Gross Rental Valuation)****Officer Recommendation & Council Decision****Item 10.3.3.****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:****Adopt a rate in the dollar of 8.6700 cents for the Gross Rental Valuation-Town
rating in 2016/17.****CARRIED 6/0 by Absolute Majority****Resolution 062/16****Officer Recommendation & Council Decision****Item 10.3.3.****MOVED CR HARRIS****SECONDED CR PETERSON****That Council:****Adopt a rate in the dollar of 17.1430 cents for the Gross Rental Valuation-
Mining rating in 2016/17.****CARRIED 6/0 by Absolute Majority****Resolution 062/16****Monthly Reporting of Variances**

Changes to the financial reporting regulations of the Local Government came into effect on 1 July 2005. Council has previously set the level of variance to be reported in the monthly statements.

It is necessary to review these levels for the 2016/17 financial year.

The current levels for reporting variances are:

“a variance of 10% or greater of the annual budget for each program area in the budget, as a level which requires an explanation or report, with a minimum dollar value of \$10,000.”

The monthly reporting during 2015/16 has been provided on this basis, unless Council is dissatisfied it is recommended that the same level of variance reporting be adopted for 2016/17.

Officer Recommendation & Council Decision

Item 10.3.3.

MOVED CR HARRIS

SECONDED CR PETERSON

That Council:

In relation to financial reporting in 2016/17, adopt a variance of 10% or greater of the annual budget for each program area in the budget, as a level which requires an explanation or report, with a minimum dollar value of \$10,000.

CARRIED 6/0 by Absolute Majority

Resolution 062/16

MOVED CR

SECONDED CR

Telecommunication Allowance

The minimum allowance in lieu of reimbursement of telecommunication expenses is currently \$500 pa the maximum allowance is \$3,500 pa (Local Government (Administration) Regulations 1996).

Councillor’s annual telecommunications allowance from financial year 2015/2016 was \$1,250. It is recommended that the same amount be adopted in 2016/2017.

Officer Recommendation & Council Decision

Item 10.3.3.

MOVED CR THOMAS

SECONDED CR PETERSON

That Council:

Set an annual telecommunications allowance be paid to Councillors and this be set at \$1,250 per annum.

CARRIED 6/0 by Absolute Majority

Resolution 063/16

*Cr Quadrio declared a financial interest and left the meeting at 1.10pm
Cr Harris presided over the meeting*

Local Government Annual Allowance

The Local Government Act 1995 and Administration Regulations also provides for a Local Government Allowance that is payable to the President and Deputy President.

The Local Government Allowance is also set by the Salaries and Allowances Tribunal and are reviewed annually.

Local Government Allowance (Local Government (Administration) Regulations 1996)

Allowance Fee	Minimum	Maximum
President	\$508	\$19,864
Deputy President	\$127	\$ 4,966

Council's payment in financial year 2015/2016 for the following are as follows:

President	\$16,000
Deputy President	\$ 4,000

Officer Recommendation & Council Decision

Item 10.3.3.

MOVED CR WEBB

SECONDED CR THOMAS

That Council:

Set the President's Local Government allowance at \$16,000 per annum.

CARRIED 5/0 by Absolute Majority

Resolution 064/16

*Cr Quadrio returned to the meeting at 1.12pm resumed the chair.
Cr Harris declared a financial interest and left the meeting at 1.12pm*

Officer Recommendation & Council Decision

Item 10.3.3.

MOVED CR WARD

SECONDED CR WEBB

That Council:

Set the Deputy Shire President's Local Government allowance at \$4,000 per annum.

CARRIED 5/0 by Absolute Majority

Resolution 065/16

Cr Harris returned to the meeting at 1.15pm

Fees and Charges

<i>Officer Recommendation & Council Decision</i>	<i>Item 10.3.3.</i>
MOVED CR WEBB	SECONDED CR THOMAS
That Council:	
Adopt the 2016-17 Schedule of Fees and Charges as detailed in the 2016-17 Annual Budget.	
<u>CARRIED 6/0 by Absolute Majority</u>	Resolution 066/16

Adoption of Budget:

<i>Officer Recommendation & Council Decision</i>	<i>Item 10.3.3.</i>
MOVED CR WEBB	SECONDED CR PETERSON
That Council:	
Adopt the Budget (with adjustments) for the financial year ending 30 June 2017.	
<u>CARRIED 6/0 by Absolute Majority</u>	Resolution 067/16

*Dean Taylor declared a financial interest and left the room at 1.20pm.
Cr Petterson left the room at 1.20pm and returned at 1.22pm.*

10.3.4. Subject/Applicant:	TENDER – LOCAL GOVERNMENT ADVISORY SERVICES
File:	
Reporting Officer:	Katrina Boylan – Senior Administration Officer
Authorising Officer:	Glenn Deocampo – Executive Manager Corporate Services
Date of Report:	12 July 2016
Disclosure of Interest:	Nil

Purpose

The purpose of this report is for Council to rescind the previous decision of Council made on 17 June 2016 and to receive the new recommendations for the Local Government Advisory Services panel tender.

Background

At its Council meeting on 14 December 2015, the Council approved the Policy 2.26 – Panels of Pre-qualified Suppliers in accordance with Regulation 24AC of the Local Government (Functions and General) Regulation 1996.

To establish a panel of pre-qualified suppliers for Local Government Advisory Services, the Acting Chief Executive Officer called for tenders for various advisory services for the Shire of Wiluna. (RFT 2016-3).

At its Ordinary Council Meeting held on 17 June 2016, Council passed the following motion (OCM 048/16)

Officer Recommendation & Council Decision

Item 10.3.3.

MOVED CR THOMAS

SECONDED CR WEBB

That Council:

- 1. Awards tender 2016-03 –Local Government for Advisory Services to the tenderers as indicated in Appendix 10.3.3.b in accordance with the submitted schedule of rates and tender requirement.*
- 2. Authorises the Chief Executive Officer to finalise and execute a contract of engagement to the tenderers indicated in Appendix 10.3.3.b Pink pages*

CARRIED 5/0

Resolution 048/16

This report is to inform Council that the recommendations made to Council last month on the Local Government Advisory Services panel tender were found to be flawed.

The original tender recommendations were made by the Executive Manager Corporate Services, Glenn Deocampo and the Tender Shire contact person, Katrina Boylan, Senior Administration Officer. The Shire's Acting Chief Executive Officer didn't participate in the assessment process due to conflict of interest.

The tenders were assessed against the weightings as prescribed in the tender document.

The pricing for tenders carried a weight of 60% of the total matrix and were based on the provision by tenderers of a schedule of rates for services, personnel cost, travel cost, accommodation cost, and other disbursement costs.

The qualifications of contractors (officers/personnel) and experience/capabilities to provide the service were assessed based on completeness of information provided by the tenderers. These two criteria weighted 40% of the total assessment score.

Although 'tendered price' is a weighted component of the qualitative tender, the recommendation did not simply apply to the lowest bid. One of the main objectives of the procurement process was to manage risk and achieve best value for money while maximising the likelihood of delivery of the scope in the timeframe required.

The Shire will award the contract to a panel of tenderers in order of preferences. The successful tenderers will be able to service the contract from 1 June 2016 until 31 May 2018.

Comment

On examination of the tender recommendations it was noted that there were some discrepancies in what services some of the tenderers had offered and what was listed in the evaluation matrix. The method of price weighting was also found to be unfair as some tenderers had quoted on travel and accommodation costs etc. and others hadn't or had just quoted "@ cost". It was therefore decided to evaluate on an hourly rate only and then to negotiate with the preferred candidate with regard to Travel and on-costs quotes will be requested if considered necessary.

Appendix 10.3.4.(a) outlines the new recommendations.

A new assessment report has been provided to elected members as part of the agenda briefing. (Appendix 10.3.4.(b)).

The result of the new assessments and the recommendations is for the Council to consider whether:

- To accept the new recommendations
- To make changes of the order of preference

Consultation

In accordance with advice contained within the issued tender documents, in the instances of some minor non-conformances identified by the panel, the panel had the option of communicating with specific tenderers to seek clarification if this was deemed necessary to clarify the tenderer's offer.

Statutory Environment

Section 3.57 of the Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996 Part 4, Sections 11 to 24G apply to these tenders.

In making a final decision the attention of Council is drawn to regulation 18 (4) of the Local Government (Functions and General) Regulations 1996, which states:

"Tenders that have not been rejected under sub regulation (1), (2), or (3) are to be assessed by the local government by means of a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept and it is to decide which of them it thinks it would be most advantageous to the local government to accept."

The tender is recommended to be awarded to the Tenderer whose tender represents the best value for money proposition. This means that, although price is considered, the tender containing the lowest price will not necessarily be accepted, nor will the offer ranked the highest on the qualitative criteria.

Policy Implications

The following Council Policies are applicable:
Council Policy 2.6 Purchase of Goods and Services; and
Council Policy 2.26 Panels of Pre-qualified Suppliers.

Financial Implications

Tendered prices are based on a schedule of rates. Full details of all price schedules provided are available in the commercial in confidence tender assessment report provided to Councillors as part of agenda briefing.

Acceptance onto the panel of tenderers does not guarantee an allocation of work. The Shire is not locked into total amount as each contract is a schedule of rates contract. The Shire reserves the right to discharge any contractor if requirement of the contract is not satisfied viz ability, commitment and appropriateness.

Strategic Implications

The intent of the tender is to provide advisory services for the Shire of Wiluna.

Council currently does not have panel of pre-qualified suppliers. In compliance with policy, it is but important to create a list of pre-qualified suppliers for Local Government Advisory Services.

Voting Requirements SIMPLE MAJORITY

Cr Webb, Cr Thomas and Cr Harris indicated their support to consider the rescission motion.

Officer Recommendation 1 & Council Decision 1***Item 10.3.4.*****MOVED CR HARRIS****SECONDED CR WEBB****That Council rescinds resolution OCM 048/16 which is as follows:***“Officer Recommendation & Council Decision**Item 10.3.3.**MOVED CR THOMAS**SECONDED CR WEBB**That Council:*

- 1. Awards tender 2016-03 Local Government for Advisory Services to the tenderers as indicated in Appendix 10.3.3.b in accordance with the submitted schedule of rates and tender requirement.*
- 2. Authorises the Chief Executive Officer to finalise and execute a contract of engagement to the tenderers indicated in Appendix 10.3.3.b Pink pages*

*CARRIED 5/0**Resolution 048/16”***CARRIED 6/0****Resolution 068/16**

Officer Recommendation 2 & Council Decision 2**Item 10.3.4.****MOVED CR WARD****SECONDED CR THOMAS**

1. Awards tender 2016-03 –Local Government for Advisory Services to the tenderers as indicated in Appendix 10.3.4.(a) in accordance with the submitted schedule of rates and tender requirement.
2. Authorises the Chief Executive Officer to finalise and execute a contract of engagement to the tenderers indicated in Appendix 10.3.4.(a).

CARRIED 6/0**Resolution 069/16**

Dean Taylor returned to the meeting at 1.25pm

10.4. Executive Manager Engineering & Development Services Reports

Nil

10.5. Executive Manage Community & Economic Development Reports

Nil

11. Elected Members Motion of Which Previous Notice Has Been Given
Nil**13. Matters Behind Closed Doors**
Nil**14. There being no further business the Chairperson closed the meeting at 1.30pm.**

These minutes were confirmed at the Ordinary Meeting of Council on the 24 August 2016.

Signed _____

(Presiding Person at the meeting of which the minutes were confirmed.)

Date: _____