



Shire of
Serpentine
Jarrahdale

Special Council Meeting Minutes

**Wednesday, 27 April 2016
5.00pm**

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NOTE: a) **Declaration of Councillors and Officers Interest is made at the time the item is discussed.**

Minutes of the Special Council Meeting held in the Council Chambers, 6 Paterson Street, Mundijong on Wednesday 27 April 2016. The Shire President declared the meeting open at 5.15pm and welcomed Councillors, staff and members of the gallery and acknowledged that the meeting was being held on the traditional land of the Gnaala Karla Booja and paid his respects to their Elders past and present.

1. Attendances and apologies (including leave of absence):

In Attendance:

Councillors: J Erren Presiding Member
S Piipponen
D Atwell
K Ellis
D Gossage
S Hawkins
M Rich
J See
B Urban

Officers: Mr A Hart Acting Chief Executive Officer
Mr G Allan Director Engineering
Mr A Schonfeldt Director Planning
Ms K Bartley Acting Director Corporate and Community
Ms K Peddie Executive Assistant to the CEO (Minute Taker)
Mr D McLeod representing McLeods Barristers
..... and Solicitors (at 5.17)

Leave of Absence: Nil

Apologies: Mr R Gorbunow

Observers: Nil

Members of the Public – Nil

Members of the Press – Nil

2. Public Question Time:

Nil

3. Public Statement Time:

Nil

4. Petitions and Deputations:

Nil

5. Declaration of Councillors and Officers Interest:

Councillor Erren declared a financial interest in item SCM004/04/16 as he is an employee of Byford Legal, the solicitors for the Byford and District Country Club and the President of the Byford and District Country Club and will leave the meeting while this item is discussed.

Councillor See declared a financial interest in item SCM004/04/16 as she is the Solicitor for Byford and District Country Club and will leave the meeting while this item is discussed.

6. Receipts of Minutes or Reports and Consideration for Recommendations:

Nil

The Presiding Member agreed to consider two items of Urgent Business and elected to have these items of Urgent Business brought forward.

8. Urgent Business:

Presiding Member Erren and Councillor See declared a financial interest in item SCM004/04/16 and left the meeting at 5.17pm while the item was discussed.

The Presiding Member vacated the chair and Deputy President Piipponen assumed the chair at 5.15pm

SCM004/04/16	Proposed Building Grant Agreement between the Shire of Serpentine Jarrahdale and Lotterywest (SJ187)
Author:	Kellie Bartley – Acting Director Corporate and Community
Senior Officer/s:	Alan Hart - Acting CEO
Date of Report:	27 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Introduction

The purpose of this report is to seek Council's approval for the Chief Executive Officer and Shire President to sign a the Building Grant Agreement between the Shire and Lotterywest for the construction of a multipurpose facility at 724 South Western Highway, Byford.

Background and Relevant Previous Decisions of Council:

In December 2015, the Shire resolved to accept a tender from Alita Constructions to construct a Multipurpose facility at 724 South Western Highway, Byford (Byford and Districts Country Club Building). This project is being funded by several sources including Lotterywest and this agreement is to enable the transfer of funds for this project.

Community / Stakeholder Consultation:

Not applicable.

Attachments:

- **SCM004.1/04/16** – Proposed Funding Agreement between the Shire of Serpentine Jarrahdale and Lotterywest

Alignment with our Strategic Community Plan:

Objective 3.1	Urban Design with Rural Charm
Key Action 3.1.2	Provide appropriate amenities and accommodation for the Shire's growing youth and seniors population
Objective 6.2	Active and Connected People
Key Action 6.2.2	Use community facilities to provide social interactions for all age groups through appropriate activities and events

Statutory Environment:

The Building Grant Agreement is to set out the terms in which the funding to be provided and to minimise any project related risks for all parties.

The use of the common seal is deemed appropriate in this instance.

By way of resolution, under section 9.49(A) (4) of the Local Government Act (1995), Council can authorise the Chief Executive Officer to sign documents on behalf of the Shire.

Financial Implications:

The Shire's contribution of \$280,000 is part of the overall project budget, having been previously committed through the 2015/16 budget. The Funding agreement provides security for the Shire by transferring the contribution of \$900,000 from Lotterywest to the Shire on execution of the document.

Voting Requirements: Simple Majority

SCM004.1/04/16 COUNCIL DECISION / Officer Recommendation:

Moved Cr Urban, seconded Cr Gossage

That Council:

- 1. Approve the terms and conditions in the Funding Agreement as per attachment SCM004.1/04/16.**
- 2. In accordance with Section 9.49(A) (4) of the Local Government Act (1995) authorise the Chief Executive Officer and Shire President to sign the Building Grant Agreement as per attachment SCM004.1/04/16 with the Lotterywest for the purpose of the construction of 724 South Western Highway, Byford.**

CARRIED 7/0

Presiding Member Erren and Councillor See returned to Chambers at 5.18pm

Presiding Member Erren resumed chairing the meeting at 5.18pm

Mr Denis McLeod of McLeod Barristers and Solicitors entered Chambers at 5.18pm

COUNCIL DECISION**Moved Cr Piipponen seconded Cr See**

That the meeting be closed to members of the public at 5.22pm to allow Council to Discuss SCM003/04/16 Confidential Item – Councillor Request for Information as per section 5.23(2) of the Local Government Act 1995.

CARRIED UNANIMOUSLY

Members of the public were asked to leave the meeting while confidential item SCM003/04/16 was discussed. The doors were closed at 5.22pm.

SCM003/04/16	CONFIDENTIAL - Request for Leave Entitlements Information
Author:	Alan Hart - CEO
Date of Report:	27 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the <i>Local Government Act</i>

Voting Requirements: Simple Majority**SCM003/04/16 COUNCIL DECISION / Officer Recommendation:****Moved Cr Piipponen seconded Cr Hawkins**

That Council receives the information relating to leave records as detailed in Confidential attachment SCM003.1/05/16.

CARRIED UNANIMOUSLY

7. Motions of Which Notice has been Given:

The Presiding Member requested the Director Engineering, Director Planning, Acting Director Corporate and Community and Executive Assistant leave the Chambers at 5.24pm.

Acting Chief Executive Officer left the Chambers at 5.26pm

SCM002/04/16	CONFIDENTIAL – Councillor Request for Information
Author:	Councillor John Erren
Date of Report:	22 April 2016
Disclosure of Officers Interest:	No officer involved in the preparation of this report is required to declare an interest in accordance with the provisions of the Local Government Act

Voting Requirements: Simple Majority

COUNCIL DECISION

Moved Cr Piipponen seconded Cr Rich

That Standing Orders 9.5, 9.6, 10.07 and 10.13 be suspended at 5.27pm in order to further discuss item SCM002/04/16.

CARRIED UNANIMOUSLY

Acting Chief Executive Officer returned to Chambers at 7.03pm.

COUNCIL DECISION

Moved Cr Hawkins, seconded Cr Urban

That standing orders be reinstated at 7.30 pm.

CARRIED 9/0

Councillor Recommendation:

That Council note the legal advice provided by Denis McLeod from McLeods Barristers and Solicitors.

SCM002/04/16 COUNCIL DECISION / New Recommendation:

Moved Cr Urban, seconded Cr Rich

That Council;

1. Note the legal advice provided by Mr Denis McLeod from McLeods Barristers and Solicitors.
2. The Acting Chief Executive Officer seeks further advice from Mr Denis McLeod and a Barrister with relevant experience to determine the rights and obligations of the Council.
3. Subject to the availability of the advice from Mr Denis McLeod, a Special Council Meeting be scheduled on or before 11 May 2016

- 4. The advice as requested in 2 above is to be distributed to all Councillors 72 hours prior to the Special Council Meeting.**

CARRIED UNANIMOUSLY

COUNCIL DECISION:

Moved Cr Hawkins seconded Cr Gossage

That the meeting be reopened to the public at 7.38 pm.

CARRIED 9/0

Director Engineering, Director Planning, Acting Director Corporate and Community and Executive Assistant returned to the Chambers at 7.38pm

9. Closure:

There being no further business the Presiding Member declared the meeting closed at 7.40 pm.

I certify that these minutes were confirmed at the
Ordinary Council Meeting held on 9 May 2016

.....
Presiding Member

.....
Date