

I hereby certify that the Minutes of the Special Council Meeting held are a true and accurate record of the proceedings contained therein.

Shire President

Date



SHIRE OF WYNDHAM | EAST KIMBERLEY

MINUTES SPECIAL COUNCIL MEETING

5 April 2016

CONTENTS

Item No	Description	Page No
1.	DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS	4
2.	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (PREVIOUSLY APPROVED).....	4
3.	DECLARATION OF INTEREST	5
4.	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	5
5.	PUBLIC QUESTION TIME	5
6.	APPLICATIONS FOR LEAVE OF ABSENCE	5
7.	PETITIONS	5
8.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	5
9.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	5
10.	DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS....	5
11.	MINUTES OF COUNCIL COMMITTEE MEETINGS	6
12.	REPORTS.....	6
13.	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	6
14.	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION.....	6
15.	MATTERS BEHIND CLOSED DOORS.....	6
15.1	Tender Assessment – T05 1516 Various Grading Works	7
16.	CLOSURE	8

**SHIRE OF WYNDHAM EAST KIMBERLEY
MINUTES OF THE SPECIAL COUNCIL MEETING
KUNUNURRA COUNCIL CHAMBERS**

HELD ON TUESDAY, 5 APRIL 2016 AT 6:00 PM

1. DECLARATIONS OF OPENING / ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 6:00pm.

**2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

ATTENDANCE

Cr J Parker	Shire President
Cr K Wright	Councillor
Cr B Robinson	Councillor
Cr D Spackman	Councillor
Cr N Perry	Councillor
Cr S Cooke	Councillor
C Askew	Chief Executive Officer
N Octoman	Director Corporate Services
D Klye	Director Infrastructure
M Le Riche	Executive Assistant (Minute Taker)

GALLERY

Laine Ellis	Guerinoni & Son
-------------	-----------------

APOLOGIES

Cr A Petherick	Councillor
Cr E Bolto	Councillor
Cr S Rushby	Councillor

LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil

3. DECLARATION OF INTEREST

- Financial Interest

Councillor/Staff	Item	Title	Description of interest
Cr S Cooke	15.1	Tender Assessment – T05 1516 Various Grading Works	My husband owns and operates a business that has machinery that could potentially be requested for hire

- Impartiality Interest

Councillor/Staff	Item	Title	Description of interest
D Klye, Director Infrastructure	15.1	Tender Assessment – T05 1516 Various Grading Works	I have a personal relationship with one of the tenderers

- Proximity Interest

Nil

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5. PUBLIC QUESTION TIME

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. PETITIONS

Nil

8. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Nil

9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

10. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

Nil

11. MINUTES OF COUNCIL COMMITTEE MEETINGS

Nil

12. REPORTS

Nil

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

15. MATTERS BEHIND CLOSED DOORS

Cr S Cooke declared a financial interest as her husband owns and operates a business that has machinery that could potentially be requested for hire and left the room at 6:01pm

COUNCIL DECISION

Minute No: 11323

**Moved: Cr B Robinson
Seconded: Cr N Perry**

That Council move behind closed doors with relevant Officers to remain

Carried 5/0

15.1 TENDER ASSESSMENT – T05 1516 VARIOUS GRADING WORKS

DATE:	5 April 2016
AUTHOR:	Mark Davidson, Manager Engineering Services
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.171
DISCLOSURE OF INTERESTS:	David Klye, Director Infrastructure. The Director declares an impartiality interest as he has a personal relationship with one of the tenderers.

This item is to be considered behind closed doors as per the *Local Government Act 1995*:

5.23. **Meetings generally open to public**

(2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*

- (a) *a matter affecting an employee or employees; and*
 - (b) *the personal affairs of any person; and*
 - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
 - (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret; or*
 - (ii) *information that has a commercial value to a person; or*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
 - (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
 - (ii) *endanger the security of the local government's property; or*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety; and*
 - (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
 - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.*

VOTING REQUIREMENT

Simple Majority

PURPOSE

For Council to consider the results of the tender assessment and a recommendation regarding the tender for T05 15/16 – Various Grading Works, Kalumburu Road, Port Warrender, Mt Elizabeth and Ellenbrae Roads, and for Council to award the contract.

Cr K Wright moved the officer's recommendation.
Cr J Parker seconded the motion.

6:05pm Cr D Spackman left the Council Chambers.

Due to a lack of quorum the Shire President suspended the meeting at 6:06pm.

Meeting resumed at 6:19pm.

The Shire President advised elected members that Cr Spackman would not be returning to the meeting. As a consequence of a lack of quorum the meeting could not proceed.

16. CLOSURE

The Shire President invited the members of the public back into the Council Chambers at 6:20pm and advised them that as a consequence of a lack of quorum the meeting could not proceed.