

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

4 May 2016

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

HELD ON WEDNESDAY, 4 MAY 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 B Robinson	Councillor
Cr E Bolto	Councillor
Cr N Perry	Councillor
Cr S Cooke	Councillor
C Askew	Chief Executive Officer
N Octoman	Director Corporate Services
D Klye	Director Infrastructure
L Gee	Director Community Development
M Le Riche	Executive Assistant (Minute Taker)

GALLERY

L Hannagan	SWEK
M Davidson	SWEK
J Johnson	SWEK

APOLOGIES

Cr K Wright	Deputy Shire President
Cr D Spackman	Councillor

3. DECLARATION OF INTEREST

- Financial Interest

Councillor/ Officer	Item	Title	Description of Interest
Cr S Cooke	15.1	T05 1516 Various Grading Works	My husband owns a contracting business that owns machinery and whilst the machinery has never been used for road works, and is currently out doing our own contracted work, there is a potential for Red Rust Contracting to hire a truck or bobcat to the winning tenderer

NOTE: Ministerial approval has been received for Councillor Cooke to remain present and to participate in the discussion and decision making procedures relating to item 15.1.



Our Ref: WE1-7#02 20160044 E1619492



Mr Carl Askew
Chief Executive Officer
Shire of Wyndham and East Kimberley
PO Box 614
KUNUNURRA WA 6743

Dear Mr Askew

I refer to your correspondence dated 28 April 2016 and advise that, in accordance with authority delegated by the Minister for Local Government and Communities, the Executive Director Sector Regulation and Support has approved the Shire of Wyndham and East Kimberley application under section 5.69(3) of the *Local Government Act 1995* (the Act).

This approval allows disclosing member, Councillor Sophie Cooke to fully participate in the discussion and decision making in relation to the below mentioned item at the Special Meeting of Council to be held on 4 May 2016:

Agenda Item: Tender Assessment – T05 1516 Various Grading Works

Subject to the following conditions:

1. The approval is only valid for the abovementioned item, when it is considered at the Ordinary Council Meeting of 4 May 2016;
2. Councillor Sophie Cooke must declare the nature and extent of her interest in the item at the abovementioned meeting, when the matter is considered, together with the approval provided.
3. You, as the CEO, are to provide a copy of the Department's letter of approval to Councillor Cooke;

Gordon Stephenson House
140 William Street Perth WA 6000
GPO Box R1250 Perth WA 6844

4. You, as the CEO, are to ensure that the declaration, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. You, as the CEO, are to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interest disclosed by Councillor Cooke, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

Should you require further information in relation to this matter, please contact Mr Ron Murphy, Manager Sector Governance on 6552 1669 or via email to ron.murphy@dlgc.wa.gov.au

Yours sincerely



Jenni Law
DIRECTOR, LOCAL GOVERNMENT REGULATION AND SUPPORT

3 May 2016

- Impartiality Interest

Councillor/Officer	Item	Title	Description of Interest
D Klye	15.1	T05 1516 Various Grading Works	The Director has a personal relationship with one of the respondents

- 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

Item 15.1

10. DEPUTATIONS / PRESENTATIONS / SUBMISSIONS / NOTICES OF MOTIONS

NIL

11. REPORTS

NIL

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 DOOR

Cr S Cooke declares a financial interest in this item as her husband owns a contracting business that owns machinery and whilst the machinery has never been used for road works, and is currently out doing their own contracted work, there is a potential for Red Rust Contracting to hire a truck or bobcat to the winning tenderer.

In accordance with the authority delegated by the Minister for Local Government, the Executive Director Sector Regulation and Support has approved the Shire of Wyndham East Kimberley's application, dated 28 April 2016, under section 5.69(3) of the *Local Government Act 1995* (the Act).

This approval allows disclosing member Councillor Cooke to remain present at the Special Council Meeting to be held 4 May 2016 and to participate in the discussion and decision making procedures relating to item 15.1 – Tender Assessment –T05 1516 Various Grading Works, subject to the conditions as outlined in the letter from the Department of Local Government and Communities included in section 3 of the minutes.

The CEO provided a copy of the Department's letter of approval to Cr Cooke.

Mr D Klye, Director Infrastructure declares a impartiality interest as he has a personal relationship with one of the respondents.

COUNCIL DECISION

Minute No: 11342

Moved: Cr B Robinson

Seconded: Cr N Perry

That Council move behind closed doors with relevant officers to remain.

Carried 5/0

Council moved behind closed doors at 6:01pm

15.1 TENDER ASSESSMENT - T05 1516 VARIOUS GRADING WORKS

DATE:	4 May 2016
AUTHOR:	Mark Davidson, Manager Engineering Services
RESPONSIBLE OFFICER:	David Klye, Director Infrastructure
FILE NO:	CM.16.171
DISCLOSURE OF INTERESTS:	David Klye, Impartiality

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

To provide Council with a summary of the tenders received for T05 15 /16 - Various Grading Works, Kalumburu Road, Port Warrender, Mt Elizabeth and Ellenbrae Roads, the results of the tender assessment and a recommendation regarding the award of the tender.

OFFICER'S RECOMMENDATION

That Council

- 1. Accept the tender submitted by Sunlight Holdings Pty Ltd, PMB 9, Kununurra WA 6743, for Tender T05 15/16 – Various Grading – Kalumburu, Port Warrender, Mt Elizabeth and Ellenbrae Roads with Signage Installation at Nominated Locations in accordance with the tender documentation and the submitted schedule of prices.**
- 2. Enter into a contract with Sunlight Holdings Pty Ltd, PMB 9 , Kununurra WA 6743, in the terms specified in the Sunlight Holdings Pty Ltd Tender T05 15/16 – Various Grading – Kalumburu, Port Warrender, Mt Elizabeth and Ellenbrae Roads with Signage Installation at Nominated Locations in accordance with the tender documentation and the submitted schedule of prices.**

COUNCIL DECISION

Minute No: 11343

Moved: Cr B Robinson

Seconded: Cr E Bolto

That Council

- 1. Accept the tender submitted by Sunlight Holdings Pty Ltd, PMB 9, Kununurra WA 6743, for Tender T05 15/16 – Various Grading – Kalumburu, Port Warrender, Mt Elizabeth and Ellenbrae Roads with Signage Installation at Nominated Locations in accordance with the tender documentation and the submitted schedule of prices.**
- 2. Enter into a contract with Sunlight Holdings Pty Ltd, PMB 9 , Kununurra WA 6743, in the terms specified in the Sunlight Holdings Pty Ltd Tender T05 15/16 – Various Grading – Kalumburu, Port Warrender, Mt Elizabeth and Ellenbrae Roads with Signage Installation at Nominated Locations in accordance with the tender documentation and the submitted schedule of prices.**

Carried 5/0

COUNCIL DECISION

Minute No: 11344

Moved: Cr B Robinson

Seconded: Cr E Bolto

That Council move out from behind closed doors.

Carried 5/0

Council moved out from behind closed doors at 6:03pm.

All resolutions of items considered behind closed doors were read out to the members of the gallery.

16. CLOSURE

The Shire President declares the meeting closed at 6:05pm.