



SPECIAL COUNCIL MEETING

MINUTES

**The Special Meeting of Council was held
in the Council Chambers, Welcome Road, Karratha,
on Thursday, 7 March 2013**

**CHRIS ADAMS
CHIEF EXECUTIVE OFFICER**



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The Shire of Roebourne warns that anyone who has any application lodged with the Shire of Roebourne must obtain and should only rely on

WRITTEN CONFIRMATION

of the outcome of the application, and any conditions attaching to the decision made by the Shire of Roebourne in respect of the application.

Signed: _____

A handwritten signature in black ink, appearing to read 'Chris Adams', is written over a horizontal line.

Mr Chris Adams - Chief Executive Officer

DECLARATION OF INTERESTS (NOTES FOR YOUR GUIDANCE) (updated 13 March 2000)

A member who has a **Financial Interest** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest:

- (a) In a written notice given to the Chief Executive Officer before the Meeting or;
- (b) At the Meeting, immediately before the matter is discussed.

A member, who makes a disclosure in respect to an interest, must not:

- (c) Preside at the part of the Meeting, relating to the matter or;
- (d) Participate in, or be present during any discussion or decision-making procedure relative to the matter, unless to the extent that the disclosing member is allowed to do so under Section 5.68 or Section 5.69 of the Local Government Act 1995.

NOTES ON FINANCIAL INTEREST (FOR YOUR GUIDANCE)

The following notes are a basic guide for Councillors when they are considering whether they have a **Financial Interest** in a matter. I intend to include these notes in each agenda for the time being so that Councillors may refresh their memory.

1. A Financial Interest requiring disclosure occurs when a Council decision might advantageously or detrimentally affect the Councillor or a person closely associated with the Councillor and is capable of being measure in money terms. There are exceptions in the Local Government Act 1995 but they should not be relied on without advice, unless the situation is very clear.
2. If a Councillor is a member of an Association (which is a Body Corporate) with not less than 10 members i.e. sporting, social, religious etc), and the Councillor is not a holder of office of profit or a guarantor, and has not leased land to or from the club, i.e., if the Councillor is an ordinary member of the Association, the Councillor has a common and not a financial interest in any matter to that Association.
3. If an interest is shared in common with a significant number of electors or ratepayers, then the obligation to disclose that interest does not arise. Each case needs to be considered.
4. If in doubt declare.
5. As stated in (b) above, if written notice disclosing the interest has not been given to the Chief Executive Officer before the meeting, then it **MUST** be given when the matter arises in the Agenda, and immediately before the matter is discussed.
6. Ordinarily the disclosing Councillor must leave the meeting room before discussion commences. The **only** exceptions are:
 - 6.1 Where the Councillor discloses the **extent** of the interest, and Council carries a motion under s.5.68(1)(b)(ii) or the Local Government Act; or
 - 6.2 Where the Minister allows the Councillor to participate under s.5.69(3) of the Local Government Act, with or without conditions.

INTERESTS AFFECTING IMPARTIALITY

DEFINITION: *An interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected, but does not include an interest as referred to in Section 5.60 of the 'Act'.*

A member who has an **Interest Affecting Impartiality** in any matter to be discussed at a Council or Committee Meeting, which will be attended by the member, must disclose the nature of the interest;

- (a) in a written notice given to the Chief Executive Officer before the Meeting; or
- (b) at the Meeting, immediately before the matter is discussed.

IMPACT OF AN IMPARTIALITY CLOSURE

There are very different outcomes resulting from disclosing an interest affecting impartiality compared to that of a financial interest. With the declaration of a financial interest, an elected member leaves the room and does not vote.

With the declaration of this new type of interest, the elected member stays in the room, participates in the debate and votes. In effect then, following disclosure of an interest affecting impartiality, the member's involvement in the Meeting continues as if no interest existed.

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AGENDA

1 OFFICIAL OPENING

The Special Meeting of Council held in the Council Chambers, Welcome Road, Karratha was declared open at 2.03pm. Cr White-Hartig acknowledged the traditions of the Ngarluma people, on whose land we are gathered here today.

2 PUBLIC QUESTION TIME

3 RECORD OF ATTENDANCES / APOLOGIES / LEAVE OF ABSENCE

Councillors:

- Cr Fiona White-Hartig [President]
- Cr Peter Long [Deputy President]
- Cr Garry Bailey
- Cr Margaret Bertling
- Cr John Lally
- Cr Janine Miller
- Cr Jo Pritchard
- Cr Michael Saylor
- Cr Evette Smeathers
- Cr Sharon Vertigan

Staff:

Chris Adams	Chief Executive Officer
Simon Kot	Director Strategic Projects & Business
David Pentz	Director Development, Regulatory & Infrastructure Services
Andrew Ward	Director Community & Corporate Services
Leigh Cover	Manager Community Facilities
Nancy Milligan	Event Coordinator
Josie Lanza	Minute Secretary

Apologies:

Absent:

Leave of Absence:

Members of Public: Nil

Members of Media: Nil

4 DECLARATIONS OF INTEREST

Nil

5 PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

6 COMMUNITY AND CORPORATE SERVICES

6.1 RED EARTH ARTS FESTIVAL – HEADLINE ACT

File No:	RC.80
Responsible Executive Officer:	Director Community & Corporate Services
Reporting Author:	Event Coordinator
Date of Report:	26 February, 2013
Disclosure of Interest:	Nil
Attachment(s)	Confidential - REAF Headline Act Budget Scenarios

PURPOSE

For Council to consider a range of scenarios for the appointment of a headline act for the closing of the 2013 Red Earth Arts Festival (REAF). Officers seek a final decision on the budget expenditure to secure a headline act for the REAF closing in order to progress negotiations with possible performers within appropriate timeframes.

BACKGROUND

At the November 2012 Ordinary Council Meeting, the Council resolved to allocate funds towards a community event. Council requested Officers secure a medium to large profile musical act to perform in Karratha in 2013 as part of a “one off” community event, a budget of \$250,000 was allocated by Council towards securing a suitable act.

At the December 2012 Ordinary Council Meeting, the Council resolved to follow Officer’s recommendation to integrate the “one off” performance into the Red Earth Arts Festival. (Resolution 152359).

At the February Council Meeting, Council resolved to not go to Public Tender to secure a music act for the closing of REAF, but did not delegate authority to the Chief Executive Officer to enter into a contract with appropriate acts. (Resolution 152400)

Rather, Council requested Officers present back to Council a list of potential performers within a range of price structures for consideration. These pricing structures are outlined in the attachment, ‘REAF Headline Act Budget Scenarios’. Consideration should also be given to the process required to engage acts as detailed within the attachment.

Scenario 1

- \$350,000 budget for KCC Headline Act (\$250k SoR & \$100k Rio Tinto).
- Type and profile of act available would include international acts being toured by promoters, The Temper Trap, Empire of the Sun, Birds of Tokyo – all of whom will have current new release albums out later in 2013.
- Event/Artist Management will be outsourced to a suitably qualified contractor.

Scenario 2

- \$200,000 (approx) budget for KCC Headline Act (\$150k SoR & \$50k Rio Tinto??).
- Type and profile of act available would be Australian based middle tier performer such as Vanessa Amorosi, Matt Corby, Washington and Ricki-Lee Coulter.
- Event/Artist Management will be outsourced to a suitably qualified contractor.

Scenario 3

- \$100,000 (approx) budget for KCC Headline Act (\$100k SoR, unlikely Rio Tinto input).
- Type and profile of act available would be X-Factor/Idol contestants, tribute bands, up & comers.
- Officers to manage event and artist booking due to limited budget.

Process to secure headline act under Scenario 1 & 2:

1. Shire engages a contractor to secure and manage an act for REAF.
2. Contractor contacts agents from an agreed performer target list. International touring promoters would also be approached to ascertain availability of acts who may be touring Australia on the relevant dates.
3. Contractor presents the list of available acts to the Shire to shortlist.
4. Contractor approaches act to clarify whether they are interested in doing the event.
5. Contractor provides final list to Shire based on availability and interest from the acts.
6. Shire to prioritise the acts they would like contractor to pursue to headline the closing event.
7. Contractor sends written offers to the first act and negotiates within the fee bandwidth approved by the Shire. Officers would be involved in the negotiation process at this stage and the heads of agreement would sit with the Shire as the contracting party. If priority one negotiation stalls, the contractor moves onto priority two, and so on.

It is important to note that agents cannot be contacted to generate availability of talent until the contractor has been engaged to do this.

Process to secure headline act under Scenario 3:

1. Officers approach talent booking agents directly confirm who is available at what cost.
2. Officers must choose from acts presented at the fee quoted with very little choice or ability to negotiate on price. This generally results in a mediocre performer at an inflated fee.

Furthermore all popular acts work to a minimum of 6-12 months for scheduling, therefore for the Shire to secure a desirable act for the closing event, the contractor must be engaged by the end of February in order to allow time for this process to be completed – especially in the event priority one is not available and the negotiation begins again.

LEVEL OF SIGNIFICANCE

In accordance with Council Policy *CE-8 Significant Decision Making Policy*, this matter is considered to be significant.

COUNCILLOR/OFFICER CONSULTATION

Consultation has taken place between the CEO, Director Community & Corporate Services, Manager Community Facilities and Event Coordinator. The officers are in agreement regarding the recommendations in this report.

COMMUNITY CONSULTATION

No community consultation is required.

STATUTORY IMPLICATIONS

There are no statutory implications.

POLICY IMPLICATIONS

There are no policy implications.

FINANCIAL IMPLICATIONS

There are no financial implications as adequate funds for each of the scenarios outlined are within the current REAF budget.

REAF Budget 13/14 \$355,000

REAF Sponsorship \$270,000 estimated

Shire Contribution \$85,000

Additional Shire contribution \$250,000 Community Event as per Council Resolution 152359 December 2012 OCM.

Rio Tinto Partnership Contingency \$100,000.

TOTAL KCC Budget \$350,000

However, should Council decide not to commit the full \$250,000 Community Event budget, Officers will have to advise Rio Tinto who may reconsider their \$100,000 contribution towards the closing event.

STRATEGIC IMPLICATIONS

There are no strategic implications.

RISK MANAGEMENT CONSIDERATIONS

There are no risk management considerations applicable.

IMPACT ON CAPACITY

There is no impact on capacity or resourcing to carry out the Officer's recommendation.

Significant work has been undertaken to date by Officers liaising with contractors on the basis of moving forward with the \$250,000 Community Event funding as part of REAF. This work has been undertaken since December 2012 OCM. The delay in this issue being finalised has impacted on REAF planning as the budget parameters have remained unclear. The success of REAF depends on Officers being given clear direction as to the closing event so as to use remaining planning time as efficiently as possible to deliver the best possible outcome for the Shire.

Should Scenario 3 be chosen as the preferred option, Officers will be required to manage the closing event in-house. This will add significant strain to the planned resourcing of REAF.

RELEVANT PRECEDENTS

There are no relevant precedents.

VOTING REQUIREMENTS

Absolute Majority

OPTIONS:**Option 1**

As per Officer's recommendation.

Option 2

That Council by SIMPLE Majority resolves to enter into appropriate contracts to secure a music act for Red Earth Arts Festival closing event under Scenario 2 as per attachment.

Option 3

That Council by SIMPLE Majority resolves to enter into appropriate contracts to secure a music act for Red Earth Arts Festival closing event under Scenario 3 as per attachment.

CONCLUSION

Council are asked to review the scenarios for the provision of entertainment acts for REAF as per the attachment and advise Officers which to pursue. In order to meet necessary timeframes Officers request that Council consider the matter prior to March 2013, allowing officers to negotiate an act in time for the 2013 REAF. A minimum of six months prior to the event is required for scheduling, in many cases performer's schedules are locked in 12 months in advance.

OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION

Res No : 152416
MOVED : Cr Bailey
SECONDED : Cr Miller

That Council by **ABSOLUTE** Majority pursuant to Section 3.18 of the *Local Government Act 1995* **RESOLVES** to:

1. **REAFFIRM** Resolution 152359 from December 2012 OCM and commit \$250,000 to secure a headline act for the closing of 2013 REAF (Scenario 1).
2. **DELEGATE** authority to the Chief Executive Officer to enter into appropriate contracts to secure a music act for Red Earth Arts Festival closing event.

CARRIED

FOR : Cr White-Hartig, Cr Long, Cr Bailey, Cr Bertling, Cr Lally, Cr Miller, Cr Pritchard, Cr Saylor, Cr Smeathers and Cr Vertigan.
AGAINST : Nil

7 MATTERS BEHIND CLOSED DOORS

**CONFIDENTIAL ATTACHMENT TO ITEM 6.1 RED EARTH ARTS FESTIVAL –
HEADLINE ACT**

8 CLOSURE & DATE OF NEXT MEETING

The meeting closed at 2.22pm. The next Ordinary Council Meeting will be held on Monday, 18 March 2013 at 6:30pm in the Town Hall, Point Samson.

I, Shire President, **Fiona White-Hartig** of the Shire of Roebourne, hereby declare on behalf of the Councillors of the Shire of Roebourne that the enclosed Minutes are a true and accurate record of the Special Council Meeting held on 7 March 2013.

..... Date ____/____/____
Signed