

Shire of Koorda

AGENDA

Notice is hereby given that an Ordinary Meeting of Council will be held in Council Chambers, 10 Haig Street, Koorda commencing at 5.00pm on Wednesday, 21 October 2020.



Darren Simmons
Chief Executive Officer



DISCLOSURE OF INTEREST

✦ WRITTEN

- Prior to meeting
- CEO to advise Presiding Person
- Reported to meeting immediately before item discussed
- Standard form may be used

✦ VERBAL

- No round robin at start of meeting
- Advise immediately before item discussed

✦ TO BE DISCLOSED

- Nature of interest
- Extent if vote on participation held.



SHIRE OF KOORDA

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Koorda for any act, omission or statement or intimation occurring during Council or Committee meetings.

The Shire of Koorda disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a license, and statement or intimation of approval made by a member or officer of the Shire of Koorda during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Koorda.

The Shire of Koorda warns that anyone who has any application lodged with the Shire of Koorda 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 Koorda in respect of the application.

To be read aloud if any member of the public is present.

Signed

DJ Simmons
CHIEF EXECUTIVE OFFICER

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1 DECLARATION OF OPENING

2 ANNOUNCEMENT OF VISITORS

3 RECORD OF ATTENDANCE

3.1 *Record of Attendance:*

3.2 *Apologies:*

3.3 *Approved Leave of Absence:*

**PRESIDENT TO DRAW THE DISCLAIMER TO THE PUBLIC'S ATTENTION
(If members of the public present)**

4 QUESTION TIME FOR THE PUBLIC

4.1 *Response to Previous Public Questions Taken on Notice*

4.2 *Public Question Time Open*

4.3 *Public Question Time Closed*

5 APPLICATIONS FOR LEAVE OF ABSENCE

6 DECLARATIONS OF INTEREST

7 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

8.1 ORDINARY MEETING HELD 16 September 2020

OFFICER RECOMMENDATION

That the Minutes of the Koorda Shire Council Ordinary Meeting held on the 16 September 2020, as circulated be confirmed and certified as a true and accurate record.

9 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

10 REPORTS OF COMMITTEES

11 CHIEF EXECUTIVE OFFICERS REPORT

11.1 Governance and Administration

11.2.1

MONTHLY FINANCIAL STATEMENTS

As at 30 September 2020

Section 5.23 – Applicability**Location:**

Shire of Koorda

Portfolio:**Governance, Administration and Finance**

Cr JM Stratford

File Reference:

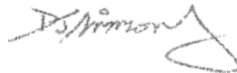
ADM 0448

Disclosure Of Interest:

No interest declared by CEO

Author:

Lana Foote, Deputy Chief Executive Officer

Signature of CEO

Attachment:

Monthly Financial Statement (Attachments Page 2 - 24)

Background:

Submission of monthly Financial Statements for period ended 30 September 2020.

Comment:

Monthly Financial Statements for the period ended 30 September 2020 for Council's information and acceptance. The explanations for variances of \$10,000 and 10% more are in Note 13 of the Monthly Financial Statements.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996 34.1(2) as amended 2005

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

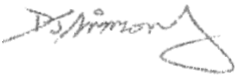
Voting Requirement:

Simple majority

OFFICER RECOMMENDATION

That the monthly Financial Statements for the period ended 30 September 2020, as presented, be received and adopted.

ACCOUNTS PAID AS LISTED
As at 12 October 2020

Section 5.23 – Applicability	
Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance
	Cr JM Stratford
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Monthly Report List (Attachments Page 25 - 26)

Background:

Regulatory requirement to advise Council of payments made since the previous meeting.

Comment:

The payments on the attached schedule have been made for the period 10 September 2020 to 12 October 2020 and are generally within budget guidelines and are of an operational nature. Payments for capital assets expenditure are:

V174	BTR Haulage	\$17,964.74
V178	Mineral Crushing Services WA Pty Ltd	\$28,008.64
V186	Dalwallinu Concrete	\$2,241.80
V189	MW Grant	\$22,748.00

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 5.42

Local Government (Financial Management) Regulations 1996 12(1) (a), 13(1), 13(3).

Policy Implications:

Nil

Financial Implications:

Budget guidelines and constraints

Need to authorise unbudgeted expenditure (if any)

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement:

Simple majority

OFFICER RECOMMENDATION

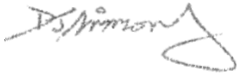
That accounts as listed being for period 10 September 2020 to 12 October 2020.

**Municipal Vouchers No's V165 to V203
Bendigo Bank Card (Included in Total) V195**

**Totalling \$212,691.73
\$ 3,038.16
Total \$215,729.89**

To be endorsed or passed for payment

MONTHLY FINANCIAL POSITION
As at 12 October 2020

Section 5.23 – Applicability	
Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by the CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Financial Position (Attachments Page 27)

Background:

Current Monthly Financial position as at 12 October 2020 on the various accounts.

Comment:

The Municipal Account's financial position as at 12 October 2020 indicated at this time.

Monthly Financial Position	Municipal Account	\$1,243,549.42
	Reserve Account	\$6,114,376.12
	Trust Account	\$0.00

Consultation:

Monthly advice

Statutory Environment:

Local Government Act 1995, Section 6.4

Policy Implications:

Regulation

Financial Implications:

Shows current financial position

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement:

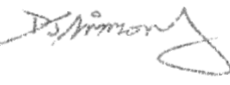
Simple majority

OFFICER RECOMMENDATION

That the Financial Position, as at 12 October 2020, as presented, be noted, received and adopted.

11.2.4 INVESTMENT OF COUNCIL FUNDS

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance JM Stratford
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Quarterly Report (Attachments Page 28 - 29)

Background:

Quarterly Report for the period ended 30 September 2020.

The Quarterly Report to Council gives details of all current investments showing place of investment, term of investment, interest rate, name of funds invested and transactions for the period.

Comment:

As the current investments were invested on 1 July 2020, for a period of 7 months, there have been no changes from the Investment report for both term deposits for the period ended 30 June 2020. The only change can be seen with the Savings account.

Consultation:

Nil

Statutory Environment:

Local Government Act 1995, Section 6.4

Local Government (Financial Management) Regulations 1996- 34.1(2) as amended 2005

Policy Implications:

Finance Policy No. 1

Financial Implications:

Budgetary considerations, amendments and cash flow requirements.

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement

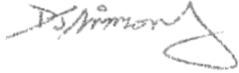
Simple majority

OFFICER RECOMMENDATION

That the Quarterly Report to Council on all current investments to 30 September 2020, as presented, be received and adopted.

11.2.5 RATES WRITE OFF

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance JM Stratford
File Reference:	ADM 0448
Disclosure Of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Nil

Background:

Lake Moore Gypsum Pty Ltd were holders of two tenements (A363 & A370) up until 23/08/2017 where both tenements were marked as “dead,” with no future rates to be raised.

The company was sent to debt collection and recovery through AMPAC Debt Recovery services that the Shire contract to. After one failed attempt at recovery (cost being \$275.00 per assessment, Inv 18/163 in the next item, 11.2.6), AMPAC recommended that the rates be written off for both assessment 363 and 370 as the cost for recovery would outweigh the debt amount trying to be recovered.

Comment:

The cost recovery would exceed the debt and therefore will not warrant further action. The company, being Lake Moore Gypsum Pty Ltd was de-registered a short time after the tenement death.

Consultation:

Chief Executive Officer
AMPAC Debt Recovery.

Statutory Environment:

Local Government Act 1995, Section 6.12

6.12. Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may —

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

(d) which is owed to the local government.

Policy Implications:

Nil

Financial Implications:

There will be a reduction of rates income, however the financial impact of proceeding with debt recovery outweighs the amount of debt outstanding.

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

Voting Requirement

Absolute majority

OFFICER RECOMMENDATION**That Council;**

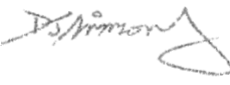
1) Approves the write-off of rates and/or penalty interest as per Section 6.12 of the Local Government Act 1995, as follows:

1) Assessment 363 for \$437.74

2) Assessment 370 for \$437.74

2) Delegates authority to the Chief Executive Officer to write off bad and doubtful debts for Rates and Sundry Debtors for amounts up to and including \$1,500 exc GST.

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance JM Stratford
File Reference:	ADM 0448
Disclosure of Interest:	No interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	*Confidential Report* Sundry Debtor Listing

Background:

The outstanding amounts relate to debts from November 2015 to May 2017 and are for; Yalambee Rent (\$2,350.00), Rates Debt Recovery (\$550.00), Private Works (\$225.00) and House Rent (\$2,758.00).

After numerous unsuccessful attempts to contact the debtors to recover the money and following consultation with the Shire's debt recovery (AMPAC), it is recommended that the debts be written off as recovery costs will exceed the initial debt.

Comment:

As this is a sundry debtor (as opposed to a rates debtor), the costs of pursuing legal proceedings cannot be claimed back from the debtor if they did not sign any acknowledgement that legal costs would be claimed if the debt remains unpaid. As the debtors did not sign any acknowledgement, Council is unable to claim any legal costs in pursuit of these debts.

Internal procedures have since been implemented to ensure these situations are avoided with payment being taken for Yalambee Units before or upon check in.

It is also recommended that, in line with contemporary financial management practices and administrative efficiency, Council delegate authority to the CEO to write off any future bad and doubtful debts for rates and sundry debtor amounts up to and including \$1,500.

Consultation:

Chief Executive Officer
AMPAC Debt Recovery.

Statutory Environment:

Local Government Act 1995, Section 6.12

Policy Implications:

Nil

Financial Implications:

There will be a reduction in revenue, however the financial impact of proceeding with debt recovery outweighs the amount of debt outstanding.

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.3.3 - Provide reporting processes in a transparent, accountable and timely manner

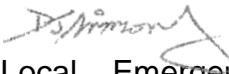
Voting Requirement

Absolute majority

OFFICER RECOMMENDATION

That Council approves the write off \$5,883.00 in sundry debtors bad and doubtful debts as presented in the confidential listing circulated to Councillors.

ADOPTION OF THE 2020 LOCAL EMERGENCY MANAGEMENT ARRANGEMENTS (LEMA)**Section 5.23 – Applicability**

Location:	Shire of Koorda
Portfolio:	Law, Order, Health & Building Cr BG Cooper
File Reference:	ADM 081
Disclosure of Interest:	No Interest declared by CEO
Author:	Lana Foote, Deputy Chief Executive Officer
Signature of CEO	
Attachment:	Local Emergency Management Arrangements – Circulated Separately

Background:

In accordance with the Emergency Management Act 2005, each Shire is required to have an up-to-date document known as the Local Emergency Management Arrangements (LEMA) that forms the basis of its Emergency Management policy.

The purpose of the LEMA is to structure how the Shire coordinates and operates during the response and recovery phases of an emergency.

The arrangements are designed to ensure that appropriate strategies are in place to minimise the adverse effects on the community and to restore normality as quickly as possible following an emergency event.

The LEMA undergoes a major review every five years. The existing arrangements were due for their major review in March 2020.

Comment:

From time to time, the LEMA will be amended with changes noted in the amendment record. These changes will largely be updates to contact details and available resources. Minor changes such as these do not require endorsement by Council.

The LEMA has been reviewed and updated and checked by DFES and is compliant to the requirements of the Emergency Management Act 2005 and underpinning policies. The Local Emergency Management Committee (LEMC) endorsed the 2020 LEMA at their committee meeting on Thursday 15th October 2020.

Consultation

Koorda LEMC
Yvette Grigg, DFES

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Shire of Koorda Strategic Community Plan

4.1.7 - Develop successful and collaborative partnerships

4.2.2 - Facilitate resource sharing on a regional basis

Voting Requirement:

Simple majority

OFFICER RECOMMENDATION

That Council adopts and endorses the 2020 Shire of Koorda Local Emergency Management Arrangements (LEMA).

11.4 Health and Building

No items this month

11.5 Education & Welfare

No items this month

11.6 Housing

No items this month

11.7 Community Amenities

No items this month

11.8 Recreation and Culture

No items this month

11.9 Transport

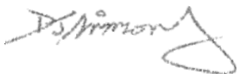
No items this month

11.10 Economic Services

No items this month

11.11.1 **PROPERTY TRANSFERS - CWA BUILDING, FORMER ANGLICAN CHURCH AND WATERWAY RESERVE 9231**

Section 5.23 – Applicability

Location:	Shire of Koorda
Portfolio:	Governance, Administration and Finance Cr JM Stratford
File Reference:	ADM 0147 and Lot 42 Allenby
Disclosure of Interest:	No interest declared by the CEO
Author:	Darren Simmons, Chief Executive Officer
Signature of CEO	
Attachment:	Nil

Background:

Over several years, incumbent CEOs have undertaken a significant body of work to facilitate Council's intent to have the Koorda CWA (and former Koorda Roads Board) building, former Anglican Church and waterway reserve 9231 transferred to the Shire's care, control and management.

As Council is aware, operationally, these three properties could be considered under Shire control already.

However, in the CEO's opinion, and from consultation and liaison with the State Government's Department of Planning, Lands and Heritage (Department), it is considered prudent for Council to formally agree, by resolution, to accept responsibility for the properties so relevant approvals and documentation can be finalised.

A summary of each property transfer is as follows:

KOORDA CWA/FORMER KOORDA ROADS BOARD BUILDING – LOT 6 RAILWAY STREET, KOORDA

In late 2017, the members of the Shire met with the Koorda CWA with regards to concerns about the former Koorda Roads and current Koorda CWA building (at Lot 6 Railway Street, Koorda) and what was best for the future. Ceiling repairs had failed and required further works to ensure that the building remained safe.

Arising from these discussions, Council considered the matter at its meeting held on 21 February 2018 where it was resolved:

COUNCIL DECISION
Officer Recommendation

Moved Cr GW Greaves

Seconded Cr LC Smith

That the Chief Executive Officer negotiate with CWA for the return of the Old Koorda Road Board Building to the Shire of Koorda with CWA and Red Cross able to use the building for meetings on a peppercorn rental agreement.

PUT & CARRIED: 7/0
RESOLUTION NO: 150218

During 2019, the Shire assumed building maintenance responsibilities and in 2020, covered insurance and utilities costs.

FORMER ANGLICAN CHURCH – LOT 42 ALLENBY STREET, KOORDA

At its meeting held on 18 July 2018, Council resolved:

COUNCIL DECISION
Officer Recommendation

Moved CR JM Stratford

Seconded CR PL McWha

That the:

- a) Chief Executive Officer be authorised to purchase the land on Reserve 18573, Lot 42 Allenby Street, Koorda, for the Shire for the amount of \$6,000 with funding to be transferred from the Building Reserve if required; and**
- b) Items be included in the Budget as part of the Review process later this financial year.**

PUT & CARRIED ABSOLUTE MAJORITY: 6/0
RESOLUTION NO: 140718

The Shire is now in receipt of correspondence from the Department advising that the Hon Minister for Lands has agreed to the sale of Lot 42 for \$6,600 plus a fee of \$1,333 for document preparation. The Shire's own conveyancing costs will be additional.

As Councillors are aware, the building is currently used as a community-based art gallery.

Should Council wish to proceed with the purchase, the Department is seeking the Shire submit a formal offer under the Shire's Common Seal and signed by both the Shire President and CEO.

WATERWAY RESERVE 9231 – CORNER OF MONIGARIN EAST, KOORDA NORTH WEST, MONIGARIN AND BOORALAMING-KULJA ROADS

Reserve 9231 comprises of Lots 4336-4339 and 4340 on Deposited Plan 219434 and is located at the intersection of Monigarin East, Koorda North West, Monigarin and Booralaming-Kulja Roads.

Reserve 9231 has a current purpose of 'Water' and a Management Order issued to Water Corporation.

Adjacent Reserve 21333 comprises of Lot 4051 on Deposited Plan 168936. Reserve 21333 has a current purpose of 'Recreation' with a Management Order issued to the Shire of Koorda and was once used by the former Badgerin Rock Tennis Club.

In 2015, the Shire raised concern in respect to Reserve 9231 being vested for the purpose of 'Landscape Protection' due to its then use as a source for gravel for roadworks. The Shire advised at the time that if the gravel pit could remain in operation with the vesting, then it would be acceptable to Council.

However, with the passage of time since 2015, the Shire's Works Supervisor has advised that as no gravel remains (and, if there was it is suggested that the certain impost of contemporary environmental management plan requirements would render any gravel extraction, costly and uneconomic), the Shire's concerns are no longer considered relevant. With that being the case, there appears to be no further impediment to having reserve 9231 transferred to the Shire as proposed by the Department under the auspices of 'Land Protection'.

Comment:

With the formal/legal property transfers outstanding, it is open to Council to re-consider its position in respect to the formal transfer of the Koorda CWA (and former Koorda Roads Board) building, former Anglican Church and waterway reserve 9231 to the Shire's care, control and management.

However, it is suggested that such action would come with a high degree of reputational risk with both the public, generally, and the parties involved, specifically. It would perhaps also represent a waste of significant administrative effort previously undertaken over many years.

Therefore, it is recommended that Council agree to accepting responsibility for these property transfers and authorise the Shire President and CEO to sign and affix the Shire's Common Seal, where required.

Consultation:

Department of Planning, Lands and Heritage
Koorda Branch of CWA
Country Women's Association of WA
Deputy CEO
Works Supervisor

Statutory Environment:

Nil

Policy Implications:

Nil

Financial Implications:

\$6,600 purchase price and \$3,000 anticipated conveyancing costs associated with the former Anglican Church.

Future asset management expense for all three properties.

Strategic Implications:

Shire of Koorda Strategic Community Plan

3.2.5 - Develop and maintain sustainable assets and infrastructure

3.2.6 - Maintain and protect heritage buildings and site

3.1.2 - Protect the integrity of the ecosystems of our waterways

3.1.6 - Support protection of existing and remnant vegetation along waterways

Voting Requirement:

Absolute majority

OFFICER RECOMMENDATION**That Council:**

- 1. Agrees to accept responsibility for the care, control and management for the Koorda CWA/Formal Koorda Roads Board building at Lot 6 Railway Street, Koorda whilst allowing Koorda CWA and Koorda Red Cross use of the building for meetings on a peppercorn rental basis;**
- 2. Offers to purchase Lot 42 Allenby Street, Koorda (the former Anglican Church) for \$6,600 and agrees to pay an associated document preparation fee of \$1,333 plus meet its own conveyancing costs with funds being transferred from the Building Reserve and formalised as part of the statutory budget review process;**
- 3. Agrees to accept responsibility for the care, control and management of 'Waterway' Reserve 9231 for the amended purpose of 'Landscape Protection'; and**
- 4. Authorises the President and Chief Executive Officer to sign and affix the Common Seal to the necessary documents to give effect to these proposals.**

11.12

Reserves

12

ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

13

NEW BUSINESS OF AN URGENT NATURE INTRODUCED

14

MATTERS FOR WHICH MEETING MAY BE CLOSED

15

DATE OF NEXT MEETING

Wednesday 18 November 2020 @ **6.00pm (Harvest schedule)**

16

CLOSURE

PORTFOLIO'S

- ***Governance, Administration and Finance - Cr JM Stratford***

- ***Law, Order, Health and Building - Cr BG Cooper***

- ***Education, Welfare and Property – Cr GL Boyne***

- ***Community Amenities, Environment, Recreation and Culture - Cr LC Smith***

- ***Transport and Communication - Cr G Storer***

- ***Economic, Other Property and Services and Reserves - Cr PL McWha***