



murchisonshire

Ancient land under brilliant skies

Agenda for the Ordinary Meeting of the

Murchison Shire Council

To be held in the Council Chambers, Carnarvon Mullewa Road, Murchison,
on Thursday **22 April 2021**, commencing at 9am.

Note: meeting will be conducted to meet COVID-19 restrictions.

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ATTACHMENTS

1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

Shire President declared the meeting open at.

2 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

Present

Councillors

Cr R Foulkes-Taylor – President
Cr A Whitmarsh – Deputy President
Cr E Foulkes-Taylor
Cr G Mead
Cr Q Fowler

Staff

Bill Boehm – CEO
Tatjana Erak – DCEO
William Herold – Works Manager

Leave of Absence

Cr P Squires

3 CONFIRMATION OF MINUTES

3.1 Ordinary Council Meeting – 25 March 2021

Background

Minutes of the Ordinary Meeting of Council have previously been circulated to all Councillors.

Recommendation

That the minutes of the Ordinary Council meeting held on 25 March 2021 be confirmed as an accurate record of proceedings.

Voting Requirements:

Simple majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

4 DISCLOSURE OF INTERESTS

5 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

6 STANDING ORDERS

Matter for Consideration

It has been customary practice in the interests of a productive meeting in relation to the Conduct of Members during debates for the Council suspend Standing Orders 8.2 (Limitation on Number of speeches) and 8.3 (Duration of Speeches) under Local Law 2001. To facilitate this, the following recommended resolution is required.

Recommendation

That the following Local Law-Standing Orders 2001 be stood down:

8.2 Limitation on the number of speeches

8.3 Duration of speeches

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

7 PUBLIC QUESTION TIME

8 NEXT MEETING

Thursday 27 May 2021 commencing at 12:00 noon

9 APPLICATIONS FOR LEAVE OF ABSENCE

10 URGENT BUSINESS

Nil

11 NOTICE OF ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

12 ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

13 PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS

14 ANNOUNCEMENTS CONCERNING MEETINGS ATTENDED

14.1 Shire President**14.2 Councillors**

15 REPORTS OF COMMITTEES

Nil

16 WORKS

16.1 Works Report

File:
Author: William Herold – Works Manager
Interest Declared: No interest to disclose
Date: 16 April 2021
Attachments: Nil

Construction Crew:

Since council last met the Construction Crew have proceeded with preparation for the sealing works on the south end of the Carnarvon Mullewa Road. They returned from their Easter break on Monday as only minor damage to two floodways occurred. My thanks to Walladar Enterprises for their assistance in the crew's absence.

Sealing Works

Cyclone Seroja has mucked the sealing programme around considerably. To date we have only done 2km, 1km at Curbur entrance and 1km at the North end of the Bullardoo section. It is hoped that they will get under way again on 27 April. The challenge will be for us to keep the road pavement in good order until then.

Maintenance Crew

The maintenance crew have done some bitumen patching work on sealed floodways and grid approaches in preparation for a re-seal. They then headed down to the south boundary on the Beringarra Pindar Road and by the time council meets should have just entered Boolardy.

Flood 6

THEM Earthmoving have completed their package with the final handover of work on the Mt Wittenoorn Road and will then complete their packages on the south end of the Beringarra Pindar Road.

Recommendation

The Works Report be received and accepted.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17 FINANCE

17.1 Accounts Paid since the last list was adopted/endorsed by Council

File: 4.37.1
Author: Tatjana Erak - Deputy Chief Executive Officer
Interest Declared: No interest to disclose
Date: 16 April 2021
Attachments: 17.1.1 EFT & Cheque Details for March 2021 (to be provided when available)

Matter for Consideration

The *Local Government (Financial Management) Regulations 1996 Regulation 13* requires that if the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, then the CEO is to prepare a list of accounts paid by the CEO for each month and present this to the next ordinary meeting of the Council after the list has been prepared and have this recorded in the minutes of the meeting.

A list of payments presented in accordance with *Regulation 13* of the *Local Government (Financial Management) Regulations 1996* made since the last report to Council will be provided is attached.

Strategic Implications

None

Policy Implications

None

Budget/Financial Implications

Payment from the Municipal, Trust and Reserve Bank Accounts.

Consultation

Moore Australia

Recommendation

That the accounts since the last report to Council, as per the attached Schedule be recorded in the minutes as being presented to Council.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17.2 Financial Activity Statements 28 February 2021

File:

Author: Tatjana Erak - Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date: 16 April 2021

Attachments: 17.2.1 Monthly Management Financial Report January 2021 (to be provided when available)

Matter for Consideration

The Local Government (Financial Management) Regulations 1996 Regulation 34 requires that local government report monthly and prescribes what is required to be reported. Council is required to consider adopting the Monthly Financial Statements.

Budget/Financial Implications:

Reports showing year to date financial performance allow monitoring of actual expenditure, revenue and overall results against budget targets.

Consultation

Moore Australia

Recommendation

That Council adopt the financial statements for the period ending 28 February 2021 as attached.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

17.3 Audit Update

File:

Author: Tatjana Erak - Deputy Chief Executive Officer

Interest Declared: No interest to disclose

Date 16 April 2021

Attachments: Nil

Matter for Consideration

Brief progress update of the 2019-20 audit process.

Update

Update to be provided to be when available.

Consultation

RSM Australia

Moore Australia

OAG

For Information Only

18 DEVELOPMENT

18.1 Murchison Oasis Roadhouse Report

File: 13.11
Author: Bill Boehm - Chief Executive Officer
Interest Declared: Nil
Date: 18 April 2021
Attachments: 18.1.1 Murchison Roadhouse Transition Update 18.04.21

Matter for Consideration

Update of progress in transitioning the operation of the Murchison Oasis Roadhouse and Caravan Park into a Council managed entity.

Update

As indicated in the attached Transition Update progress has been steady. A summary of key points is shown as follows:

Operations

As foreshadowed at the last meeting during the past month our casual customer service food preparation officer (Christine Densley) resigned and left the settlement. Recently Wendy Bavoillot (casual cleaner) has also relocated with husband Lou and similarly left the area. Experienced person (Sarah Fitzgerald) remained for weekend and school holiday work whilst Shelly Fowler has also come on board in a casual capacity.

As result front of house has been largely closed with Caravan Park sites and the occasional cabin being serviced through other Council staff. Despite this over the school holiday period when the Roadhouse was open sales were strong.

Whilst recruitment of suitable staff has been a challenge, and will no doubt be so in the future. We are pleased that Nick Drew and Eryl (Pixie) Phillips have agreed to relocate from Geraldton as two-person team operation. Both have had extensive experience in similar remote establishments in Western Australia and Northern Territory and possess a raft of other skills from previous work that will be advantageous. They are scheduled to arrive towards the end of April 2021. Full operations will recommence once they have settled in.

All accommodation units have been given a spring clean. Non ensuite units 1 and 3 have been rearranged internally. New King Single beds have been placed into the new single units 7, 8 and 9. New bed linen, doonas, towels etc have been purchased. A new air conditioner unit installed in non-ensuite unit 2. Repaint to be done later in the year. Net result is quite fresh. An Air-conditioner and new cupboard has been installed into the laundry vastly improving the operating environment.

Roadhouse Works

As foreshadowed review and concept design works for the roadhouse and surrounds have commissioned a with UDLA (Fremantle) working with Taylor Robinson Chaney Broderick (TRCB) Designers Architects (West Perth). Both have worked together on a raft of projects including the Rocks Laneway project in Geraldton and new amenities and garden redevelopment associated with the Geraldton Regional Art Gallery..

Concept Development our team will further develop the spatial diagrams to provide more detail to enable high level costing and construction by a competent builder. The builder will be required to undertake engineering and approvals as a design and construct process. The more detailed Concept package will include:

Roadhouse Precinct

- ~ Overall site plans for the arrangement and uses for ancillary buildings (dongas, sheds etc), new connections and garden areas at appropriate scale (1:200 etc.)
- ~ Key sections and elevations, Indicative materials and finishes, Opinion of Probable Costs

Roadhouse Building

- ~ Design drawings to approx. 50% which will enable construction by a competent builder.
- ~ Floor plans, openings and furniture locations, Layouts of kitchen and wet areas, Line drawings of indicative services alignments (engineering by others)
- ~ Detailing for further development by structural engineer (by others)
- ~ Proposals for loose furniture
- ~ Order of Magnitude opinion of probable cost

Outcomes will be considered as part of the 2021/22 budget.

Roadhouse Policy

Meanwhile Crs Andrew Whitmarsh, Cr Emma Foulkes-Taylor, Works Manager Will Herold and I have been working on Policy 5.2 Roadhouse Operations. It is expected that this will be presented formally to the May Council Meeting. This policy will also guide the setting of fees and charges.

Recommendation

The Murchison Roadhouse Oasis Roadhouse Update Report be received and accepted.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

19 ADMINISTRATION

19.1 Local Government Amendment Act 2019 Implementation Update

File:	4.16
Author:	Bill Boehm – Chief Executive Officer
Interest Declared:	<i>Potentially there may be an interest in relation to CEO Standards Regulation element of this report if there are any implications in relation to the CEO's employment contract. However, the legislation requires this matter to be addressed.</i>
Date	16 April 2021
Attachments:	19.1.1 Draft Policy 1.11 Standards for CEO Recruitment Performance and Termination 19.1.2 Draft Policy 1.12 Code of Conduct Council Members Committee Members and Candidates

Matter for Consideration

Update report in report in relation to the Local Government Amendment Act 2019 including adoption of Standards for CEO Recruitment Performance and Termination and Code of Conduct Council Members Committee Members and Candidates to replace model standards mandated by legislation.

Background

This item is a further update to the report provided at the February Council Meeting in relation to CEO Recruitment Performance and Termination and Code of Conduct Council Members Committee Members elements

CEO Standards for CEO Recruitment Performance and Termination

The Local Government (Administration) Amendment Regulations 2021 (CEO Standards Regulations) bring into effect section 22 of the Amendment Act by introducing mandatory minimum standards that cover the recruitment, selection, performance review and early termination of local government Chief Executive Officers.

The Model CEO Standards provide a framework for local governments to select a CEO in accordance with the principles of merit, probity, equity and transparency.

Local Governments are required to prepare and adopt the Model Standards within three months of these regulations coming into effect (by 3 May 2021); hence this update report. Until such time as a local government adopts the Model Standards, the regulations apply.

WALGA have developed a model set of standards and these have been incorporated into the attached Murchison Draft Policy 1.11 Standards for CEO Recruitment Performance and Termination without any alteration to the applicable text.

Whilst it is possible to include additional provisions this can only be done if there is no inconsistency with the model standards as set by the State Government. We have also been advised that a review of the existing CEO employment contract should also be undertaken to ensure that there are no inconsistencies, but this matter is separate from the formal adoption. As CEO affected it is not appropriate to comment with regard to these aspects.

Code of Conduct Council Members Committee Members and Candidates

The Local Government (Model Code of Conduct) Regulations 2021 (Model Code Regulations) bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates. The Model Code Regulations provide for:

- ~ overarching principles to guide behavior
- ~ behaviors which are managed by local governments
- ~ rules of conduct breaches which are considered by the Standards Panel.

The purpose of the Model Code is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments.

Each local government was previously required to develop their own code of conduct and manage behaviour in accordance with that code. These regulations replace these individual codes by introducing a Model Code that applies to all members and candidates. It also provides for a high-level process to deal with complaints to ensure a more consistent approach between local governments and across the sector. The intent of the Model Code is to address behaviour through education rather than sanctions.

If a council member does not comply with any action required by the local government following a breach of the Model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

Local governments will be required to prepare and adopt the Model Code within three months of these regulations coming into effect (by 3 May 2021); hence this update report.

WALGA have developed a model set of standards and these have been incorporated into the attached Draft Policy 1.12 Code of Conduct Council Members Committee Members and Candidates without any alteration to the applicable text. Whilst it is possible to include additional provisions this can only be done if there is no inconsistency with the model standards as set by the State Government.

Following discussion with WALGA it is suggested that given potential issues with respect to complaints that may arise the lesser the number of additional provisions to be administered the better within the Code the better. It is for this reason that no additional elements have been included.

Council's current Code of Conduct Policy does contain various provisions that may or may not be worth retaining. These are addressed in the next Agenda Item 19.2.

Statutory Environment

Local Government Legislation Amendment Act 2019 which brings into effect the Local Government (Administration) Amendment Regulations 2021, Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021 and Local Government (Model Code of Conduct) Regulations 2021

Strategic Implications

Nil

Policy Implications

Nil

Financial Implications

Nil

Consultation

WALGA

Recommendation

That Council resolve as follows:

- 1 That the Chief Executive Officers Local Government Amendment Act 2019 Implementation Update Report be received and noted.
- 2 That Council adopts Policy 1.11 Standards for CEO Recruitment Performance and Termination as attached.
- 3 That Council adopts Policy 1.12 Code of Conduct Council Members Committee Members and Candidates as attached

Voting Requirements

Absolute Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

19.2 Review of Councils Policy and Procedures

File: 4.40
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 16 April 2021
Attachments: 19.2.1 Policy 1.5 Code of Conduct with Highlights
19.2.2 Policy 2.1 Councillor Requirements

Matter for Consideration

Ongoing Review and update of Councils Policy and Procedures as part of a Policy Review Schedule on an item by item on a regular basis

Background

At the December 2020 Council Meeting Council adopted the Revised Policy and Procedures as incorporated into the Policy and Procedures Manual (Draft) December 2020 and rescinded the 2005 Policy Manual (25 November 2020 Update) and associated policies. This followed the initial review and consolidation in at the November 2020 Council meeting where amongst other things it was resolved to commence a programmed Policy Review. This report is a continuation of this process.

Update

The following aspects however are highlighted for consideration.

Policy 1.5 Code of Conduct

The introduction of the Local Government (*Model Code of Conduct*) Regulations 2021 (Model Code Regulations), now in force and Employee Code of Conduct Regulations 2021 (soon to be prepared by the CEO) now means that Councils Policy 1.5 (Code of Conduct) which covers both aspects needs to be reviewed.

At this stage pending completion of an updated Employee Code of Conduct, which WALGA is in the process of preparing, the current legislatively imposed code of conduct in relation to employees can suffice.

Meanwhile as indicated under the previous Agenda Item 19.1 various aspects associated with elected member conduct that were formally included in this policy have either been replaced or excluded from the now mandated code and Policy 1.12 Code of Conduct Council Members Committee Members and Candidates.

A copy of Policy 1.5 Code of Conduct with Highlights is attached. Several elements (only applying to elected members) have been highlighted in yellow with headings and listed below. These may or may not be worth retaining.

If so, then it is suggested that they be included under Policy 2.1 Councillor Requirements, a copy of which is attached. Unlike the Code of Conduct Council Members Committee Members and Candidates, they will have no complaints mechanisms attached, but never the less they may be considered to provide some additional guidance.

- | | |
|---|---|
| ~ Role of Elected Member | ~ Communications and Public Relations |
| ~ Role of Chair | ~ Relationships between Members and Staff |
| ~ Performance of Duties | ~ Appointments to Committees |
| ~ Compliance with Lawful Orders | ~ Travelling and Sustenance Expenses |
| ~ Administrative and Management Practices | ~ Access to Information |

Given that this policy is or will soon be redundant then it is considered appropriate to have this rescinded once all of the above elements have been addressed and the Employee Code of Conduct when this is adopted by the CEO.

Policy 5.2 Roadhouse Operations

Refer to updated comments under Agenda Item 18.1

Statutory Environment

Local Government Act 1995

2.7. *Role of council*

- (1) *The council —*
 - (a) *governs the local government's affairs; and*
 - (b) *is responsible for the performance of the local government's functions.*
- (2) *Without limiting subsection (1), the council is to —*
 - (a) *oversee the allocation of the local government's finances and resources; and*
 - (b) *determine the local government's policies.*

Strategic Implications

Strategically policies should follow and implement Councils overall Community Strategic Plan.

Policy Implications

The Policy Manual is the implementing Policy Document.

Financial Implications

Nil.

Consultation

CEO, DCEO, WALGA, Works Manager

Recommendation

That Council resolve as follows:

- 1 That the following elements as highlighted in the attached Policy 1.5 Code of Conduct with Highlights be included in Policy 2.1 Councillor Requirements with that policy being amended.
Note Council to identify appropriate elements, if any.
- 2 That Council Policy 1.5 Code of Conduct be rescinded once the Employee Code of Conduct is prepared and adopted by the CEO.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

20 CEO ACTIVITY REPORT

File:
Author: Bill Boehm – Chief Executive Officer
Interest Declared: No interest to disclose
Date: 18 April 2021
Attachments: Nil

Staffing

Over the past month a significant amount of work has been undertaken with respect to recruitment of staff given the need to find staff for the roadhouse and replace the position of DCEO.

Community Manager

Six applications were received for the Community Manager Role. Following evaluation and interviews in Perth and Murchison, Steven Cosgrove from Gosnells WA has been offered and accepted the position of Community Manager / DCEO. I expect Steven to start towards the end of April 2021.

Steven is currently undertaking casual work with Social Innovations Pty Ltd whilst studying law at Murdoch Uni. This followed 2.5 years with the Shire of Yalgoo as Coordinator Governance and Technical Services a position much like the role we have here. Prior to that he worked with Social Innovations Pty Ltd and Manager Communication and Events which amongst other things included a Corporate Tourism Video for Yalgoo Shire. Prior to that he worked in conveyancing, office management and was a Law Clerk for various firms.

Senior Finance Manager (Temporary)

Following investigation Keith White has been engaged through Lo Go Recruitment in temporary three month role to assist us in the Finance area especially with respect to the current Audit tasks, end of this year and budget etc. He will work close with the outgoing DCEO who finishes up at the end of April but who may also continue to assist in some form thereafter. Keith will start Wednesday 21 April 2021.

Since 2012 And since becoming retired, Keith has worked at various local governments such as the Shire's of Boddington, Wongan Hill-Ballidu and Donnybrook and Carnarvon. Prior to that Keith was CEO at Busseton Water after having been DCEO/ Finance Manager.

Roadhouse

As indicated under Item 18.1 Nick Drew and Eryl (Pixie) Phillips have agreed to relocate from Geraldton as two-person team operation. This followed a raft of interest to our broad Expression of Interest advertisement and interviews in Geraldton and Murchison.

Both have had extensive experience operating and managing to service similar facilities to service customers including local indigenous population, cattle stations, local medical staff, police, teachers, road train operators and tourists in Western Australia and Northern Territory. Both possess a raft of other skills from previous work that will be advantageous.

General

Summary of activities which highlights the areas worked in is shown as follows:

Date	Activity
23.03.2021	Community Management Recruitment. Ballinyoo Bridge Grant Acquittal Work
24.03.2021	Ballinyoo Bridge Grant Acquittal Work. Briefing with Technical Officer. DCEO and I meeting with Moore Australia and DCEO via telephone regarding Xero operation for Roadhouse
25.03.2021	Ballinyoo Bridge Grant Acquittal Work. Council Meeting. Site inspections with Will Rosasco. Touch base with Shelly Fowler @ Roadhouse
26.03.2021	Ballinyoo Bridge Grant Acquittal Work. Touch base with DCEO at Roadhouse. Roadhouse Work

Date	Activity
27.03.2021 to 28.03.2021	Council follow up & Minutes. Roadhouse work. Touch base with DCEO.
29.03.2021	TOIL Geraldton.
30.03.2021	TOIL Geraldton. Meeting with prospective Roadhouse Operators
31.03.2021	TOIL Geraldton. Catch up email work
1.04.2021	Roadhouse Work. Emails. Budget Review. Council Minutes
2.04.2021	Good Friday Public Holiday. Roadhouse Work
3.04.2021	Catch up with Sarah Fitzgerald @ Roadhouse. Emails catchup. Meetings with prospective Roadhouse Operators. Community Manager Position Work.
4.04.2021	Roadhouse Work
5.04.2021	Easter Monday Public Holiday. Roadhouse Work Touch Base with Shire President
6.04.2021	TOIL Travel to Geraldton & the to Perth
7.04.2021	TOIL. Emails. Work on Audit Acquittals. Community Manager Position Work. Email catch ups. Roadhouse Agreement.
8.04.2021	TOIL. Roads to Recovery & Ballinyoo Bridge Acquittals. Follow up queries with Auditor. Roadhouse.
9.04.2021	TOIL. Emails. Audit Work. Roads to Recovery Acquittal
10.04.2021	TOIL Drive back to Murchison. Touch base with DCEO
11.04.2021	Attend DRWFA Emergency Management Tropical Cyclone Seroja Meetings via Teams. Audit Follow up Work. Assist Traveller with Access to fuel.
12.04.2021	Work on Clean Energy Future Fund Application and governance follow up work.
13.04.2021	Governance follow up work. Community Manager and Finance Recruitment. Roadhouse Policy
14.04.2021	Community Manager Recruitment work. Delegations Register
15.04.2021	Community Manager Recruitment work. Telephone discussion with Rebecca Wheadon and Ant Schinkel CSIRO over Optic Fibre Cable Announcement. Delegations and Policy Review Work
16.04.2021	Policy Review Work. Council Agenda
17.04.2021 to 18.04.2021	Council Agenda Work

Recommendation

That the CEO's Activity Report be accepted.

Voting Requirements

Simple Majority

Council Decision		
Moved: Cr	Seconded: Cr	
Carried/Lost	For	Against

21 ITEMS TO BE DISCUSSED BEHIND CLOSED DOORS

Nil

22 MEETING CLOSURE

The Shire President closed the meeting at.