



MINUTES

Ordinary Council Meeting

Thursday, 27 October 2016
@ 11:00 am

Held in the Council Chambers, Hack St Sandstone



ORDINARY COUNCIL MEETING HELD ON 27 October 2016
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MINUTES

ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS, SANDSTONE ON THURSDAY, 27 October 2016

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF ANY VISITORS

The Presiding Member, Cr Bethel Walton (Shire President) declared the Meeting open at 11.00 am.

Newly elected Councillor David Lefroy was sworn in at the start of the meeting

1.1 Visitors

Linton Kirk - Middle Island Resources

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER AND/OR COUNCILLORS (without discussion unless otherwise determined)

Nil

3 ATTENDANCE

3.1 Present

Elected Members

Cr B (Bethel) Walton	Shire President (and Presiding member of this Meeting)
Cr C (Carol) Hodshon	Deputy Shire President
Cr F (Freda) May	
Cr K (Kerry) Key	
Cr J P Bennett	
Cr D (David) Lefroy	

Staff Members

Mr Harry Hawkins	Chief Executive Officer
Mr Rob Moss	Works Supervisor
(Ms Rhonda Miles – observer)	

Visitors

Linton Kirk - Middle Island Resources 11:00am to 11:40am

3.2 Apologies

Nil

3.3 Approved Leave of Absence

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 DECLARATIONS OF INTEREST

6.1 Declarations of Financial Interest

6.2 Declarations of Proximity Interest

6.3 Declarations of Indirect Financial Interest

6.4 Declarations of Impartiality Interest

7 PUBLIC QUESTION TIME

Nil

8 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING

8.1 That the Minutes of the Ordinary Meeting of Council held on 29 September 2016 be confirmed as a true and accurate record of proceedings.

COUNCIL RESOLUTION 94/16

MOVED: Cr Hodshon

SECONDED: Cr May

That the Minutes of the Ordinary Meeting of Council held on 29 September 2016 are confirmed as a true and accurate record of proceedings.

CARRIED (5/0)

9 PRESENTATIONS

9.1 Petitions

Nil

9.2 Presentations

Middle Island Resources made a presentation to Council.

9.3 Deputations

Nil

9.4 Delegates/Councillor's Reports

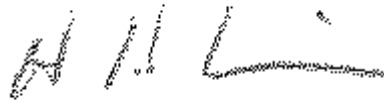
Nil

10 OFFICERS REPORTS

10.1 CHIEF EXECUTIVE OFFICER'S REPORTS

10.1.1 Status Report Update – September 2016

Agenda Reference: CEO 10/16 - 01
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 17 October 2016
File No:
Previous References: OCM 28 July 2016
OCM 8 September 2016
OCM 27 September 2016
Author: **Harry Hawkins, CEO**



Signature of Author:

Summary

The purpose of this report is to advise Council on the status of its decisions from previous Council meetings.

Attachments

10.1.2A Status Update August 2016

Background

It is important that the Council receives an update on the outcome of its resolutions on a regular basis.

Comment

As per the comments in the body of this report.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple majority

Officer Recommendation – Item 10.1.1

That Council accepts the Status Update for September 2016

COUNCIL RESOLUTION	95/16
<u>MOVED:</u>	Cr Key
<u>SECONDED:</u>	Cr Hodshon
That Council accepts the Status Update for September 2016	
<u>CARRIED (5/0)</u>	

Status Update	October 2016
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The Status Update is used to provide information to Elected Members regarding the Status of decisions made at Council Meetings:

Meeting Date	Item No	Resolution (Action Required)	Response (Update)	Officer	Timeframe
June 2016					
49/16	10.1.2	That Council endorses: 1. Shire of Sandstone Local Emergency Management Arrangements June	24/06/16 Plans submitted to Jonelle Tyson 13/07/16 Plans submitted	CEO	

		2016 (Attachment 10.1.2A). 2. Shire of Sandstone Local Recovery Sub - Plan June 2016 (Attachment 10.1.2B).	to SEMC	
August 2016				
66/16	10.1.3	That Council – 1. notes the submissions from the Department of Local Government and Communities in relation to the following proposed Dog Local Law. 2. resolves to make the Dog Local Law noted above as per the attached drafts, incorporating amendments outlined by the Department of Local Government and Communities; 3. authorise the affixing of the Common Seal to the Dog Local Law; 4. publish the Dog Local Law noted above, in the Government Gazette; 5. provide copy of the local law to the Minister for Local Government; 6. forward a copy of the Gazetted Local Laws, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.	15/08/16 Final adopted versions of Dogs LL received from Niel Mitchell 19/08/16 • Dogs local Laws signed and sealed by the Shire President and Acting CEO; • Copies sent to Niel Mitchell for submission to the Joint Standard Committee on Delegated Legislation 26/08/16 Draft advert for local public notice received regarding notification of the adoption and <i>Gazetta</i> today of the Dogs Local Laws 09/09/2016 Signed copies Dogs Local Laws and Explanatory memoranda and associated documentation signed by the President and CEO sent to Parliamentary Joint Standing Committee on Delegated Legislation for review.	CEO/Finance Officer

September 2016


49/16		That Council endorses:	19/08/2016	
		3. Shire of Sandstone Local Emergency Management Arrangements June 2016 (Attachment 10.1.2A).	Plans have been reviewed by DEMC and SEMC and endorsed as meeting minimum requirements	
		4. Shire of Sandstone Local Recovery Sub - Plan June 2016 (Attachment 10.1.2B).		
85/16	10.1.3	That Council request an inspection of the houses with a view to purchasing them if structurally sound and price is reasonable.	28/9/2016 Keys received and houses inspected. Department Contacted for price and further details.	
88/16	10.1.6	That a consultant is employed to do review of Audit Reg 17	29/9/2016 Civic legal engaged to undertake review. Several other shires agreed to use Civic Legal so discount can be claimed	
89/16	10.1.7	That Council provide in principle support for the commence Talks with Barb Thompson and Nan Rickards Festival and Sandstone re funding and other support	20/10/2016 Initial conversation held with Barb Thompson	
93/16	10.4.1	That Council approves 1. The purchase of a Komatsu WB97R Backhoe 2. The sale of the trade in Volvo backhoe by private tender	13/10/2016 PO sent for new Komatsu backhoe Volvo Backhoe advertised for sale in Countryman and Quocka 19/10/2016 New backhoe arrived at depot	

Legend

Category	Status
Not Started	
In Progress	
Completed	

10.1.2 Small Equipment Hire

Agenda Reference: CEO 10/16 - 02
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: None
Date of Report: 17 October 2016
Previous References: None
Author: Harry Hawkins CEO
Senior Officer:



Signature of Author:

Summary

This item seeks to provide guidelines to staff on the hire of shire owned small equipment to ratepayers, residents of Sandstone and surrounding pastoral leases.

Attachments

Nil

Background

A ratepayer has requested permission to hire an item of small equipment that the shire has at the depot in town and is rarely used. The ratepayer had borrowed this equipment in the past and was told to return it to the depot before he had finished with it. The shire did not require the equipment for its works when the ratepayer was asked to return it..

Investigations revealed that in the past a policy was made that small equipment at the depot should not be hired out to ratepayers or residents for private use. A search of the policy manual did not find a policy for this situation and clarification is needed. No hire rates for this equipment appear in the current Fees and Charges Schedule although a review of past schedules shows that they were listed in previous years.

Comment

Shire staff, usually the Works Supervisor or the CEO have been asked by ratepayers or residents if they can hire or borrow small equipment to help them with projects on their properties. This has come to a head recently when a ratepayer was refused permission to hire a piece of equipment that he had previously hired due to the reported policy against hiring this item of small equipment.

Consultation

Shire President

Statutory Environment

Local Government Act 1995 Section 6.16

Policy Implications

The policy manual will need to be updated as no current policy on this matter is included.

Financial Implications

If hire is approved Fees and Charges Schedule will need to be updated and advertised however income may be earned to offset the cost.

Strategic Implications

Nil

Voting Requirements

Absolute Majority

Officer Recommendation Item 10.1.2

That Council approve the hire of small equipment to ratepayers and task the CEO to,

1. Develop a list of shire owned equipment suitable for hire, hire rates and conditions of hire.
2. Update the Fees and Charges Schedule to incorporate the hire rates and advertise the changes in accordance with Section 6.19 of the Local Government Act.

COUNCIL RESOLUTION

96/16

MOVED: Cr Hodshon

SECONDED: Cr May


That Council approve the hire of small equipment to ratepayers and task the CEO to,

1. Develop a list of small equipment suitable for hire, hire rates and conditions of hire.
2. Update the fees and charges schedule to incorporate the hire rates and advertise the changes in accordance with Section 6.19 of the Local Government Act 1995.
3. Implement a hire register which is maintained by Admin staff.

CARRIED BY ABSOLUTE MAJORITY (5/0)

10.1.3 Disability Access and Inclusion Plan Review

Agenda Reference: CEO 10/16 - 03
Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: None
Date of Report: 20 October 2016
Previous References: None
Author: Harry Hawkins CEO
Senior Officer:



Signature of Author:

Summary

The shire is to review its Disability Access and Inclusion Plan and have it endorsed by Council by the 31st October 2016

Attachments

Updated DAIP

Background

The shire is required under the Disability Services Act to have a Disability Access and Inclusion Plan and that plan is to be reviewed and reported on in the annual report.

Consultation

Sue Henson - Disability Services Commission

Statutory Environment

Disability Services Act

Policy Implications

Policy 2.17 relates to the DAIP

Financial Implications

There are no financial implications

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation Item 10.1.3

That Council endorse the updated Disability Access and Inclusion Plan for the period 2016 - 2010

COUNCIL RESOLUTION 97/16

MOVED: Cr Key

SECONDED: Cr May

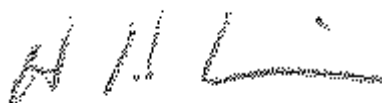
That Council endorse the updated Disability Access and Inclusion Plan for the period 2016-2020

CARRIED/(5/0)

10.2 FINANCIAL REPORTS

10.2.1 FINANCIAL STATEMENTS FOR MONTHS OF AUGUST/SEPTEMBER 2016

Location: Shire of Sandstone
Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 17 October 2016
Author: **Harry Hawkins, Chief Executive Officer**



Signature of Author:

Summary

The Statement of Financial Activity reports for the months ending 31 August and 30 September 2016 are presented to Council in accordance with *Regulations 34 of the Local Government (Financial Management) Regulations 1996*.

Attachments

10.2.1A: Monthly Financial Report for the period ended 31 August and 30 September 2016

Background

The Financial Management Regulations require a monthly statement of financial activity to be presented to Council.

Summary of Funds – Shire of Sandstone as at: 30 September 2016

Municipal Cheque Account - On-line (BWA)	\$264,298
Municipal Investment Account – On-line (BWA)	\$901,710
Trust Fund (Bank West)	\$5,736

Term Deposits (Bank West)	\$4,702,264
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Consultation

Finance Officer

Statutory Environment

Local Government (Financial Management) Regulations 1996 - Regulations 34 (1A) and 17.

The Regulations require a Local Government to prepare each month a statement of financial activity, accompanied by relevant documents and that this information must be presented to Council at an ordinary meeting within 2 months after the end of the month. The August and September 2016 reports are reported to Council and appear in the separate attachments.

Policy Implications

Nil

Financial Implications

Nil

Strategic Implications

Nil

Voting Requirements

Simple Majority

Officer Recommendation – Item 10.2.1

That Council accepts the Statements of Financial Activity for the months of August and September 2016 as presented, including the attachments 10.2.1A Monthly Financial Reports for August and September 2016.

COUNCIL RESOLUTION 98/16

MOVED: Cr May

SECONDED: Cr Key

That Council accepts the Statement of Financial Activity for the months of August and September 2016 as presented, including the attachments 10.2.1A Monthly Financial Reports for August and September 2016.

CARRIED (5/0)

10.2.2 ACCOUNTS UPDATE FOR THE MONTH OF SEPTEMBER 2016 (Includes Credit Cards, the Caravan Park and Fuel Sales)
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Location: Shire of Sandstone
Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 12 September 2016
Author: **Rhonda Miles – Finance Officer**
Senior Officer: **Harry Hawkins – Chief Executive Officer**

Signature of Author: _____

Summary

Presented for Council's information is the list of accounts paid in the month from the Municipal Fund and Trust Fund in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. Payments made through the corporate credit cards as well as income from the Caravan Park and Fuel Sales are included as attachments.

Attachments

10.2.2A to C: The list of accounts (EFT and cheque payments) is attached which will enable Council to see the payments made to the Shire's creditors.

10.2.2D to F: Payments via Credit Cards (CEO and Works Supervisor), Caravan Park Income and Fuel Sales Income.

Background

Council has delegated to the CEO the exercise of its power under Financial Management Regulation 12 to make payments from Municipal Fund and Trust Fund.

The *Financial Management Regulations (Regulation 13 (3))* requires a schedule of payments made through the Shire's bank accounts to be presented to Council. The lists include details for each payment made incorporating the payee's name, amount of payment, date of payment and a brief transaction description.

Comment

Invoices supporting all payments are available for inspection. Queries regarding any payment should be made through the CEO to the staff who handle the financial transactions prior to this meeting.

All invoices and vouchers presented to Council have been certified as to receipt of the goods or services and that the amounts shown were due for payment.

Consultation

Nil

Statutory Environment

Local Government Act 1995

Financial Management (Local Government) Regulations 1996 – Regulation 12

Financial Management (Local Government) Regulations 1996 – Regulation 13

Please, also refer to the comments in the Background Section.

Policy Implications

Payments have been made under Council delegation.

Financial Implications

Funds were available to meet the expenditure.

Strategic Implications

Nil

Voting Requirements

Simple majority

Staff Recommendation – Item No. 10.2.2

That Council receives the September 2016 accounts paid as presented:

Municipal Fund

- Municipal printed cheque numbers 105077 – 105090 totalling \$37,030.13
- EFT Payment Numbers 4815 - 4917 totalling \$932,823.93
- Superannuation \$13,910.62

Trust Fund:

- Trust printed cheques numbers 205015-205018 totalling \$1,820.50

Payroll EFT:

September 2016 - \$33,319 and \$36,477.89 totalling \$69,796.89

Credit Cards:

DD 2936.1 totalling \$4,503.43

COUNCIL RESOLUTION

99/16

MOVED: Cr Hodshon

SECONDED: Cr Key

That Council receives the September 2016 accounts paid as presented:

Municipal Fund

- Municipal printed cheque numbers 105077-105090 totalling \$37,030.13
- EFT Payment Numbers 4815 - 4917 totalling \$932,823.93
- Superannuation \$13,910.62

Trust Fund:

- Trust printed cheques numbers 205015-205018 totalling \$1,820.50

Payroll EFT:

September 2016 - \$33,319 and \$36,477.89 totalling \$69,796.89

Credit Cards:

DD 2936.1 totalling \$4,503.43

CARRIED (5/0)

10.2.3 RATES WRITE OFF

Location/Address: Shire of Sandstone
Name of Applicant: Shire of Sandstone
Disclosure of Interest: Nil
Date of Report: 4 October 2016
Author: **Rhonda Miles, Finance Officer**

Signature of Author: _____

Summary

Council is requested to approve the write off the rate and/or penalty interest by absolute majority.

Attachments

Email dated 27 September 2016 from Nely Freeman - ITVision Rates Support.
Email dated 22 June 2016 from Nely Freeman – ITVision Rates Support
Email dated 28 September 2016 from Rachael Henry – Austral Mercantile account manager.

Background

Telkwa Coal Pty Ltd are holders of one tenement being A1629. This is a 'dead' tenement, and no further rates will be raised. The Company was sent to debt collection through Austral Mercantile and the amount of \$3028.96 was recovered. This leaves a balance of \$360.22 outstanding, made up of interest and \$150 for the creditors statutory demand.

Tech Mpire Limited are holders of one tenement A1678. This is a 'dead' tenement, and no further rates will be raised. The company was sent to debt collection through Austral Mercantile and the amount of \$1500.96 was recovered. This leaves a balance of \$139 which is made up of a portion of the legal fees.

Swan River Minerals are holders of one tenement being A1107. This is a 'dead' tenement, and no further rates will be raised. The company was sent to debt collection through Austral Mercantile who have advised that the company was deregistered in August 2014, and that further recovery is not possible.

Kalorra Mining and Exploration Pty Ltd are holders of one tenement being A1651. This is a 'dead' tenement and no further rates will be raised. The company was sent to debt collection through Austral Mercantile no recovery of monies was achieved. The next step in debt collection which his wind up of the company would most likely well exceed the amount owing, which is \$2,837.91 made up of rates, interest and debt collection costs to date.

The amounts to be written off exceed the amount allowed in the new delegation to the CEO.

Section 6.12 of the Local Government Act 1995 (as below) requires any write off of money to be resolved by Council by absolute majority;

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.

Comment

The cost of recovery would exceed the debt in the cases of Telkwa Coal Pty Ltd, Tech Mpire Limited and Kalorra Mining and Exploration Pty Ltd and therefore may not warrant further action. In the case of Swan River Minerals, recovery is not possible due to the company being deregistered.

Consultation

Austral Mercantile Debt recovery specialist and IT Vision Rates consultant.

Statutory Environment

Section 6.12 of the Local Government Act 1995

Policy Implications

Nil

Financial Implications

There will be a reduction of rates income in the 2016/17 financial year by the amount of \$4,954.90 made up of \$360.22 on Assessment A1629, \$139.00 on Assessment A1678, \$1617.77 on Assessment A1107 and \$2,837.91 on Assessment A1651.

Strategic Implications

Nil

Voting Requirements

Absolute majority

Staff Recommendation – Item 10.2.3

That Council 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 A1629 for \$360.22
2. Assessment A1678 for \$139.00
3. Assessment A1107 for \$1617.77
4. Assessment A1651 for \$2,837.91

COUNCIL RESOLUTION **100/16** **ABSOLUTE MAJORITY REQUIRED**

MOVED: Cr May

SECONDED: Cr Hodshon

That Council 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 A1629 for the amount of \$360.22**
- 2. Assessment A1678 for the amount of \$139.00**
- 3. Assessment A1107 for the amount of \$1617.77**
- 4. Assessment A1651 for the amount of \$2837.91**

CARRIED BY ABSOLUTE MAJORITY (5/0)

10.3 HEALTH, BUILDING and TOWN PLANNING

Nil

10.4 WORKS and SERVICES

See late item

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE

Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING

COUNCIL RESOLUTION **101/16**

MOVED: Cr Hodshon

SECONDED: Cr May

That Late Item 10.4.1 be introduced to Council

CARRIED (5/0)

Cr Bennett joined the meeting at 12.32pm

Rob Moss Works Supervisor left the meeting at 12:38pm and returned at 12:43pm

FLOOD DAMAGE – TENDERS PACKAGE No. 3

Agenda Reference:	10.4.1 (late item)
Location/Address:	Various Roads – Shire of Sandstone
Name of Applicant:	Not applicable
Disclosure of Interest:	Nil
Date of Report:	25 th October 2016
File Reference:	R/50/55
Previous References:	
Author:	Rob Moss – Works Supervisor

Summary

Tenders for the Contract for a Flood Damage Supervisor and Supply of Hired Road Construction Plant with Operators

Attachments

Please Note: For Councillors Information Only

Evaluations by Council's engineering consultant, Greenfields Technical Services.

Background

Tenders were invited to quote for the following works:

RFT GTS SS 01-2016/17: Supply of Hired Road Construction Plant with Operators - Works Package No 3

RFT GTS SS 02-2016/17: Contract Flood Damage Supervisor – Works Package No 3

Tenders closed at 2.00pm on Tuesday 18th October, 2016.

Comment

Submissions were received from the following companies for the Supply of Hired Road Construction Plant with Operators.

Alltrack WA P/L
Them Earthmoving P/L
Quadrio Earthmoving P/L
Red Dust Holdings P/L
Squires Resources P/L
All Earth Group P/L
Dean Contracting P/L
Central Earthmoving Company P/L

Contract Flood Damage Supervisor.

Remote Roads – (Anthony Ellis)
Remote Roads – (Malcolm Taylor)
Remote Roads – (Kevin Walker)
Pro Earth Civil – (James Lewis)
Malibu Nominees – (Gerry O'Brien)
Infratech – (Dustin Zinetti)
Central Earthmoving – (Aaron Short)
Central Earthmoving – (Kevin Mead)

Tender summaries and evaluations supplied (for Councillors Only)

Statutory Environment

Not applicable

Policy Implications

Not applicable

Financial Implications

The Shire of Sandstone submitted and has received NDDRA funding approval of \$4,300,000 to complete the repair works. The costs incurred by the Shire will be refunded in accordance with the final actual cost of the works. This may be higher or lower than the costs estimated in the funding submission.

The tendered works are based on a 'Schedule of Rates Tender' and consequently the final cost of the works will vary according to the final actual hours required to complete the works.

Strategic Implications

Nil

Voting Requirements

Simple Majority

Staff Recommendation

RFT GTS SS 01-2016/17: Supply of Hired Road Construction Plant with Operators – Works Package No. 3

RFT GTS SS 02-2016/17: Contract Flood Damage Supervisor – Works package No. 3

RECOMMENDATION:

That Council accept the recommendations submitted by Greenfields Technical Services

COUNCIL RESOLUTION 102/16

MOVED: Cr Hodshon

SECONDED: Cr Key

Council resolved to lay the item on the table until a special meeting to be held on 3rd November at 9:00am. This is to allow the Councillors more time to read and evaluate the tenders package.

CARRIED (6/0)

14 MEETING ITEMS CLOSED TO THE PUBLIC

13.1 Meeting Closed to the Public

Nil

13.2 Public Reading of Resolutions to be made Public

Nil

TIME and DATE of NEXT MEETING

The next scheduled Ordinary Council Meeting will be held on Thursday 24 November 2016.

15 CLOSURE OF MEETING

There being no further business, the Shire President closed the meeting at 12.48pm.

CERTIFICATION

I, _____, certify that the Minutes of the Meeting held on 29 September 2016, as shown, were confirmed as a true and accurate record at the Meeting held on 27 October 2016.

(Presiding Member)

Date: 27 October 2016