



Shire of Cunderdin

Minutes of an Ordinary Council Meeting

Dear Council Member,

The Ordinary Meeting of the Cunderdin Shire Council was held on Thursday 19th December 2019 in the Council Chambers, Lundy Avenue, Cunderdin WA, 6407 **commencing at 4.00pm**

Stuart Hobley
Chief Executive Officer
19 December 2019

| | | |
|------------|--|-----------|
| 1. | Declaration of Opening | 3 |
| 2. | Record of Attendance, Apologies and Approved Leave of Absence | 3 |
| 3. | Public Question Time | 4 |
| 4. | Petitions, Deputations & Presentations | 4 |
| 5. | Applications for Leave of Absence | 4 |
| 5.1 | Application for Leave of Absence - Cr AE (Alison) Harris | 4 |
| 5.2 | Application for Leave of Absence - Cr TE (Todd) Harris | 4 |
| 6. | Confirmation of the Minutes of Previous Meetings | 4 |
| 6.1 | Ordinary Meeting of Council held on 21 November 2019 | 4 |
| 7. | Declaration of Members and Officers Interests | 4 |
| 8. | Announcements by President without Discussion | 5 |
| 9 | Finance & Administration | 6 |
| 9.1 | Financial Reports for November 2019..... | 6 |
| 9.2 | Accounts Paid – November 2019 | 7 |
| 9.3 | Council Investments – As at 30th November 2019 | 9 |
| 9.4 | Shire of Cunderdin Audit Committee Minutes..... | 11 |
| 9.5 | Invitation to Tender on Fleet Vehicle..... | 13 |
| 9.6 | Policy Manual – Smoking – Council Buildings and Vehicles | 15 |
| 9.7 | Appointment of Dual Fire Control Officers | 17 |
| 10. | Environmental Health and Building | 19 |
| 11. | Planning & Development..... | 19 |
| 12. | Works & Services | 19 |
| 13. | Urgent Items..... | 19 |
| 14. | Scheduling of Meeting..... | 19 |
| 14.1 | February 2020 Ordinary Meeting | 19 |
| 15. | Closure of meeting..... | 19 |
| 16. | Certification..... | 19 |

MINUTES

1. Declaration of Opening

The President declared the meeting open at 4:13 pm

The Shire of Cunderdin disclaimer was read aloud.

The *Local Government Act 1995* Part 5 Division 2 Section 5.25 and Local Government (Administration) Regulations 1996 Regulation 13

“No responsibility whatsoever is implied or accepted by the Shire of Cunderdin for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of Council’s decisions, which will be provided within ten working days of this meeting”.

Read by Cr DA (Dennis) Whisson

2. Record of Attendance, Apologies and Approved Leave of Absence

2.1 Record of attendances

Councillors

| | |
|------------------------|------------------|
| Cr DA (Dennis) Whisson | Shire President |
| Cr AE (Alison) Harris | Deputy President |
| Cr TE (Todd) Harris | |
| Cr NW (Norm) Jenzen | |
| Cr B (Bernie) Daly | |
| Cr J (Jayson) Goldson | |
| Cr W (Sam) Stewart | |
| Cr A (Tony) Smith | |

In Attendance

| | |
|---------------|---|
| Stuart Hobley | Chief Executive Officer |
| Hayley Byrnes | Manager of Corporate Services and Finance |
| Lauren Cole | Governance and Compliance Officer |

Guests of Council

Nil

Members of the Public

Nil

2.2 Apologies

Nil

2.3 Leave of Absence Previously Granted

Nil

3. Public Question Time

Nil

4. Petitions, Deputations & Presentations

Nil

5. Applications for Leave of Absence

5.1 Application for Leave of Absence - Cr AE (Alison) Harris

Resolution 5.1 December 2019

That Council approve leave of absence for Cr AE (Alison) Harris's for Thursday 19th March 2020.

Moved: Cr J (Jayson) Goldson

Seconded: Cr NW (Norm) Jenzen

Vote – Simple Majority

Carried 8/0

5.2 Application for Leave of Absence - Cr TE (Todd) Harris

Resolution 5.1 December 2019

That Council approve leave of absence for Cr TE (Todd) Harris's for Thursday 19th March 2020.

Moved: Cr J (Jayson) Goldson

Seconded: Cr NW (Norm) Jenzen

Vote – Simple Majority

Carried 8/0

6. Confirmation of the Minutes of Previous Meetings

6.1 Ordinary Meeting of Council held on 21 November 2019

Resolution 6.1 December 2019

That the Minutes of the Ordinary Council Meeting held on Thursday 21 November 2019 be confirmed as a true and correct record.

Moved: Cr J (Jayson) Goldson

Seconded: Cr B (Bernie) Daly

Vote – Simple Majority

Carried: 8/0

Note to this item:

The President will sign the minute declaration on the previous minutes.

7. Declaration of Members and Officers Interests

Nil

8. Announcements by President without Discussion

Thanked all Councillors for their input for the year and dedication to Council.

Wishes them all a Merry Christmas and Happy New Year.

9.1 Financial Reports for November 2019

| | |
|--------------------------|---|
| Location: | Cunderdin |
| Applicant: | Manager of Corporate Services and Finance |
| Date: | 12 December 2019 |
| Author: | Hayley Byrnes |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | 1 attachment – Monthly Report |

Proposal/Summary

The financial reports as at 30 November 2019 are presented for consideration.

Background

The financial reports have been circulated to all Councillors.

Comment

Nil.

Consultation

Nil.

Statutory Environment

The *Local Government Act 1995* Part 6 Division 3 requires that a monthly financial report be presented to Council.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.1 December 2019

That Council receives the monthly financial reports for the period ending 30 November 2019.

Moved: Cr J (Jayson) Goldson

Seconded: Cr NW (Norm) Jenzen

Vote – Simple Majority

Carried: 8/0

9.2 Accounts Paid – November 2019

| | |
|--------------------------------|---|
| Location: | Cunderdin |
| Applicant: | Manager of Corporate Service and Finance |
| Author: | Hayley Byrnes |
| Report Date: | 12 December 2019 |
| Item Approved By: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 1 attachment – Creditors list of payments November 2019 |

Proposal/Summary

Council is requested to confirm the payment of Accounts totalling:

| | |
|-----------------------|--------------|
| Total for Municipal - | \$414,500.46 |
| Total for Trust - | \$0.00 |
| TOTAL - | \$414,500.46 |

For November 2019 as listed in the Warrant of Payments for the period 1st to 30th November 2019.

Background

Nil.

Comment

Nil.

Consultation

Nil.

Statutory Environment

In accordance with Financial Management Regulations 12 & 13, a List of all accounts paid or payable shall be presented to Council (Refer Warrant of Payments attached).

Financial Management Regulations 12 & 13.

Policy Implications

Nil.

Financial Implications

All financial implications are contained within the reports.

Strategic Implications

Nil.

Resolution 9.2 December 2019

1. That Council's payment of accounts amounting to \$414,500.46 being from Municipal Account for November 2019, as follows:

| Municipal Account | \$ | Total |
|---|--------------|---------------------|
| Electronic Funds Transfer: EFT 3692 – 3765 | \$372,748.57 | |
| Direct Debit (Inc Bank Charges): DD1687.1-DD1688.10 | \$10,469.17 | |
| Cheques: 11560-11567 | \$31,282.72 | |
| | | |
| TOTAL | | \$414,500.46 |
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be confirmed and noted; and,

2. That the Payments List as presented be incorporated in the Minutes of the Meeting.

Moved: Cr AE (Alison) Harris

Seconded: Cr J (Jayson) Goldson

Vote – Simple Majority

Carried: 8/0

9.3 Council Investments – As at 30th November 2019

| | |
|--------------------------------|--|
| Location: | Cunderdin |
| Applicant: | Manager of Corporate Services |
| Author: | Hayley Byrnes |
| Report Date: | 12 December 2019 |
| Item Approved By: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 1 Attachment- Bank Statements |

Proposal/Summary

To inform Council of its investments as at 30th November 2019.

Background

The authority to invest money held in any Council Fund is delegated to the Chief Executive Officer. Council Funds may be invested in one or more of the following:

- Fixed Deposits;
- Commercial Bills;
- Government bonds; and
- Other Short-term Authorised Investments.

Council funds are to be invested with the following financial institutions:

- Major Banks & Bonds Issued by Government and/ or Government Authorities.

Comment

In addition to the Shire's Municipal Operating Accounts, the below investment accounts are held as at 30th November 2019.

| COUNCIL ACCOUNTS | | | | | |
|------------------------------|-----------------------|---|-----------------------|---------------------|--------------------|
| Institution | Amount | Investment type/ Account details | Municipal Funds | Reserve Funds | Trust Funds |
| Westpac Bank | \$192,998.37 | Municipal- 0000030 | \$192,998.37 | | |
| Bendigo Bank | \$266,130.50 | Municipal- 155971377 | \$266,130.50 | | |
| | | | | | |
| Bendigo Bank | \$981,500.13 | Reserves Term Deposit 1.9% Expires : 23/12/2019 | | \$981,500.13 | |
| Westpac Bank | \$146.78 | Business Cash Reserve 22-3647 0.50% | \$146.78 | | |
| Bendigo Bank | \$1,098.37 | Bendigo Trust Account 164 488 686 | | | \$1,098.37 |
| Westpac Bank | \$60,485.29 | Trust Working Account 12-2981 | | | \$60,485.29 |
| Bendigo Bank | \$500,000.00 | Bendigo Term Deposit 1.65% Expires:09/12/2019 | \$500,000.00 | | |
| Westpac Bank | \$1,000,000.00 | Westpac Term Deposit 1.75% Expires:09/02/2020 | \$1,000,000.00 | | |
| TOTAL INVESTMENTS | \$3,002,359.44 | | \$1,959,275.65 | \$981,500.13 | \$61,583.66 |

In addition to the above Shire funds, the Shire administers the Cunderdin Community Centre Trust Account being Westpac Account 000 073 - \$ 95,716.55 and Bendigo Term Deposit Ref: 3030072 – \$ 443,948.97.

Consultation

Nil.

Statutory Implications

Financial Management Regulation 19.

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

This item related to the Integrated Planning and Reporting Framework, which feeds into the Long Term Financial Plan when determining annual Council Budgets.

Resolution 9.3 December 2019

That the report on Council investments as at 30th November 2019 be received and noted.

Moved: Cr TE (Todd) Harris

Seconded: Cr AE (Alison) Harris

Vote – Simple Majority

Carried: 8/0

9.4 Shire of Cunderdin Audit Committee Minutes

| | |
|--------------------------------|--|
| Location: | Cunderdin |
| Applicant: | Manager of Corporate Services and Finance |
| Date: | 12 th December 2019 |
| Author: | Hayley Byrnes |
| Item Approved By: | Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | Item Audit Committee Minutes Annual Financial Statements 2018-19 (including Audit Opinion) Final Management Letter - For year ended 30 June 2019 Audit Completion Report 2019 |

Proposal/Summary

Council to receive the minutes of the Audit Committee Meeting held on Monday 9th December 2019.

Background

A copy of the Audit Committee Minutes have been circulated to all Councillors.

Comment

There following items of business were on the Audit Committee Agenda:

That the Audit Committee:

1. Adopt the 2018/19 Financial Report;
2. Receive the Auditor's Report and Management Report from Macri Partners for the 2018/19 financial year;
3. Recommend to Council the adoption of the 2018/19 Financial Report, and receipt of the Auditor's Report and Management Report from Macri Partners for the 2018/19 financial year; and
4. Recommend to Council that the Annual Electors Meeting be held on Thursday 20 February 2020.

And

That the Audit Committee:

1. Notes the actions that have been taken or intended to be taken in addressing the matters identified as significant by the auditor in the 2018/19 Audit Report and;
2. That this report will be sent to the minister within 3 months of the Audit report being received by Council.

Consultation

Nil

Statutory Environment

Local Government Act 1995 Part 5 Division 2 Subdivision 3 - Section 5.22 (2)

The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.

Local Government Act 1995

- ***7.12A. Duties of local government with respect to audits***
 - (1) *A local government is to do everything in its power to —*

- (a) assist the auditor of the local government to conduct an audit and carry out his or her other duties under this Act in respect of the local government; and
 (b) ensure that audits are conducted successfully and expeditiously.
- (2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.
- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

- Local Government (Audit) Regulations 1996
- Local Government (Financial Management) Regulations 1996

Policy Implications

Nil.

Financial Implications

There are no financial implications in considering this item.

Strategic Implications

Good Governance Framework.

Resolution 9.4 December 2019

That Council:

1. Receive the Minutes of the Shire of Cunderdin Audit Committee Meeting held on 9 December 2019
2. Adopt the 2018/19 Financial Report;
3. Receive the Auditor’s Report and Management Report from Macri Partners for the 2018/19 financial year;
4. Schedule the Annual Electors Meeting be held on Thursday 20 February 2020.

Moved: Cr W (Sam) Stewart

Seconded: Cr A (Tony) Smith

Vote – Absolute majority

Carried: 8/0

9.5 Invitation to Tender on Fleet Vehicle

| | |
|--------------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Governance and Compliance Officer |
| Date: | 8 th December 2019 |
| Author: | Lauren Cole |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| File Reference: | Nil |
| Attachment/s: | 3 Attachment – Tender Offer |

Proposal/Summary

For Council to consider the tender offer for the following;

Cat Grader with registration CMT 2599
Ford Ranger with registration of CMT 990.
Ford Ranger with registration of CMT 1254

Background

Council invited Tenders for the purchase of the following Machinery/ Vehicles pursuant to the Local Government Act 1995 (Section 3.58(1))

| Vehicle | Registration | Year | Licence | Kms |
|---|---------------------|-------------|----------------|------------|
| Cat Grader | CMT2599 | 1999 | 30/06/2020 | 13,800 |
| Ford Ranger: Manual Starting up problems otherwise fair condition (4WD) | CMT990 | 2010 | 30/06/2020 | 169,513 |
| Ford Ranger: Manual Engine Head damage otherwise fair condition | CM1254 | 2007 | 30/06/2020 | 176,500 |

The invitation to tender was advertised over a three-week period through the Bandicoot with a closing date of 29th November 2019.

Comment

In this period there was three tender offer received;

- Mr Craig Robertson made an offer \$500 for the 2010 Ford Ranger (CMT 990).
- Smith Broughton Auctioneers made an offer of \$40,000 for the 1999 Cat Grader (CMT 2599), \$1,000 for the 2010 Ford Ranger (CMT 990) and \$1,000 for the 2007 Ford Ranger (CMT 1254).
- Mr John Fissioli from Wheatbelt Motors made an offer of \$1000 for the 2007 Ford Ranger (CMT 1254) and \$3500 for the 2010 Ford Ranger (CMT 990).

Consultation

Nil.

Statutory Implications

Nil.

Policy Implications

Nil.

Financial Implications

Nil.

Strategic Implications

Cunderdin Community Strategic Plan

The Cunderdin Community Strategic Plan aims to manage growth sustainably through governance, leadership, and targeted service and economic growth. The goals to achieve the aim are:

Social

- Grow and build the population base.
- Improve community spirit, collectively caring for each other.
- Build an active community, increasing participation and ownership.

Environmental

- Maintain and enhance the natural environment and resources.
- Maintain and enhance the area's infrastructure.

Economic

- Strengthen local business and employment capacity.
- Support and encourage sustainable business growth.

Position the area as a regional strategic location and transport hub

Resolution 9.5 December 2019

That Council in accordance to section 3.58 (2) of the Local Government Act:

1. Authorises the sale of the 2010 Ford Ranger – CMT 990 - \$3,500 (Inc GST) to John Fissioli – Wheatbelt Motors, 53 Main Street, Cunderdin, WA, 6407 and delegate's authority to the Chief Executive Officer to execute the transfer of vehicle documents.
2. Authorises the sale of the 2007 Ford Ranger – CMT1254 - \$1,000 (Inc GST) to John Fissioli – Wheatbelt Motors, 53 Main Street, Cunderdin, WA, 6407 and delegate's authority to the Chief Executive Officer to execute the transfer of vehicle documents.
3. Delegates authority to the Chief Executive Officer to enter into negotiations for the sale of the 1999 Cat Grader (CMT 2599).

Moved: Cr TE (Todd) Harris

Seconded: Cr AE (Alison) Harris

Vote – Simply Majority

Carried: 8/0

9.6 Policy Manual – Smoking – Council Buildings and Vehicles

| | |
|--------------------------------|---|
| Location: | Shire of Cunderdin |
| Applicant: | Governance and Administration Officer |
| Date: | 19 November 2019 |
| Author: | Lauren Cole |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| Disclosure of Interest: | Nil |
| Attachment/s: | Policy – Smoking – Council Buildings and Vehicles |

Proposal/Summary

This report is provided to Council to consider and endorse adopting Policy 9.4 Smoking – Council Buildings and Vehicles.

Background

Although informal arrangements have always existed in relation to Smoking, and we previously have had a Smoking policy in place, there is currently no set Policy outlining process to be implemented. There is a need to clarify several aspects of this process to better managing Smoking in the workplace.

Comment

Policy may be made, amended or revoked at any time by simple majority.

The general hierarch of authority is –

1. Legislation – including regulations and local planning scheme
2. Local laws
3. Delegations – being under direct authority of legislation or local laws, and being made by absolute majority
4. Policy – as it outlines how the above three authorities are to be implemented and being made by simple majority

Although every policy is at Council’s discretion, they are essential for the effective and efficient operation of the Shire.

Consultation

Stuart Hobley, Chief Executive Officer
Hayley Byrnes, Manager of Corporate Services and Finance
Craig Robertson, Manager of Works and Services
Lauren Cole, Governance and Administration Officer

Statutory Implications

Occupational Safety Health Act 1984.
Occupational Safety and Health Regulations 1996.

Policy Implications

Shire of Cunderdin Policy Manual – Section 1 – Community Services.

Financial Implications

There are no financial implications in relation to this item.

Strategic Implications

The Policy Manual is to enable the effective and efficient implementation of Council's instructions, adopted annual budget, and legislative and local law obligations.

Resolution 9.6 December 2019

That Council adopt the Policy 9.4 Smoking – Council Buildings and Vehicles as amended, and include the revised policy within the Policy Manual.

Moved: Cr NW (Norm) Jenzen

Seconded: Cr TE (Todd) Harris

Vote: Simple Majority

Carried:8/0

Note: Wording of the Policy was amended by Councillors to include Smoking Implements.

9.7 Appointment of Dual Fire Control Officers

| | |
|--------------------------|--|
| Location: | Shire of Cunderdin |
| Applicant: | Governance and Compliance Officer |
| Date: | 13 th December 2019 |
| Author: | Lauren Cole |
| Item Approved by: | Stuart Hobley, Chief Executive Officer |
| File Reference: | Nil |
| Attachment/s: | 1 attachment – Letters |

Proposal/Summary

Council is to consider the appointment of Dual Bush Fire Control Officers with the Shire of Wyalkatchem for the 2019/2020 Bush Fire Season.

Background

The Shire of Cunderdin considers annually the appointment of locally based Bush Fire Control Officers recommended by the Bush Fire Advisory Committee.

For the efficiency of bush fire responses in areas near to the boundary of local governments, Shires have the capacity to formally appoint dual fire control officers with their neighbouring Shires to act in an emergency if local fire control officers are unavailable or delayed in attending an emergency.

Comments

The Shire of Wyalkatchem is seeking Council endorsement of the following Fire Control Officers to act in a Dual FCO capacity with the Shire of Cunderdin, in accordance with S40 of the Bush Fires Act 1954.

- Mr Trent Tyler

Consultation

Correspondence from the Shire of Wyalkatchem

Statutory Implications

Bush Fires Act 1954

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.

- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
- (a) carrying out normal brigade activities;
 - [(b), (c) deleted]*
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local government.
- (5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.
- (5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).

Policy Implications

Shire of Cunderdin Policy Manual – Section 5, Fire Control

Financial Implications

Nil

Strategic Implications

Outcome 1.2 A growing, healthy and safe community

- 1.2.1 Maintain and enhance sport and recreation facilities
- 1.2.2 Improve recreation for all ages
- 1.2.3 Support provision of emergency services and encourage community volunteers

Resolution 9.7 December 2019

That Council endorse the appointment of the following Fire Control Officers as Dual Fire Control Officers for the Shires of Wyalkatchem and Cunderdin for the 2019/2020 Bush Fire Season.

- Mr Trent Tyler

Moved: Cr J (Jayson) Goldson

Seconded: Cr TE (Todd) Harris

Vote: Absolute majority

Carried: 8/0

10. Environmental Health and Building

Nil

11. Planning & Development

Nil

12. Works & Services

Nil

13. Urgent Items

Nil

14. Scheduling of Meeting

14.1 February 2020 Ordinary Meeting

The next ordinary meeting of council is scheduled to take place on Thursday 20 February 2020 commencing at 5pm at the Cunderdin Shire Council Chambers, Cunderdin, WA 6407

15. Closure of meeting

There being no further business the Shire President will declare the meeting closed at 5:16 pm.

16. Certification

DECLARATION

I, Dennis Whisson, certify that the minutes of the Ordinary Council Meeting held on 19 December 2019 as shown were confirmed at the ordinary meeting of Council held on 20 February 2020.

Signed: _____

Date: _____