

SPECIAL COUNCIL MEETING

AGENDA

**9:00am Monday
6th April 2020**

**Electronic Meeting
(via WebEx)**

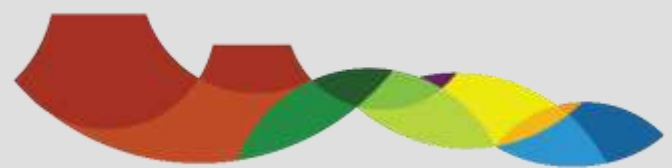
APRIL 2020

SHIRE OF CHAPMAN VALLEY

Maurice Battilana

CHIEF EXECUTIVE OFFICER

"A thriving community, making the most of our coastline, ranges and rural settings to support us to grow and prosper"



SHIRE OF

Chapman Valley

Love the rural life!

DISCLAIMER



No responsibility whatsoever is implied or accepted by the Shire of Chapman Valley for any act, omission or statement or intimation occurring during Council Meeting. The Shire of Chapman Valley 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 Meeting does so at that person's or legal entity's own risk.

The Shire of Chapman Valley warns that anyone who has any application or request with the Shire of Chapman Valley must obtain and should rely on WRITTEN CONFIRMATION of the outcome of the application or request of the decision made by the Shire of Chapman Valley.

A handwritten signature in black ink, appearing to read "M. Battilana", is written over a large, light grey, circular watermark or background mark.

Maurice Battilana
CHIEF EXECUTIVE OFFICER

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ORDER OF BUSINESS

1.0 DECLARATION OF OPENING/ANNOUNCEMENTS OF VISITORS

2.0 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

See “*Comments*” Section of Agenda Item 10.1.1 for an explanation.

COUNCIL RESOLUTION

Suspension of Standing Orders

Council suspend the operation of clauses 8.4 & 8.5 of the Shire of Chapman Valley Standing Orders Local Law for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

3.0 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

3.1 Attendees

3.2 Apologies

3.3 Previously Approved Leave of Absence (By Resolution of Council)

Nil

4.0 PUBLIC QUESTION TIME

4.1 Response to Previous Public Questions on Notice

Nil

4.2 Public Question Time

5.0 APPLICATIONS FOR LEAVE OF ABSENCE (by Resolution of Council)

6.0 DISCLOSURE OF INTEREST

Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.

Section 5.60A:

“a person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.”

Section 5.60B:

“a person has a proximity interest in a matter if the matter concerns –

(a) a proposed change to a planning scheme affecting land that adjoins the person’s land; or

(b) a proposed change to the zoning or use of land that adjoins the person’s land; or

(c) a proposed development (as defined in section 5.63(5)) of land that adjoins the person's land.”

Regulation 34C (Impartiality):

“interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.”

Item No.	Member/Officers	Type of Interest	Nature of Interest

7.0 PETITIONS/DEPUTATIONS/PRESENTATIONS

7.1 Petitions

Nil

7.2 Presentations

Nil

7.3 Deputations

Nil

8.0 CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

Not Applicable

9.0 ITEMS TO BE DEALT WITH EN BLOC

10.0 OFFICERS REPORTS

10.1

Chief Executive Officer

April 2020

Special Meeting

10.1 AGENDA ITEMS

10.1.1 COVID-19 OPERATIONAL MATTERS

10.1.1

COVID-19 Operational Matters

PROPONENT:	CHIEF EXECUTIVE OFFICER
SITE:	WHOLE OF SHIRE
FILE REFERENCE:	204.07.04
PREVIOUS REFERENCE:	NA
DATE:	6 APRIL 2020
AUTHOR:	MAURICE BATTILANA

SUPPORTING DOCUMENTS:

Ref	Title	Attached to Report	Under Separate Cover
10.1.1(a)	Budget Adjustment Spreadsheets		✓

DISCLOSURE OF INTEREST

Nil

BACKGROUND

Due to the expected significant impact the COVID-19 Pandemic will have on the world and nation it is obvious there will also be an impact of the operations of the Shire of Chapman Valley. The purpose of the Special Meeting and this Agenda Report is to highlight what Staff feel the impacts may be and to position the Shire to be able to deal with these impacts now and into the future.

There is also the opportunity to deal with the Bushfire Brigade appointments, Fire Notice, etc. at this meeting to ensure this is covered, specifically as the restricted Burning period has been extended to the 30th April by the Commissioner of Fire and Emergency Services. This was to be dealt with at the April 2020 OCM, which has been cancelled.

The newly introduced amendments to the *Local Government (Administration) Regulations* state a local government authority can undertake electronic meeting (eMeetings) in the situation of a public health or State declared emergency i.e.

14C Attendance by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))

(1) In this regulation —

meeting means —

- (a) an ordinary meeting of the council; or
- (b) a special meeting of the council; or
- (c) a meeting of a committee of the council; or
- (d) a meeting of an audit committee of a local government.

(2) A member of a council or committee may attend a meeting by electronic means if —

- (a) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
- (b) because of the public health emergency or state of emergency, the member is unable, or considers it inappropriate, to be present in person at a meeting; and

-
- (c) *the member is authorised to attend the meeting by electronic means by —*
 - (i) *the mayor; or*
 - (ii) *the president; or*
 - (iii) *the council.*

- (3) *A person who attends a meeting by electronic means is taken to be present at the meeting.*
[Regulation 14C inserted: SL 2020/20 r. 7.]

14D. Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))

- (1) *In this regulation —*

meeting means —

- (a) *an ordinary meeting of the council; or*
- (b) *a special meeting of the council; or*
- (c) *a meeting of a committee of the council; or*
- (d) *a meeting of an audit committee of a local government.*

- (2) *A meeting may be held by electronic means —*

(a) *if —*

- (i) *a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and*
- (ii) *because of the public health emergency or state of emergency, the mayor, president or council considers it appropriate for the meeting to be held by electronic means;*

or

(b) *if —*

- (i) *a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and*
- (ii) *the mayor, president or council authorises the meeting to be held by electronic means.*

- (3) *The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —*

- (a) *the mayor; or*
- (b) *the president; or*
- (c) *the council.*

- (4) *The CEO must be consulted before a determination is made under subregulation (3).*

[Regulation 14D inserted: SL 2020/20 r. 7.]

14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))

- (1) *In this regulation —*

electronic meeting means *a meeting held by electronic means under regulation 14D.*

- (2) *If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.*

- (3) *If a council or a committee holds an electronic meeting —*

-
- (a) a person who attends the meeting by the electronic means determined under regulation 14D(3) is taken to attend the meeting for the purposes of the Act and these regulations; and
 - (b) the meeting is open to the members of the public under section 5.23(1) if —
 - (i) **the council or committee complies with the requirement to make the unconfirmed minutes of the meeting available for public inspection under regulation 13; or**
 - (ii) the council or committee publicly broadcasts the meeting on a website; or
 - (iii) the meeting or a broadcast of the meeting is otherwise accessible to the public.
- (4) If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —
- (a) **the council or committee provides a means to submit a question prior to the meeting; and**
 - (b) the council or committee determines at the meeting —
 - (i) to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or
 - (ii) that, given the public health emergency, state of emergency or direction issued under the Public Health Act 2016 or the Emergency Management Act 2005, it is not appropriate to respond to the question at the meeting.
- (5) If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —
- (a) tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and
 - (b) made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.

[Regulation 14E inserted: SL 2020/20 r. 7.]

The following applies in the Shire of Chapman Valley's situation regarding the meeting being considered to be open to the public in accordance with Clause 14E(3)(i) as we will not be broadcasting or recording the eMeeting:

Clause 13 - Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) *in the case of a council meeting, within 10 business days after the meeting; and*
- (b) *in the case of a committee meeting, within 5 business days after the meeting.*

Public Question Time: To comply with the legal requirement for Public Question Time at the eMeeting the advertisements (newspaper, Website, Facebook) have been placed. This advertisement requested any questions to be provided to the Chief Executive Officer before the start time of the eMeeting (i.e. as stipulated in Clause 14E(4)(a)). Any questions received will be presented to the meeting with responses made by return correspondence.

COMMENT

In accordance with Clause 14D(3) & (4) of the Regulations which state:

- (3) *The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —*

-
- (a) *the mayor; or*
 - (b) *the president; or*
 - (c) *the council.*

(4) *The CEO must be consulted before a determination is made under subregulation (3).*

Staff have been working on various software option to conduct the eMeetings (e.g. Microsoft Teams, Zoom, WebEx) and it has been identified WebEx as being the most secure and suitable at this stage. As Elected Members will know, all the laptop devices were collected to setup the WebEx platform. The WebEx software has been tested by Staff prior to the eMeeting. The Shire President, in consultation with the CEO, has endorsed the use of WebEx to conduct the eMeeting

The Chief Executive Officer has attempted to keep Elected Members informed as much as possible on the developing issues being experienced with the COVID-19 Pandemic impact on the organisation. This has resulted in dealing with the many and various restrictions and announcements being made by the Australian and State Governments which are occurring at a rapid pace and change regularly.

Irrespective of some public rhetoric I feel the Australian and State Governments are doing the best they possibly can in extremely trying circumstances. Though some may not agree with the actions (or perceived inactions) undertaken by the other two tiers of government I feel they are doing everything possible to keep us safe and minimise the effect (physical, social and economic) of the virus.

It is now incumbent upon local government to determine how we can deal with implementing the many and varied restriction and conditions being placed on the nation and how to best deal with our local situation.

The following has been in place at the time of writing. This will no doubt have changed by the time the Special Meeting is held:

1. Nabawa Shire Administration Office has been closed to the public. This included:
 - i. Majority of staff working from home;
 - ii. Skeleton staff remaining at the office on a rotational roster system;
 - iii. Hand sanitisation has been obtained to assist with the cleaning of all touch points;
 - iv. All DoT customers are being redirected to the online portal or to Geraldton;
 - v. Australia Post parcel service has been retained and is operating on a NO CONTACT with public basis;
 - vi. Senior Ranger has been placed on leave until further notice due to age. The garden crew will attend to any emergency situation requiring ranger attendance. However; these will need to be of an extreme urgent basis (i.e. no call outs for barking dogs, lost dogs/cats). The Senior Ranger will clear accrued leave and the 14 days additional Personal Leave for his absence ;
 - vii. Trainee Ranger Project has been deferred until further notice.
2. Roadworks Crew have been instructed to:
 - i. Stay with specific item(s) of plant and if needed to use a different item of plant to wipe down all touch points before use;
 - ii. Construction projects will be much slower due to revised plant operational conditions, yet this cannot be avoided;
 - iii. Hand sanitisation has been obtained to assist with the cleaning of all touch points;
 - iv. Staff unhappy with these arrangements can stay away from work yet will need to take accrued leave if they do so.

-
3. Gardeners have been instructed to work in isolation and in the event, they are at any location where the public are present to leave the location and return when the area is vacant. This will again slow work down yet cannot be avoided. Hand sanitisation has been provided to clean down any touch points before use.
 4. All Shire owned/controlled buildings, arenas, etc. have been closed down from public use.
 5. All camping grounds closed.
 6. Menshed Shinemas's final film night cancelled.
 7. All Public Toilets have been closed off.
 8. All Playgrounds and Exercise Equipment have been closed off with bunting and signed.
 9. Solataire Cameron (CDO) has been working with a Group to establish a Community Outreach process to identify vulnerable people in our community and assist in directing them to the appropriate help;
 10. Staff have undertaken a significant review of the 19/20 budget which is presented at **Attachment 10.3.1(a)** for Council consideration. It must be understood some of the suggested expenditure cut-backs may not be palatable to some. However, Staff has taken the approach of everything being on the table for discussion.
 11. Bushfire Brigade Advisory Group Meeting cancelled, and it is being recommended to continue with all existing appointments, aerial firebreak inspection, fire notice, etc. the same as they are for the next twelve months.

Standing Orders

It will not be practicable to adhere to some of the requirements of the existing Standing Orders during an eMeeting e.g.

8.3 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time or entry or departure.

Recommended Solution: Elected Members and Staff verbally advise when they leave and return to the eMeeting

8.4 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council. Each Member will stand when invited to speak by the Presiding Member.

Recommended Solution: This Clause be suspended during the meeting and the President attempt to ensure everyone has the opportunity to speak.

8.5 Priority of speaking

- (1) *Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.*
- (2) *A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.*
- (3) *A Member is to cease speaking immediately after being asked to do so by the Presiding Member.*

Recommended Solution: This Clause be suspended during the meeting and the President attempt to ensure everyone has the opportunity to speak.

A Recommended Council Resolution is located and Section 2 of the Agenda Order of Business (*Announcements by Presiding Member*) to suspend clause 8.4 and 8.5 for the duration of the eMeeting.

STATUTORY IMPLICATIONS / REQUIREMENTS

Though Council undertook a full budget review in accordance with legislation at the February 2020 OCM what is being advocated is yet another full review due to the COVID-19 Pandemic. Therefore, it is being recommended this review also comply with Clause 33A of the Local Government (Financial Management) Regulations 1996, which states:

- 33A *Review of budget*
- (1) *Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
 - (2) *Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the Council.*
 - (3) *A Council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
** Absolute Majority required*
 - (4) *Within 30 days after a Council has made a determination, a copy of the review and determination is to be provided to the Department."*

Though Section 6.8 of the Local Government Act, 1995, deals with additional expenditure and probably isn't relevant the following is stipulated:

6.8. Expenditure from municipal fund not included in annual budget

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*** Absolute majority required.*
- (1a) *In subsection (1) —*
additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) *Where expenditure has been incurred by a local government —*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

To change the purpose of a Reserve the following legislation needs to be taken into consideration:

6.11. Reserve accounts

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*
- (2) *Subject to subsection (3), before a local government —*
 - (a) *changes* the purpose of a reserve account; or*
 - (b) *uses* the money in a reserve account for another purpose,*
it must give one month's local public notice of the proposed change of purpose or proposed use.

** Absolute majority required.*

- (3) A local government is not required to give local public notice under subsection (2) —
- (a) where the change of purpose or of proposed use of money has been disclosed in the annual budget of the local government for that financial year; or
- (b) in such other circumstances as are prescribed.
- (4) A change of purpose of, or use of money in, a reserve account is to be disclosed in the annual financial report for the year in which the change occurs.
- (5) Regulations may prescribe the circumstances and the manner in which a local government may set aside money for use for a purpose in a future financial year without the requirement to establish and maintain a reserve account.

POLICY IMPLICATIONS

The Community Growth Fund Corporate Management Procedure (CMP-067) is affected if varied for the 20/21 Budget cycle, yet can be dealt with at a later date if Council wish.

The Firebreak Notice & Information Newsletter Policy (EP-001) is affected as the recommendation has not formally come from the Bushfire Brigade Advisory Group Meeting, rather from an out of session consensus by email consultation.

FINANCIAL IMPLICATIONS

Staff feel there could be significant financial ramifications to be experienced by the Shire due to the COVID-19 Pandemic. These will be expanded upon at the meeting by explaining the spreadsheets provided in regard to cashflow, balance sheet, revenue and expenditure items, reserve funds, loan funds, etc.

- **Long Term Financial Plan (LTFP):**

The feeling is there will be a significant effect on the current & future budgets and the LTFP.

STRATEGIC IMPLICATIONS

Staff are of the opinion we need to deal with budget income, expenditure items immediately to be positioned as well as we possibly can be at the end of this financial year and going into the next. Specifically, with the State Government basically stating there will be a freeze on all fees, charges, rate revenue for State and Local Government. The Minister has indicated this freeze may yet be legislated.

- **Strategic Community Plan/Corporate Business Plan:**

Ref	Objective	Strategy	Action
5.1	Ensure governance and administration systems, policies and processes are current and relevant	Review policy categories and set ongoing accountability for review processes	Review current Council and Management policies and formalise update process and timelines.

CONSULTATION

Elected Members have been kept informed of developments as they have occurred either by email, text or phone contact.

The Shire President and Chief Executive Officer have been on constant and frequent contact throughout the event and will continue to be.

Staff have been part of the consultation process on a daily basis.

The Community Development Officer has established a Community Outreach Working Group to enhance the community communications, which to date has been via Website, Facebook, SMS, mainstream media (radio, newspaper).

RISK ASSESSMENT

The risk is not known, and it is hoped this can be mitigated. However, the feeling is the risk could at least be *Major* for a number of reasons:

Measures of Consequence							
Rating (Level)	Health	Financial Impact	Service Interruption	Compliance	Reputational	Property	Environment
Major (4)	Lost time injury	\$50,001 - \$150,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies

VOTING REQUIREMENTS

Simple and Absolute Majority.

STAFF RECOMMENDATION 1 - Community Growth Fund - (Simple Majority Required)

Council agree to including Community Growth Funds Projects in the 2020/2021 Draft Budget for further consideration under the conditions:

- a) Applications will be dealt with as part of the 20/21 Draft Budget Workshop and adoption rather than as a separate Agenda Item;
- b) Commencement of 20/21 Budget approved projects will not be allowed until Council has reviewed the Shire’s financial situation at the December 2020 Ordinary Council Meeting;
- c) If Council resolve to proceed with CGF Projects in 20/21 at the December 2020 OCM applicants will be requested to complete their projects by June 20, 2021. However; extensions will be given serious consideration;
- d) If Council resolves not to proceed with the 20/21 CGF Projects, the applicants will be advised their projects will be deferred until the 21/22 Draft Budget considerations. Applicants will be contacted at this time to determine if they still want to continue with their projects in 21/22;
- e) In the event all 20/21 projects are allocated funds in the 21/22 Budget there will be no additional requests for CGF Projects in this financial year.

STAFF RECOMMENDATION 2 – Bush Fire Appointments, Notice, etc. - (Simple Majority Required)

Council endorse the following:

1. Election of Officers – All One Year Terms

6.1	Chief Bushfire Fire Control Officer	Current Position Holder	A Vlahov
6.2	Deputy Chief Bushfire Control Officer	Current Position Holder	N Kupsch
6.3	Fire Prevention Officer	Current Position Holder	E O’Donnell
6.4	Group Training Officer	Current Position Holder	E O’Donnell
6.5	Group Administrative Officer	Current Position Holder	Chief Executive Officer
6.6	Noxious Weed & Clover Permit Officer	Current Position Holder	A Vlahov

6.7	Fire Weather Officer	Current Position Holder	A Vlahov
6.8	Deputy Fire Weather Officer	Current Position Holder	N Kupsch

(Note: All terms of office will commence upon endorsement by Council.)

2. Appointments of Bushfire Control Officers

- Darryl Burton – Durawah/Valentine Brigade
- Calvin Royce – Howatharra Brigade
- Neil Kupsch – Nabawa Brigade
- Craig Mincherton – Naraling Brigade
- Jason Stokes – Yetna Brigade
- Shaun Earl – Yuna Brigade

3. Fire Break Notice

The existing Bush Fire Notice as presented with annual date changes made.

4. Annual Inspections

The Annual Fire Break Inspection procedures remain the same.

STAFF RECOMMENDATION 3 – 2019/2020 Budget Review - (Absolute Majority Required)

Council request the Chief Executive Officer implement variations to the 2019/2020 Budget as presented with the following amendments:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.

STAFF RECOMMENDATION 4 – Reserve Funds - (Absolute Majority Required)

Council instruct the Chief Executive Officer to transfer funds from the following Reserves into a new General Purpose Reserve established for the purpose of addressing the Shire’s possible cashflow issues in the future due to the COVID19 Pandemic and advertise these change of Reserve Purposes in accordance with the requirements of *Section 6.11 of the Local Government Act, 1995*:

1. Plant & Light Vehicle Reserve
2. Building Reserve
3. Leave Reserve
4. Roadworks reserve
5. Computer & Office Equipment Reserve
6. Legal Reserve

In the event the funds transferred to General Purpose Reserve are not required the amounts removed from the aforementioned Reserves are to be replaced and again this be advertised in accordance with legislation.

11.0 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

13.0 DELEGATES REPORTS

14.0 ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

15.0 MATTERS FOR WHICH MEETING TO BE CLOSED TO MEMBERS OF THE PUBLIC

Nil

16.0 CLOSURE