



MINUTES

ORDINARY MEETING OF COUNCIL

held on

Thursday, 17 November 2022 at 5:30pm

at the

**Shire of Morawa Council Chambers,
26 Winfield Street, Morawa**



WESTERN AUSTRALIA'S
WILDFLOWER COUNTRY

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DISCLOSURE OF FINANCIAL/ IMPARTIALITY/ PROXIMITY INTERESTS

Local Government Act 1995 – Section 5.65, 5.70 and 5.71 Local Government (Administration) Regulation 34C

<i>This form is provided to enable members and officers to disclose an Interest in a matter in accordance with the regulations of Section 5.65, 5.70 and 5.71 of the Local Government Act and Local Government (Administration) Regulation 34C</i>			
Name of person declaring the interest			
Position			
Date of Meeting			
Type of Meeting (Please circle one)	Council Meeting/ Committee Meeting/ Special Council Meeting Workshop/ Public Agenda Briefing/ Confidential Briefing		
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality
Interest Disclosed			
Item Number and Title			
Nature of Interest			
Type of Interest (please circle one)	Financial	Proximity	Impartiality

Signature: _____ **Date:** _____

Important Note:

Should you declare a **Financial** or **Proximity** Interest, in accordance with the Act and Regulations noted above, you are required to leave the room while the item is being considered.

For an **Impartiality** Interest, you must state the following prior to the consideration of the item:

“With regard to agenda item (read item number and title), I disclose that I have an impartiality interest because (read your reason for interest). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly.”

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Item 1 Opening of Meeting

The President declared the meeting open at 5.30pm.

Item 2 Acknowledgement of Traditional Owners and Dignitaries

The President acknowledges the traditional custodians, the Yamatji people, and recognises the contribution of Yamatji elder's past, present and future, in working together for the future of Morawa.

Item 3 Recording of Attendance**3.1 Attendance****Council**

President (Presiding Member) Councillor Karen Chappel
Deputy President Councillor Ken Stokes
Councillor Mark Coaker
Councillor Jane Coaker
Councillor Shirley Katona

Staff

Chief Executive Officer	Scott Wildgoose
Executive Manager Corporate & Community Services	Jackie Hawkins
Executive Manager Works and Assets	Paul Devcic

Members of the Public

Nil

3.2 Apologies

Councillor Debbie Collins
Councillor Yvette Harris

3.4 Approved Leave of Absence

Nil

3.5 Disclosure of Interests

CEO – Financial Interest Item 15.2 – CEO Performance Review

Item 4 Applications for Leave of Absence

Nil

Item 5 Response to Previous Questions

Nil

Item 6 Public Question Time*Important note:*

‘The public is reminded that in accordance with Section 6.16 of the Shire of Morawa Meeting Procedures Local Law 2012 that nobody shall use any visual or vocal recording device or instrument to record the proceedings of Council without the written permission of the presiding member.

Members of the public are also reminded that in accordance with section 6.17(4) of the Shire of Morawa Meeting Procedures Local Law 2012 mobile telephones must be switched off and not used during the meeting.’

6.1 Public Question Time

Nil

6.2 Public Statement Time

Nil

6.3 Petitions/Deputations/Presentations/Submissions

Nil

Item 7 Questions from Members without Notice

Nil

Item 8 Announcements by Presiding Member without Discussion
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President's Meetings for the month of October 2022.

Date	Details of Meeting
3 October 2022	WALGA AGM 2022
3 October 2022	LGC22 Conference Sessions
4 October 2022	LGC22 Conference Sessions (continued)
5 October 2022	Aboriginal Forum
6 October 2022	Minister Carey Roundtable on GP Procurement
11 October 2022	Meeting with Melissa Pexton – Cyclone Seroja Recovery
13 October 2022	LGIS Board Meeting
19 October 2022	Meeting with Minister Dawson
20 October 2022	Shire of Morawa October 2022 Ordinary Council Meeting
20 October 2022	Shire of Morawa Concept Forum
21 October 2022	Meeting with the Department of Education
21 October 2022	WA Community Achievement Awards
21 October 2022	CEO Performance Review Interview
24-27 October 2022	Central Country Council Visit - WALGA
27 October 2022	Meeting with Gaomai Trench, Karara Mining Limited

Item 9 Declaration by all Members to have given due consideration to All Matters Contained in the Business Paper before the Meeting
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The Elected Members to declare that they had given due consideration to all matters contained in the agenda.

- President (Presiding Member) Councillor Karen Chappel
- Deputy President Councillor Ken Stokes
- Councillor Mark Coaker
- Councillor Jane Coaker
- Councillor Shirley Katona

Item 10 Confirmation of Minutes of Previous Meeting

The Minutes of the 20 October 2022 Ordinary Council Meeting were provided under separate cover via the Shire of Morawa's secure portal to all Councillors on 28 October 2022.

OFFICER'S RECOMMENDATION/RESOLUTION**221101****Moved: Cr Stokes****Seconded: Cr J Coaker****That Council confirm that:**

- 1. the Minutes of the Ordinary Council Meeting held 20 October 2022 are a true and correct record.**

CARRIED BY SIMPLE MAJORITY 5/0*Disclaimer*

Members of the public are cautioned against taking any action on Council decisions, on items in this agenda in which they may have an interest, until formal notification in writing from the Shire has been received. Decisions made at this meeting can be revoked pursuant to the Local Government Act 1995.

Item 11 Reports of Officers**11.1 Chief Executive Officer****11.1.1 Actions Performed under Delegated Authority for October 2022**

Author: Executive Assistant

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that they do not have any conflict of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION**221102****Moved: Cr M Coaker****Seconded: Cr Katona**

That with respect to Actions Performed under Delegated Authority for October 2022, Council:

- 1. Accept the Report.**

CARRIED BY SIMPLE MAJORITY 5/0

PURPOSE

To report back to Council, actions performed under delegated authority from the period 01 October 2022 to 31 October 2022.

DETAIL

To increase transparency this report has been prepared for Council and includes all actions performed under delegated authority for –

- Development Approvals;
- Building Permits;
- Health Approvals;
- One off delegations to the Chief Executive Officer;
- Dangerous Goods;
- Affixing of Common Seal;
- Other Delegations as provided for in the Delegations Register.

The following outlines the actions performed within the Shire relative to Delegated Authority from the period 01 October 2022 to 31 October 2022 ('the period') and are submitted to Council for information.

Bushfire

No delegated decisions were undertaken by Shire pursuant to bushfire matters during the period.

Caravan parks and campgrounds

No delegated decisions were undertaken by Shire pursuant to caravan parks and camping grounds during the period.

Common Seal

No Common Seal actions were undertaken by the Shire during the period.

Dangerous Goods Safety Act 2004

No delegated decisions were undertaken by Shire pursuant to Dangerous Goods Safety matters during the period.

Food Act 2008

No delegated decisions were undertaken by Shire pursuant to the Food Act matters during the period.

Hawkers, traders, and stall holders

No delegated decisions were undertaken by Shire pursuant to Hawkers, traders, and stall holders during this period.

Liquor Control Act 1988

No delegated decisions were undertaken by Shire pursuant to liquor matters during the period.

Lodging houses

No delegated decisions were undertaken by Shire pursuant to lodging house matters during the period.

Public Buildings

No delegated decisions were undertaken by Shire pursuant to public buildings matters during the period.

Septic Tank Approvals

No delegated decisions were undertaken by Shire pursuant to the Health Act 1911 and Health (Treatment of Sewage and Disposal of Effluent Waste) Regulations 1974 during the period.

Planning Approval

No delegated decisions were undertaken by Shire pursuant to *Planning & Development Act 2005* during the period.

Building Permits

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
18/10/2022	220899	Certificate of Design Compliance - patio	1503 West Road, Meranoooka	

Other Delegations

Date of decision	Decision Ref.	Decision details	Applicant	Other affected person(s)
07/10/2022	Approved	RAV CA07 Permit	CeeDeeMac Pty Ltd T/as Mac's Bulk Haulage	

LEVEL OF SIGNIFICANCE

Low – report provided to Council for information purposes.

CONSULTATION

Nil

LEGISLATION AND POLICY CONSIDERATIONS

Building Act 2011

Bushfire Act 1954

Dangerous Goods Safety (Explosives) Regulations 2007

Health Act 1991

Health Act 1911

Health (Public Buildings) Regulations 1992

Liquor Control Act 1988

Local Government Act 1995

Planning & Development Act 2005

Shire of Morawa Local Planning Scheme No. 2

Shire of Morawa Cemeteries 2018 - Local Law

Shire of Morawa Dogs 2018 - Local Law

Shire of Morawa Extractive Industries 2018 - Local Law

Shire of Morawa Fencing 2018 Local Law

Shire of Morawa Health 2004 - Local Law

Shire of Morawa Public Places and Local Government Property 2018 - Local Law

Shire of Morawa Meeting Procedures 2012 - Local Law

Shire of Morawa Waste 2018 - Local Law

Shire of Morawa Delegations Register (2020)

FINANCIAL AND RESOURCES IMPLICATIONS

There are no known financial implications relating to this Item.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications relating to this Item.

ATTACHMENTS

Nil

11.1.2 Adoption of Ordinary Council Meeting and Audit Committee Meeting Dates for 2023

Author:	Governance and Executive Support Officer
Authorising Officer:	Chief Executive Officer
Disclosure of Interest:	The Author/Authorising Officer declares that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION**221103****Moved: Cr Katona****Seconded: Cr J Coaker**

That with respect to Adoption of Ordinary Meeting of Council and Audit Committee Meeting Dates for 2023, Council:

1. Resolve to set the Ordinary Council Meeting dates as follows:

- **Thursday 16 February 2023**
- **Thursday 16 March 2023**
- **Thursday 20 April 2023**
- **Thursday 18 May 2023**
- **Thursday 15 June 2023**
- **Thursday 20 July 2023**
- **Thursday 17 August 2023**
- **Thursday 14 September 2023**
- **Thursday 19 October 2023**
- **Thursday 16 November 2023**
- **Thursday 21 December 2023**

2. Resolve that all Ordinary Council Meetings will be held at the Council Chambers, Shire Administration Centre, 26 Winfield Street, Morawa, and commence at 5.30pm. The exception being the Council meeting scheduled for Thursday, 14 September 2023 which will commence at 1:30pm and representatives from the Morawa District High School will be invited to attend.

3. Resolve to set the Audit Committee Meeting dates as follows:

- **Thursday 2 March 2023**
- **Thursday 13 July 2023**
- **Thursday 12 October 2023**

4. Resolve that all Audit Committee Meetings will be held at the Council Chambers, Shire Administration Centre, 26 Winfield Street, Morawa, and commence at 6pm.

5. Direct the Chief Executive Officer to give public notice of the Ordinary Council and Audit Committee Meetings to be held in 2023 as per the above dates, providing the date, time, and location of all meetings to meet legislative requirements.

CARRIED BY SIMPLE MAJORITY 5/0

PURPOSE

Council is requested to select the Ordinary Meeting dates for 2023.

DETAIL

Ordinary Council Meetings

The proposed motion sets Council meeting dates for 2023, with all meetings set for the third Thursday of the month, except the September meeting due to a clash with Local Government week and no meeting in January, in line with recent Council practices.

Suggested meeting dates are listed below:

- Thursday 16 February 2023
- Thursday 16 March 2023
- Thursday 20 April 2023
- Thursday 18 May 2023
- Thursday 15 June 2023
- Thursday 20 July 2023
- Thursday 17 August 2023
- Thursday 14 September 2023
- Thursday 19 October 2023
- Thursday 16 November 2023
- Thursday 21 December 2023

Recent practice has been to hold all Council meetings at 5:30pm to ensure they are accessible to Councillors and community members who have work commitments during the day. It is proposed that all meetings, except the September meeting, remain at 5:30pm.

The September 2022 meeting was held earlier in the day to accommodate a visit from The September 2023 meeting is proposed to be brought forward to 1:30pm to allow attendees from the Morawa District High School to be invited to attend and gain understanding around civic governance.

WALGA have confirmed that in 2023 Local Government week will be held on the week commencing 18 September 2022, so the Council meeting has been scheduled for the week prior to allow as many elected members the opportunity to attend Local Government week as possible if desired.

S5.25 of the Local Government Act 1995 requires the giving of public notice of the date and agenda for Council or Committee meetings and the Local Government (Administration)

Regulations requires this notice to be given before the beginning of the year in which the meetings are to be held.

It should be noted that there may be instances where a meeting is to be scheduled early in the month and where the Financial Statements for the previous month are still being determined.

In this regard, Staff will advise Council of those instances and the outcome could be that the Statements are referred to the following month.

Agenda Forum (Agenda Settlement)

The Agenda Settlement Forum will be held on the second Thursday of the month at 5:30pm in line with Council Policy ELM08 – Council Forums. No agenda settlement will be held in September due the meeting being brought forward.

Audit Committee Meetings

Under the Local Government Reforms the Minister for Local Government is seeking to enhance the role of the Audit Committee.

The
to consider proactive risk management and the reform factsheets reference the new reform once implemented will ensure each Local Government has an independent Chair of the Audit Committee.

The Minister also refers to the Panel Report that suggests Audit Committees should be expanded to include improved Risk Management. The Minister's reform proposal suggests Audit Committees would also need committee as the Audit, Risk, and Improvement Committee. As such the Shire will be looking to amend the name of its committee to reflect this soon. It is also suggested that the CEO review options regarding an independent offering that has the necessary local government finance and risk understanding to chair the committee.

To add more value to this Committee it is proposed to define three (3) set meetings of the committee each year, with a fourth meeting to occur once the independent financial auditor completes their end of year audits, this will likely be in December but can't be scheduled a year in advance. Having set meetings will encourage a focus on risk management as well as financial control.

The proposed motion sets Audit Committee meeting dates for 2023, with June and October meetings set for the second Thursday of the months to align with Agenda Settlement. The second Thursday of March conflicts with the Transport Forum. This, combined with the need to have the budget review through the Committee and Council prior to the end of March, necessitates a proposal to bring forward the March meeting to the first Thursday of the month. Suggested meeting dates are listed below:

- Thursday 2 March 2023
- Thursday 8 June 2023
- Thursday 12 October 2023

Audit Committee meetings will be scheduled for 6pm to allow time for agenda settlement and to

ensure the independent chair (once selected) can work around work requirements.

LEVEL OF SIGNIFICANCE

Medium – Compliance with legislation

CONSULTATION

Senior Management Team
WALGA

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Administration) Regulations; Regulation 12

12. Publication of meeting details (Act s. 5.25(1)(g))

(1) In this regulation — meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in sub regulation (2) must be published on the local government’s official website as soon as practicable after the change is made.

(4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.

Local Government Act 1995:

Division 2 — Council meetings, committees and their meetings and electors’ meetings
Subdivision 1 — Council meetings

5.3. Ordinary and special council meetings

(1) A council is to hold ordinary meetings and may hold special meetings.

(2) Ordinary meetings are to be held not more than 3 months apart.

(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

(a) if called for by either —

(i) the mayor or president; or

(ii) *at least $\frac{1}{3}$ of the councillors,*

in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) *if so decided by the council.*

5.5. Convening council meetings

(1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*

(2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.*

Strategic Community Plan 2022 - 2032

N/A

FINANCIAL AND RESOURCES IMPLICATIONS

Cost of advertising meeting dates (budgeted).

RISK MANAGEMENT CONSIDERATIONS

There is a risk of non-compliance if the public are not notified of meeting dates, times, and location.

CONCLUSION

That meeting dates be considered and advertised as per resolution of Council.

ATTACHMENTS

Nil

11.1.3 WALGA Best Practice Governance Review Consultation

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author/Authorising Officer declares that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION

That with respect to the WALGA Best Practice Review, Council resolve that:

1. Options 1 and 5 are the Shire of Morawa's preferred options, and that Council believes that all other options will diminish the representation of our Shire and Region at the association level
2. Option 3 is preferred to Options 2 and 4 at a secondary level
3. Direct the CEO to provide the Shire's endorsed position as a submission to the WALGA - Best Practice Governance Review Steering Committee prior to 23 December 2022.

COUNCIL RESOLUTION - Alternate Motion

221104

Moved: Cr Stokes

Seconded: Cr J Coaker

That with respect to the WALGA Best Practice Review, Council resolve that:

1. Option 5 is the Shire of Morawa's preferred option
2. Direct the CEO to provide the Shire's endorsed position as a submission to the WALGA - Best Practice Governance Review Steering Committee prior to 23 December 2022.

Reason for Change

Status quo provides the best outcome for the Shire.

CARRIED BY SIMPLE MAJORITY 5/0

PURPOSE

Council is requested to review the five (5) proposed Governance Model options developed from the WALGA Best Practice Governance Review (BPGR) Steering Committee and form an endorsed position as to which option is the Shire's preferred model and a ranking in terms of order of preference for the remaining options.

DETAIL

The Western Australian Local Government Association (WALGA) developed its Corporate Strategy 2020-25, and in doing so identified a key strategic priority, to undertake a Best Practice Governance Review. The objective of their view is to ensure WALGA's governance and engagement models are contemporary, agile, and maximise engagement with members. Other drivers for the review included:

- Misalignment between key governance documents.
- Constitution amendments for State Councillors' Candidature for State and Federal elections;
- legislative reforms for the Local Government Act 1995, and for the Industrial Relations Act 1979.

In March 2022, State Council commissioned the Best Practice Governance Review (BPGR) and established a Steering Committee to guide the Review. The BPGR Steering Committee had five meetings between 5 May 2022 and 10 August 2022. There was wide-ranging discussion on WALGA's current governance model, the need to engage broadly with the membership, and opportunities for change.

Key outputs from the BPGR Steering Committee meetings included:

- Agreement on five comparator organisations –Australian Medical Association (AMA) WA, Chamber of Commerce and Industry (CCI) WA, Chamber of Minerals and Energy (CME), Australian Hotels Association (AHA) WA and the Pharmacy Guild (PG).
- Review of governance models of Local Government Associations in other Australian States and Territories, and New Zealand.
- Drafting of governance principles that will underpin future governance models.
- Finalisation of governance principles and principle components across the domains of: **Representative, Responsive and Results Oriented.**

These activities are outlined in more detail in the Background Paper (Attachment 1).

The Governance model presents four potential governance options as well as maintaining the status quo and the structure and roles associated with each option. The five options are:

- Option 1:** Two tier model, existing zones
- Option 2:** Board, regional bodies
- Option 3:** Board, amalgamated zones
- Option 4:** Member elected board, regional groups
- Option 5:** Current model

Within all the model options, direct relationship with WALGA and regional/subregional collaboration would continue to be encouraged.

The Consultation Paper (*Attachment 2*) details the Governance Principles whereby each Model Option is compared, and the implication these principles are likely to have. The structure and role of each Model Option is decomposed and compared.

The WALGA BPGR Steering Committee have requested to have submissions completed by 23 December 2022. In January 2023 the Steering Committee will consider the outcomes of the consultation process and a Final Report and recommended direction will be the subject of a

State Council Agenda item in the March 2023 State Council meeting.

The WALGA principles of Representative and Responsive will likely be difficult to achieve in harmony given the vast breadth of WA and the number of Local Governments, and the diversity of needs of those Local Governments.

In general, not for profit associations tend to operate with a board of 8-12 members, with the consensus being that an organisation with a well-functioning CEO and operational arm needs less Board Members. In general, it is easier to keep smaller numbers more actively engaged, and with this level of representation you can spread workload and, in most part, avoid groups forming that can influence decisions.

Options 1, 2, and 4 provide for a Board of Management for WALGA with 8 – 12 members – this essentially lends itself to the responsiveness required from a contemporary board running an organisation with an executive and organisational structure.

On the other side of the scenario is that WALGA is an association formed to represent the views of its members and provide services to the benefit of its members, its members are 139 Local Governments spread throughout the State. This places WALGA in a difficult position as the needs of Derby, Morawa, Rockingham, and Esperance, as an example, will all be very different. In terms of representation the current model offers the best Local Government to representative ratio on the WALGA State Council (Board). All other options significantly reduce the ratio on the Board.

Option 1 looks to have a Policy Council with the same makeup of the current state council and the same supporting zone structures. Option 4 seems to offer the least representation with the Policy Teams drawn from the board and no mention of zones just more informal regional groups which feed into things on a group-by-group basis but are not required under the framework. Option 3 seeks to half the amount of Country Zones – essentially this will double the number of Council's each State Council/Board member is representing. Potentially reducing their knowledge base and influence, this will likely benefit Metro representation as it is easier for a Councillor to understand the whole of the Metro areas needs than it would be for a Councillor to understand the Midwest, Murchison, and Gascoyne which covers a much vaster area. Option 2 seeks to provide a more area of interest model, with the metro just split into quarters and other areas sorted by the group/economic driver they seem most aligned to. Again, this could lead to bias at the board level as the four metropolitan regional bodies are much more likely to be aligned on items than say the regional capitals are with Mining and Pastoral, and Agricultural areas – this is likely to make advocacy and decision making difficult.

Below is the ranking of the options based on the authors views and potential impact on Morawa

1. Option 1

- a. This option seems to offer the best balance between a responsive board tasked with running a multi-million-dollar organisation, and a Council of representatives that has representation based on smaller geographical locations.
- b. The main alteration suggested is that the Policy Council should meet three (3) times a year so it can contribute to Board Advocacy priorities in between the board meetings. For this model to work the Policy Council and the supporting zones must stay relevant, well represented, and targeted. By removing organisation specific items from general discussion, it may allow more time to be spent on advocacy and policy items.

2. Option 5

- a. For Morawa this option offers the greatest representation towards WALGA decision making as it provides a Midwest Zone representative on State Council/Board. Under all the other options there is no guarantee a representative who understands the Midwest will be allocated to the Board.
- b. Potentially WALGA could appoint an 8-person executive committee from State Council to perform all the functions associated with the business such as finances, staff, etc. and then State Council focusses on member specific topics and endorses the executive committee minutes/decisions.

3. Option 3

- a. Reduces the representation in our zone by including the Murchison, and Gascoyne. This may also impact on how often the zone meets and its regional collaboration building as the Murchison and Gascoyne travel distances make it unfeasible but still offers better representation than some of the other options. Having 15 members on the board is potentially no more responsive or flexible than the current 25-person state council.

4. Option 2

- a. Whilst not ideal, the regional bodies representation and regional body members being included on policy teams and forums will likely keep strong voices on regional issues. Although it could be argued that regional capitals such as Geraldton, Albany, and Bunbury have more in common with North or South metro than Country.

5. Option 4

- a. Without a clear structure or reason for existing it is likely the zones and regional groups part of this model may dissolve.

Overall options 1 and 5 offer the best representation for Morawa. Whilst the governance review is focussing on creating a more dynamic organisation, the self-interests of Morawa and the zone become diluted across most of the models. When combined with the new electoral reforms this may result in the quietening of the regional voice as more populous areas gain greater depth of representation.

LEVEL OF SIGNIFICANCE

Medium – Morawa’s views will be considered with the other 138 local governments which reduces the significance of the resolution but it is still important to respond and be heard on this matter.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

The DLGSCI legislative reform process seeks to take WALGA out of the Local Government Act from a constitutional perspective.

Strategic Community Plan 2022 - 2032

Be future focused in all we do:

1. Ensure the Shire and its assets are well resourced and sustainable.

FINANCIAL AND RESOURCES IMPLICATIONS

Nil

RISK MANAGEMENT CONSIDERATIONS

Nil – this is just a response to a discussion paper and no final position has been raised by WALGA and the final model will go to the 2023 AGM.

CONCLUSION

That Morawa states strongly that its preference is for Options 1 or 5 and that all other options will reduce is representation and diminish the inputs of the Midwest region.

ATTACHMENTS

Attachment 1 – Background Paper

Attachment 2 – Consultation Paper Model Options

11.2 Executive Manager Corporate & Community Services

11.2.1 Statement of Financial Activity – October 2022

Author: Corporate & Community Services Officer

Authorising Officer: Executive Manager Corporate & Community Services

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION

221105

Moved: Cr M Coaker

Seconded: Cr J Coaker

That Council receive:

1. the Statement of Financial Activity for the period ending 31 October 2022.
2. the Bank Reconciliation Report for period ending 31 October 2022.
3. the attached List of Payments for the period ending 31 October 2022.
4. with respect to the Chief Executive Officer authorisations and reporting to Council;
 - 4.1. Reimbursement applications made by the Chief Executive Officer for the period ending 31 October 2022

CARRIED BY SIMPLE MAJORITY 5/0

PURPOSE

The Statement of Financial Activity is prepared to provide Council with a comprehensive report on the financial position on a monthly basis.

The Statement of Financial Activity Report will include the Monthly Financial Report, Bank Reconciliation Report and the List of Payments made.

DETAIL

In accordance with the provisions of Section 6.4 of the *Local Government Act 1995* and Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*, a local government is to prepare each month a Statement of Financial Activity (**Attachment 1**) reporting on the revenue and expenditure as set out in the Annual Budget each month.

Under the regulations the report must include the following items,

- Annual Budget estimates
- Budget estimates to the end of the month to which the statement relates,
- Actual amounts of expenditure, revenue, and income.
- Material variances between budget and actual

- Net current assets
- The report is to be accompanied by documents containing an explanation of the net current assets, material variances and other relevant supporting documentation.

As part of the monthly report a bank reconciliation report will be completed and included as **Attachment 2**. The summary of the report for 30 October is as follows:

Account	Balance
Municipal Account	3,075,528.30
Municipal Online Account	1,030,068.63
Trust Account	7,165.83
Reserve Account	4,036,989.62
Term Deposits (Reserves)	2,100,000.00
Total Cash & Investments	\$10,249,752.38

Pursuant to Section 5.42 of the *Local Government Act 1995*, Council has resolved to delegate to the Chief Executive Officer the authority to make payments from the municipal and trust funds.

As a result of this delegation there is a requirement under the *Local Government (Financial Management) Regulations 1996* – Reg 13(3) for a list of payments to be prepared and presented to Council.

The list of accounts paid for the period 1 October 2022 to 31 October 2022 is presented as an attachment to this report (**Attachment 3**) and is summarised in the table below.

Bank	Payment Description	Amount
Municipal	Electronic Funds Transfers (EFT)	232,572.90
Municipal	Cheques No: 12039	98.72
Municipal	Direct Debit Transactions	53,659.09
Municipal	Bank Transfers / Payroll / Other Payments	125,541.58
Municipal	Corporate Credit Cards	4,265.99
Trust	Electronic Funds Transfers (EFT)	0.00
	TOTAL	\$416,138.28

Reimbursement Applications

There have been \$545.13 of reimbursements claimed, associated with accommodation for the WALGA State Conference, and 4 days of leave taken by the Chief Executive Officer during the month of October. The leave days consist of 1 personal leave and 3 days of annual leave.

LEVEL OF SIGNIFICANCE

Low significance - report is presented to Council for information purposes only.

CONSULTATION

Chief Executive Officer
Executive Manager Corporate & Community Services

OFFICER'S COMMENTS

The October financials are showing that we have collected 72.3% of rates levied for 2022-2023 with an outstanding rates balance (including prior year) of \$1,002,171. This is reflected by the increase to the cash held in the Municipal Account during October.

LEGISLATION AND POLICY CONSIDERATIONS

Section 5.42 *Local Government Act 1995* Delegation of some powers and duties to the CEO.

Section 2.7 of the *Local Government Act 1995* states:

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.

Local Government (Financial Management) Regulations 1996

Regulations 34(1)

- (1) A local Government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d) for each month.

Regulation 13

- (1) If the local government has delegated authority to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month.
- (3) A list prepared under sub regulation (1) or (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting

Procurement Policy

Use of Corporate Credit Card Policy

CEO Leave Authorisations and Other Approvals Policy

Strategic Community Plan 2022 - 2032

Be future focused in all we do:

Ensure the Shire and its assets are well resourced and sustainable.

FINANCIAL AND RESOURCES IMPLICATIONS

As presented.

RISK MANAGEMENT CONSIDERATIONS

The risks identified as part of this report being inaccurate information is mitigated by Council

receiving financial statements on a monthly basis and in the form that is in accordance with the Local Government Act 1995 and associated regulations in the format called Statutory Reporting and is considered Low Risk.

CONCLUSION

Council is requested to receive the attached Statement of Financial Activity, the Bank Reconciliation report, the list of accounts paid by the Chief Executive Officer and the list of any work-related expenses/reimbursements submitted by the Chief Executive Officer.

ATTACHMENTS

Attachment 1 – Monthly Financial Report for the period ending 31 October 2022.

Attachment 2 – Bank Reconciliation for the period ending 31 October 2022.

Attachment 3 – List of Accounts Paid for the period ending 31 October 2022.

11.2.2 1st Quarter Budget Review – 1 July to 30 September 2022

Author: Executive Manager Corporate & Community Services

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION**221106****Moved: Cr Stokes****Seconded: Cr M Coaker****That Council:**

- 1. Adopt the 1st quarter budget review for the period of 1 July to 30 September 2022 as presented in the Report and Attachment 1**
- 2. Amends the budget accordingly**

CARRIED BY ABSOLUTE MAJORITY 5/0

PURPOSE

For Council to consider and adopt the 1st quarter 2022-2023 budget review.

DETAIL

Under Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, Council is obliged to undertake an annual budget review. A review of the 2022-2023 Annual Budget has been undertaken by the Chief Executive Office and other senior staff using the monthly financial statements as of 30 September 2022.

The 1 July – 30 September 2022 Budget Review (*Attachment 1*) document details the examination undertaken and all budget movements.

Summarised below are the major variations included in the Budget Review:

Increase in Operating Revenue

Various operating revenue accounts have been modified to rectify under allocations in the budget with the significant changes being:

- Increase \$6,000 in Youth grants income to align with actual figures expected for 2022-2023.
- Inclusion of \$30,000 income from Blackspot – not included in the original budget and yet to be confirmed.
- Inclusion of \$53,728 Community Water Supply Grant income – not included in the original budget.

- Increase of rental income by \$6,000 to align with the actual income expected for 2022-2023.
- Increase of \$16,000 Income from the Art Show to reflect actual income

Overall increase in operating revenue through budget review is \$111,728.

Operating Expenditure

Various operating expenditure accounts have been modified to offset grant income and to rectify under or over allocations in the budget with the changes being:

Increase:

- Increase of \$5,000 expenditure for the Art Show to reflect actual expenditure for 2022-2023.
- Inclusion of \$6,000 for expenses relating to the Arts & Culture Plan not included in original budget.
- Inclusion of additional \$6,000 youth expenditure to offset grant income.

Overall reduction in operating expenditure through the budget review is \$17,000.

Capital Expenditure

- Inclusion of \$74,328 for the supply and setup of a water tank on Morawa Yalgoo Road funded from the Community Water Supply Grant.
- Inclusion of \$45,000 for a detailed design to be partially funded by State Blackspot if approved.

Overall increase in capital expenditure through the budget review of \$119,328.

Final Position

With the budget review movements presented in attachment 1 the Shire's end of year closing position is expected to reduce from a balanced budget to a \$24,600 deficit.

Whilst the Shire would not budget for a deficit at the start of the year, it is important to note that two further budget reviews are scheduled for the 2022/2023 financial year, and these will aim to rectify the deficit situation – noting the proposed deficit is minor in nature.

LEVEL OF SIGNIFICANCE

Medium – The regular review of adherence to budget and ensuring known variables are factoring into the Shire's financial planning represents good practice.

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government (Financial Management) Regulations 1996
33A. Review of budget

- (1) *Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.*
- (2A) *The review of an annual budget for a financial year must —*
 - (a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
 - (b) *consider the local government’s financial position as at the date of the review; and*
 - (c) *review the outcomes for the end of that financial year that are forecast in the budget.*
- (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.”*

Strategic Community Plan 2022 - 2032

Be future focused in all we do:

Ensure the Shire and its assets are well resourced and sustainable.

FINANCIAL AND RESOURCES IMPLICATIONS

The Shire of Morawa 2022-2023 1st quarter Budget Review outcome is that Council is expected to have a deficit of \$24,600 at 30 June 2023 (adopted budget was balanced)

RISK MANAGEMENT CONSIDERATIONS

The inclusion of two extra budget reviews each financial year is a risk management tool to minimise disruption and unexpected costs impacting the Shire’s financial position.

The only risk with this report is that the Shire is unable to make savings in future reviews to offset the proposed deficit. It is deemed unlikely that this will occur as the Shire has reserve funds to call upon if needed

CONCLUSION

The review has considered all operational and capital areas of council and compared year to date figures to projected 30 June figures to ensure accounts are tracking in line with budget. Where changes and variations are known these changes have been incorporated to ensure that the desired financial result is achieved by Council.

The net effect of the projected income and expenditure to 30 June 2023 is that Council is expected to have a deficit of \$24,600 at year end instead of the budgeted break-even balance.

ATTACHMENTS

Attachment 1 – 1 July to 30 September 2022 Budget Review

11.3 Executive Manager Works & Assets

Nil

Item 12 Reports from Committees

Nil

Item 13 Motions of Which Previous Notice Has Been Given

Nil

Item 14 New Business of an Urgent Nature

Nil

Item 15 Matters for Which the Meeting May Be Closed (Confidential Items)**15.1 Closure of the Meeting to the Public**

Author:	Executive Manager Corporate & Community Services
Authorising Officer:	Chief Executive Officer
Disclosure of Interest:	The CEO has a conflict of interest in relation to Item 15.2 given it is a review directly related to his performance, however the regulations stipulate that the process should be by agreement.

OFFICER'S RECOMMENDATION/RESOLUTION

221107 **Moved: Cr Stokes** **Seconded: Cr J Coaker**

That Council:

That Council closes the meeting to the public under section 5.23 (2)(a) and (c) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012 s 6.2* so that it can consider the following Items:

- **15.2** **CEO Performance Review Evaluation**
- **15.3** **Waste Collection Contract**

CARRIED BY SIMPLE MAJORITY 5/0

Mr Scott Wildgoose, Mr Paul Devcic, Mrs Jackie Hawkins left the meeting 5:45pm.

PURPOSE

This item seeks Council's approval under s5.23 (2) of the Local Government Act 1995 to move into camera or closed session to consider confidential matters.

DETAIL

Under s5.23 (2) of the *Local Government Act 1995*, Council must resolve to move into camera or closed session. The following Items are 'confidential matters' as addressed below:

- 15.2 Confidential Item – CEO Performance Review Evaluation
- 15.3 Waste Collection Contract

LEVEL OF SIGNIFICANCE

High – Confidential Items

CONSULTATION

Senior Management Team

LEGISLATION AND POLICY CONSIDERATIONS

Local Government Act 1995

Under section 5.23 (2) of the *Local Government Act 1995*, part of a council meeting may be closed, if the meeting deals with any of the following:

- (a) *a matter affecting an employee or employees;*
- (b) *the personal affairs of any person;*
- (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;*
- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;*
- (e) *a matter that if disclosed, would reveal —*
 - (i) *a trade secret;*
 - (ii) *information that has a commercial value to a person;*
 - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government;*
- (f) *a matter that if disclosed, could be reasonably expected to —*
 - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;*
 - (ii) *endanger the security of the local government's property;*
 - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
- (h) *such other matters as may be prescribed.*

Shire of Morawa Meeting Procedures Local Law 2012

The key parts include:

6.2 Meetings not open to the public;

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried— (a) the presiding member is to direct everyone to leave the meeting except— (i) the members; (ii) the CEO; and (iii) any

officer specified by the presiding member; and (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.

- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

Strategic Community Plan 2022 to 2032)

Be future focused in all we do:

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FINANCIAL AND RESOURCES IMPLICATIONS

Any known financial implications are addressed in the respective reports.

RISK MANAGEMENT CONSIDERATIONS

There are no known risk management implications in relation to this item.

CONCLUSION

That Council closes the meeting to the public under section 5.23 (2) of the *Local Government Act 1995* and the *Shire of Morawa Meeting Procedures Local Law 2012* s 6.2 so that it can consider the reports as addressed.

ATTACHMENTS

Nil

15.2 Confidential Report – Chief Executive Officer Annual Performance Review

Author: Executive Manager Corporate & Community Services

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author declares that they do not have any conflicts of interest in relation to this item.

The Authorising Officer, The Chief Executive Officer, declares an interest in relation to this matter and advises Council they have authorised the report for process purposes only.

The Author recommends Council suspends standing orders to discuss the outcomes of the Performance Review, specifically sections 4.3 to 4.5 of the confidential report in relation to setting the Chief Executive Officers total remuneration package (TRP), to finalise the salary review process. Noting no specific salary or remuneration recommendation has been made outside of the Statutory Superannuation changes, as such if a change to the CEO TRP is proposed this will need to be moved as a Council amendment or addition to the officer's recommendations. Note five (5) options were outlined by the consultant in part 4.5 of the attachment.

Motion to Suspend Standing Orders

Moved: Cr K Stokes Seconded: Cr J Coaker

ACCEPTED 5/0

Standing Orders Suspended 5:46pm

Motion to Resume Standing Orders

Moved: Cr K Stokes Seconded: Cr Katona

ACCEPTED 5/0

Standing Orders resumed 5:54pm

OFFICER'S RECOMMENDATION

That Council:

1. Notes the Salaries and Allowances Tribunal Determination of 7 April 2022 (effective 1 July 2022).
2. Notes the outcomes of the Elected Member Performance Survey undertaken in October 2022 with the Chief Executive Officer being assessed at 'Meets Expectations' in this year's performance appraisal.

3. Adopts the performance criteria metrics for the 2022-2023 performance period outlined in section 5.5 of the confidential report, and, that the Shire President in a written document advise the CEO of the agreed performance criteria.
4. Notes that the superannuation Guarantee Levy has increased from 10% to 10.5% effective 1 July 2022 and accept that the rate is set to increase to 11% on 1 July 2023 and approve for this increase to automatically apply to the CEOs contract when it becomes mandated.
5. Requests that the Shire President finalise the Contract of Employment amendments as required on behalf of Council.
6. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for considered by Council no later than November 2023.
7. Direct the CEO to seek quotes by July 2023 from suitably qualified independent reviewers to undertake the 2023 and 2024 CEO performance reviews on behalf of Council.
8. Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.
9. Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by requesting the Shire President to notify the Chief Executive Officer in writing of the results of this performance review.

COUNCIL RESOLUTION – Amended Motion

221108

Moved: Cr J Coaker

Seconded: Cr M Coaker

That Council:

1. Notes the Salaries and Allowances Tribunal Determination of 7 April 2022 (effective 1 July 2022).
2. Notes the outcomes of the Elected Member Performance Survey undertaken in October 2022 with the Chief Executive Officer being assessed at '*Meets Expectations*' in this year's performance appraisal.
3. Adopts the performance criteria metrics for the 2022-2023 performance period outlined in section 5.5 of the confidential report, and, that the Shire President in a written document advise the CEO of the agreed performance criteria.
4. Notes that the superannuation Guarantee Levy has increased from 10% to 10.5% effective 1 July 2022 and accept that the rate is set to increase to 11% on 1 July 2023 and approve for this increase to automatically apply to the CEOs contract when it becomes mandated.

5. Requests that the Shire President finalise the Contract of Employment amendments as required on behalf of Council.
6. Schedules the next review of the Chief Executive Officers performance and total remuneration package (TRP) for considered by Council no later than November 2023.
7. Direct the CEO to seek quotes by July 2023 from suitably qualified independent reviewers to undertake the 2023 and 2024 CEO performance reviews on behalf of Council.
8. Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 18, by resolution of an absolute majority of the council, endorse this review.
9. Complies, as per Division 3 of the Local Government (Administration) Regulations Schedule 2 clause 19, by requesting the Shire President to notify the Chief Executive Officer in writing of the results of this performance review.
10. Increase the Regional/Isolation Allowance allocated to the Chief Executive Officer from \$10,000 to \$20,000 per annum

CARRIED BY ABSOLUTE MAJORITY 5/0

Reason for Change

Council deemed it appropriate to adjust the Regional/Isolation allowance applied to the CEO in light of his performance to date.

Mr Scott Wildgoose was invited to re-join the meeting at 5:56pm, Shire President Cr Karen Chappel notified Mr Wildgoose of the outcome of the performance review and Council's resolution.

Mr Paul Devcic and Mrs Jackie Hawkins were invited to re-join the meeting at 5:58pm.

15.3 Morawa Waste Collection Contract Quotation Assessment

Author: Chief Executive Officer

Authorising Officer: Chief Executive Officer

Disclosure of Interest: The Author and Authorising Officer declare that they do not have any conflicts of interest in relation to this item.

OFFICER'S RECOMMENDATION/RESOLUTION**221109****Moved: Cr Stokes****Seconded: Cr M Coaker**

That Council:

- 1. Endorse the CEO to enter into a contract, for an initial term of 3 years with a 3 year option for renewal (in the Shire's favor) , with Avon Waste for the collection of the Shire's waste as per the request for quotation specification.**
- 2. Authorise the CEO to further review kerbside recycling options and develop a proposal for this service delivery model.**

CARRIED BY SIMPLE MAJORITY 5/0

15.4 Reopening of the Meeting to the Public**OFFICER'S RECOMMENDATION/RESOLUTION****221110****Moved: Cr J Coaker****Seconded: Cr Katona**

That Council reopens the meeting to the public.

CARRIED BY SIMPLE MAJORITY 5/0

Item 16 Closure**16.1 Date of Next Meeting**

The next ordinary meeting of Council will be held on Thursday, 15 December 2022 commencing at 5.30pm.

16.2 Closure

There being no further business, the President declared the meeting closed at 6pm.