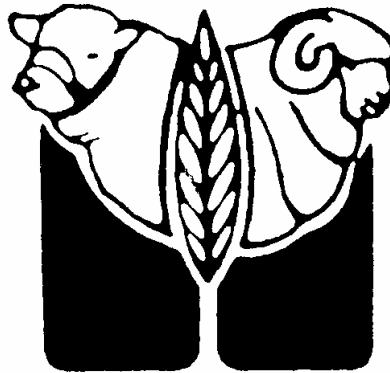


# MINUTES



## ORDINARY MEETING

HELD ON

THURSDAY, 18 NOVEMBER 2004

AT

SHIRE OF BOYUP BROOK  
ABEL STREET – BOYUP BROOK  
COMMENCEMENT AT 3.30PM

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**Suspension of Standing Orders**

**MOVED: Cr Mondy**

**SECONDED: Cr Downing**

**That the Order of Business for the Council Meeting, being Clause 5 of Standing Orders, Local Law No 1 be suspended.**

**CARRIED: 8/0**

<b>1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>
------------------------------------------------------------------------------

1.1 Attendance

Cr Terry Ginnane – Shire President  
Cr J Mondy  
Cr S Broadhurst  
Cr R Downing  
Cr P Marshall  
Cr K Moir  
Cr T Oversby  
Cr S Purse

Mr W Pearce – Chief Executive Officer  
Mr K Jones – Manager of Finance and Administration  
Mr J Eddy – Manager of Works and Services  
Mrs G Wallace – Secretary

Mr E Muncey  
Mr B Anderson – Donnybrook – Bridgetown Mail

1.2 Apologies

Cr N Blackburn

<b>2 PUBLIC QUESTION TIME</b>
-------------------------------

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

**3 APPLICATIONS FOR LEAVE OF ABSENCE**

**4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS**

**5 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

5.1 Minutes of the Ordinary Meeting of the Council held on 21 October 2004.

**MOVED: Cr Downing**

**SECONDED: Cr Oversby**

**That the minutes of the previous Ordinary Meeting of the Council held on 21 October 2004 be confirmed as an accurate record subject to the following changes:-**

**Page 17 item 7.3.1 to read:-**

**“That the Council approves the expenditure of \$1,000 from budgeted advertising funds as a contribution towards the cost of advertising the Boyup Brook district by way of a mural on a Mead’s Transport vehicle.**

**CARRIED 8/0**

**6 PRESIDENTIAL COMMUNICATIONS**

## 7 REPORTS OF OFFICERS AND COMMITTEES

### 7.1 WORKS AND SERVICES

#### 7.1.1 Hot Bitumen & Mineral Aggregate Tenders for 2004/2005

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* John Eddy  
*Date Report Written:* 05 November 2004  
*Enabling Legislation:* -  
*File:* EQ/57/001 & EQ/57/002  
*Appendices:* -

#### **BACKGROUND:**

Tenders were called for the supply of sprayed bitumen and mineral aggregate.

#### **DETAIL:**

The following tenders were received by the closing time of 4.00pm on Wednesday 03 November 2004.

#### Tender No 04-004 Supply of Sprayed Bitumen

<b>Company</b>	<b>5,000L → 10,000L</b>	<b>10,000L →15,000L</b>	<b>15,000 → 20,000L</b>	<b>Over 20,000L</b>	<b>Average</b>
Pioneer Road Services	\$0.70	\$0.65	\$0.58	\$0.56	\$0.623
RNR Contracting	\$0.587	\$0.568	\$0.568	\$0.568	\$0.573
Malatesta	\$0.70	\$0.65	\$0.62	\$0.61	\$0.645
Boral	\$0.67	\$0.60	\$0.58	\$0.56	\$0.603

The supply of sprayed bitumen prices have been averaged based on supply and spray of hot bitumen, RNR Contracting submitting the lowest tender price. Note all prices are GST exclusive.

#### Tender No 04-005 Supply of mineral Aggregate to Boyup Brook

<b>Ex Quarry to Boyup Brook</b>	<b>Hanson</b>	<b>K &amp; B Mead Transport</b>
10mm Metal	\$30.30 Tonne	\$28.75 Tonne
14mm Metal	\$29.80 Tonne	\$28.75 Tonne
Additional Cartage	7.0c/T/Km	9.0c/T/km

K & B Mead submitted the lowest tender for the supply of mineral aggregate.

Note all prices are GST exclusive on delivery to the Boyup Brook townsite.

**COMMENT:**

Tender No 04-004 – Supply of Sprayed Bitumen

RNR Contracting Pty Ltd has provided reliable service, delivery and application of materials to the Shire of Boyup Brook for the past seven (7) years and it is recommended that their tender be accepted.

Tender No 04 – 005 – Supply of Mineral Aggregate

K & B Mead Transport submitted the lowest tender for the supply of mineral aggregate and has provided reliable service and delivery of materials for the past three (3) years.

It is therefore recommended that their tender be accepted.

**MOVED: Cr Mondy**

**SECONDED: Cr Oversby**

**That the Council accept the following tenders for the 2004/2005 financial year:-**

**1 Supply of Sprayed Bitumen – Tender No 04-004**

**R.N.R. CONTRACTING**

5,000L → 10,000L	10,000L →15,000L	15,000L →20,000L	over 20,000L	Average Cost/L
\$0.587	\$0.568	\$0.568	\$0.568	\$0.573

**2 Supply Mineral Aggregate to Boyup Brook – Tender No 04-005**

**K & B Mead Transport**

**Supply and deliver of 14mm and 10mm aggregate as specified to the Boyup Brook townsite \$28.75/tonne and 9.0 cents/tonne/kilometre for additional cartage.**

**CARRIED 8/0**

**7.1.2 Townscape Advisory Committee Minutes – 03 November 2004**

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* John Eddy  
*Date Report Written:* 08 November 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* PA/37/001  
*Appendices:* 1.1 - Minutes

**BACKGROUND:**

A Townscape Advisory Committee meeting was held on 03 November 2004.

Minutes of the meeting are laid on the table and circulated (refer to appendix 1.1).

**MOVED: Cr Purse**

**SECONDED: Cr Oversby**

**That the minutes of the Townscape Advisory Committee held on the 03 November 2004, be received.**

**CARRIED 8/0**

## **7.2 DEVELOPMENT AND COMMUNITY SERVICES**

### **7.2.1 Youth Advisory Committee Minutes**

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Keith Jones  
*Date Report Written:* 08 November 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* IM/37/004  
*Appendices:* 1.2 - Minutes

#### **BACKGROUND:**

A Meeting of the Youth Advisory Committee was held on the 26 October, 03 and 09 November 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.2).

**MOVED: Cr Downing**

**SECONDED: Cr Broadhurst**

**That the minutes of the Youth Advisory Committee on 26 October, 03 and 09 November 2004 be received.**

**CARRIED 8/0**

### **7.2.2 Recreation & Leisure Advisory Committee Minutes**

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Keith Jones  
*Date Report Written:* 11 November 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* RE/37/001  
*Appendices:* 1.3 Minutes

#### **BACKGROUND:**

A Meeting of the Recreation & Leisure Advisory Committee was held on the 11 November 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.3).

**MOVED: Cr Oversby**

**SECONDED: Cr Broadhurst**

**That the Council go into a committee to allow members free discussion on the matter.**

**CARRIED 8/0**

**MOVED: Cr Purse**

**SECONDED: Cr Oversby**

**That the Council close committee.**

**CARRIED 8/0**

**MOVED: Cr Purse**

**SECONDED: Cr Oversby**

**That the minutes of the Recreation & Leisure Advisory Committee held on 11 November 2004, be received.**

**CARRIED 8/0**

### **7.3 CORPORATE SERVICES**

#### **7.3.1 January 2005 Council Meeting**

*Proponent: Shire of Boyup Brook*  
*Location: -*  
*Reporting Officer: Will Pearce*  
*Date Report Written: 08 November 2004*  
*Enabling Legislation: Local Government Act 1995*  
*File: GO/37/001*  
*Appendices: -*

#### **BACKGROUND:**

Council business is traditionally quiet over the Christmas period and month of January.

The January 2003 and 2004 Council meetings were cancelled with minimal impact on operations

The Council did however hold a Special Meeting on 28 January 2004 to address one specific item relating to GP.

The Council is now requested to consider canceling its January 2005 meeting (falling on the 20<sup>th</sup>).

#### **DETAIL:**

The 'Council Meeting Dates' policy states that it will meet 'on the third Thursday of each month unless resolved otherwise'.

However, it is prudent to consider the issue now to provide the wider community with sufficient notice should the Council cancel its January 2005.

#### **COMMENT:**

The Local Government Act section 5.3 (2) states that ordinary meetings are to be held not more than three months apart.



Canceling this meeting would not contravene the act.

**MOVED: Cr Moir**

**SECONDED: Cr Downing**

**That the Council cancels its 20 January 2005 meeting.**

**CARRIED 8/0**

7.3.2 2005 Citizen, Sportsperson & Youth of the Year Award

*Proponent: Shire of Boyup Brook*  
*Location: -*  
*Reporting Officer: Will Pearce*  
*Date Report Written: 08 November 2004*  
*Enabling Legislation: Local Government Act 1995*  
*File: CR/25/004*  
*Appendices: -*

**BACKGROUND:**

Nominations closed for the annual awards on 26 November 2005.

It is now necessary to appoint elected members to the selection panel.

**DETAIL:**

The Council's Award Process Policy states:-

***'Objective***

*To determine guidelines for awarding distinguished performance and/or positive contributions to the community by residents.*

***Statement***

*The Council will invite nominations marked confidential for the following Awards annually:-*

- *Citizen of the Year*
- *Young Achiever of the Year*
- *Sports Person of the Year*

*The selection panel shall comprise of four (4) Councillors and Chief Executive Officer. The following selection criteria shall be used by the selection panel to determine the most suitable nominee:-*

*Citizen of the Year*

- *a resident who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year*
- *a resident who has achieved and/or contributed to the community consistently over a period of years.*

*Young Achiever of the Year*

- *a resident no older than 25 years of age on 26 January, who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year*
- *a resident no older than 25 years of age on 26 January who has achieved and/or contributed to the community consistently over a period of years.*

*Sports Person of the Year*

- *a resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship*
- *resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship consistently over a period of years.*

*General*

*The successful nominee(s), if any, shall be announced and presented with a certificate and appropriate gift with a value of no more than \$100, at the Australia Day Breakfast function hosted annually by the Council.*

*Nominations must be made by 4.00pm on the last Friday of November of each year. The winners shall be announced at the December Council meeting to ensure that the winner will be provided with the opportunity to attend the Australia Day celebrations.'*

**COMMENT:**

It is suggested that the panel to select the 2005 Citizen, Sportsperson and Youth of the Year awards consist of Crs \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_.

**MOVED: Cr Downing**

**SECONDED: Cr Mondy**

**That the Council go into a committee to allow members free discussion on the matter.**

**CARRIED 8/0**

**MOVED: Cr Downing**

**SECONDED: Cr Oversby**

**That the Council close committee.**

**CARRIED 8/0**

**MOVED: Cr Marshall**

**SECONDED: Cr Downing**

**That the panel to select the 2005 Citizen, Sportsperson and Youth of the Year awards consist of Crs Downing, Broadhurst, Oversby and Blackburn.**

**CARRIED 8/0**

**MOVED: Cr Oversby**

**SECONDED: Cr Downing**

**That the unsuccessful nominees for the 2004 Citizen, Sportsperson and Youth of the Year awards be submitted as nominations for the 2005 awards.**

**CARRIED 7/1**

**7.3.3 Warren Blackwood Economic Alliance Minutes – 26 October 2004**

*Proponent: Warren Blackwood Economic Alliance*  
*Location: -*  
*Reporting Officer: Will Pearce*  
*Date Report Written: 11 November 2004*  
*Enabling Legislation: -*  
*File: GR/31/006*  
*Appendices: 1.4 - Minutes*

**BACKGROUND:**

Meetings of the Warren Blackwood Economic Alliance were held on 26 October 2004.

Minutes of the meetings are laid on the table and circulated (refer to appendix 1.4).

**MOVED: Cr Broadhurst**

**SECONDED: Cr Marshall**

**That the minutes of the Warren Blackwood Economic Alliance held on 26 October 2004 be received.**

**CARRIED 8/0**

**7.3.4 Quarterly Financial Report for September 2004**

*Proponent: Shire of Boyup Brook*  
*Location: -*  
*Reporting Officer: Keith Jones*  
*Date Report Written: 11 November 2004*  
*Enabling Legislation: Local Government Act 1995*  
*File: FM/10/003*  
*Appendices: 1.5 Quarterly Figures*

**BACKGROUND:**

The quarterly financial statements for the September 2004 period are laid on the table and circulated (refer to appendix 1.5).

**COMMENT:**

Notes relating to significant variances between actual and budget figures are included with the quarterly statements.

**MOVED: Cr Mondy**

**SECONDED: Cr Downing**

**That the Council go into a committee to allow members free discussion on the matter.**

**CARRIED 8/0**

**MOVED: Cr Downing**

**SECONDED: Cr Mondy**

**That the Council close committee.**

**CARRIED 8/0**

**MOVED: Cr Mondy**

**SECONDED: Cr Oversby**

**That the Financial Statements for the September 2004 quarter be received.**

**CARRIED 8/0**

7.3.5 Accounts for Payment and Financial Status

*Proponent:* Shire of Boyup Brook  
*Location:* -  
*Reporting Officer:* Keith Jones  
*Date Report Written:* 12 November 2004  
*Enabling Legislation:* Local Government Act 1995  
*File:* FM/10/003  
*Appendices:* 1.6 - Payments

**BACKGROUND:**

A monthly report is presented for consideration.

**DETAIL:**

The accounts for payment up to 31 October 2004 are attached (see appendix 1.6).

The payments made directly through the Municipal Account are as follows:-

• Salaries for the month of October 2004	\$	64069.50
• Lease of Photocopier	\$	415.06
• Lease of Roller	\$	1,197.61
• Internet Access Fee	\$	40.00
• FlexiRent Computer	\$	2088.00
• Rent MFA	\$	160.00
• A Hales –Contractor	\$	885.50

The Account Balances for the various accounts as at 31 October 2004 are as follows:-

• Municipal Account	\$	49,244.01
• Shire Clerk Advance	\$	994.25
• Shire Medical Account	\$	3,793.44
• Trust Account	\$	37,977.59

Investments secured 2 November 2004 with the Commonwealth Bank maturing December 2004 are as follows:-

• Reserves Account Term Deposit	\$	638,266.77	@5.12%
• Investment	\$	600,000.00	@5.12%

As at 11 November the following amount of rates were outstanding:-

Boyup Brook Ward	\$	118996.30
Benjinup Ward	\$	82213.38
Dinninup Ward	\$	60244.71
Scotts Brook Ward	\$	48010.94
<u>TOTAL</u>	\$	309465.33

Sundry Debtors at 10 November 2004                   \$     86697.50

Sundry Creditors at 10 November 2004                 \$       NIL

**MOVED: Cr Downing**

**SECONDED: Cr Moir**

**That the accounts as:-**

- 1       presented totalling \$232093.11 voucher numbers for payment; 12569, 12654, 12658-12660, 12662-12743, 1860-1867;**
- 2       paid by direct payments through the Municipal Account, the Chief Executive Officer's Advance Account and Trust,**

**be endorsed for payment.**

**CARRIED 8/0**

**7.3.6           Annual Report and Audit**

<i>Proponent:</i>	<i>Haines Norton Chartered Accountants</i>
<i>Location:</i>	<i>-</i>
<i>Reporting Officer:</i>	<i>Keith Jones</i>
<i>Date Report Written:</i>	<i>18 November 2004</i>
<i>Enabling Legislation:</i>	<i>Local Government Act 1995</i>
<i>File</i>	<i>FM/9/004</i>
<i>Appendices:</i>	

**BACKGROUND:**

The Council's Auditors have recently conducted the end of (financial) year audit for 2003/04 and provided an independent Audit Report to the Electors of the Shire of Boyup Brook.

It is now necessary to adopt the Annual 2003/2004 Report.

**COMMENT:**

It is suggested that the:-

- 1.       independent Audit Report and Audit Management Report for 2003/04 submitted by Auditor David Tomasi of Haines Norton, be received;**
- 2.       2003/04 Annual Report prepared be accepted in accordance with Section 5.54 of the Local Government Act 1995.**

**MOVED: Cr Mondy**

**SECONDED: Cr Moir**

**That the:-**

- 1.       independent Audit Report and Audit Management Report for 2003/04 submitted by Auditor David Tomasi of Haines Norton, be received;**
- 2.       2003/04 Annual Report prepared be accepted in accordance with Section 5.54 of the Local Government Act 1995.**

## 8 PETITIONS AND MEMORIALS

Nil

## 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 9.1 Cr Ginnane – Standing Orders Local Laws be Amended

**That Clause 4 and Clause 5 of Standing Orders, Local Law #1 be amended to relate to current practice.**

CEO's Comment:

The procedure for amending local laws is prescribed in the Local Government Act 1995.

Clauses 4 and 5 of the Standing Orders read –

### “4. MEETINGS - MINUTES

#### 4.1 Recording and Reading of Minutes

4.1.1 Binding or pasting or otherwise permanently affixing the minutes to the leaves of a book shall be a sufficient recording of the minutes.

4.1.2 Reading of the minutes of a previous meeting may be dispensed with provided that a copy of those minutes has been supplied to each member at least 72 hours prior to the date of the ordinary meeting at which they are presented for confirmation.

#### 4.2 Confirmation of Minutes

The minutes of any preceding meeting or meetings as described in the Act, not previously confirmed, shall be submitted for confirmation as the first business after public question time at all meetings of the Council, and no discussion of them shall be permitted except as to their accuracy as a record of the proceedings. Each page of the minutes of the full Council meeting shall be initialled by the President or person presiding over the meeting as prescribed by the Act, except that the last page of the minutes must receive a full signature and date.

### 5. MEETINGS - ORDER OF BUSINESS

#### 5.1 Ordinary Meeting - Order of Business

The order of business of an ordinary meeting of Council shall be:

(a) Question time from the public, limited to a total of fifteen minutes of duration, except by consent of the President. Each speaker will be limited to three minutes duration to speak, except by consent of the President;

(b) Apologies and leave of absence;

- (c) Confirmation of the minutes;
- (d) Presidential communications;
- (e) Declarations of interest;
- (f) A report by the Chief Executive Officer relative to business arising out of minutes of any previous meeting, work or business carried out in the period between meetings or requests for instructions as to future business;
- (g) The reception of minutes or reports or recommendations of committees held since the previous meeting of Council;
- (h) The reception of petitions and memorials;
- (i) Motions of which previous notice has been given;
- (j) Questions of which notice has been given;
- (k) Any other business the reception of which has been approved according to Clause 2.3 of these standing orders.

## **5.2 Late Correspondence**

In cases of extreme urgency or other special circumstance, late correspondence may, with the consent of the President, or at the request of a majority of Councillors present, be read and dealt with.”

The proposed amendments would update the local law according to current practice.

The last statement of clause 4.2 needs to be updated as the current practice is to only sign the last page of the minutes and clause 5 does not reflect the agenda format.

It is recommended that a possible motion read in lieu of the above-

**MOVED: Cr Oversby**

**SECONDED: Cr Purse**

**That the Chief Executive Officer give public notice under section 3.12 of the Local Government Act 1995 of the intention to amend local law on Standing Orders according to the following:-**

### **1 Clause 4.2 – last statement to be replaced with-**

**Each set of minutes of the full Council meeting shall be signed and dated by the President or person presiding over the meeting as prescribed by the Act on the last page of the minutes.**

### **2 Clause 5.1 to be replaced with-**

**The order of business of an ordinary meeting of Council shall be:**

- (a) Record of Attendance/Apologies/Leave of Absence Previously Approved;**

- (b) **Public Question Time from the public, limited to a total of fifteen minutes of duration, except by consent of the President. Each speaker will be limited to three minutes duration to speak, except by consent of the President;**
  - (i) **Response to previous public questions taken on notice**
  - (ii) **Public Question Time**
- (c) **Applications for Leave of Absence;**
- (d) **Petitions/Deputations/Presentations/Reports;**
- (e) **Confirmation of the minutes of Previous Meeting & Special Meeting;**
- (f) **Presidential communications;**
- (g) **Reports of Officers and Committees;**
- (h) **Petitions and Memorials;**
- (i) **Motions of Which Previous Notice has been Given;**
- (j) **Urgent Business;**
- (k) **Closure of Meeting.**

**CARRIED 8/0**

9.2 Cr Ginnane – Boyup Brook Theme

**MOVED: Cr Ginnane**

**SECONDED: Cr Downing**

**That the Council adopts a theme of "Boyup Brook, the Town of Sculptures" and invite Mr Sandy Chambers to submit a proposal to design and create the theme.**

**LOST 2/6**

**MOVED: Cr Ginnane**

**SECONDED: Cr Broadhurst**

**That the Council allocates an amount of \$1000.00 towards the construction of a 'fireman' hollogram being paid for by the Boyup Brook fire brigade volunteers.**

**Amendment**

**MOVED: Cr Ginnane**

**SECONDED:**

**That the Council allocates an amount of \$500.00 towards the construction of a 'fireman' hollogram being paid for by the Boyup Brook fire brigade volunteers.**

**MOVED: Cr Ginnane**

**SECONDED: Cr Broadhurst**

**That the item be laid on the table.**

**MOTION WITHDRAWN**



**10 URGENT BUSINESS – BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT**

10.1 Council Chairs

**MOVED: Cr Purse**

**SECONDED: Cr Oversby**

**That the Council purchase leather covered chairs from Arteil at a cost of \$631.00 plus GST per chair.**

**CARRIED 6/2**

**11 CLOSURE OF MEETING**

There being no further business the Chairman declared the meeting closed at 4.56pm.

These Minutes and Schedule of Accounts were confirmed by the Council at the Council Meeting held on the 16 December 2004.

\_\_\_\_\_  
Cr Terry Ginnane, Shire President