



MINUTES OF SPECIAL MEETING OF COUNCIL

For Council to consider: Council Policy Review

held on

Tuesday 21 December 2021

Commencing at 5.00pm

Shire of Donnybrook Balingup Council Chamber, Donnybrook

Steve Potter
Acting Chief Executive Officer

23 December 2021

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SHIRE OF DONNYBROOK BALINGUP
MINUTES OF SPECIAL MEETING OF COUNCIL

Held at the Council Chamber
Tuesday, 21 December 2021 at 5.00pm

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Shire President – Acknowledgment of Country

The Shire President acknowledged the traditional custodians of the land, the Wardandi People of the Noongar Nation, paying respects to Elders, past, present and emerging.

The Shire President declared the meeting open at 5:00pm and welcomed the public gallery.

Recording of Proceedings:

The Shire President advised that the meeting is being digitally recorded to assist with minute taking in accordance with Council Policy 1.25. The Shire President further stated the following:

If you do not give permission for your participation to be recorded, please indicate this at the meeting. Members are reminded that no other visual or audio recording of this meeting by any other means is allowed without the permission of the Chairperson.

Shire of Donnybrook Balingup Meeting Procedures Local Law 2017 6.17 (4) "A person shall ensure that his or her mobile telephone, audible pager or other electronic communications device is not switched on or used during any meeting of the Council, unless required for emergency use and permission has been granted by the Presiding Member prior to the start of the meeting."

2 ATTENDANCE

MEMBERS PRESENT

COUNCILLORS	STAFF
Cr Leanne Wringe (President)	Steve Potter – Acting Chief Executive Officer
Cr Lisa Glover (Deputy President)	Kim Dolzadelli – Director Corporate and Community
Cr Shane Atherton	Archana Arun – Admin. Officer Executive Services
Cr Peter Gubler	Loren Clifford – Corporate Planning and Governance Officer
Cr Phil Jones	
Cr Fred Mills	
Cr Chaz Newman	

PUBLIC GALLERY

Two members of the public were in attendance.

2.1 APOLOGIES

Cr Smith was an apology for the meeting.

Cr Newman advised he would be a few minutes late to the meeting and arrived at 5:02pm.

2.2 APPROVED LEAVE OF ABSENCE

Cr Massey had an approved leave of absence for the Special Meeting of Council.

2.3 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

3 ANNOUNCEMENTS FROM PRESIDING MEMBER

Cr Wringe congratulated long standing community member Arthur Scanlan on recently celebrating his 100th year birthday.

4 DECLARATION OF INTEREST

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

There were no declarations of interest.

5 PUBLIC QUESTION TIME

In accordance with Clause 7(3) of the Local Government (Administration) Regulations, public questions must relate to the stated purpose/s of the Special Meeting of Council.

Mr Simon McInnes

The gift and attendance policy states you don't have to declare any gifts both under and over \$300. Is that correct?

Acting Chief Executive Officer

Mr Potter advised the question would be taken on notice and a written response provided.

6 REPORTS OF OFFICERS

6.1 CHIEF EXECUTIVE OFFICER

6.1.1 COUNCIL POLICY REVIEW

Location	Shire of Donnybrook Balingup
Applicant	Shire of Donnybrook Balingup
File Reference	ADM 11/4
Author	Loren Clifford, Corporate Planning and Governance Officer
Responsible Manager	Maureen Keegan – Manager Executive Services
Attachments	6.1.1(1) – Policy review table 6.1.1(2) – Amended policies 6.1.1(3) – Policies to be rescinded 6.1.1(4) – Policies with no change 6.1.1(5) - Current policies prior to amendments 6.1.1(6) – EXE/CP-8-Policy Framework
Voting Requirements	Simple Majority
Conflicts of Interest	N/A

Recommendation

That Council:

- **Notes the completed major Council Policy review.**
- **Adopts the Council Policies as listed below:**
 - **ADM/CP-1-Records Management**
 - **ASS/CP-1-Infrastructure Asset Management**
 - **COMD/CP-5-Tourism in Donnybrook Balingup**
 - **EM/CP-2-Audio Recording of Council Meetings**
 - **EM/CP-3-Legal Representation for Elected Members and Employees**
 - **EM/CP-4-Honorary Freeman of Local Government**
 - **EM/CP-5-Elected Members Allowances and Entitlements**
 - **EM/CP-6-Caretaker**
 - **EMERG/CP-1-Fireworks at Events**
 - **EMERG/CP-2-Permits for Road Verge Burning**
 - **EXE/CP-2-Document Execution and Application of the Common Seal**
 - **EXE/CP-4-Welcome to and Acknowledgement of Country**
 - **EXE/CP-6-Organisational Risk Management**
 - **EXE/CP-7-Occupational Safety and Health**
 - **EXE/CP-9-Communications and Social Media**
 - **FIN/CP-1-COVID19 Hardship Policy**
 - **FIN/CP-2-Investments**
 - **FIN/CP-3-Debt**
 - **FIN/CP-4-Purchasing**

- **FIN/CP-5-Regional Price Preference**
- **FIN/CP-7-Credit Card**
- **FIN/CP-8-Building Insurance**
- **FIN/CP-9-Related Party Disclosure**
- **HR/CP-2-Gratuity Payments**
- **HR/CP-3-Employee Recreation Centre Subsidy**
- **WRKS/CP-1-Land Resumption Compensation**
- **WRKS/CP-2-Rural Verge Management**
- **WRKS/CP-3-Urban Verge Management**
- **WRKS/CP-4-Road Use Approval for Restricted Access Vehicles (RAVs) on Councils Road Network**

- **Rescinds Council policies listed below, noting their content is of an operational nature, and instructs the CEO to classify and implement as per Councils Policy Framework.**
 - **1.2 Public Interest Disclosures**
 - **1.2 Smoking in Council Buildings and Vehicles**
 - **2.1 Hiring of Council Hall Equipment or Other Property**
 - **2.24 Community Events Board**
 - **2.30 Playing Fields and Amenities - General Use**
 - **2.35 Use of Pool Vehicles**
 - **2.36 Close Circuit Television (CCTV)**
 - **2.6 Hiring of Council Halls**
 - **3.5 Rates Recovery**
 - **3.9 Petty Cash**
 - **4.22 Requirements for Subdivisional Land Developments**
 - **4.26 Gravel Acquisition**
 - **4.27 Stormwater Management Private Land**
 - **4.28 Requests for Upgrades or Expansions of Council Assets**
 - **4.7 Construction Crossovers**
 - **5.10 Retaining Walls**
 - **5.3 Footing Details**
 - **5.4 Foundation Levels and Stormwater Requirements**
 - **5.5 Balconies or Verandahs erected over Road Reserves**
 - **5.7 Owner Builder Occupation of Town Site Land**
 - **5.8 Owner Builder Occupation of Rural Land**
 - **5.9 Requirement for Survey**
 - **6.6 Balingup Waste Transfer Station**
 - **8.6 Procedures for Hiring Contractors & Equipment for Fire Fighting**

- **Rescinds Council policies listed below, noting their reasons as listed in Attachment 1 – Policy Review Table.**
 - **1.11 Council Elected Members records**
 - **1.12 Use of Shire Specific Email Addresses by Elected Members**
 - **1.13 Councillor- Staff Contact**
 - **1.16 Media Spokesperson**
 - **1.5 Civic Receptions - Invitations List**

- 1.9 Committee Membership (Under Review)
- 2.31 Cemeteries Flower and Ornament
- 2.33 Vehicle Use - CEO
- 2.39 Leased Hall Maintenance
- 2.40 Emergency Generator for Community Events
- 2.41 Governance of Accommodation Bonds
- 2.42 Integrated Workforce Planning and Management
- 3.1 Financial Assistance to Organisations and Clubs
- 3.1 Payment for Private Works Performed by the Shire
- 3.2 Vandalism - Council Property
- 3.6 Tuia Lodge Accommodation Bonds Liquidity Strategy
- 6.18 Social Media
- 6.5 Waste Management Levy Exemption
- 8.2 Bush Fire Advisory Committee Meetings

STRATEGIC ALIGNMENT

The following outcomes from the Corporate Business Plan relate to this proposal:

Outcome	4.2	A respected, professional and trusted organisation
Strategy	4.2.1	Effective and efficient operations and service provision
Action	4.2.1.2	Maintain effective and efficient policies, planning, operating procedures and practices

EXECUTIVE SUMMARY

This report details the major review of Shire of Donnybrook Balingup policies and provides recommendations to adopt, amend or rescind policies to align with Council's Policy Framework (EXE/CP-8-Policy Framework - Attachment 6.1.1(6)). Council is therefore requested to review the outcomes and the recommendations contained within.

BACKGROUND

At the September 2021 Ordinary Council Meeting, the policy EXE/CP-8- Policy Framework (Attachment 6.1.1(6)) was adopted and Council instructed a review of its policies in line with the adopted Policy Framework.

A review of the Shire's policies was conducted in line with Council's Policy Framework, and the outcomes of the review were presented to Council at the November 2021 Ordinary Council Meeting, Council adopted two new policies (EXE/CP-5-Attendance at Events and Functions and HR/CP-4-Temporary Employment or Appointment of CEO) and instructed the CEO to coordinate a Councillor Concept Forum to consider the remaining policies for review.

The Shire President and CEO decided to hold an open-door policy session to allow the community along with Councillors to come in and ask questions regarding its policies and the review process. The session was held in the Council Chamber from 12noon – 6pm, Tuesday 14 December 2021. Councillors and Shire staff attended, with one member of the public attending for 20 minutes.

FINANCIAL IMPLICATIONS

Nil.

POLICY COMPLIANCE

The major policy review aligns with EXE/CP-8- Policy Framework (Attachment 6.1.1(6)).

STATUTORY COMPLIANCE

Section 2.7(2)(b) of the *Local Government Act 1995* prescribes one of the roles of Council as being to determine the local government's policies.

Section 5.41(c) of the *Local Government Act 1995* prescribes that a function of the Chief Executive Officer is to cause Council's decisions to be implemented and this includes giving effect to Council's Policies.

CONSULTATION

- Community Consultation by way of an open-door policy session was held in the Council Chamber, Tuesday 14 December 2021, Councillors, Shire staff and one member of the public attended.
- Shire staff.
- Western Australia Local Government Association (WALGA).

OFFICER COMMENT/CONCLUSION

The review identified 147 policies of the Shire, as follows:

- 10 policies have been renumbered and will be further reviewed by Shire staff when possible (Attachment 6.1.1(2)); and
- 19 policies have amendments (Attachment 6.1.1(2)); the amendments are shown in Table 1 below; and
- 8 policies have recently been adopted by Council and do not require reviewing (Attachment 6.1.1(4)); and
- 18 policies are recommended for rescindment (Attachment 6.1.1(3)). The reasons are detailed in the Policy Review Table (Attachment 6.1.1(1)); and
- 24 policies to be re-classified in line with the Policy Framework; and
- 24 Local Planning Policies - due for a broader strategic review in early 2022; and
- 44 Human Resources Policies that have not been brought to council for adoption have been excluded from this review. These policies will be reviewed by the Administration in line with Council Policy Framework.

The following matters were taken into consideration through the review process:

- A comparison of the Shire's current policies with five other local governments' policies (City of Armadale, City of Busselton, Shire of Dardanup, City of Joondalup

and Shire of Manjimup), these Councils were chosen as their policies were available at the time of the review; and

- Findings and recommendations from the *Local Government (Audit) Regulations 1996*, 2018 Regulation 17 Review; and
- Legislative changes (Acts/Regulations/Local Laws) which have a bearing on a particular policy; and
- Council decisions which affect the continued validity or applicability of a policy; and
- Important technological or social changes; and
- Any other such circumstance that staff have noted from past experiences.

The recommended addition and amendments to the Shire's policies are as follows:

Amendments

Amendments have not been made showing tracked changes, as the template and new policy format did not allow for this. See Attachment 6.1.1(2) to view the amended policies. Attachment 6.1.1(5) includes the current policies prior to amendment.

Policy Name:	EM/CP-2-Audio Recording of Council Meetings
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.17 and added new policy ID; and • Added scope and definitions; and • Updated legislation; and • Added information on: <ul style="list-style-type: none"> - Recording proceedings; and - Official record is the written minutes not the recording; and - Subject to FOI; and - Recording as per the <i>State Records Act 2000</i>; and - Transparency to the Purpose of the policy; and - Absolute privilege; and - Public notification of recording of meetings; and - Retention and access of audio recording.
Policy Name:	EM/CP-3-Legal Representation for Elected Members and Employees
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.8 and added new policy ID; and • Added objective, scope, definitions and delegation; and • Updated legislation and legal representation costs that may be approved; and • Added information on to ensure the policy aligns with the LG Guidelines: <ul style="list-style-type: none"> - Payment Criteria - Application for payment - Councils Powers - Repayment of Legal Representation costs
Policy Name:	EM/CP-4-Honorary Freeman of Local Government
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.4 and added new policy ID; and • Added objective and scope; and • Updated legislation; and

	<ul style="list-style-type: none"> • Added information on: <ul style="list-style-type: none"> - Eligibility - Selection Criteria - Nomination and Acceptance Procedure - Entitlements
Policy Name:	EM/CP-5-Elected Members Allowances and Entitlements
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.21 and added new policy ID; and • Added scope.
Policy Name:	EM/CP-6-Caretaker
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.18 and added new policy ID; and • Add a scope and definitions for 'the Act' and 'CEO'; and • Changed the word 'staff' to 'shire employees', changed 'the caretaker Policy' to 'this policy', changed 'The Shire's Code of Conduct and the <i>Local Government (Rules of Conduct) Regulations 2007</i>' to 'The Code of Conduct for Council Members, Committee Members and Candidates and the <i>Local Government (Code of Conduct Regulations 2021</i> under the heading Use of Shire Resources; and • Updated references to other clause numbers within the policy; and • Removed section 17. Media Attention, as it's covered in the Code of Conduct Div 4 Sec 17; and • Removed <i>Local Government (Rules of Conduct) Regulations 2007</i>; and • Added <i>Local Government (Model Code of Conduct) Regulations 2021</i>.
Policy Name:	EXE/CP-2-Document Execution and Application of the Common Seal
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.32 and added new policy ID; and • Added scope, definitions, legislation and delegation and authorisation; and • Added information on: <ul style="list-style-type: none"> - Affixing the common seal - Witness of signature - Deputising or signing on behalf of another person - Authority to sign documents on behalf of the shire - Included a table of execution of documents
Policy Name:	EXE/CP-4-Welcome to and Acknowledgement of Country
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.15 and added new policy ID; and • Added objective and scope; and • Removed procedural information • Added information on: <ul style="list-style-type: none"> - Reference to Noogar people - Acknowledgement of Country updated to include event and document types - Referenced the SWALSC and their protocols
Policy Name:	EXE/CP-7-Occupational Safety and Health
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.44 and added new policy ID.
Policy Name:	EXE/CP-8-Communications and Social Media

Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.49 and added new policy ID; and • Removed references to <i>Local Government (Rules of Conduct) Regulations 2007</i> • Included references to the Code of Conduct for Elected Members, Committee Members and Candidates and Employee’s Code of Conduct • Removed Council delegation 1.1 as this is no longer relevant. • Added Employees, contractors and consultants working for the Shire of Donnybrook Balingup to the Scope.
Policy Name:	HR/CP-3-Employee Recreation Centre Subsidy
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 6.11 and added new policy ID; and • Renamed; and • Updated objective; and • Added scope and definitions; and • Removed: <ul style="list-style-type: none"> - Procedural information - Benefits information - Benefit offered to rec centre employee’s family members
Policy Name:	ADM/CP-1-Records Management
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.10 and added new policy ID; and • Added new scope and definitions; and • Added information to: <ul style="list-style-type: none"> - Include the State Records Commissions Standard 2 to meet minimum requirements. - Merged information from 1.11 Council Elected Members records & 1.12 Use of Shire Specific Email Addresses by Elected Members.
Policy Name:	FIN/CP-2-Investments
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 3.4 and added new policy ID; and • Renamed • Added scope and delegation and authorisation; and • Removed: <ul style="list-style-type: none"> - “The CEO has delegated authority to appoint an investment adviser when considered appropriate”- Day to day management no need for extra authorisation. - Administration information regarding authorisations as this information is built into the delegation conditions - Wording to “Report and Review” to “Reporting” and removed duplicated information.
Policy Name:	FIN/CP-5-Regional Price Preference
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 2.21 and added new policy ID; and • Added new scope; and • Updated legislation
Policy Name:	EMERG/CP-1-Fireworks at Events
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 8.5 and added new policy ID; and

	<ul style="list-style-type: none"> • Added scope, legislation, moved definitions and delegation and authorisation; and • Updated departmental name
Policy Name:	EMERG/CP-2-Permits for Road Verge Burning
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 8.3 and added new policy ID; and • Renamed; and • Added scope and legislation; and • Moved delegation and authorisation under the heading.
Policy Name:	WRKS/CP-1-Land Resumption Compensation
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 4.3 and added new policy ID; and • Added objective, scope, definitions and delegation and authorisation. • Removed: <ul style="list-style-type: none"> - Additional allowance - Procedural information regarding actions staff is to take after an agreement has been finalised
Policy Name:	WRKS/CP-2-Rural Verge Management
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 4.24 and added new policy ID; and • Added objective, scope, and definitions; and • Corrected the legislation
Policy Name:	WRKS/CP-3-Urban Verge Management
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 4.25 and added new policy ID; and • Added strategic outcome the policy supports; and • Added Objective, scope, and definitions; and • Corrected the legislation
Policy Name:	FIN/CP-9-Related Party Disclosure
Amendment Made:	<ul style="list-style-type: none"> • Removed policy number 1.19 and added new policy ID; and • Added strategic outcome the policy supports; and • Moved the scope and definitions under new headings; and • Added numbering; and • Updated: <ul style="list-style-type: none"> • References to Executive Manager to Director; and • Cl 4.1 from “as an attachment to this policy” to “will be provided by the CEO”; and • Cl 4.11 from “set out in the attachment” to “provided by the CEO”; and • Cl 4.12 from “Executive Managers” to “Senior Employees”; and • Cl 4.16 from “CEO, MFA, Accountant, an auditor... and other officers as determined by the CEO” to “CEO, DCC, an Auditor... and other staff as determined by the CEO”.

Table 1 – Policy Amendments

Rescinding Policies

See Attachment 6.1.1(3) for copies of current policies recommended for rescinding.

Other Policy Matters

The Shire's Local Planning Policies are reviewed and adopted under a separate 'head of power' than the *Local Government Act 1995* (i.e. the Planning and Development Act) and were not reviewed as part of this process due to a broader strategic review already underway with the review of the Local Planning Scheme in early 2022. 24 Local Planning Policies were identified.

In addition, it is recommended that additional policies are researched, developed and presented to Council for future consideration, as resourcing permits. The following topics are examples of future policies for consideration:

- Disposal of Assets;
- Recognition of Achievement in the Community;
- Sponsorship of the Shire's Events, Programs, Facilities and Publications;
- Bush Fire Brigade Training and Qualifications;
- Environmental Management;
- Sustainability;
- Misconduct, Fraud and Corruption;
- Traders and Stallholders Permits;
- Employer of Choice;
- Tip Pass for eligible community groups and not-for-profit organisations;
- Interest Free Loans to Clubs and Organisations;
- Lease and Licence Management;
- Waste management; and
- Litigation and claims.

COUNCIL RESOLUTION 213/21

Moved: Cr Jones

Seconded: Cr Atherton

That Council:

- 1. Notes the completed major Council Policy review.**
- 2. Adopts the Council Policies as listed below:**
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 - 6.18 Social Media
 - 6.5 Waste Management Levy Exemption
 - 8.2 Bush Fire Advisory Committee Meetings

CARRIED 7/0

For: Cr Wringe, Cr Glover, Cr Atherton, Cr Gubler, Cr Jones, Cr Mills and Cr Newman

Against: Nil

7 CLOSURE

The Shire President advised that the next Ordinary Council Meeting will be held on 23 February 2022 commencing at 5.00pm in the Shire of Donnybrook Balingup Council Chamber.

The Shire President declared the meeting closed at 5:17pm.