

SHIRE OF KOJONUP AGENDA

Ordinary Council Meeting 19 October 2021

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 19 October 2021 commencing at 3:00pm.

Qualified Persons Advice, etc.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

Your attendance is respectfully requested.

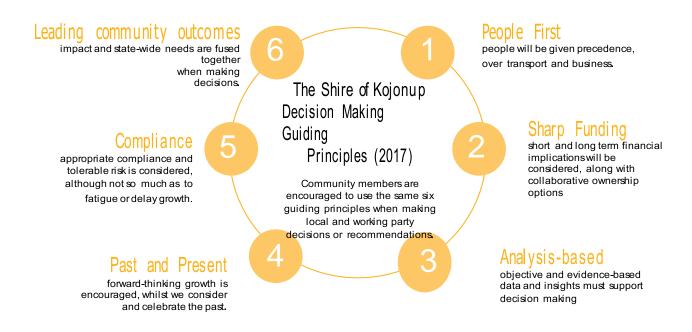
GRANT THOMPSON
CHIEF EXECUTIVE OFFICER
15 October 2021

AGENDA FOR THE COUNCIL MEETING TO BE HELD ON 19 OCTOBER 2021

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years; in line with the Strategic Community Plan review schedule.



AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Chief Executive Officer shall declare the meeting open at 3.00pm and alert the meeting of the procedures for emergencies including evacuation, designated exits and muster points and draw the meeting's attention to the disclaimer below:

Disclaimer

No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.

Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.

Acknowledgement of Country

The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.

We pay our respect to their Elders past, present and emerging

Prayer – Cr Gale

Gracious Father, we acknowledge you as our Maker and Judge. We ask for wisdom for our reigning monarch Queen Elisabeth. Grant to her good health and strength in the executing of her duties.

We pray for all Ministers and Cabinet members of the Australian Federal and State Government. Grant to them wisdom in the welfare of Australia, so that truth and justice is established for all Australians.

Lastly Gracious Father, we pray for ourselves. We ask that you might grant to us the ability to speak with integrity and to work with uncompromising diligence. Grant to us the wisdom to make good decisions, remembering that we are one community. Grant to us the good humour to keep things in perspective in a community that is a diverse population.

We ask that we might always be mindful of the safety and welfare of the people of Kojonup. Grant to all who serve on Public Committees the ability to listen and work together with mutual respect for one another. Bless us with the personal joy of knowing that we have done our best.

2 ATTENDANCE and APOLOGIES

COUNCILLOR
Cr Cindy Wieringa
Cr Felicity Webb
Cr Parminder Singh
Cr Kevin Gale

COUNCILLOR ELECT

To be confirmed after Local Government Election held 16 October 2021. New Councillors will make a 'declaration of elected member' in the prescribed manner before Mrs Heather Marland – JP, before commencing his/her duties at 9.00am, 22 October 2019 prior to attending the Council Briefing Session.

STAFF

Grant Thompson Chief Executive Officer

Anthony Middleton Manager Corporate and Community Services

Craig McVee Manager Works and Services
Ciara O'Regan Manager Aged Care Services
Robert Jehu Manager Regulatory Services

Heather Marland Senior Finance Officer

Lorraine Wyatt Executive Assistant/Human Resources Coordinator

LEAVE OF ABSENCE

Nil

APOLOGIES

Nil

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 **PUBLIC QUESTION TIME**

Please note: Questions must relate to this agenda in accordance with provisions of the *Local Government Act 1995*.

5 PETITIONS, DEPUTATIONS AND PRESENTATIONS

6 APPLICATIONS FOR LEAVE OF ABSENCE

7 CONFIRMATION OF MINUTES

Nil

8 ANNOUNCEMENTS by the Presiding Member without discussion

N/A – There is no presiding member due to the elections.

9 <u>DECLARATIONS OF INTEREST</u>

10 KEY PILLAR 1 – 'PLACE' REPORTS

11 KEY PILLAR 2 – 'CONNECTED' REPORTS

12 KEY PILLAR 3 – 'PERFORMANCE' REPORTS

12.1 ELECTION OF SHIRE PRESIDENT (2 YEAR TERM)

NOTE: Nominations for the office of Shire President **must be made in writing to the Chief Executive Officer** at any time prior to the meeting and during the meeting up until the Election.

The election of Shire President will be carried out in accordance with the *Local Government Act 1995, Section 2.6(3), Schedule 2.3 & 4.1* and the *Local Government (Constitution) Regulations 1998.*

The successful nominee will then make a 'declaration of elected member' in the prescribed manner before Mrs Heather Marland – JP, before commencing his/her duties as the Shire President of the Council and presiding over the meeting.

12.2 ELECTION OF DEPUTY SHIRE PRESIDENT (2 YEAR TERM)

NOTE: Nominations for the office of Deputy Shire President **must be made in writing to the Chief Executive Officer** at any time prior to the meeting and during the meeting up until the Election.

The election of Deputy Shire President will be carried out in accordance with the *Local Government Act 1995, Section 2.6(3), Schedule 2.3 & 4.1* and the *Local Government (Constitution) Regulations 1998.*

The successful nominee will then make a 'declaration of elected member' in the prescribed manner before Mrs Heather Marland – JP, before commencing his/her duties as the Deputy Shire President of the Council.

The Shire President will now take the Chair.

12.2 COMMITTEES – APPOINTMENT OF MEMBERS FOLLOWING ELECTION

AUTHOR	Grant Thompson
DATE	Thursday, 14 October 2021
FILE NO	GO.CNM.9
ATTACHMENT(S)	Nil

STRATEGIC/CORPORA	ATE IMPLICATIONS	
"Smart Possibilities –	Kojonup 2027+"	"Smart Implementation -
		Kojonup 2018-2022"
Key Pillar	Community Outcomes	Corporate Actions
KP – 3 Performance	3.1 – Be a continually engaged and strategic community which leads and organises throughout the entire stakeholder group. 3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community. 3.4 – Be organised and transparent with our financial management.	3.1.3 – Encourage interaction and input to the Shire of Kojonup, particularly through contemporary working party teams. 3.1.5 – Implement strategies to improve Councillors role as community leaders and asset custodians 3.2.3 – Develop and implement a formal media and two-way communications strategy. 3.4.2 – Act with sound long-term and transparent financial management and deliver residents

DECLARATION OF INTEREST

Nil

SUMMARY

To review the elected member representation on committees following the October elections.

BACKGROUND

All appointments to committees, whether the person is an elected member, employee or community member, expired on 16 October 2021 in line with the local government election.

Since March 2004, the Council has dispensed with the structure of standing committees reporting to the Council each month in favour of a process where everything comes before the Council. Since this time, the Council has established an Audit and Risk Committee (required by legislation) and numerous formal advisory committees for specialist items and large projects. Appointments to these committees now need to be considered.

COMMENT

Committee representation should be considered on the basis of equitable distribution amongst Councillors, utilisation of specific skills where appropriate or, to add diversity to existing groups to ensure the appropriate mix of skills are present.

Individual Councillors are entitled to be members of at least one committee, which comprises elected members only or elected members and employees. Therefore, Council needs to determine how many members should comprise each Committee.

The Act does not specifically mention anything about Deputies or proxies other than Deputy President and Deputy Presiding members. One of the pillars upon which the *Local Government Act 1995* is built, is for better decision-making and more efficient and effective local government (*Ref: Section 1.3 (2)*). Consequently, there is nothing that precludes Council from appointing one or two deputies for each Committee.

FORMAL ADVISORY COMMITTEES

Established under the *Local Government Act 1995*, these Committees are an immediate extension of the Council. Each meeting shall be called, conducted and recorded in accordance with the *Local Government Act 1995* (i.e. local public notice of meetings, public question time, Standing Orders Local Law, formal minutes, etc.).

Minutes of these meetings will be presented to the Council and all recommendations are considered through a written report.

• AUDIT AND RISK COMMITTEE

Established under *Section 7.1 of the Local Government Act 1995* (every local government must have an Audit and Risk Committee)

Terms of Reference

This Committee is responsible for assisting Council in recommending appropriate actions to Council with regards to audit, risk and governance management to ensure accountability to the community in its responsibilities.

Duties and Responsibilities:

- Receive and review the biannual reports from the Chief Executive Officer (CEO) regarding
 the appropriateness and effectiveness of the Shires risk management, internal controls
 and legislative compliance and make recommendations to Council;
- Recommend and review the Shires Risk Appetite Statement in order to set the Risk Tolerance of the Council;
- Monitor and receive reports concerning the development, implementation and on-going management of the Shires Risk Management Plan and the effectiveness of its Risk Management Framework;
- Provide advice and assistance to Council as to the carrying out of its functions in relation to audits and recommend;
 - a) a list of those matters to be audited; and
 - b) the scope of the audit to be undertaken;

- Meet with the auditor yearly and provide a report to Council on the matters discussed and the outcome of the discussions;
- Liaise with the (CEO) to ensure that the Shire does everything in its power to:
 - a) assist the auditor to conduct the audit and carry out his or her other duties under the *Local Government Act 1995*; and
 - b) ensure that audits are conducted successfully and expeditiously;
- Examine the reports of the auditor after receiving a report from the CEO on the matters and:
 - a) determine if any matters raised require action to be taken by the Shire; and
 - b) ensure that appropriate action is taken in respect of those matters;
 - c) Review the report prepared by the CEO in respect of any matters raised in the report of the auditor and present the report to Council for adoption prior to the end of the next financial year or six months after the last report prepared by the auditor is received, whichever is the latest;
- Review the scope of the Audit Plan and its effectiveness;
- Consider and recommend adoption of the Annual Financial Report to the Council;
- Address issues brought to the attention of the Committee, including responding to requests from Council for advice that are within the parameters of the Committee's terms of reference;
- Seek information or obtain expert advice through the CEO on matters of concern within the scope of the Committee's terms of reference following authorisation from the Council; and
- Review the annual Statutory Compliance Return and make a recommendation on its adoption to Council.

Membership

Four (4) Councillors; (Currently Cr Gale, Cr Wieringa, Cr Singh and Cr Webb) and Two (2) Community Members - (Currently Roger House and James Hope)

BLACKWOOD ROAD PRECINCT ADVISORY COMMITTEE

Established under Section 5.8 of the *Local Government Act 1995* to undertake the preparation of a Development Plan during the 2015/2016 Financial Year that includes existing Reserves 16076, 13697, 9589, 36549 and the Showground Title CT 2228/997 however, this committee has not been activated. There is no plan to reactivate this committee at this time and through consultation at the Briefing Session held 28 September 2021 it is recommended that the Committee be repealed.

• KOJONUP NATURAL RESOURCE MANAGEMENT (NRM) ADVISORY COMMITTEE

Established under *Section 5.8 of the Local Government Act 1995* to advise Council on NRM matters and projects that should be promoted or pursued utilizing the Landcare Trust funds or sourcing external funds. The NRM Trust Fund Reserve to be no less than \$20,000.00 at any one time. Council allocating an agreed annual amount towards NRM projects as approved by and prioritised with the Kojonup NRM Advisory Committee. Meetings to be held at least half yearly with a quorum of 50% required.

Terms of Reference

To establish a cooperative partnership arrangement whereby Natural Resource Management (NRM) and Community values compliment the strategic objectives of attracting research, developing and extending opportunities that enhance economic, environmental, cultural and social outcomes within the Shire and our neighbours.

Aims and Objectives

To work collaboratively with the community under the following five (5) main areas:

1. Economy, Community and Environment

Develop an NRM strategy for the Shire of Kojonup based on natural asset condition and management driven by the triple bottom line approach.

2. Stewardship and Partnerships

Undertake or ensure Environmental planning, policies and activities protect and preserve environmental assets, reserves and ecology within Kojonup's natural and agricultural ecosystems.

3. Collaboration and Capacity Building

Actively participate and promote sustainable NRM including education, research and policy development programs, on ground projects, and funding opportunities.

4. Innovation and Education

Increase awareness of the implications of climate change and develop management actions for the Shire, primary producers and local businesses to create opportunities.

5. Leadership and Responsibility

Develop and implement Best Management Practices (BMPs) for Shire activities to improve the Environmental performance of the organisation.

Initial Projects

- Develop and implement a sustainable Bridal Creeper and Tagasaste Eradication program.
- Assist Council progress the sustainable management of water resources including water harvesting and re-use opportunities in the Shire.
- To improve biosecurity by managing floral and faunal pests'
- Coordinate weed management and planting of native trees and shrubs to improve bio diversity, fauna habitat and natural resource management outcomes in conjunction with Schools, Kojonup Aboriginal Corporation and community groups within identified Reserves such as:
- a) Myrtle Benn, Farrar and Quin Quin;
- b) Showground's area; and
- c) Blackwood Road arboretum.

Membership

- Three (3) Community Representatives as endorsed by Council
- Two (2) Councillors (currently Cr Radford and Cr Singh)
- Supervisor Horticulture Tradesperson
- · Community Development Officer
- Chief Executive Officer or delegated nominee and
- Senior Ranger/Building Maintenance Coordinator

Meetings

Meetings to be held at least half yearly with a quorum of 50% of members required.

• BUSHFIRE ADVISORY COMMITTEE

Established under Section 67 of the Bush Fires Act 1954.

Terms of Reference

The Bush Fire Advisory Committee is established for the purpose of:

- a) Advising the Shire regarding all matters relating to the preventing, controlling and extinguishing of bush fires;
- b) The planning of the layout of firebreaks in the district;
- c) Prosecutions for breaches of this Act;
- d) The formation of bush fire brigades and the grouping thereof under group brigade officers (in accordance with any local laws);
- e) Recommendations on Fire Control Officer positions;
- f) Feedback on the Council's Fire Break Notice;
- g) Specific requirements from each brigade with regard to:
 - Protective Personal Equipment;
 - Equipment and vehicles resources required; and
 - Training Requirements;
- h) The ensuring of cooperation and coordination of Bush Fire Brigades in their efforts and activities; and
- i) Any other matter relating to bush fire control whether of the same kind as, or a different kind from, those specified in this subsection.

Other:

- a) The Bush Fire Advisory Committee shall include an elected member of the Council;
- b) The committee shall elect one of their members to be chairman;
- c) The quorum required for the transaction of business at meetings of the committee is set at 50%

Membership

Voting Members

Councillors x2 (Currently Cr Benn and Cr Radford);

The President of the Kojonup Bushfire Association;

The Chief Bush Fire Control Officer;

The Deputy Chief Bush Fire Control Officer;

Senior Fire Control Officer (Zulu)

Senior Fire control Officer (Zulu)

Secretary of the Kojonup Bushfire Association

Captain of the Volunteer Fire and rescue Service

Observers

The Chief Executive Officer (CEO)

Shire Delegates x2

Muradup Town Fire Control Officer (FCO)

DISABILITY ACCESS AND INCLUSION COMMITTEE

The *Disability Services Act 1993* requires local government authorities to develop and implement a Disability Access and Inclusion Plan (DAIP) that provides the framework through which Local Governments can create accessible and inclusive communities.

Terms of Reference

The purpose of the DAIC is to:

- Provide technical/working advice relating to the implementation of the Disability Access and Inclusion Plan (DAIP), including seeking access to funding opportunities;
- Provide community and agency feedback relating to the implementation of the DAIP;
- Contribute to the review and reporting of the DAIP;
- Identify issues relating to disability access and inclusion in the Shire; and
- Raise awareness and community input about matters relating to disability access and inclusion in the Shire and with key organisations.

Membership

Membership of the DAIC will be set at nine (9) as follows:

- Community members the community will be represented by up to three community members with relevant interest and experience;
- Community organisations up to four Carers/Service providers who work with people covered by the DAIP and will be represented by one representative of each;
- Elected members the Council will be represented by at least one Councillor, and a proxy delegate (currently Cr Pedler and Cr Fleay);
- Chief Executive Officer or delegate will act as Chair;
- Council staff Council staff will attend as observers/administration support only including one staff member from Community Services and one from Works and Services.

Meetings

Meetings of the DAIC will ordinarily take place on a six monthly basis normally in April and October.

OTHER SHIRE COMMITTEES

These Committees are less formal groups established by the Council. While they play an equally important advisory role to the Council's decision making process, they are not established in accordance with *Section 5.8* of the *Local Government Act 1995* and are deliberately less formal than the Advisory Committee's to better reflect the subject matter concerned, or are established under another Act such as the *Bush Fire's Act*. Minutes of these meetings will be presented to the Council to ensure information flow.

STORYPLACE/GALLERY WORK GROUP

Established by the Council on 17 October 2018 Meetings to be held at least quarterly unless otherwise required. The last time this committee met was on 28 November 2021 with 6 meetings occurring during that 13 month timeframe however, no further meetings since then.

Council has progressed with a Memorandum of Understanding between the Kodja Place Community Fund Inc. which provides clarity to roles and responsibilities for the precinct and it is recommended that this Committee be disbanded.

SPORTING PRECINCT USER GROUP

Established on 22 October 2015 this committee was formed to to replace the Sporting Precinct Management Committee. Since then, this committee has been superseded by the establishment of the Kojonup Sport Alliance was established with administrative assistance being provided by the Sport and Recreation Officer.

Consultation with Council via the Briefing Session held 28 September 2021, demonstrated that this committee was no longer required and it is recommended that the committee be disbanded.

KOJONUP SPRING ADVISORY COMMITTEE

The committee in conjunction with Council is progressing the development of a 'Concept Renewal Plan' for the Kojonup Spring and surrounding area incorporating Barracks Place and Thorn Place.

Summary

The Council reconvened the joint management of the Kojonup "Spring" by way of a special committee on 22 October 2015. At least two (2) meetings be held each year with Council representation to be reviewed after each Local Government election cycle of two (2) years.

In relation to the Barrack's and Old Post Office areas; Council representation continues via elected member attendance at Kojonup Historical Society meetings with the opportunity for the Historical Society to meet full Council via Briefing Session as presently occurs.

Current Terms of Reference

To ensure the importance of the "KOJONUP SPRING" Agreement continues, by recommitting to the Kojonup Aboriginal Community that together with the Shire of Kojonup we pledge to undertake the joint management of the "Spring" and the preservation of the spiritual, cultural and historical significance of the "Spring" and surrounding land dedicated as part of the Spring Area.

Membership

Three (3) members from the Kojonup Aboriginal Corporation;

Three (3) elected members (Currently Cr I Pedler, Cr Fleay and Cr S Pedler)

The Chief Executive Officer providing governance support.

DELEGATES TO OTHER LOCAL & REGIONAL ORGANISTIONS

This category lists the outside organisations that the Shire is either:

- A member of, and therefore needs representatives to attend meetings; or
- Invited to have a delegate to represent the Shire.

The following local and regional organisations currently have Shire appointments as delegates:

(a) GREAT SOUTHERN ZONE OF WA LOCAL GOVERNMENT ASSOC.

Members Cr Benn and Cr Fleay
Deputies Cr Singh and Cr Gale

(b) SOUTHERN LINK VROC (Voluntary Regional Organisation of Councils)

Members Cr Benn and Cr Fleay

Deputy Cr Pedler

(c) GREAT SOUTHERN JOINT DEVELOPMENT ASSESSMENT PANEL

(* subject to approval of the Minister for Planning)

Members Cr Fleay and Cr Singh Deputy Cr Gale and Cr Benn

(d) GREAT SOUTHERN REGIONAL ROAD GROUP

Member Cr Radford Deputy Cr Gale

(e) KOJONUP HOMES FOR THE AGED COMMITTEE

Member Cr Pedler Deputy Cr Wieringa

(f) GREAT SOUTHERN RECREATION ADVISORY GROUP

Member Cr Fleay
Deputy Cr Pedler

(g) GREAT SOUTHERN TREASURES

Members Cr Fleay and CEO

(h) KOJONUP HISTORICAL SOCIETY

Member Cr S Pedler

CONSULTATION

Briefing Session held 28 September 2021.

STATUTORY REQUIREMENTS

The appointment of members to Committees and their operation is set out in *Sections 5.8 to 5.25 of the Act and Regulations 14 to 14B of the Local Government (Administration) Regulations, 1995.*

A local government may by absolute majority establish Committees comprising of 3 or more persons, be it elected members, employees and/ or other persons, to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.10 allows the Shire President to be a member on any Committee that has an elected member and also the CEO (or his representative) to be on any Committee that has an employee as a member.

POLICY IMPLICATIONS

There are no known policy implications.

FINANCIAL IMPLICATIONS

There are no known financial implications.

RISK MANAGEMENT IMPLICATIONS

Nil.

ASSET MANAGEMENT IMPLICATIONS

Nil.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil, although the agenda item does appoint the Council's delegates to this Committee.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION

- 1. That Council disbands the following Committees:
 - a) Blackwood Road Precinct Advisory Committee
 - b) Storyplace/Gallery Work Group
 - c) Sporting Precinct User Group
- 2. That Council appoints the Membership to the following committees:
 - a) AUDIT AND RISK COMMITTEE
 - James Hope
 - Roger House
 - Cr _____
 - Cr _____
 - Cr _____
 - Cr _____
 - b) KOJONUP NATURAL RESOURCE MANAGEMENT (NRM) ADVISORY COMMITTEE
 - Kath Mathwin
 - Jennifer Edgerton-Warburton
 - Cr _____
 - Cr
 - c) BUSHFIRE ADVISORY COMMITTEE

Vot	ing Members
Cr _	
Cr	

The President of the Kojonup Bushfire Association;

The Chief Bush Fire Control Officer;

The Deputy Chief Bush Fire Control Officer;

Senior Fire Control Officer (Zulu)

Senior Fire control Officer (Zulu)

Secretary of the Kojonup Bushfire Association

Captain of the Volunteer Fire and rescue Service

a)	KOJONUP SPRING ADV	/ISORY COMMITTEE
•	• Three (3) member	ers from the Kojonup Aboriginal Corporation;
	• Cr	
	Cr	
	• Cr	
b)	DISABILITY ACCESS AN	D INCLUSION
	 Community mem Hendricks; 	bers – Nick Trethowan, Cathy Shand and C
		•
	Cr	
	Cr	(proxy delegate)
		ficer or delegate will act as Chair;
	Council endorse the foll regional organisations:	owing appointments of Councillors as delegates to
	regional organisations: GREAT SOUTHERN ZO	owing appointments of Councillors as delegates to NE OF WA LOCAL GOVERNMENT ASSOC.
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Shire of Kojonup – Ordinary Council Meeting – Agenda – 19 October 2021

	GREAT SOUTHERN RECREATION ADVISORY GROUP		
	Member	Cr	
	Deputy	Cr	
(f)	GREAT SOUTHERN TREASURES		
	Member	Cr	
	CEO or the n	ominated delegate	
(g)	KOJONUP HO	OMES FOR THE AGED COMMITTE	E
	Member	Cr	
	Deputy	Cr	
(h)	KOJONUP HI	STORICAL SOCIETY	
	Member	Cr	
(i)	KODJAPLACE	COMMUNITY FUND INC.	
	Member	Shire President	
	Member	Deputy Shire President	

13 KEY PILLAR 4 – 'PROSPERITY' REPORTS

14 KEY PILLAR 5 – 'DIGITAL' REPORTS

15 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

16 <u>NEW BUSINESS</u>

Nil

17 CONFIDENTIAL REPORTS

Nil

18 <u>NEXT MEETING</u>

Ordinary Council Meeting Tuesday, 16 November 2021 commencing at 3.00pm

19 **CLOSURE**

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at pm.

20 ATTACHMENTS (SEPARATE)