



BOGAN SHIRE COUNCIL

Minutes

26 September 2013



**Minutes of the Ordinary Meeting of Bogan Shire Council
held in the Council Chambers on 26 September 2013 at 9.30am**

PRESENT: Councillors RL Donald, JE Hampstead OAM, WG Deacon, LH Dutton, HJ Griffiths, EM McLaughlin, GR Neill and KM Ryan.

Also present were Mr Mike Ryan (Acting General Manager), Mr Luke Taberner (Manager Corporate Services), Mr Graeme Bourke (Manager Engineering Services) Mr Timothy Riley (Manager Development and Environmental Services) and Mrs Debb Wood.

373/2013 APOLOGY: RESOLVED that the apology received from Councillor JL Douglas be received and she be granted leave of absence from both meetings.

(Griffiths/Dutton)

Declaration of Interest: Cr Neill – Item 4 in Manager Development and Environmental Services Report.

The General Manager took the Chair

REPORTS TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER

1 ELECTION OF MAYOR AND DEPUTY MAYOR

Mayor: The General Manager called for nominations for the office of Mayor. A nomination from Councillor Donald was received.

As there were no further nominations, Councillor Donald was declared elected to the office of Mayor for 2013/2014.

Deputy Mayor: The General Manager called for nominations for the office of Deputy Mayor. A nomination from Councillor Hampstead OAM was received.

As there were no further nominations, Councillor Hampstead OAM was declared elected to the office of Deputy Mayor for 2013/2014.

Mayor Donald now took the Chair and moved in the Closed and Confidential Section of the meeting.

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Council returned to the Ordinary Meeting.

The following resolutions arose from the decisions made in the Closed and Confidential Section of the meeting on 26 September 2013.

374/2013 EXCLUSION OF PRESS AND PUBLIC: RESOLVED that Council move into a closed section of Council with the public excluded, in accordance with the Local Government Act 1993, Clause 10A (2) (b) as the matters and information discussed concern the personal hardship of ratepayers/residents and Clause 10A (2) (d) because information provided and discussed involves commercial information of a confidential nature. **(Hampstead/Ryan)**

375/2013 RESOLVED that the Minutes of the Closed and Confidential Meeting of Council held on 22 August 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Deacon/Griffiths)**

376/2013 RESOLVED

1. That debt of \$5,200 be written off from debtor account number 407.01 in Council's financial records, the remaining debt owed on this account to be paid off by agreement over 52 weeks. **(Ryan/Neill)**
2. That the unit at 8A Dandaloo Street be rented to the current tenants for an initial period of three months and thereafter, if necessary, on a month to month basis pending Council's acquisition of the former ambulance station property, for an amount of \$150 per week excluding electricity and water usage charges. **(Hampstead/Griffiths)**

Cr Deacon declared an interest and left the meeting.

377/2013 RESOLVED That the report be received and that Riley Aquatic Management Pty Ltd be awarded the 2013/2018 Nyngan & Memorial Swimming Pool Contract. **(Ryan/Neill) Carried Unanimously**

Cr Deacon returned to the meeting.

378/2013 RESOLVED That Council appoint Hill Rogers Spencer Steer as its Auditors for the next six years at the contracted rate of \$28,000 for 2014/15 increasing by the CPI in subsequent years. **(Hampstead/Griffiths) Carried Unanimously**

379/2013 INCLUSION OF PRESS AND PUBLIC: RESOLVED that the meeting moved into open Council. **(Deacon/Neill)**



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380/2013 RESOLVED that the Minutes of the Ordinary Meeting of Council held on 22 August 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Neill/Griffiths)**

Business arising from the Minutes: Nil

381/2013 RESOLVED that the Minutes of the Extra Ordinary Meeting of Council held on 2 September 2013, copies of which have been circularised to Councillors be taken as read and confirmed. **(Ryan/Deacon)**

Business arising from the Minutes: Nil

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REPORTS TO ORDINARY MEETING OF COUNCIL – GENERAL MANAGER’S REPORT

1 CHECKLIST

Item No.	Date	Minute No	Matter	Action Required	Officer	Status
1	23/08/2007 25/02/2010 22/07/2010	500/2007 371/2007 370/2007 020/2010	Housing Residential & Aged Care Accommodation	Feasibility of developing Council owned land, subdivide, establish further aged care accommodation.	Mayor / GM	Concept plans for “Pound Paddock” units adopted. UPDATE: Preparation of full architectural plans & specifications underway.
	22/08/2013	338/2013		<ul style="list-style-type: none"> • There be 6 mixed units – 3 difference designs & roof tops. • DA be lodged first week September 2013. • Progress tender document. • Show interested persons concept plan. • Council commence stage 1 – sewer main along Oxley Street. • Issue media release. • Display plans in old bakery. • Call for EOI. 	MDES	UPDATE: <ul style="list-style-type: none"> • Concept DA to be finalised 20/09/2013 • Media release and plans display completed by 27/09/2013 • Sewer design underway • Development of administrative arrangements underway.

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2	25/02/2011 24/03/2011 28/04/2011	09/2009 467/2009 164/2010 384/2010 80/2011 114/2011	Ambulance Station	Council express interest in acquiring the former ambulance station premises.	GM	NSW Health agreed to acquisition. UPDATE: Internal Renovations works completed.
	25/05/2013	211/2013		Council acquire by compulsory acquisition Lots 9 & 10.		UPDATE: Solicitors have advised acquisition subject to 90 day Native Title waiting period. Acquisition and lease to NSW Police by end 2013.
3	26/11/09	460/09	APC	Try and obtain more Government funding to complete the piping of the APC project.	GM	Pending completion of CPE Business Case.
	22/11/2012	352/2012		Assess viability & cost of off river storage as first stage of project.		UPDATE: Mark Coulton be advised by email and asked to confirm if previous Gov't commitment of \$12M funding is still current.
4	25/05/2012	116/2012	APC	A formal agreement be sought & entered into with CWB & irrigators covering all aspects of the APC operation.	GM	Draft Agreement to be submitted to September Cobar Water Board Meeting for approval. UPDATE: Discussions with Irrigators currently under way – verbal report at Council meeting.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
5	24/05/2012	123/2012	Vacant Block – Cnr Nymagee /Mitchell Streets	Asked John Holland to meet with Council ASAP to work towards some agreement concerning the block.	MDES	UPDATE: Still waiting for outcome from application made to John Holland Rail for Lease of site (former BP Service Station). JHR considering clean up of site prior to lease approval.
6	28/06/2012	150/2012	Oxley Street Subdivision	1. Land bound by Derrybong, Oxley & Dandaloo Streets be subdivided. 2. The resulting four 20mm x 45mm blocks be sold for current market value. 3. Council approve the development of 4 x 2 br villas (stage 2) at a cost of \$550,000.	MDES	UPDATE: AAA Project floor plans & elevations to be used for staff housing project. Preliminary site plans being prepared for costing and consideration.
7	28/06/2012	179/2012	Dog Pound	Construction of the new dog pound in the location closer to the main road in the airport complex.	MDES	UPDATE: Programmed for construction Oct/Nov 2013 in conjunction with Hangar Upgrade works. Operational by early 2014.
8	26/07/2012	193/2012	Transfer of Land – Nymagee St 5,7 & 9	Council seek EOI to demolish the subject dwelling & associated structures including removal of excessive vegetation.	MDES	Transfer Completed. Once Asbestos Licence received demolition and general clean-up will proceed.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
9	25/10/2012	315/2012	Local Heritage Sites	When new VIC commences signpost heritage sites with heritage colour and erect sign with the history of each location.	ENG	Pending accreditation of new VIC.
10	13/12/2012	419/2012	Swimming Pool	Filtration plant room & associated structure.	MDES	UPDATE: Non-friable asbestos training completed by staff. Licence application to WorkCover to be submitted late Sept/Oct. Asbestos removal to filtration plant room likely in Feb/March 2014.
11	28/02/2013	044/2013	Airport Hangars	1. Stage 1 to be commenced without delay and an amount of \$39,700 be provided in the second budget review to meet these costs. 4. A new licence document be developed for any future licence agreements for a 25 year period with a 5 year extension. 7. The Nyngan Airport Management Plan be amended to reflect these changes and requirements of this report.	MDES	UPDATE: Fencing and water service completed, Dr Heggie Hangar removed. Gravel access roadway, taxiway construction program for commencement in coming weeks. Current License being reviewed by legal advisors for future License users. Further discussion with CASA and Engineering Dept staff required with amended document to be referred to Council.

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
12	13/12/2012 28/03/2013	418/2012 098/2012	Davidson Park Revitalisation Program	Council remove the entire playground, equipment, associated ground cover, fencing & park-bench seating with shelter. Establish paving pathways to the mural.	MDES	UPDATE: Vandalised / unsafe play equipment removed. Entire area to be removed following establishment of new playground.
	25/07/2013	310/2013		New playground area to be located on the south eastern side of the existing toilet blocks structure.		UPDATE: Site works for new playground programmed for Nov / Dec.
13	13/12/2012	420/2012	Western NSW Medicare Local	GM to have followed up discussion with CEO.	GM	UPDATE: Committee established by Medicare Local to discuss primary health care in Nyngan is no longer meeting. Council to continue discussions locally. Urgently contact Medicare Local and communicate to them that the current contracts should be continued and processed ASAP.
14	3/04/2013	18/2013	Western Rivers Veterinary Group	Council authorises GM to co-operate with Vets to establish the facility in Lawler Street.	GM	UPDATE: Further site visit conducted, now awaiting DA application from Vets.
	25/07/2013	298/013		General Manager negotiates an interest free loan, should vets wish to purchase land.		

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
15	28/02/2013	043/2013	Waste Management – Village Waste Depot Operations	<p>Program of Works for Hermidale & Girilambone be commenced immediately.</p> <p>Coolabah works be programmed for early 2013/14.</p>	MDES	<p>UPDATE: Hermidale: completed.</p> <p>Girilambone: fencing underway, construction of access road programmed as soon as possible. Eviro Hygienist engaged for report for clean-up programme.</p> <p>Coolabah: Contractor engaged to commence</p>
16	26/06/2013	258/2013	Traffic Committee Recommendations – Pre School Parking	<p>Relocating the bus parking to the southern side of the lane.</p> <p>RMS to re-examine the intersection design.</p> <p>Fence Pre-School boundary between lane and parking area and around the corner to the staff vehicle entrance.</p> <p>Western end of fence to be a pool type to allow adequate sight distance from the lane.</p> <p>Staff only in parking area.</p> <p>Blister on the western side of Moonagee St for “Give Way” sign to be considered.</p>		<p>UPDATE: Letter sent to Yarrabin informing them of Council’s decision. Work on fence is expected to commence 08/10/2013.</p>

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Item No.	Date	Minute No	Matter	Action Required	Officer	Status
				<p>Relocate the 40km school zone sign to the northern side of the lane.</p> <p>Signed consent from the Pre-School that the children are always escorted into the building by staff or parents.</p> <p>Keep the proposed refuge island and make a no left turn for road trains from Pangee St into Moonagee St.</p> <p>Consider making lane one way at a later time if required.</p>		Estimate to relocate signs provided to RMS.
17	23/04/2013	124/2013	Insurance	<p>Council seek clarification from the Insurance Council of Aus re: the availability of discounts or other provision on insurance pricing for towns protected against floods and whether flood insurance is mandatory.</p>	GM	<p>Insurance Council has requested flood study information.</p> <p>Information on levy submitted, flood study not expected to be complete until January 2014.</p>



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382/2013 RESOLVED that Mark Coulton be advised by email and asked to confirm if previous Gov't commitment of \$12M funding is still current for APC project. **(Ryan/Dutton)**

383/2013 RESOLVED that Council urgently contact Medicare Local and communicate to them that the current contracts should be continued and processed ASAP. **(Griffiths/McLaughlin)**

384/2013 RESOLVED that the report relating to the Monthly Checklist be received and those items marked as "Completed" be removed from the checklist. **(Deacon/Ryan)**

Council adjourned for morning tea at 10.30am.

Council resumed at 10.50am.

2 NYNGAN VISITOR INFORMATION CENTRE

385/2013 RESOLVED.

1. That the VIC be opened for a minimum of 20 hours per week, as set out in table 3 of this report.
2. That a part-time Visitor Information Centre position be created within the staff establishment of the General Manager's Department, funded from the VIC "rent" budget already provided (\$12,000).
3. That the Nyngan Visitor Information Centre be staffed by the VIC officer for 10 hours per week, that 10 hours to include four hours on Saturdays and four hours on Sundays.
4. That museum volunteers, by agreement, provide visitor information to customers during times when the VIC is closed.
5. That Council calls for expression of interest from volunteers willing to staff the VIC during times when the VIC Officer is not on duty.
6. That the General Manager allocates times to volunteers in accordance with the times set out in table 3 of this report.
7. That should there be insufficient volunteer interest to staff the VIC for the times set out in table 3 of this report, this matter be referred back to Council for further consideration.
8. That should there be sufficient numbers of volunteers to staff the VIC outside the times set out in table 3 of this report, the General Manager arranges additional opening / closing times to suit business needs and volunteer availability.

(Ryan/Neill)



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3 RENTAL POLICY – NSW POLICE

It was **MOVED** that the rental for the Ambulance Station residence be set at \$200.00 per week. **(Dutton/Neill)**

An **AMENDMENT** was **MOVED** that the rental for the Ambulance Station residence be set at \$150.00 per week. **(Ryan/McLaughlin)**

The **AMENDMENT** was **PUT** to Council and **CARRIED**.

386/2013 **RESOLVED** that the rental for the Ambulance Station residence be set at \$150.00 per week. **(Ryan/McLaughlin)**

REPORTS TO ORDINARY MEETING OF COUNCIL - MANAGER CORPORATE SERVICES' REPORT

1 BANK RECONCILIATION

387/2013 **RESOLVED** that the Bank Reconciliation Report be received and noted. **(Ryan/Neill)**

2 INVESTMENTS

388/2013 **RESOLVED** that the Investments Report be received and noted. **(Dutton/Griffiths)**

3 SUMMARY OF RATE & ANNUAL CHARGES COLLECTION

389/2013 **RESOLVED** that the Rates Collection Report be received and noted. **(Neill/Deacon)**



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4 FINANCIAL ASSISTANCE TO COMMUNITY SERVICE ORGANISATIONS

390/2013 RESOLVED that Council:

1. Not provide any further financial assistance to Nyngan Community Homes Association Incorporated.
2. Inform Nyngan Community Homes Assoc Inc that they are already receiving assistance of \$1,487 in the form of a CSO Water Access charge.
3. Inform the Nyngan Community Homes Association Inc that from the 2014/15 financial year it will be charged the full water access charge for a 40mm service.

(Ryan/Griffiths)

5 WRITE OFF RATES OWING ON STATE RAIL AUTHORITY PROPERTIES

391/2013 RESOLVED that Council write off the balance of assessments 1012463, 1012447, 1012455 totalling \$44,499.57. **(McLaughlin/Hampstead)**

6 INVESTMENT POLICY

392/2013 RESOLVED that Council adopt the Investment Policy with the omission of the paragraph on **Investment Advisor**. **(Ryan/McLaughlin)**

7 NON-RESIDENTIAL SEWER ACCESS & USAGE CHARGES

393/2013 RESOLVED that the report be received and noted. **(Ryan/Neill)**

8 ADOPTION OF DRAFT 2012/2013 FINANCIAL STATEMENTS FOR REFERRAL TO THE AUDITORS

394/2013 RESOLVED that Council refer the 2012/13 draft financial statements for audit. **(Ryan/Deacon)**



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REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER ENGINEERING SERVICES' REPORT

1 OPERATIONAL REPORT

395/2013 RESOLVED

1. That the Operational Report be received and noted and the Shire staff involved on beautification of the main street to be commended. **(Ryan/McLaughlin)**
2. That a quote be obtained for the purchase of additional portable marquees for use at the cemetery in summer and a report prepared for the October 2013 meeting.
(Neill/McLaughlin)

2 TRAFFIC COMMITTEE MEETING RECOMMENDATIONS

396/2013 RESOLVED that Council endorse the recommendation of the Traffic Committee *“that the Manager Engineering Services prepare a report to the next Traffic Committee Meeting with proposed front to kerb parking locations, highlighting areas that require formal line marking.”* **(Ryan/Neill)**

REPORTS TO ORDINARY MEETING OF COUNCIL – MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES' REPORT

1 DEVELOPMENT APPLICATIONS

397/2013 RESOLVED that the report be received and noted. **(Hampstead/Neill)**

2 OPERATIONAL REPORT – PARKS & GARDENS

398/2013 RESOLVED that the report be received and noted. **(Hampstead/Griffiths)**

3 OPERATIONAL REPORT – NOXIOUS WEEDS OFFICER

399/2013 RESOLVED that the report be received and noted. **(Ryan/Griffiths)**



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Cr Neill now left the meeting.

4 NYNGAN AIRPORT HANGAR LEASE AREA – BUDGET ADJUSTMENT

400/2013 RESOLVED

1. That an additional \$3,405 be allocated to the capital works budget at the first budget review for the purpose of the construction and sealing of the wider hangar taxiway at Nyngan Airport.
2. That Council do not compact and seal old hangar pad in 2013/2014 budget but works to be included in 2014/2015 budget. **(Hampstead/Ryan)**

Cr Neill returned to the meeting.

**5 WASTE & RESOURCE MANAGEMENT FACILITY – CROWN LAND ACQUISITION
COLANE ROAD, NYNGAN**

401/2013 RESOLVED that the report be received and noted and to make urgent contact with the Local Member to inform him of the extent of delays in gaining approval for the new Waste & Resource Management Facility. **(Ryan/McLaughlin)**

6 WASTE – RECYCLING COLLECTION DATA REPORT

402/2013 RESOLVED that the report be received and noted and further resolve to report to the October 2013 meeting on alternatives for removal of recycling material. **(Ryan/Neill)**

PRECIS OF CORRESPONDENCE

1 CEO WESTERN NSW LOCAL HEALTH DISTRICT – STRATEGIC HEALTH SERVICES PLAN

403/2013 RESOLVED

1. That the Western NSW Local Health District – Strategic Health Services Plan, 2013-2016 be noted.
2. That the Mayor and General Manager convey the Bogan Shire community's concerns regarding health needs, priorities and gaps to the NSW Local Health District Chief Executive and Board Chair.

(Hampstead/Neill)

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2 LOCAL GOVERNMENT NSW, JOINT PRESIDENTS – PLANNING BILL

404/2013 RESOLVED that the correspondence from Local Government NSW Joint Presidents regarding their submission to the NSW Premier on urgent changes to the proposed Planning Bill be received and noted. **(Neill/Ryan)**

3 LOCAL GOVERNMENT NSW, JOINT PRESIDENTS – REVIEW OF RATE EXEMPTIONS

405/2013 RESOLVED that the correspondence from Local Government NSW Joint Presidents regarding a review commissioned by LGNSW into the performance of current Local Government rate exemption provisions be received and noted. **(Neill/Ryan)**

4 TRANSPORT NSW – SPEED ZONE REVIEW MR70

406/2013 RESOLVED that the correspondence from Transport New South Wales regarding a speed zone review of MR17, Arthur Hall VC Way, advising that the existing 100 km/h limit is appropriate be received and noted. **(Neill/Ryan)**

5 GREAT ENDEAVOUR RALLY – EVENT DETAILS

407/2013 RESOLVED

1. That the correspondence from Great Endeavour Rally regarding the 26th annual Great Endeavour Rally which will pass through part of the Shire along Merryanbone, Benah, Colane and Murrawombie Roads next month be received and noted.
2. That Council writes to organisers advising them of possible road closures due to wet weather, seeking their cooperation in the responsible use of Shire roads and acknowledging their worthwhile cause.
3. Warren Shire be advised of Council's resolution.

(Hampstead/McLaughlin)



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6 NSW PUBLIC LIBRARY ASSOCIATIONS – 2013 NSW STATE BUDGET

408/2013 RESOLVED that the correspondence from the NSW Public Library Associations regarding lack of funding for library services in the 2013 NSW State budget be received and noted. **(Hampstead/Griffiths)**

7 NSW HEALTH – WESTERN NSW LOCAL HEALTH DISTRICT

409/2013 RESOLVED

1. That the correspondence from the Chief Executive, Western NSW Local Health District in response to the General Manager's letter raising concerns regarding locum arrangements at the Nyngan Multi Purpose Service be received and noted.
2. That Council writes to the Minister for Health enclosing a copy of the letter received from the Western NSW Local Health District stating that Council and the community do not agree that it is satisfactory that Bogan Shire residents not have an on call doctor at the hospital.
3. That a copy of the above letters be forwarded to the Local Member.

(Hampstead/McLaughlin)

8 MR IAN BURRETT – PENSIONER RATE REBATES AND WATER USAGE CHARGES

410/2013 RESOLVED that the correspondence from Mr Ian Burrett, resident of Portland, NSW, regarding rebates for pensioners be received and noted. **(Ryan/Neill)**

9 DUBBO CITY COUNCIL – TOYOTA TOUR DE OROC

411/2013 RESOLVED that Council make a donation of \$100 to the Dubbo City Council – Toyota Tour De OROC. **(Ryan/Hampstead)**

10 DUBBO BASE HOSPITAL ACCOMMODATION PROJECT INC – SUPPORT FOR THE PROJECT

412/2013 RESOLVED that the correspondence from the Chairman, Dubbo Base Hospital Accommodation Project Inc. requesting support for the project be received and noted.

(Ryan/Hampstead)



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11 LINDSAY SNODGRASS

413/2013 RESOLVED

1. That the correspondence received from Lindsay Snodgrass presenting the merits of propagating Beefwood trees be received and noted.
2. That Council promotes the availability of trees to property owners and investigates the establishment of a planting area with funding for the project to be included in next year's draft budget.

(McLaughlin/Griffiths)

12 MARGARET SNODGRASS

414/2013 RESOLVED that Council decline Margaret Snodgrass' request to assist in planting 15 additional trees in Nyngan Street. **(Ryan/Hampstead)**

13 KELVIN BAXTER TRANSPORT PTY LTD

415/2013 RESOLVED that Council grant permission to access the current Road Train and Modular B-Triple routes with AB Triple and B triples. **(Ryan/Dutton)**

14 GOVERNMENT WEEKLY CIRCULARS

416/2013 RESOLVED that the Local Government Weekly Circulars be noted.

(Ryan/Deacon)



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There being no further business the meeting closed at 12.40 pm.

These Minutes were confirmed by resolution at a meeting held onand
were signed as a true record.

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GENERAL MANAGER

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MAYOR