

NORTHERN TERRITORY OF AUSTRALIA

PALMERSTON (COUNCIL MEETINGS
AND PROCEDURES) BY-LAWS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1991, No. 37*

By-laws under the *Local Government Act*

The Palmerston Town Council, in pursuance of the powers conferred on it by the *Local Government Act* and in accordance with section 204(2) and (3) of the Act, at a meeting held on 23 February 1989, hereby makes the following By-laws.

PART I - PRELIMINARY

1. SHORT TITLE

These By-laws may be cited as the Palmerston (Council Meetings and Procedures) By-laws.

PART II - MEETINGS OF COUNCIL

Division 1 - Business

2. PROCEDURE FOR MEETINGS OF COUNCIL

For the purpose of section 68 of the Act, the procedures for the conduct of meetings of the council shall be as prescribed in this Part.

3. ORDINARY MEETINGS

An ordinary meeting shall be held on such day and at such time in each month as the council from time to time determines by resolution.

4. ORDER OF BUSINESS

(1) Subject to these By-laws, the order of business at an ordinary meeting shall be as the council from time to time determines by resolution.

(2) Notwithstanding a determination under clause (1), the order of business at an ordinary meeting may be altered for a particular meeting where the members at that meeting pass a motion to that effect.

(3) A motion under clause (2) may be moved without notice.

* Notified in the *Northern Territory Government Gazette* on 17 July 1991.

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5. BUSINESS PAPER

(1) The clerk shall, as soon as practicable before each meeting of the council, or within such time as the council determines by resolution, prepare or have prepared a business paper.

(2) Copies of a business paper prepared under clause (1) shall be made available to the public at the council office and at such other places as the council by resolution determines as soon as practicable before each meeting.

(3) A business paper prepared under clause (1) shall contain -

- (a) business arising out of previous meetings of the council;
- (b) business which the Mayor wishes to have considered at the meeting without notice;
- (c) matters of which notice, in accordance with by-law 6, has been given;
- (d) matters referred to the council by a committee;
- (e) officers' reports to the council referred to the meeting by the Mayor or the clerk; and
- (f) such other business as the council from time to time determines by resolution be contained in the business paper.

6. NOTICE OF BUSINESS TO BE GIVEN BY MEMBER

(1) Subject to these By-laws, a matter shall not be considered at a meeting of the council unless notice in accordance with this by-law is given to the members within such time before the meeting as the council from time to time determines by resolution.

(2) A notice under this by-law shall be in writing and signed by the member who wishes the matter to be considered.

(3) A notice under this by-law may be given to a member by serving it on the member personally or by posting it to the member at the member's address for service as provided to the clerk under section 65(2) of the Act.

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7. CONSIDERATION OF MATTER DURING GENERAL BUSINESS

(1) Notwithstanding by-law 6, a matter for which notice under that by-law has not been given may be considered at an ordinary meeting during that part of the meeting set aside for general business.

(2) A member at a meeting of the council shall not speak to a matter raised for consideration in general business under this by-law for longer than 5 minutes.

8. MAYORAL MINUTE

The Mayor may, by a signed minute, introduce a matter for consideration at an ordinary meeting and the matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

9. PETITIONS

(1) A petition may be presented to a meeting of the council by a member who, before presenting the petition, shall, as far as practicable, become acquainted with the subject matter of the petition.

(2) A member, on presenting a petition to a meeting of the council, shall -

- (a) state the nature and prayer of the petition; and
- (b) read the petition.

(3) A petition shall not be presented unless it is worded in respectful language.

(4) Each page of a petition presented to the council shall restate the whole of the petition.

(5) Where a page of a petition does not comply with clause (4) the signatures on that page shall not be taken into account by the council when considering the petition.

(6) A person who appends to a petition -

- (a) a signature purporting to be that of another person; or
- (b) the name of another person,

is guilty of an offence.

(7) Where a petition is presented to a meeting of the council a member of the public present at that meeting and associated with the petition shall stand and if recognized by the Mayor may make a statement, explanation, submission or comment regarding the petition.

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(8) Where, under this by-law, a member presents a petition to a meeting of the council no debate on or in relation to it shall be allowed and the only motion which may be moved is that -

- (a) the petition be received and consideration stand as an order of the day for the meeting or for a future meeting; or
- (b) the petition be received and referred to a committee or officer for consideration and a report to the council.

10. DEPUTATIONS

(1) For the purposes of this by-law, a deputation means a group of persons consisting of more than 4 persons.

(2) A deputation wishing to attend and be heard at a meeting of the council shall, not less than 7 clear days before the meeting, apply in writing to the clerk.

(3) The clerk, on receiving an application under clause (2), shall notify the Mayor of the application and the Mayor shall determine whether the deputation may be heard and shall notify the clerk accordingly.

(4) Where the clerk is notified by the Mayor under clause (3) the clerk shall -

- (a) inform the deputation of the determination of the Mayor; and
- (b) where the Mayor has determined to hear the deputation, arrange a convenient time for the deputation to be heard at a meeting of the council.

(5) Only 2 persons in a deputation may be heard at a meeting of the council unless the members at the meeting at which the deputation is to be heard by resolution determine otherwise.

(6) A person in a deputation at a meeting of the council shall be temperate in speech and manner, and shall not use insulting or offensive language.

(7) Subject to clause (8), a deputation at a meeting of the council in accordance with this by-law shall be given adequate opportunity and facility to explain the purpose of the deputation.

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(8) The Mayor may terminate an address by a person in a deputation at any time where -

- (a) the Mayor is satisfied that the purpose of the deputation has been sufficiently explained to the members at the meeting; or
- (b) the person uses insulting or offensive language.

Division 2 - Motions

11. MOTIONS

(1) A motion brought before a meeting of the council in accordance with the Act or these By-laws shall be received and put to the meeting by the Mayor.

(2) The Mayor may require a motion or amendment to a motion to be stated in full or be in writing before permitting it to be received.

12. UNOPPOSED NOTICES OF MOTION

At a meeting of the council the Mayor may call over the notices of motion in the order in which they appear on the business paper, and where no objection is taken to a motion being taken as a formal motion the Mayor may, without discussion, put the motion to the vote.

13. MOTIONS NOT TO BE WITHDRAWN

A motion on the business paper for a meeting of the council shall not be removed from the paper where a member at the meeting objects to it being removed.

14. ABSENCE OF MOVER OF MOTION

Where a member who has given notice of a motion under by-law 6 is absent from the meeting of the council at which the motion is to be considered, the motion may be -

- (a) moved by another member at the meeting; or
- (b) deferred to the next ordinary meeting.

15. MOTION TO BE SECONDED

(1) Subject to by-law 19, a motion or an amendment to a motion shall not be debated at a meeting of the council unless or until the motion or amendment is seconded.

(2) Notwithstanding clause (1), a member who moves a motion or an amendment to a motion may speak in support of that motion or amendment before it is seconded.

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16. AMENDMENT TO MOTION

(1) Where an amendment to a motion is before a meeting of the council no other amendment to the motion shall be considered until after the first amendment has been put.

(2) Not more than one motion or one proposed amendment to a motion may be put before a meeting of the council at any one time.

(3) An amendment to a motion shall be in terms which retains the identity of the original motion and does not negative the motion.

(4) A member who proposes or seconds a motion shall not propose or second an amendment to that motion.

(5) Where a motion is amended by another motion, the original motion shall not be put as a subsequent motion to amend that other motion.

17. MOTION OF DISSENT

(1) Subject to these By-laws, a member at a meeting of the council may, without notice, move a motion of dissent in relation to a ruling of the Mayor on a point of order.

(2) Where, under clause (1), a motion is moved further consideration of the matter in relation to which the ruling of the Mayor was made shall be suspended until after that motion is put.

(3) Where a motion moved under clause (1) is carried, the matter in relation to which the ruling of the Mayor was made shall -

- (a) proceed as though that ruling had not been made; or
- (b) where as a result of that ruling the matter was discharged as out of order, be restored to the business paper and be dealt with in the normal course of business.

18. RESCINDING OR ALTERING RESOLUTIONS

(1) Subject to this by-law, a resolution of the council may not be altered or rescinded -

- (a) unless a notice of a motion to alter or rescind the resolution is given at the meeting at which the resolution is passed; or

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(b) within 3 months after the date of the passing of the resolution, unless notice of motion is given in accordance with these By-laws to alter or rescind the resolution.

(2) Where, in accordance with clause (1)(a), a notice of a motion to rescind a resolution is given, the resolution shall not be carried into effect, except as provided in clause (3), unless the motion is put and lost.

(3) A resolution of the council referred to in clause (2) may be carried into effect where the members present at the meeting, by resolution, defer consideration of the motion to rescind that resolution.

(4) A resolution under clause (3) shall not defer consideration of the motion for longer than 3 months.

(5) Where a motion, of which notice in accordance with clause (1) is given, is lost, a motion to the same or like effect shall not be moved until after the expiration of 3 months after the date on which the first-mentioned motion was lost.

(6) This by-law does not apply to a motion referred to in by-law 19.

(7) Where a resolution of the council relates to a matter the subject of a previous resolution passed by the council more than 3 months before that later resolution, that previous resolution is, to the extent that it is inconsistent with the later resolution, altered or rescinded.

19. PROCEDURAL MOTIONS

(1) Subject to this by-law, a member at a meeting of the council may, during the debate of a matter at the meeting, move, as a procedural motion, without the motion being seconded, that -

- (a) the question be put;
- (b) the debate be adjourned;
- (c) the meeting proceed to the next item of business;
- (d) the meeting stand adjourned;
- (e) the question lie on the table; or
- (f) the council be resolved into committee of the whole.

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(2) A procedural motion, that the question be put, may be moved under clause (1), where -

(a) no other member at the meeting wishes to speak to the motion before the meeting or any amendment to that motion; or

(b) not less than 2 members at the meeting have spoken for and not less than 2 members at the meeting have spoken against the motion before the meeting or any amendment to that motion and the procedural motion is moved by a member who has not spoken in the debate of the motion or any amendment to that motion.

(3) Where a motion put under clause (2) is -

(a) carried, the Mayor shall immediately put the question to the motion or the amendment to that motion; or

(b) lost, debate on the motion or the amendment to that motion shall continue.

(4) A procedural motion, that the debate be adjourned, may specify a time or date, within the limits specified in clause (6), to which the debate shall be adjourned, or where no date is so specified a further motion may be moved, as a procedural motion, to specify such a time or date.

(5) Where, under clause (4), no date or time is specified to which a debate shall be adjourned, the matter to which the procedural motion relates shall be included in the business paper for the next ordinary meeting.

(6) A procedural motion under clause (4) shall not adjourn debate on the matter the subject of the motion to a date which is more than 2 months after the date of that procedural motion.

(7) Where a procedural motion, that the meeting proceed to the next item of business, is carried, debate on the matter the subject of the motion shall cease and the matter shall be removed from the business paper and may only be considered again by the council on the giving of notice in accordance with these By-laws.

(8) A procedural motion, that the meeting stands adjourned, may be moved by a member at the conclusion of debate on any matter on the business paper or at the conclusion of a member's time for speaking to a matter and the Mayor shall, on the motion being moved, immediately put the motion without debate.

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(9) Where a procedural motion under clause 8 is lost the Mayor shall not accept a similar motion until the expiration of 30 minutes after the time the motion was lost.

(10) A procedural motion, that the meeting stands adjourned, shall specify a time for the resumption of the meeting unless a time has previously been resolved, and on resumption of the meeting the council shall continue with the business before the meeting at the point where it was discontinued on the adjournment of the meeting.

(11) A procedural motion, that the question lie on the table, shall only be moved where -

- (a) the Mayor or a member requires additional information on the matter before the meeting; or
- (b) the result of some other action of the council or person is required before the matter may be concluded at the meeting.

(12) Where a procedural motion under clause (11) is passed the council shall proceed with the next matter on the business paper.

(13) A motion, that a question be taken from the table, may be moved in respect of a matter the subject of a procedural motion under clause (11) at the meeting at which that procedural motion was carried or at any later meeting.

(14) Where a procedural motion, that the council be resolved into committee of the whole, is passed, the council shall immediately go into committee and consideration of the matter which was before the council at the time of that procedural motion shall continue in committee and shall not be considered further by the council except on the report of the committee of the whole.

(15) Subject to this by-law, a procedural motion referred to in clause (1) may be moved at the conclusion of a speaker's time and the Mayor shall, on the motion being moved immediately put the motion without debate.

(16) Where a procedural motion referred to in clause (1)(a), (b) or (c) is lost, the member who moved the motion may not, until after the expiration of 10 minutes after that motion was put, move a similar motion.

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Division 3 - Questions and Discussions

20. QUESTIONS

(1) Subject to this by-law, a member may at a meeting of the council ask a question for reply by another member or an officer.

(2) Such notice as the Mayor determines of a question under clause (1) shall be given to the member or officer to whom it is directed to permit consideration of a reply and, if necessary, reference to other persons or documents.

(3) A question under clause (1) shall be asked categorically and without argument and no discussion shall be permitted at the meeting of the council in relation to a reply or a refusal to reply to the question.

(4) Notwithstanding clause (2), a member or officer of whom a question is asked may, at the meeting of the council at which the question is asked, request that the question be taken on notice for the next ordinary meeting.

(5) A member who asks a question at a meeting of the council shall be deemed not to have spoken to the debate of the motion to which the question relates.

21. MAYOR TO TAKE PRECEDENCE

The Mayor may, at any time during the debate of a matter at a meeting of the council, indicate an intention to speak and, on so doing, a member speaking or proposing to speak to the debate shall cease speaking and remain silent, or refrain from speaking until the Mayor has been heard.

22. MODE OF ADDRESSING MEMBERS AND OFFICERS

A member shall, at all times during a meeting of the council, address and refer to another member or an officer by that member's or officer's official title or designation.

23. LIMITATION OF NUMBER OF SPEECHES

(1) Subject to this by-law, a member who moves a motion has a right to speak to the motion and to any amendment proposed to it and has a right of reply.

(2) Subject to this by-law, a member at a meeting of the council, not being a member who moves a motion, has a right to speak once to the motion and to any amendment proposed to it.

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(3) Subject to clauses (4) and (5), a member at a meeting of the council may not speak for more than 5 minutes on a question before the meeting.

(4) A member who moves a motion may not speak -

(a) to the motion for longer than 10 minutes; and

(b) in the member's right of reply for longer than 5 minutes.

(5) Notwithstanding clause (3), where -

(a) the members present at a meeting of the council consent, a member's time to speak on a question before the meeting may be extended for a further period, of not longer than 5 minutes, as is determined by those members; or

(b) a member considers that he or she has been misrepresented or misunderstood, the member may be permitted by the Mayor to answer, without further observation than is necessary, the misrepresentation or misunderstanding.

(6) A ruling of the Mayor under clause (5) shall be final and conclusive and shall not be discussed or be the subject of a motion of dissent.

24. PRIORITY OF SPEAKING

Where 2 or more members at a meeting of the council rise to speak at the same time the Mayor shall decide which member shall be heard first.

25. MEMBERS TO STAND WHEN SPEAKING

A member at a meeting of the council shall stand when speaking to a matter being considered at the meeting unless -

(a) prevented from doing so by a physical disability; or

(b) the council has by resolution determined otherwise.

26. IMPUTATION

A member speaking at a meeting of the council shall not make a personal reflection on, or impute an improper motive to, another member.

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Division 4 - Order and Disorder

27. QUESTION OF ORDER

(1) For the purposes of this by-law, a member is guilty of an act of disorder if, at a meeting of the council, the member -

- (a) is in breach of the Act or these By-laws;
- (b) uses language which, according to common usage, would be considered disorderly;
- (c) uses an expression inconsistent with good order or decorum; or
- (d) says or does anything calculated to bring the council into contempt.

(2) The Mayor at a meeting of the council may, with or without the intervention of another member at the meeting, call a member at the meeting to order where the Mayor considers the member is out of order.

(3) A member at a meeting of the council may raise a question of order with the Mayor where that member considers another member at the meeting is -

- (a) guilty of an act of disorder; or
- (b) out of order.

(4) Where, under clause (3), a question of order is raised, the Mayor shall rule on the question but may, before ruling, seek the opinions of the other members at the meeting on the question.

(5) A ruling of the Mayor made under clause (4) shall be obeyed except where a motion of dissent is subsequently passed in respect of the ruling.

(6) A member who, under clause (4), is ruled to be out of order more than once at a meeting of the council is guilty of an offence.

(7) Where the Mayor, under clause (4), rules a member is guilty of an act of disorder, the Mayor may request the member to leave, for the remainder of the meeting, the place where the meeting of the council is taking place and to apologize, without reservation, to the other members at that meeting.

(8) A member who refuses to leave the place where a meeting of the council is taking place on being requested to do so under clause (7) is guilty of an offence.

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28. DISORDER

(1) The Mayor may, where disorder arises at a meeting of the council, adjourn the meeting for 15 minutes and quit the chair.

(2) Where, under clause (1), a meeting is adjourned, the Mayor shall, on resumption of the meeting, move a motion, which shall be put without debate, to determine whether the meeting shall proceed.

(3) Where a motion under clause (2) is lost, the Mayor shall declare the meeting closed.

29. BUSINESS OF OBJECTIONABLE NATURE

If at a meeting of the council the Mayor or a member considers that a matter before the meeting is objectionable, the Mayor may, on the Mayor's own motion or on that of another member, declare, on a point of order, that the matter not be considered further.

Division 5 - Attendance and Non-attendance

30. QUORUM NOT PRESENT

(1) Where, at the expiration of the time referred to in section 66(2) of the Act, a meeting of the council is postponed, that fact, together with the names of the members present at that time, shall be recorded in the minutes kept by the council.

(2) Where at a meeting of the council a quorum of members, as required by section 66(1) of the Act, is not present the Mayor shall suspend the meeting for a period of 30 minutes and, if at the expiration of that period, a quorum of members is not present, the names of the members present at that time shall be recorded in the minutes kept by the council, and the Mayor shall adjourn the meeting to a later time or to another date, as the Mayor thinks fit.

(3) For the purposes of this by-law, a member is present at a meeting of the council if that member is in the room in which the meeting is taking, or is to take, place and seated at the place allocated to that member for the meeting.

Division 6 - Media and Public

31. ATTENDANCE OF PUBLIC AND MEDIA AT MEETINGS

(1) At a meeting of the council an area at the place where the meeting is held shall be made available for members of the public to attend the meeting, and as many members of the public as reasonably can be accommodated in that area shall be permitted to attend the meeting.

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(2) Subject to the Act and these By-laws, journalists may be present at a meeting of the council for the purpose of reporting on the meeting.

32. REMOVAL OF PERSONS FROM MEETINGS

(1) A person, other than a member, who interrupts the orderly conduct of a meeting of the council shall, on being requested to do so by the Mayor, immediately leave the place where the meeting is being held.

(2) A person who fails to comply with a request of the Mayor under clause (1) may, on the order of the Mayor, be removed, with such force as is necessary, from the place where the meeting is taking place.

33. PUBLIC PARTICIPATION AT MEETING

(1) Subject to this by-law and to by-laws 9 and 10, a member of the public who wishes to ask a question or make a submission or comment to a meeting of the council shall do so in writing.

(2) Subject to this by-law and to by-laws 9 and 10, a member of the public shall not take part, or attempt to take part, in the proceeding of a meeting of the council.

(3) The Mayor may invite questions, submissions or comments from members of the public at a meeting of the council but is not obliged to do so.

(4) A member of the public wishing to ask a question or to make a comment or submission at a meeting of the council shall -

- (a) stand and wait, without interrupting the meeting, until invited to speak by the Mayor; and
- (b) when so invited, state his or her name and address and ask the question or make the submission or comment in a concise form.

(5) If the Mayor considers a question, statement or comment of a member of the public at a meeting of the council is offensive, irrelevant, unduly long or deals with a confidential matter the Mayor may -

- (a) order the person to refrain from asking the question or making the submission or comment; or
- (b) in the case of a question which has been asked, direct that the question be not answered.

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(6) A question asked by a member of the public at a meeting of the council shall be directed to a member who -

- (a) shall answer it; or
- (b) request that it be placed on notice.

(7) A question placed on notice under clause (6)(b) shall be placed on the business paper of the next similar meeting of the council where the member shall answer the question.

(8) Where a question is answered under clause (7) and the person who asked the question is not present at the meeting of the council at which the question is answered the clerk shall deliver or post a copy of the answer to that person.

(9) On receiving a submission or comment from a member of the public, the council shall -

- (a) refer it to a committee;
- (b) place it on notice for discussion at a meeting of the council;
- (c) deal with it under by-law 7; or
- (d) note it and take no further action.

PART III - COMMITTEES OF COUNCIL

34. PROCEDURES FOR MEETINGS OF COMMITTEES

For the purpose of section 68 of the Act, the procedures for the conduct of a meeting of a committee shall, except as otherwise provided by these By-laws, be as determined, from time to time, by the members of the committee.

35. MEETINGS OF COMMITTEES

A meeting of a committee shall be held at such dates and times as the council or the committee from time to time determines by resolution.

36. DISORDER IN COMMITTEE

By-laws 27 and 28 apply to and in relation to a meeting of a committee as if the meeting was a meeting of the council and the chairman of the committee was the Mayor.

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37. REPORTS BY COMMITTEES

(1) A report to the council by a committee shall be presented by the chairman of the committee or, in the Chairman's absence, by such other member of the committee as determined by the Mayor.

(2) Where more than one recommendation is made by a committee in a report to the council the decision of the council in relation to each recommendation may be taken separately.

PART IV - MISCELLANEOUS

38. MODE OF PROCEEDING IN CASES NOT PROVIDED FOR

(1) Where, at a meeting of the council or a committee, a matter arises which is not provided for, in part or in whole, by these By-laws, the matter shall be dealt with in accordance with a resolution of the council or the committee carried by not less than two thirds of the members present at the meeting.

(2) Where, at a meeting of the council or a committee, a question arises relating to the interpretation of these By-laws the question shall be determined by reference to *The Law and Procedures at Meetings* in Australia and New Zealand by P.E. Joske.

39. OFFENCES

A person who contravenes, or fails to comply with, these By-laws is guilty of a regulatory offence.

Penalty: \$500.

The common seal of the Palmerston Town Council was affixed hereunto on 14 June 1991, in pursuance of a resolution of the council authorizing the seal to be so affixed passed on 23 February 1989, in the presence of

K.P. DIFLO
MAYOR

S. BENNETT
CLERK
