

Business Paper

**LATE REPORTS
ORDINARY COUNCIL MEETING
COUNCIL CHAMBERS, GUNDAGAI**

6:00PM, TUESDAY 26th March, 2019

Administration Centres: 1300 459 689

LATE REPORTS

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1 CONFIRMATION OF MINUTES

5.2 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON MONDAY 25 MARCH 2019

REPORTING OFFICER	Teresa Breslin, Governance Officer
AUTHORISING OFFICER	Susan Gheller, Manager Business
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	There are no Legislative implications associated with this report.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	1. Minutes of the Extraordinary Meeting of Council held on Monday 25 March 2019

RECOMMENDATION

The Minutes of the Extraordinary Meeting of Council held on Monday 25 March 2019 be confirmed as a true and correct record of the meeting.

Minutes

EXTRAORDINARY COUNCIL MEETING

COUNCIL CHAMBERS, GUNDAGAI

6.00PM, MONDAY 25th March, 2019

Administration Centres: 1300 459 689

**MINUTES OF COOTAMUNDRA-GUNDAGAI REGIONAL COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, GUNDAGAI
ON MONDAY, 25 MARCH 2019 AT 6.00PM**

PRESENT: Cr Abb McAlister (Mayor), Cr Dennis Palmer (Deputy Mayor), Cr Leigh Bowden, Cr David Graham, Cr Gil Kelly, Cr Penny Nicholson, Cr Doug Phillips, Cr Charlie Sheahan

IN ATTENDANCE: Phil McMurray (Acting General Manager), Adrian Barwick (Partner from Williamson Barwick Lawyers).

1 ACKNOWLEDGEMENT OF COUNTRY

The Chairperson acknowledged the Wiradjuri people who are the Traditional Custodians of the Land at which the meeting was held and paid his respects to Elders, both past and present, of the Wiradjuri Nation and extended that respect to other Aboriginal people who were present.

2 APOLOGIES

Note: An apology was received on behalf of Cr Stewart.

RESOLUTION 065/2019

Moved: Cr Gil Kelly

Seconded: Cr Leigh Bowden

The apology received from Cr Stewart be accepted and leave of absence granted.

CARRIED

3 DISCLOSURES OF INTEREST

Nil.

4 CONFIDENTIAL ITEMS

4.1 CLOSED COUNCIL REPORT

RESOLUTION 066/2019

Moved: Cr Dennis Palmer

Seconded: Cr Gil Kelly

- 1. Item 4.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.**

2. **In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item 4.2 be withheld from the press and public.**

4.2 MAYORAL MINUTE - GENERAL MANAGERS CONTRACT OF EMPLOYMENT

Provisions for Confidentiality

Section 10A (2) (a) – The Confidential Report contains personnel matters concerning particular individuals (other than councillors).

Public Interest

N/A.

CARRIED

4.2 MAYORAL MINUTE - GENERAL MANAGERS CONTRACT OF EMPLOYMENT

Note: On 21 March 2019, the Mayor advised the General Manager to prepare a business paper for an Extraordinary Meeting of Council to be held on 25 March 2019 to consider and discuss a personnel matter. Notice to Councillors, including the business paper, was forwarded to Councillors on 22 March 2019. The business paper was also published on Council's Website on that day.

Report: Council has received legal advice, under professional privilege, in regards to the personnel matter to be noted. Council's legal advisors were present for the discussion and to give legal advice. It is recommended Council take steps in the personnel matter.

RESOLUTION 067/2019

Moved: Cr Charlie Sheahan

Seconded: Cr Gil Kelly

1. **Council notes the confidential legal advice regarding the employment of the General Manager;**
2. **Council authorises and empowers the Mayor to write to the General Manager asking him to show cause, within 14 days, why his employment should not be terminated without notice or payment in lieu of notice;**
3. **In furtherance of 2 above, the Mayor is authorised and empowered to seek the assistance of legal representatives of Council;**
4. **The Mayor to report back to Council on this process in due course.**

CARRIED

4.3 RESUMPTION OF OPEN COUNCIL MEETING

RESOLUTION 068/2019

Moved: Cr Dennis Palmer

Seconded: Cr Penny Nicholson

The Open Council meeting resume.

CARRIED

4.4 ANNOUNCEMENT OF CLOSED COUNCIL RESOLUTIONS

Note: The Chairperson announced the resolutions made in Closed Council.

The Meeting closed at 6.50pm.

The minutes of this meeting were confirmed at the Extraordinary Council Meeting held on 26 March 2019.

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CHAIRPERSON

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GENERAL MANAGER

2 CONFIDENTIAL ITEMS

11.1 CLOSED COUNCIL REPORT	
DOCUMENT NUMBER	300090
REPORTING OFFICER	Phil McMurray, Acting General Manager
AUTHORISING OFFICER	Phil McMurray, Acting General Manager
RELEVANCE TO COMMUNITY STRATEGIC PLAN	<p>4. Good governance: an actively engaged community and strong leadership team</p> <p>4.1 Decision-making is based on collaborative, transparent and accountable leadership</p>
FINANCIAL IMPLICATIONS	There are no Financial implications associated with this report.
LEGISLATIVE IMPLICATIONS	To facilitate compliance with sections 10 and 11 of the Local Government Act 1993.
POLICY IMPLICATIONS	There are no Policy implications associated with this report.
ATTACHMENTS	Nil

Note

Council's Code of Meeting Practice allows members of the public present to indicate whether they wish to make representations to the meeting, before it is closed to the public, as to whether that part of the meeting dealing with any or all of the matters listed should be closed.

RECOMMENDATION

1. **Item 11.2 be considered in closed Council at which the press and public are excluded in accordance with the applicable provisions of the Local Government Act, 1993 and related public interest reasons detailed.**
2. **In accordance with section 11 (2) and (3) of the Local Government Act, 1993, the reports, correspondence and other documentation relating to Item 11.2 be withheld from the press and public.**

11.2 LEASE OF ROAD RESERVE BETWEEN LOT 5 DP10928338 AND LOTS 60,61 & 62 DP753604 COOTAMUNDRA

Provisions for Confidentiality

Section 10A (2) (g) – The Confidential Report contains advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Public Interest

It was considered that discussions of this matter in open Council would, on balance, be contrary to the public interest as it would prejudice Council's ability to secure the optimum outcome for the community.