



**Minutes from meeting of:
EXTRAORDINARY COUNCIL**

**Held
Monday 29 June 2009
5.00pm
Council Chambers, Civic Centre
184 - 194 Bourke Street, Goulburn**

VISION

A sustainable vibrant community protecting, enhancing and enjoying Goulburn Mulwaree's rich social, environmental and economic heritage.

Mission

To serve the Community

Minutes of the Extraordinary Meeting of Council held Monday 29 June 2009 commencing at 5.00pm in the Council Chambers, Civic Centre

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Present

Mayor James, Cr Banfield, Cr Dillon, Cr Penning, Cr O'Neill Cr Sturgiss, Cr Kirk, Cr Kettle & Cr Peterson

Also Present

Acting General Manager (Mr C Berry), Acting Director Planning and Community Services (Mr C Stewart), Director Corporate Services (Mr B Hollands), Acting Director Engineering Services (Mr T Cooper) & Governance Coordinator (Miss S Blay).

Opening Prayer

Read by Cr Kirk.

Apologies

Nil

Disclosure of Interest

Acting General Manager, Chris Berry declared an interest in Item 2 of Executive Services Report and related Closed Session Item as he is an applicant for the General Manager's position. Mr Berry left the meeting while discussion on this these items took place.

Executive Services

Item 1 Goulburn Mulwaree Council By-Election

Reporting Officer

Acting General Manager – Chris Berry

Purpose of Report

To report on the outcomes from the Goulburn Mulwaree Council By-Election held on 20 June 2009.

Report

The NSW Electoral Commission conducted the Goulburn Mulwaree Council By-Election on 20 June 2009.

A total of 12 candidates stood for election to the two vacant positions on Council following the resignations of former Councillors Hadlow and Woodman due to health reasons.

At the Declaration of Poll on 24 July 2009 the By-Election Returning Officer, Mr Warren Guyer, advised Geoff Kettle and Geoff Peterson had been elected to Council.

Budget Implications

Costs associated with the By-Election were estimated to be \$105,000 with funding to be from savings in the 2008 Election allocation (approximately \$24,000) and additional funds being sourced from the Unallocated Capital Reserve.

In an effort to keep costs down for the By-Election, Council made available its Chambers for the Pre Polling and administration associated with the By Election.

Policy Considerations

Nil

Recommendation

That the election of Cr Geoff Kettle and Cr Geoff Peterson be noted and each new Councillor to be congratulated on their success.

Resolved 09/401

Cr Penning/Cr O'Neill

That the election of Cr Geoff Kettle and Cr Geoff Peterson be noted and each new Councillor to be congratulated on their success.#####

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Item 2 Closed Session

Acting General Manager, Mr Chris Berry left the meeting at 5.10 pm and did not return.

Reporting Officer

Executive Assistant – Karen Gardiner

Purpose of Report

To consider moving into Closed Session.

The following confidential reports have been distributed separately:

	Report
<i>Mayoral Report</i>	<i>Item 1 –General Manager Recruitment</i>

Statutory Requirements

Section 10A *Local Government Act 1993*, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of s10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in s10A(2) which states:

(1) a council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:

- (a) the discussion of any of the matters listed in subclause (2), or*
- (b) the receipt or discussion of any of the information so listed.*

(2) the matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors),*
- (b) the personal hardship of any resident or ratepayer,*
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*
- (d) commercial information of a confidential nature that would, if disclosed:*
 - (i) prejudice the commercial position of the person who supplied it, or*
 - (ii) confer a commercial advantage on a competitor of the council, or*
 - (iii) reveal a trade secret,*
- (e) information that would, if disclosed, prejudice the maintenance of law,*
- (f) matters affecting the security of the council, councillors, council staff or council property,*
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,*
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.*

(3) a council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

(4) a council, or a committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

- (1) *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
 - (a) *except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - (b) *if the matter is concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the council or committee concerned is satisfied that discussions of the matter in an open meeting would, on balance, be contrary to the public interest.*
- (2) *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
 - (a) *are substantial issues relating to a matter in which the council or committee is involved, and*
 - (b) *are clearly identified in the advice, and*
 - (c) *are fully discussed in that advice.*
- (3) *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
- (4) *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
 - (a) *a person may misinterpret or misunderstand the discussion, or*
 - (b) *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or*
 - (ii) *cause a lot of confidence in the council or committee.*

Recommendation

That Council move into Closed Council in accordance with the requirements of s10 *Local Government Act 1993* to consider the following matter:

Mayoral Report

Item 1 General Manager Recruitment

s10A(2)(a) Local Government Act 1993 – personnel matters concerning particular individuals (other than councillors)

Purpose of Report

To report on the recruitment for a General Manager.

This matter is referred for discussion in Closed Council due to personnel matters concerning individual applicants for the position.

Resolved 09/402

Cr Sturgiss/Cr Dillon

That Council move into Closed Council in accordance with the requirements of s10 Local Government Act 1993 to consider the following matter:

Mayoral Report

Item 1 General Manager Recruitment

s10A(2)(a) Local Government Act 1993 – personnel matters concerning particular individuals (other than councillors)

Purpose of Report

To report on the recruitment for a General Manager.

This matter is referred for discussion in Closed Council due to personnel matters concerning individual applicants for the position.

Closed Council

Resolved 09/403

Cr O'Neill/Cr Penning

That Council resolved into closed session and close the meeting to the press and public to discuss confidential matters referred to in the Business Paper.

Council resolved into closed session at 5.11 pm.

At the request of Council all staff left the meeting at 5.11 pm.

The item listed in Executive Report Item 2 was discussed along with a verbal report from the selection panel.

That Council Resume in Open Session

Resolved 09/404

Cr O'Neill/Cr Penning

That the resolutions of the closed session meeting including the following reports which were submitted to Closed Session in accordance with Section 10A of the Local Government Act 1993 (refer Report Item 2) be adopted.

These motions were:

Item 1 General Manager Recruitment

Resolved 09/405

Cr O'Neill/Cr Penning

That the recruitment agency Local Government Employment Solutions invite the two preferred candidates back for a final interview as soon as possible with all Councillors to make a decision.

Cr Sturgiss called for a division.

For the motion: Cr James, Cr Kirk, Cr O'Neill, Cr Penning, Cr Kettle, Cr Peterson

Against the motion: Cr Sturgiss, Cr Dillon, Cr Banfield

Meeting closed at 5.55pm.

The minutes were confirmed at the Council meeting on 21 July 2009 at which this signature was endorsed.

.....
Mayor Carol James
Mayor

.....
Mr Chris Berry
Acting General Manager