



MINUTES

Closed Council Meeting

18 March 2019

Order Of Business

1	Apologies and Leave of Absence Requests	3
2	Declaration of Interest	3
17	Closed Reports	3
17.1	Report on the Wollondilly Visitor Information Centre (VIC)	3
17.2	Quarterly Legal Status.....	5
17.3	Update on Council's Response to the Pendlebury Report	6
17.4	CEO's Update on a Confidential Contractual Issue	7
17.5	Mayor's Update on CEO's Contract of Employment	8

MINUTES OF CLOSED COUNCIL MEETING
held at the Council Chamber, 62-64 Menangle Street, Picton NSW 2571
on Monday, 18 March 2019 at 7.54pm

PRESENT: Mayor Matthew Deeth, Cr Judith Hannan, Cr Robert Khan, Cr Michael Banasik, Cr Matthew Gould, Cr Noel Lowry

IN ATTENDANCE: Acting Chief Executive Officer, Executive Director Community & Corporate, Acting Director Infrastructure & Environment, Acting Director Planning, Manager Governance, Assistant Director People, Legal & Governance, Acting Chief Financial Officer, General Counsel, Adrian Barwick (Lawyer, WilliamsonBarwick) (arrived at 8.57pm) and one Minute Taker

1 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

Crs Blair Briggs, Matt Smith and Simon Landow are apologies.

2 DECLARATION OF INTEREST

Cr Banasik previously declared a Non-Pecuniary Interest (less than significant) in relation to item 17.5, due to being the subject of a Code of Conduct complaint by the CEO. This matter was resolved in Cr Banasik's favour. Cr Banasik advised he will stay in the meeting and vote on this Item.

Cr Banasik later declared a Pecuniary Interest in relation to item 17.5, due to being related to persons that may be involved in this matter. Cr Banasik left the meeting and did not vote on this Item.

17 CLOSED REPORTS

At 7.54pm, the Mayor called a five minute adjournment of the meeting. The meeting resumed at 8.01pm with all present prior to the adjournment.

17.1 REPORT ON THE WOLLONDILLY VISITOR INFORMATION CENTRE (VIC)

RESOLUTION 63/2019

Moved: Mayor Matthew Deeth
Seconded: Cr Matthew Gould

That Council:

- 1. prepare a resourcing strategy to come back to Council before 30 June 2019 to implement a contemporary visitor information service by reviewing the tourism service of the existing Tourism and Business Investment section.**
- 2. reshapes the current way of providing a visitor information service by 30 June 2019 by way of transitioning to a contemporary virtual VIC. That this service will replace the current Wollondilly Visitor Information Centre.**
- 3. Council notes the Visitor Information Servicing Plan 2019 deliverables and a monthly progress report be given at Councillor Workshops in the lead up to the**

implementation of the contemporary virtual service.

4. **\$15,000 be introduced from the Tourism and Economic Development Restricted Cash account to fund the initial purchase and setup of Digital Kiosks and Touchscreens once Council has endorsed the resourcing strategy.**
5. ***prepare an overall implementation plan for delivering tourism targets and objectives including performance indicators and targets to be achieved. This strategy be brought back to council by 30 June 2019.***

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

17.2 QUARTERLY LEGAL STATUS

RESOLUTION 64/2019

Moved: Cr Robert Khan

Seconded: Cr Noel Lowry

That Council receive and note this report.

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

17.3 UPDATE ON COUNCIL'S RESPONSE TO THE PENDLEBURY REPORT**RESOLUTION 65/2019**

Moved: Cr Matthew Gould

Seconded: Mayor Matthew Deeth

That Council:

1. notes the update from the acting CEO on the responses to recommendations of the Pendlebury Report;
2. acknowledges the efforts of the Executive Team to strengthen and build upon the positive and constructive culture of the organisation and the actions in responding to the recommendations of the Pendlebury Report;
3. *receive a further update from the acting Chief Executive Officer in three months' time; and*
4. *reinstate the delegations previously suspended for any matters relating to the Pendlebury Report or for any issues arising from or addressed in it as articulated in the "Instrument of Delegation, Delegation of Authority- General Manager" in force from 18 September 2017.*

On being put to the meeting the motion was declared **CARRIED** 6/0

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

At 8.39pm the Assistant Director People, Legal & Governance and Manager Governance left the meeting.

17.4 CEO'S UPDATE ON A CONFIDENTIAL CONTRACTUAL ISSUE

RESOLUTION 66/2019

Moved: Cr Noel Lowry
Seconded: Mayor Matthew Deeth

That Council note the acting CEO's update on the confidential contractual issue.

At 8.47pm, Cr Judith Hannan left the meeting.

On being put to the meeting the motion was declared **CARRIED 5/0**

In Favour: Crs Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

At 8.50pm Cr Judith Hannan returned to the meeting.

At 8.51pm the Executive Director Community & Corporate, Acting Director Infrastructure & Environment, Acting Director Planning and Acting Chief Financial Officer left the meeting.

RESOLUTION 67/2019

Moved: Mayor Matthew Deeth
Seconded: Cr Matthew Gould

That the Draft Motion seeking to discuss the Chief Executive Officer's contract be dealt with in *seriatim* (i.e. one by one or individually)

On being put to the meeting the motion was declared **CARRIED 6/0**

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

17.5 MAYOR'S UPDATE ON CEO'S CONTRACT OF EMPLOYMENT

The Acting Chief Executive Officer left the meeting at 8.57pm returned at 8.58pm.
At 9.07pm, Cr Robert Khan left the meeting and returned at 9.10 pm.

RESOLUTION 68/2019

Moved: Cr Matthew Gould
Seconded: Mayor Matthew Deeth

- 1. That the resolution negotiated between The Mayor, Councillor Deeth and Council's Chief Executive Officer, Luke Johnson effective 30 June 2019 be endorsed by Council and concluded by the Mayor, on behalf of Council.**
- 2. That as soon as practicable the Mayor inform the Chief Executive Officer of the above decision and instruct the acting Chief Executive Officer to process any termination payments that the Chief Executive Officer is entitled to under his Contract.**

On being put to the meeting the motion was declared **CARRIED 6/0**

In Favour: Crs Judith Hannan, Robert Khan, Michael Banasik, Matthew Deeth, Matthew Gould and Noel Lowry

Against: Nil

Cr Michael Banasik declared a Pecuniary Interest in relation to Item 17.5, due to being a relative of persons that may be involved in this matter. At 9.17pm, Cr Michael Banasik left the meeting and did not vote on this Item.

The Acting Chief Executive Officer left the meeting at 9.19pm. So that the matter of considering the appointment of an acting CEO could be discussed freely.

RESOLUTION 69/2019

Moved: Cr Matthew Gould
Seconded: Mayor Matthew Deeth

3. **That the Council appoints Michael Malone, Director Infrastructure and Environment, as the Council's Acting Chief Executive Officer's pursuant to sections 336 and 351 of the *Local Government Act 1993*, from 1 July 2019 with such person to remain as the Council's Acting Chief Executive Officer until the Council appoints a new Chief Executive Officer or until a further decision of the Council to appoint a different Acting Chief Executive Officer, whichever occurs first.**
4. **That the Council delegate to the CEO's Performance Review Committee authority to seek quotes to engage an appropriate recruitment company to manage the recruitment process for the Recruitment Panel.**
5. **That the recruitment panel consist of the councillors on the CEO's Performance Review Committee, the selected recruitment agency and an independent CEO or equivalent.**
6. **That as a part of the recruitment process, that all councillors be given the opportunity to meet the short listed candidates.**

On being put to the meeting the motion was declared **CARRIED 5/0**

In Favour: Crs Judith Hannan, Robert Khan, Matthew Deeth, Matthew Gould and Noel Lowry
Against: Nil

The Acting Chief Executive Officer returned to the meeting at 9.29pm.

RESOLUTION 70/2019

Moved: Cr Judith Hannan
Seconded: Cr Robert Khan

That Council move back into Open Session.

On being put to the meeting the motion was declared **CARRIED 5/0**

In Favour: Crs Judith Hannan, Robert Khan, Matthew Deeth, Matthew Gould and Noel Lowry
Against: Nil

CLOSING

There being no further business, the Mayor resumed the open Council Meeting at 9.31pm.

This and the preceding 9 pages are the Minutes of the Closed Meeting of Council held on Monday 18 March 2019 and were confirmed at the subsequent meeting held on Monday 15 April 2019.

.....
MAYOR