

MINUTES

Extraordinary Council Meeting
19 November 2015

Minutes of the Extraordinary Council Meeting of Strathfield Municipal Council held on 19 November 2015, in the Council Chambers, 65 Homebush Road, Strathfield.

COMMENCING: 7.04pm

PRESENT: Mayor Councillor S Ok (Chairman)
Councillor A Soulos
Councillor D Bott
Councillor R Datta
Councillor S Kokkolis
Councillor H McLucas
Councillor G Vaccari

STAFF: General Manager
Director Corporate Services
Group Manager Organisational Performance
Governance Coordinator

1. **OPENING:** The prayer was read.

2. **RECOGNITION OF TRADITIONAL CUSTODIANS:** The Recognition was read.

3. **PECUNIARY INTEREST/CONFLICT OF INTEREST**

Nil.

4. **APOLOGIES**

Nil.

5. **Mayoral Minute 39/15 – General Manager Leave Requests**

I MOVE:

1. That as required by the Office of Local Government Standard Contract of Employment (General Managers of Local Councils in NSW), the General Manager have all planned leave prior approved by the Mayor.
2. That all unplanned leave be notified to the Mayor as soon as practicable, but no later than the day the leave is taken.
3. That the definition of leave include Annual Leave, Long Service Leave, Sick Leave, Parental Leave, Carer's Leave, Concessional Leave, Special Leave, and any other leave which the General Manager may be entitled to.
4. That the General Manager provide to Councillors by way of memo a tabulated summary of all leave taken by the General Manager since 1 January 2015, in accordance with the definition above.
5. That the Mayor have access to the General Manager's electronic diary to enable the Mayor to be able to contact the General Manager outside of known commitments.

357/15

RESOLVED: (Soulos/Vaccari)

That Mayoral Minute 39/15 – General Manager’s Leave Requests be considered in Closed Session as it relates to personnel matters concerning particular individuals (other than Councillors) and on balance, the public interest in preserving confidentiality personnel matters provided outweighs the public interest in openness and transparency in council decision-making by discussing the matter in open meeting.

For the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Bott, Datta and McLucas

The Mayor declared the Motion Carried.

358/15

RESOLVED: (Bott/Kokkolis)

That the matter be Deferred for consideration until after the remaining Mayoral Minutes have been dealt with.

For the Motion: Councillors Bott, Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Datta and McLucas

The Mayor declared the Motion Carried.

6. Mayoral Minute 40/15 – Mayoral Induction and Reference Manual for Office of the Mayor

I MOVE:

1. That within 30 days of election of the new Mayor an extensive and compulsory induction be provided to the Mayor by the General Manager and such induction be undertaken by the Mayor, with a record of that induction being signed by both parties and filed.
2. That as part of any induction program the Mayor be provided with appropriate media training.
3. That additional to any induction provided by the General Manager the Mayor also be offered any best practice program run by LGNSW or similar organisation or consultant, to be selected by the Mayor.
4. That an Induction/Reference Manual for the Office of the Mayor be produced with urgency, and to contain as a minimum information and guidance on:
 - a. The roles, responsibilities and powers of the Mayor, including delegations made to the Mayor by the Council.
 - b. The roles, responsibilities and powers of the Deputy Mayor, including any delegations to the Deputy Mayor in the Mayor’s absence.
 - c. The role of the Mayor in terms of Council’s Code of Meeting Practice.
 - d. Documents, Codes and Policies the Mayor should be familiar with.
 - e. Mayoral Minutes.
 - f. Appropriate organisational and Mayoral behaviour with regards to:

- i. Access to and use of the Mayoral office including out of hours access;
 - ii. Acceptance/delegation of diary invitations;
 - iii. Mayoral Mail in and out;
 - iv. Meetings with residents and/or ratepayers;
 - v. Representations received on Development Application matters, actual or potential;
 - vi. Deputations with Local Members of Parliament, Ministers, Premier and Prime Minister;
 - vii. Deputations and official visits generally, including Sister City.
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- g. Professional Indemnity and other Insurance.
 - h. Media liaison, communication and monitoring.
 - i. Media releases.
 - j. Mayoral speeches.
 - k. Mayoral Column.
 - l. Appropriate use of Mayoral facilities.
 - m. Mayoral Robes and Chains.
 - n. Citizenship Ceremonies.
 - o. Mayoral receptions for the community.
 - p. Appropriate interaction with the General Manager, including meeting schedules.
 - q. Appropriate interaction with Senior staff who report to the General Manager, and staff generally.
 - r. The role and function of the Mayor's Personal Assistant, and the power of the Mayor in relation to that person having regard for the fact that the Mayor's Personal Assistant reports to the General Manager.
 - s. That the advice of LGNSW, other relevant consultants and NSW councils be consulted to ensure the manual is of the highest relevance to the position.
 - t. That the manual be updated by the General Manager at least annually.

359/15

RESOLVED: (Ok)

1. That within 30 days of election of the new Mayor an extensive and compulsory induction be provided to the Mayor by the General Manager and such induction be undertaken by the Mayor, with a record of that induction being signed by both parties and filed.
2. That as part of any induction program the Mayor be provided with appropriate media training.
3. That additional to any induction provided by the General Manager the Mayor also be offered any best practice program run by LGNSW or similar organisation or consultant, to be selected by the Mayor.
4. That the Councillor Handbook be updated with urgency, and to contain as a minimum information and guidance on items relating to the office of the Mayor including:
 - a. The roles, responsibilities and powers of the Mayor, including delegations made to the Mayor by the Council.
 - b. The roles, responsibilities and powers of the Deputy Mayor, including any delegations to the Deputy Mayor in the Mayor's absence.
 - c. The role of the Mayor in terms of Council's Code of Meeting Practice.
 - d. Documents, Codes and Policies the Mayor should be familiar with.
 - e. Mayoral Minutes.
 - f. Appropriate organisational and Mayoral behaviour with regards to:

- i. Access to and use of the Mayoral office including out of hours access;
 - ii. Acceptance/delegation of diary invitations;
 - iii. Mayoral Mail in and out;
 - iv. Meetings with residents and/or ratepayers;
 - v. Representations received on Development Application matters, actual or potential;
 - vi. Deputations with Local Members of Parliament, Ministers, Premier and Prime Minister;
 - vii. Deputations and official visits generally, including Sister City.
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- g. Professional Indemnity and other Insurance.
 - h. Media liaison, communication and monitoring.
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 - j. Mayoral speeches.
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 - l. Appropriate use of Mayoral facilities.
 - m. Mayoral Robes and Chains.
 - n. Citizenship Ceremonies.
 - o. Mayoral receptions for the community.
 - p. Appropriate interaction with the General Manager, including meeting schedules.
 - q. Appropriate interaction with Senior staff who report to the General Manager, and staff generally.
 - r. The role and function of the Mayor's Personal Assistant, and the power of the Mayor in relation to that person having regard for the fact that the Mayor's Personal Assistant reports to the General Manager.
 - s. That the advice of LGNSW, other relevant consultants and NSW councils be consulted to ensure the manual is of the highest relevance to the position.
 - t. That the manual be updated by the General Manager at least annually.

For the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Bott, Datta and McLucas

The Mayor declared the Motion Carried.

7. Minute 41/15 – Meetings Between The Mayor and General Manager

I MOVE:

1. That a regular time and day, once per week preferably on a Monday be diarised by the Mayor and General Manager for a 2 hour meeting to enable the Mayor and General Manager to regularly communicate and assist each other in their roles and responsibilities.
2. That the time and day to be mutually convenient if not a Monday, be the same time and day each week and only be cancelled in the most extreme of circumstances.
3. That a meeting agenda be developed by both the Mayor and General Manager and provided to each other by the General Manager's PA at least 48 hours prior to the meeting.

360/15

RESOLVED: (Ok)

1. That a regular time and day, once per week preferably on a Monday be diarised by the Mayor and General Manager for a 2 hour meeting to enable the Mayor and General Manager to regularly communicate and assist each other in their roles and responsibilities.
2. That the time and day to be mutually convenient if not a Monday, be the same time and day each week and only be cancelled in the most extreme of circumstances.
3. That a meeting agenda be developed by both the Mayor and General Manager and provided to each other by the General Manager's PA at least 48 hours prior to the meeting.

For the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Bott, Datta and McLucas

The Mayor declared the Motion Carried.

8. Mayoral Minute 42/15 – Office of Local Government S430 Report – Ongoing Monitoring

I MOVE:

1. That the Mayor and Deputy Mayor, jointly, be delegated authority to engage appropriate consultant advice where such advice cannot be sought by the General Manager due to a conflict of interest of the General Manager.
2. That it be noted the first use of this delegation will be in relation to the Section 430 Report where the Mayor and Deputy Mayor will seek an independent report to be provided to a councillor workshop on Tuesday 1 December outlining the systemic and reporting changes Council should look for in its policies and procedures to ensure:
 - i. with reference to Recommendation (1) P11-12 in the S430 report, that the GM is kept appraised in a timely manner of matters which may require his attention or input, including but not limited to the performance of the staff who report to him;
 - ii. with reference to Recommendation (2) P12 in the S430 report, that actions taken by the GM in supervising the Director Corporate Services conduct are appropriate and in particular in relation to the appointment of external consultants, conduct of tendering functions, and any other issue raised by the recent S430 report;
 - iii. with reference to Recommendations (3) and (4) P12-13 in the S430 report, that Council's recently appointed Crown Lands Taskforce fulfils its functions appropriately, and further to appropriately define the responsibility of senior Council staff in fulfilling the Council's responsibilities as Trust manager;
 - iv. with reference to Recommendations (5) and (6) P13-14 in the S430 report, that Council's legal and other associated expenditure reports contain sufficient detail so the Council can satisfy itself as to the need for and quantum of these expenditures, and also to ensure relevant statutory requirements are adhered to;
 - v. with reference to Recommendation (7) P14 in the S430 report, that sufficient detail is provided to it to ensure ongoing compliance with the State Records Act 1988, in particular in relation to meetings with third parties, deliberations of the senior management group, email and legal document, retention storage and security;
 - vi. with reference to Council procurement, sufficient detail is provided to it, so that oversight of systemic changes which have been made to Council's tendering and procurement policies and procedures is possible and in particular with regards:

- a. Purchasing requiring tendering being correctly identified.
 - b. Organisations tendering for Council contracts/licences are correctly and thoroughly referenced (financially and reputationally).
 - c. Tender closing times and dates being explicitly stated in tender documents.
 - d. Any contracts and organisations which may be exempt from tendering by way of section 55(3) of the Local Government Act are correctly identified.
 - e. Council, being the elected body, is kept appropriately appraised of and has the opportunity to formally consider any procurement requiring tendering.
 - f. Only expenditure where Council has voted the necessary funds, at a properly convened Council meeting, being undertaken.
- vii. With reference to goods and services procurement:
- a. How Council should be kept appraised of when the final report placed before it differs from the recommendation of any panel established to consider a procurement item.
 - b. Which 'flags' should be put in place within Council's systems to alert Council that a contract which will require renewal is expiring so it can be renewed in a timely manner.
 - c. Which 'flags' should be put in place within Council's systems to alert Council that a licence which will require renewal/retender can be so renewed/retendered in a timely manner.
 - d. Which 'flags' should be put in place within Council's systems to alert Council that a contract which will not require renewal is expiring so Council can terminate its obligations in a timely manner.
 - e. Which 'flags' should be put in place within Council's systems to alert Council that a contract/licence fee is due and payable, that an annual or other uplift is due or when ongoing information required from a tenderer/licence has not been provided.
 - f. How a tenderer's/licensee's performance will be measured against the tender/licence criteria including performance against critical date and promised infrastructure milestones.

Councillor Bott Point raised a Point of Order regarding comments made by the Mayor.

The Mayor ruled there was no Point of Order.

MOTION: (Bott)

That Council Dissent from the ruling of the Mayor.

For the Motion: Councillors Bott, Datta and McLucas

Against the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

The Mayor declared the Motion Lost.

361/15

RESOLVED: (Ok)

1. That the Mayor and Deputy Mayor, jointly, be delegated authority to engage appropriate consultant advice where such advice cannot be sought by the General Manager due to a conflict of interest of the General Manager.

2. That it be noted the first use of this delegation will be in relation to the Section 430 Report where the Mayor and Deputy Mayor will seek an independent report to be provided to a councillor workshop on Tuesday 1 December outlining the systemic and reporting changes Council should look for in its policies and procedures to ensure:
- i. with reference to Recommendation (1) P11-12 in the S430 report, that the GM is kept appraised in a timely manner of matters which may require his attention or input, including but not limited to the performance of the staff who report to him;
 - ii. with reference to Recommendation (2) P12 in the S430 report, that actions taken by the GM in supervising the Director Corporate Services conduct are appropriate and in particular in relation to the appointment of external consultants, conduct of tendering functions, and any other issue raised by the recent S430 report;
 - iii. with reference to Recommendations (3) and (4) P12-13 in the S430 report, that Council's recently appointed Crown Lands Taskforce fulfils its functions appropriately, and further to appropriately define the responsibility of senior Council staff in fulfilling the Council's responsibilities as Trust manager;
 - iv. with reference to Recommendations (5) and (6) P13-14 in the S430 report, that Council's legal and other associated expenditure reports contain sufficient detail so the Council can satisfy itself as to the need for and quantum of these expenditures, and also to ensure relevant statutory requirements are adhered to;
 - v. with reference to Recommendation (7) P14 in the S430 report, that sufficient detail is provided to it to ensure ongoing compliance with the State Records Act 1988, in particular in relation to meetings with third parties, deliberations of the senior management group, email and legal document, retention storage and security;
 - vi. with reference to Council procurement, sufficient detail is provided to it, so that oversight of systemic changes which have been made to Council's tendering and procurement policies and procedures is possible and in particular with regards:
 - a. Purchasing requiring tendering being correctly identified.
 - b. Organisations tendering for Council contracts/licences are correctly and thoroughly referenced (financially and reputationally).
 - c. Tender closing times and dates being explicitly stated in tender documents.
 - d. Any contracts and organisations which may be exempt from tendering by way of section 55(3) of the Local Government Act are correctly identified.
 - e. Council, being the elected body, is kept appropriately appraised of and has the opportunity to formally consider any procurement requiring tendering.
 - f. Only expenditure where Council has voted the necessary funds, at a properly convened Council meeting, being undertaken.
 - vii. With reference to goods and services procurement:
 - a. How Council should be kept appraised of when the final report placed before it differs from the recommendation of any panel established to consider a procurement item.
 - b. Which 'flags' should be put in place within Council's systems to alert Council that a contract which will require renewal is expiring so it can be renewed in a timely manner.
 - c. Which 'flags' should be put in place within Council's systems to alert Council that a licence which will require renewal/retender can be so renewed/retendered in a timely manner.
 - d. Which 'flags' should be put in place within Council's systems to alert Council that a contract which will not require renewal is expiring so Council can terminate its obligations in a timely manner.

- e. Which 'flags' should be put in place within Council's systems to alert Council that a contract/licence fee is due and payable, that an annual or other uplift is due or when ongoing information required from a tenderer/licence has not been provided.
- f. How a tenderer's/licensee's performance will be measured against the tender/licence criteria including performance against critical date and promised infrastructure milestones.

For the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Bott, Datta and McLucas

The Mayor declared the Motion Carried.

A Rescission Motion concerning the above matter signed by Councillors Vaccari, Ok and Soulos was submitted.

SUSPENSION OF STANDING ORDERS

362/15

RESOLVED: (Vaccari/Kokkolos)

That Standing Orders be suspended to deal with Urgent Business - Rescission Motion Mayoral Minute 42/15 - Office of Local Government S430 Report – Ongoing Monitoring.

For the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Bott, Datta and McLucas

The Mayor declared the Motion Carried.

A Rescission Motion concerning the above matter signed by Councillors Bott, Datta and McLucas was submitted.

SUSPENSION OF STANDING ORDERS

MOTION: (Bott/Datta)

That Standing Orders be suspended to deal with Urgent Business – Rescission Motion Suspension of Standing Orders.

EXTENSION OF MEETING

It was noted that the time having reached 10.25pm in accordance with Council's Code of Meeting Practice the meeting may be extended to 11pm.

363/15

RESOLVED: (Ok/Vaccari)

That the finishing time of the Extraordinary Council Meeting of 19 November 2015 be extended to 11pm.

For the Motion: Councillors Ok, Kokkolis, Soulos and Vaccari

Against the Motion: Councillors Bott, Datta and McLucas

RECOMMITAL OF ITEM

MOTION: (Bott)

That item Extension of Meeting be recommitted for reconsideration.

The time having reached 10.30pm the Mayor declared the meeting closed. In accordance with Council's Code of Meeting Practice the matters not dealt with will be considered at the Ordinary Council Meeting on 1 December 2015.

The foregoing Minutes were confirmed at the meeting of the Council of the Municipality of Strathfield held on 1 December 2015.

Chairman _____

General Manager _____