



*Minutes of the Ordinary Meeting of Council
22 January 2008
commencing at 1:44 pm*

PRESENT

Councillors – M P Berwick (Mayor), D P Egan (Deputy Mayor), W J Bellerio, D G Pitt and J Sciacca.

Staff – J F Leu (Acting Chief Executive Officer), I B Barton (General Manager Finance & Administration), P M Hoyer (Acting General Manager Development & Environment), R J Baade (General Manager Engineering) and S K Andrews (Corporate Support).

APOLOGY

An apology was received from Cr Cox for her inability to attend the meeting due to illness.

SUSPENSION

Cr Davis was not in attendance due to suspension from the meeting.

08/0122/35 CONDOLENCES

Cr Berwick referred to the recent deaths of Michael Griffith and Ron Edwards. The Council stood and observed one minute's silence.

Moved Cr Berwick

Seconded Cr Egan

"That Council sends letters of condolence to the next of kin."

Carried unanimously

08/0122/36 DECLARATIONS OF INTEREST

There were no declarations of interest presented to the meeting.

08/0122/37 CONFIRMATION OF MINUTES – 11 DECEMBER 2007

Moved Cr Berwick

Seconded Cr Sciacca

“That the minutes of the Ordinary Council Meeting held on 11 December 2007 be confirmed.”

For: Cr Berwick, Sciacca, Egan, Bellerio

Against: Cr Pitt

Carried

08/0122/38 CONFIRMATION OF MINUTES – 20 DECEMBER 2007

Moved Cr Berwick

Seconded Cr Pitt

“That the minutes of Special Council Meeting One (1) held on 20 December 2007 be confirmed.”

Carried unanimously

08/0122/39 CONFIRMATION OF MINUTES – 20 DECEMBER 2007

Moved Cr Berwick

Seconded Cr Pitt

“That the minutes of Special Council Meeting Two (2) held on 20 December 2007 be confirmed.”

Carried unanimously

REPORTS

08/0122/40 MATTERS ARISING FROM AUDIT FOR 2006/07

Moved Cr Berwick

Seconded Cr Egan

“That Council receives a copy of the report from KPMG, Chartered Accountants, on matters arising from audit for 2006/07.”

Carried unanimously

08/0122/41 **2007/08 OPERATIONAL PLAN QUARTERLY REPORT**

Moved Cr Berwick

Seconded Cr Sciacca

“That Council notes the December 2007 quarterly report against the 2007/08 Operational Plan.”

Carried unanimously

08/0122/42 **DETAILS OF THE USE OF THE COUNCIL SEAL**

Moved Cr Berwick

Seconded Cr Egan

“That Council receives the report providing details of the use of the council seal and endorses the actions of the Mayor and Acting Chief Executive Officer in executing on its behalf, under seal, the documents detailed therein.”

Carried unanimously

NOTICES OF MOTION

There were no notices of motion submitted to the meeting.

REPORTS – ACTING CHIEF EXECUTIVE OFFICER

There were no reports presented to the meeting.

GENERAL MANAGERS' CONTRACTS

The meeting resumed consideration of item 08/0122/09 – DE0108M – General Managers' Contracts from the agenda of the Community & Corporate Standing Committee earlier in the day.

Moved Cr Pitt

Seconded Cr Sciacca

08/0122/42A

"That the summarised report from Leigh Bernhardt, Managing Director, Corporate Consulting Services Pty Ltd, be made available to Noel Briggs, Interim Chief Executive Officer of the Local Transition Committee and for it to be regarded as confidential."

For: Cr Pitt, Sciacca, Egan, Bellerio

Against: Cr Berwick

Carried

CLOSURE OF THE MEETING TO THE PUBLIC

Moved Cr Egan

Seconded Cr Sciacca

08/0122/42B

"That pursuant to Section 463(1)(a) of the Local Government Act 1993, the meeting be closed to the general public to allow Council to hold an in confidence teleconference with Tim Fynes-Clinton, Managing Partner, King & Company, solicitors." (2:30 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

At the closure of the meeting to the public, all staff and members of the gallery present withdrew from the meeting. The Acting Chief Executive Officer, Julia Leu, remained in the meeting.

The meeting convened a teleconference with Tim Fynes-Clinton, Managing Partner, King & Co, solicitors, to receive legal advice on specific matters relating to the contract of employment for the General Manager Community & Corporate, David Carey.

OPENING OF THE MEETING TO THE PUBLIC

Moved Cr Pitt

Seconded Cr Egan

08/0122/42C

"That the meeting be re-opened to the public." (3:43 pm)

Carried unanimously

ATTENDANCE/WITHDRAWAL

The Corporate Support Officer, Susanna Andrews, re-attended the meeting at 12:07 am.

The following resolution was forthcoming from discussions held while the meeting was closed to the public:

Moved Cr Egan

Seconded Cr Pitt

08/0122/42D

"That the Council asks Tim Fynes-Clinton, Managing Partner, King & Company, solicitors, to seek further advice on the point raised by Cr Egan in relation to the General Managers' contracts and that the Council sends the report written by Leigh Bernhardt, Managing Director, Corporate Consulting Services Pty Ltd, to Tim Fynes-Clinton for further advice on Cr Egan's motion raised in the Community and Corporate Standing Committee Meeting of the Council on 22 January 2008: item 08/0122/15 – DE0208M – General Managers' Contracts."

For: Cr Egan, Pitt, Sciacca, Bellerio

Against: Cr Berwick

Carried

TERMINATION OF THE MEETING

The meeting was closed at 3:52 pm.

Presented to and confirmed by Council on the *twelfth* day of *February* 2008.

M P Berwick
Chair