

Kyogle Council

Confirmed Minutes of the Extraordinary Meeting held in the Council Chambers, Stratheden Street, Kyogle, on Wednesday 28 September 2016.

PRESENT

Cr Danielle Mulholland, Cr Janet Wilson, Cr Kylie Thomas, Cr Hayden Doolan, Cr John Burley, Cr Robert Dwyer, Cr Maggie May, Cr Lindsay Passfield and Cr Earle Grundy.

IN ATTENDANCE

The General Manager, the Director of Assets and Infrastructure Services, the Manager Corporate Services (Governance), the Personal Assistant to the General Manager.

MEETING COMMENCEMENT

The General Manager declared the meeting open at 5pm.

ITEM 1 APOLOGIES

Nil

ITEM 2 OPENING PRAYER

The General Manager read the opening prayer.

ITEM 3 TRADITIONAL LANDS ACKNOWLEDGEMENT

The General Manager acknowledged that the meeting was being held on the Traditional Lands of the Bundjalung people.

ITEM 4 DECLARATION OF INTERESTS

Nil

ITEM 5 REPORTS

5.1 OATHS AND AFFIRMATIONS

The General Manager advised the meeting that under the *Local Government Amendment (Governance and Planning) 2016* Councillors must take an oath of office or make an affirmation of office at or before the first meeting of the council after the Councillor is elected. The oath or affirmation may be taken or made before the General Manager, an Australian legal practitioner or a justice of the peace.

Councillor Maggie May took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor John Burley took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Janet Wilson took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Hayden Doolan took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Earle Grundy took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Kylie Thomas took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Lindsay Passfield took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Danielle Mulholland took the affirmation of office before the General Manager in accordance with Section 233A of the Local Government Act.

Councillor Robert Dwyer took the oath of office before the General Manager in accordance with Section 233A of the Local Government Act.

280916/01 RESOLVED

Moved by Councillor John Burley, seconded by Councillor Lindsay Passfield:

That Councillors take an oath or affirmation of office.

CARRIED

FOR VOTE - Unanimous.

5.2 ELECTION OF MAYOR

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: MANAGER CORPORATE SERVICES (GOVERNANCE)

The Returning Officer (being the General Manager) advised:

- As required by the Local Government Act 1993, Section 227, the election of Mayor is to be by the Councillors from among their numbers.
- Section 230 (1) of the Act states that, "*A mayor elected by councillors holds the office of mayor for two years*".
- The election procedure will be in accordance with Schedule 7 of the Local Government (General) Regulation 2005.
- The Local Government General Regulation appoints the General Manager (or a person appointed by the General Manager) as the Returning Officer.
- Council is required to determine whether the election is to be by ordinary ballot or open voting or preferential voting. This will require a resolution of Council.

The General Manager asked if there were any nominations without notice for the position of Mayor.

Nil were received.

The General Manager advised that he had received two nominations for the position of Mayor, and announced them in the following order:

- Cr Kylie Thomas
- Cr Danielle Mulholland

280916/02 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie May:

That Council appoints the General Manager as Returning Officer to conduct the election of the Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by open voting.

CARRIED

FOR VOTE - Janet Wilson, Danielle Mulholland, Bob Dwyer, Maggie May, Kylie Thomas, Hayden Doolan, Earle Grundy, John Burley
AGAINST VOTE - Lindsay Passfield

The Returning Officer then conducted a draw to determine which candidate's name would be put up first in the open ballot.

Councillor Kylie Thomas drew first position.

The Returning Officer then called for a show of hands from councillors voting for Cr Kylie Thomas for Mayor of Kyogle Council.

Cr Thomas received two votes from Cr Kylie Thomas and Cr Robert Dwyer.

The Returning Officer called for a show of hands from councillors voting for Cr Danielle Mulholland for Mayor.

Cr Mulholland received seven votes from Cr Danielle Mulholland, Cr Lindsay Passfield, Cr Earle Grundy, Cr Hayden Doolan, Cr Janet Wilson, Cr John Burley, and Cr Maggie May.

The Returning Officer declared Cr Danielle Mulholland elected as Mayor for the next two years.

The Mayor assumed the Chair.

5.3 ELECTION OF DEPUTY MAYOR

The Mayor handed over the position of Chair to the Returning Officer to conduct the election of Deputy Mayor.

The Returning Officer asked if there were any nominations without notice for the position of Deputy Mayor.

Nil were received.

The Returning Officer advised that he had received two nominations for the position of Deputy Mayor, and announced them in the following order:

- Cr Kylie Thomas
- Cr John Burley

280916/03 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Maggie May:

That Council:

1. Elects a Deputy Mayor from among its numbers.
2. Sets the term of the Deputy Mayor as two years.
3. Appoints the General Manager as Returning Officer to conduct the election of the Deputy Mayor in accordance with Schedule 7 of the Local Government (General) Regulation 2005 and that the election be by open voting.

CARRIED

FOR VOTE - Janet Wilson, Danielle Mulholland, Bob Dwyer, Maggie May, Kylie Thomas, Hayden Doolan, Earle Grundy, John Burley.

AGAINST VOTE - Lindsay Passfield

The Returning Officer then conducted a draw to determine which candidate's name would be put up first in the open ballot.

Councillor John Burley drew first position.

The Returning Officer then called for a show of hands from councillors voting for Cr John Burley for Deputy Mayor of Kyogle Council.

Cr Burley received five votes from Cr John Burley, Cr Danielle Mulholland, Cr Hayden Doolan, Cr Janet Wilson, and Cr Maggie May.

The Returning Officer called for a show of hands from councillors voting for Cr Kylie Thomas for Deputy Mayor.

Cr Thomas received four votes from Cr Kylie Thomas, Cr Robert Dwyer, Cr Lindsay Passfield and Cr Earle Grundy.

The Returning Officer declared Cr John Burley elected as Deputy Mayor of Kyogle Council for the next two years.

5.4 COUNCIL COMMITTEES

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: MANAGER CORPORATE SERVICES

Moved by Councillor Janet Wilson, seconded by Councillor Hayden Doolan:

That Council:

1. Receive and note the report, *Council Committees*.
2. Adopt the following Committee List and Councillor Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor, Deputy Mayor and one Councillor. (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor.
Internal Audit Committee.	One Councillor.
Australia Day Committee – Kyogle, 355.	One Councillor.
Australia Day Committee – Woodenbong, 355.	One Councillor.
Australia Day Committee – West of	One Councillor.

Committee	Councillor Member(s)
the Range, 355.	
Kyogle Youth Advisory Committee, 355.	One Councillor.
Kyogle Fairymount Festival Committee. New Committee and to have 355 status.	One Councillor.

Councillor Lindsay Passfield moved an amendment, seconded by Councillor Earle Grundy:

That Council delete the Kyogle Fairymount Festival Committee from the list of committees.

LOST

FOR VOTE - Lindsay Passfield, Bob Dwyer, Kylie Thomas, Earle Grundy

AGAINST VOTE - Janet Wilson, Danielle Mulholland, Maggie May, Hayden Doolan, John Burley

280916/04 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Hayden Doolan:

That Council:

1. Receive and note the report, *Council Committees*.
2. Adopt the following Committee List and Councillor Membership structure:

Committee	Councillor Member(s)
General Manager's Review Committee	Mayor, Deputy Mayor and one Councillor. (The General Manager has the option of nominating another Councillor).
Traffic Committee.	One Councillor.
Internal Audit Committee.	One Councillor.
Australia Day Committee – Kyogle, 355.	One Councillor.
Australia Day Committee – Woodenbong, 355.	One Councillor.
Australia Day Committee – West of the Range, 355.	One Councillor.
Kyogle Youth Advisory Committee, 355.	One Councillor.
Kyogle Fairymount Festival Committee. New Committee and to have 355 status.	One Councillor.

CARRIED

FOR VOTE - Janet Wilson, Danielle Mulholland, Bob Dwyer, Maggie May, Kylie Thomas, Hayden Doolan, Earle Grundy, John Burley
AGAINST VOTE - Lindsay Passfield

280916/05 RESOLVED

Moved by Councillor John Burley, seconded by Councillor Maggie May:

That Council appoints the following Councillors to the following committees:

- (a) General Manager Review Committee members are Mayor, Deputy Mayor, Councillor Janet Wilson.
- (b) Traffic Committee member is Councillor Maggie May.
- (c) Internal Audit Committee member is Councillor Janet Wilson.
- (d) Australian Day Committee - Kyogle member is Councillor Maggie May.
- (e) Australian Day Committee - Woodenbong member is Councillor Lindsay Passfield.
- (f) Australian Day Committee – West of the Range member is Councillor Earle Grundy.
- (g) Kyogle Youth Advisory Committee member is Councillor John Burley.
- (h) Kyogle Fairymount Festival Committee member is Councillor Kylie Thomas.

CARRIED

FOR VOTE - Unanimous vote

5.5 COUNCIL DELEGATES

REPORT BY: GENERAL MANAGER'S OFFICE

CONTACT: MANAGER CORPORATE SERVICES

280916/06 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Janet Wilson:

That Council:

1. Receives and notes the report, *Council Delegates*.
2. Adopts the following Delegates List and Membership structure:

Organisation	Delegate(s)
Kyogle and District Chamber of Commerce	One Councillor
NSW Rural Fire Service "Service Level Agreement"	Mayor
NOROC (Northern Rivers Regional Organisation of Councils)	Mayor
Woodenbong to Legume Alliance	Councillor
Kyogle Bushfire Management Committee	One Councillor
Shires Association of New South Wales "A" Division	Mayor
National Timber Councils' Association	Councillor
Police Accountability Community Team (PACT)	Mayor

Area Health Board Community Engagement Committee	One Councillor
Kyogle Tidy Towns	One Councillor
Reconciliation Committee	One Councillor
Joint Regional Planning Panel	Two delegates, Mayor and Deputy Mayor or Councillor.
Summerland Way Corridor Development Promotion	One Councillor

CARRIED

FOR VOTE - Janet Wilson, Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Maggie May, Hayden Doolan, Earle Grundy, John Burley
 AGAINST VOTE - Kylie Thomas

280916/07 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Hayden Doolan:

That Council appoints the following Councillors as delegates to the following committees:

- (a) Kyogle and District Chamber of Commerce member is Councillor Danielle Mulholland.
- (b) NSW Rural Fire Service "Service Level Agreement" member is the Mayor.
- (c) Northern Rivers Regional Organisation of Councils member is the Mayor.
- (d) Woodenbong to Legume Alliance member is Councillor Lindsay Passfield.
- (e) Kyogle Bushfire Management Committee member is Councillor Doolan.
- (f) Shires Association of NSW "A" Division is the Mayor.
- (g) National Timber Councils' Association member is Councillor Passfield.
- (h) Police Accountability Community Team member is the Mayor.
- (i) Area Health Board Community Engagement Committee member is Councillor Janet Wilson.
- (j) Kyogle Tidy Towns member is Councillor Kylie Thomas.
- (k) Reconciliation Committee member is Councillor John Burley.
- (l) Joint Regional Planning Panel members are the Mayor, Deputy Mayor.
- (m) Summerland Way Corridor Development member is Councillor Earle Grundy

CARRIED

FOR VOTE - Unanimous vote

5.6 COUNCIL MEETING CYCLE

REPORT BY: GENERAL MANAGER'S OFFICE
CONTACT: MANAGER CORPORATE SERVICES (GOVERNANCE)

Moved by Councillor Robert Dwyer, seconded by Councillor John Burley:

1. That Council adopt the following Ordinary Council meeting dates and times:

Ordinary Meetings
Monday, 10 October 2016, 5pm
Monday, 14 November 2016, 5pm
Monday, 12 December 2016, 5pm
Monday, 13 February 2017, 5pm
Monday, 13 March 2017, 5pm
Monday, 10 April 2017, 5pm
Monday, 8 May 2017, 5pm
Tuesday, 13 June 2017, 5pm (Monday the 12 th is the Queen's Birthday Holiday)
Monday, 10 July 2017, 5pm
Monday, 14 August 2017, 5pm
Monday, 11 September 2017, 5pm

Cr Lindsay Passfield moved an amendment, second by Councillor Kylie Thomas that in winter months -- June, July and August -- Council meetings start at 3pm.

Cr Maggie May foreshadowed an amendment that during the winter months Cr Grundy be accommodated in Kyogle on the night of the Council meetings.

Cr Lindsay Passfield moved an amendment, second by Councillor Kylie Thomas that in winter months -- June, July and August -- Council meetings start at 3pm.

CARRIED

FOR VOTE - Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Kylie Thomas, Earle Grundy

AGAINST VOTE - Janet Wilson, Maggie May, Hayden Doolan, John Burley

The amendment became the motion.

280916/08 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Kylie Thomas:

1. That Council adopt the following Ordinary Council meeting dates and times:

Ordinary Meetings
Monday, 10 October 2016, 5pm
Monday, 14 November 2016, 5pm
Monday, 12 December 2016, 5pm
Monday, 13 February 2017, 5pm
Monday, 13 March 2017, 5pm
Monday, 10 April 2017, 5pm
Monday, 8 May 2017, 5pm
Tuesday, 13 June 2017, 3pm (Monday the 12 th is the Queen's Birthday Holiday)
Monday, 10 July 2017, 3pm
Monday, 14 August 2017, 3pm
Monday, 11 September 2017, 5pm

CARRIED

FOR VOTE - Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Kylie Thomas, Earle Grundy

AGAINST VOTE - Janet Wilson, Maggie May, Hayden Doolan, John Burley

The foreshadowed motion lapsed.

ITEM 6 URGENT BUSINESS WITHOUT NOTICE

The Mayor advised the meeting that she had a matter of Urgent Business that should be discussed in Closed Council as it dealt with a staff member.

280916/09 RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor John Burley:

1. That Council resolve to move into closed council to consider business identified.
2. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A(2) as outlined above.

3. That the correspondence and report relevant to the subject business be withheld from access to the media and public as required by sections 11(2) of the Local Government Act 1993.

CARRIED

FOR VOTE - Janet Wilson, Lindsay Passfield, Danielle Mulholland, Bob Dwyer, Maggie May, Hayden Doolan, Earle Grundy, John Burley

AGAINST VOTE - Kylie Thomas

Council closed its meeting at 5.58pm. The public, the media and all staff members left the chamber.

280916/13 RESOLVED

Moved by Councillor Lindsay Passfield, seconded by Councillor Earle Grundy:

That Council move out of closed Council and into open Council.

CARRIED

FOR VOTE - Unanimous vote.

ABSENT. DID NOT VOTE - John Burley

Open Council resumed at 6.20pm.

The Mayor read the following resolutions of Closed Council to the meeting:

280916/010 That the report from the Mayor in regard to the resignation of the General Manager be considered as Urgent Business.

280916/011 That Council receive and note the General Manager's resignation.

280916/12 That Council:

1. Endorse an early termination payment for the General Manager;
2. Have a report prepared for Council outlining the costs associated with recruiting a General Manager including but not limited to proposals from Blackadder Associates, McArthur, and Local Government Solutions.

MEETING CLOSURE

There being no further business the Mayor declared the meeting closed at 6.26pm.

Signature of Chairperson.....