

Bland Shire Council

Minutes

Ordinary Council Meeting

19 July 2022

CONFIRMED



OUR VISION, MISSION AND VALUES



ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST
A guiding checklist for Councillors, Officers and Advisory Committees

Ethical Decision Making

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

Conflict of Interest

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the Local Government Act and Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office of Local Government (advice only).

The test for conflict of interest

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest

Identifying Problems

1st - Do I have private interest affected by a matter I am officially involved in?

2nd - Is my official role one of influence or perceived influence over the matter?

3rd - Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

Agency Advice

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Advisory Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Bland Shire Council	6972 2266	council@blandshire.nsw.gov.au	www.blandshire.nsw.gov.au
ICAC	8281 5999 Toll Free: 1800 463 909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	4428 4100	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

19 July 2022

commencing at 6:30PM

Council advises that an audio recording of the proceedings of this meeting were taken and are publicly available on the website.

1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY

The meeting was opened by the Mayor with the welcome and introduction at 6.30pm.

2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

2.1 Attendance

Councillors

Cr Bruce Baker
Cr Monica Clark
Cr Jill Funnell
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Mayor Brian Monaghan
Cr Roger Moore

Staff

General Manager – Ray Smith
Director Corporate & Community Services – Alison Balind
Executive Assistant – Julie Sharpe

2.2 Apologies

Cr Rodney Crowe

Recommendation:

01072022 RESOLVED on the motion of Cr Lord seconded Cr Funnell that the apologies submitted by Cr Crowe be accepted.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 28 June 2022

- **Corrections** - Nil
- **Business Arising** - Nil
- **Confirmation**

MINUTES OF THE ORDINARY MEETING OF THE COUNCIL OF BLAND HELD IN THE COUNCIL CHAMBERS WEST WYALONG ON TUESDAY 19 JULY 2022

Recommendation:

02072022 RESOLVED on the motion of Cr Clark seconded Cr Moore that the minutes of the Ordinary Council meeting held on 28 June 2022 be confirmed as a correct record of proceedings.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

4.0 DISCLOSURES OF INTERESTS

Nil

5.0 MAYORAL MINUTE(S)

Nil

6.0 REPORTS OF COMMITTEES

Recommendation:

03072022 RESOLVED on the motion of Cr Funnell seconded Cr Moore that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

6.1 Goldenfields Water County Council

Cr Lord queried the timeline for the water security project. Cr McGlynn confirmed a two (2) year period.

6.2 REROC

The General Manager advised that the August Council Workshop agenda will include an update on the One Organisation Proposal. It was further noted that correspondence is expected from Wagga City Council detailing an option for the retention of the Joint Organisation.

6.3 CEMCC

Cr McGlynn advised that she attended the recent meeting and queried their relevance and value.

7.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

7.1 Request to Transfer the Lease for the West Wyalong Caravan Park

Recommendation:

04072022 RESOLVED on the motion of Cr Lord seconded Cr Keatley:

1. That council grants consent to the transfer of the Lease of the West Wyalong Caravan Park to Westmoore Investments Pty Ltd;
2. That the new lessees be requested to meet, as soon as possible, with council staff to confirm their responsibilities under the lease.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.2 Australia Day Awards Committee

Recommendation:

05072022 RESOLVED on the motion of Cr Moore seconded Cr Funnell that Council adopted the draft terms of reference for the Bland Shire Australia Day Awards Committee.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.3 Community Reference Group Terms of Reference

Recommendation:

06072022 RESOLVED on the motion of Cr McGlynn seconded Cr Funnell that Council adopted the revised terms of reference for the Bland Shire Community Reference Group.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

Section 2 – Corporate & Community Services

7.4 Finance and Investment Report for June 2022

Recommendation:

07072022 RESOLVED on the motion of Cr Baker seconded Cr Moore:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of June 2022
2. That Council confirms the payment of accounts, for the period 01 June to 30 June 2022, summarised in the accounts summary totalling \$3,541,239.68.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.5 Appointment of Designated Persons

Recommendation:

08072022 RESOLVED on the motion of Cr Funnell seconded Cr McGlynn that Bland Shire Council:

1. Note that pursuant to clauses 4.8(a) and (b) of the Code of Conduct, the General Manager, Director Corporate and Community Services and Director Technical Services are designated persons.
2. Pursuant to clause 4.8(c) of the Code of Conduct, identify the following positions in Council's organisational structure as designated persons:
 - Manager Customer & Financial Services
 - Manager Engineer Services
 - Manager Development & Regulatory Services
 - Building & Environmental Health Surveyor

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.6 Endorsement of Draft Councillor Induction and Professional Development Policy

Recommendation:

09072022 RESOLVED on the motion of Cr Moore seconded Cr Baker:

- 1. That Council endorses the DRAFT Councillor Induction And Professional Development Policy and places it on public exhibition for a period of 28 days from Friday 22 July, 2022 for community comment.**
- 2. Should there be comment from the community on the DRAFT Councillor Induction And Professional Development Policy, a further report be prepared and presented to Council.**
- 3. Should there be no comment from the community within the 42 day commentary period, Council formally adopt the policies.**

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.7 Local Government Remuneration Tribunal

Recommendation:

10072022 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley that Council fix the annual fee for Councillors at the maximum amount allowable, being \$12,650 per Councillor for the period 1 July 2022 to 30 June 2023 and fix the annual fee for the Mayor at the maximum amount allowable, being \$27,600 for the period 1 July 2022 to 30 June 2023.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.8 Reporting Obligations for Bland Shire Council

Recommendation:

11072022 RESOLVED on the motion of Cr Lord seconded Cr Baker that Council notes the submission of the Annual Agency Report on the Government Information (Public Access) Act 2009 and the six-monthly report on Public Interest Disclosures was made to the relevant agencies within the statutory time frames.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

7.9 Revenue Policy 2022-2023 Amendment

Recommendation:

12072022 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that Bland Shire Council adopts the amendments to the Revenue Policy (including schedule of fees and charges) 2022-2023.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

Section 3 – Reports for Information

Recommendation:

13072022 RESOLVED on the motion of Cr Funnell seconded Cr Keatley that the following reports, provided for information only, be received and noted:

- 7.10 - Economic Development & Tourism Report – July 2022
- 7.11 - Community Services Report
- 7.12 - Bland Shire Library Monthly Update
- 7.13 - Children Services May Update
- 7.14 - Bland Community Care Services Update
- 7.15 - Technical Services Report
- 7.16 - Development Services Activity Report - June 2022

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

8.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

9.0 CONFIDENTIAL MATTERS

Recommendation:

14072022 RESOLVED on the motion of Cr Moore seconded Cr Funnell that Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

The meeting then closed at 7.30pm.

Recommendation:

16072022 RESOLVED on the motion of Cr Moore seconded Cr McGlynn that Council move out of closed Council and into open Council.

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

The meeting then resumed at 7.53pm.

9.1 Business Park Proposal

Local Government Act 1993 (Section 10A (2))

The matters and information are the following:

c) information that would, if disclosed, confer a commercial advantage on a person with whom council is conducting (or proposes to conduct) business.

Recommendation:

15072022 RESOLVED on the motion of Cr Lord seconded Cr Clark:

- 1. That the offer for the purchase of Lot 4 in the new business park be rejected.**
- 2. That the General Manager be delegated authority to continue negotiations.**

CARRIED Unanimously (Crs Baker, Clark, Funnell, Keatley, Lord, McGlynn, Monaghan and Moore voting for)

10.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 7.54pm.

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Chairperson
Mayor Brian Monaghan