

Bland Shire Council
Minutes
Ordinary Council Meeting
15 September 2020

CONFIDENTIAL



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 |

15 September 2020

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 Rodney Crowe
Cr Penny English
Cr Kerry Keatley
Cr Tony Lord
Cr Liz McGlynn
Cr Brian Monaghan
Cr Murray Thomas
Cr Jan Wyse

Staff

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

2.2 Apologies

Nil

2.3 Applications for a leave of absence by Councillors

Nil

3.0 CONFIRMATION OF MINUTES

3.1 Ordinary Meeting held on 18 August 2020

- **Corrections** - Nil
- **Business Arising** – Nil

▪ **Confirmation**

Recommendation:

01092020 RESOLVED on the motion of Cr Wyse seconded Cr Crowe that the minutes of the Ordinary Council meeting held on 18 August 2020 be confirmed as a correct record of proceedings.

CARRIED Unanimously

4.0 DISCLOSURES OF INTERESTS

Nil

5.0 PRESENTATION(S) AND PUBLIC FORUM

5.1 Ms Joanne Woods, Anabranch Creative

Ms Woods addressed Council and thanked them for the opportunity. She outlined her experiences living in the Bland Shire and presented her artwork of the West Wyalong Main Street. This piece has been printed onto limited edition linen tea towels for exclusive sale at Thom, Dick & Harry's.

6.0 MAYORAL MINUTE(S)

Mayor Monaghan addressed Council and conveyed thanks to all staff and Councillors stating that it has been a pleasure to be Mayor and acknowledging the achievements for Bland Shire through the cooperation of Councillors and staff.

7.0 REPORTS OF COMMITTEES

Recommendation:

02092020 RESOLVED on the motion of Cr Baker seconded Cr Keatley that the Council receive and note the delegate and committee reports from Councillors and Committee meeting minutes as presented.

CARRIED Unanimously

8.0 REPORTS TO COUNCIL

Section 1 - Office of the General Manager

8.1 Election of Mayor – September 2020

Recommendation:

03092020 RESOLVED on the motion of Cr Baker seconded Cr English that the Council note the report on the procedure for the election of Mayor.

CARRIED Unanimously

Recommendation:

04092020 RESOLVED on the motion of Cr Keatley seconded Cr Crowe that the election of Mayor be held at this meeting.

CARRIED Unanimously

Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Keatley that in the event of a contested election that the voting is to be Ordinary Ballot.

AMENDMENT PROPOSED on the motion of Cr Thomas seconded Cr English that in the event of a contested election that the voting is to be Open Voting.

On being put to the vote the motion was LOST 5/4 (Crs English, Lord, Thomas, Wyse voting for and Crs Baker, Crowe, Keatley, McGlynn, Monaghan voting against)

05092020 RESOLVED on the motion of Cr McGlynn and Keatley that in the event of a contested election that the voting is to be Ordinary Ballot.

CARRIED 8/1 (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Monaghan, Wyse voting for and Cr Thomas voting against)

Recommendation:

06092020 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that the General Manager be appointed Returning Officer for the purpose of this election.

CARRIED 8/1 (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Monaghan, Wyse voting for and Cr Thomas voting against)

Recommendation:

07092020 RESOLVED on the motion of Cr Baker seconded Cr Keatley that at the conclusion of the election any ballot papers be destroyed.

CARRIED Unanimously

At this stage the General Manager took the Chair.

The General Manager called for nominations for the position of Mayor and nominations were received from Cr Lord and Cr Monaghan.

At the completion of the vote the General Manager advised that Cr Monaghan had received the majority of the votes (6/3) and was therefore declared as elected as Mayor of Bland Shire Council for the ensuing twelve month term.

Mayor Monaghan then took the Chair and conveyed thanks to Councillors.

8.2 Election of Deputy Mayor – September 2020

Recommendation:

08092020 RESOLVED on the motion of Cr Keatley seconded Cr Wyse that a Deputy Mayor be elected at this meeting.

CARRIED Unanimously

Recommendation:

09092020 RESOLVED on the motion of Cr Baker seconded Cr English that the Deputy Mayor be elected for the Mayoral term.

CARRIED Unanimously

Recommendation:

10092020 RESOLVED on the motion of Cr Baker seconded Cr Keatley that in the event of a contested election that the voting is to be Ordinary Ballot.

CARRIED Unanimously

Recommendation:

11092020 RESOLVED on the motion of Cr Keatley seconded Cr Baker that the General Manager be appointed Returning Officer for the purpose of this election.

CARRIED 8/1 (Crs Baker, Crowe, English, Keatley, Lord, McGlynn, Monaghan, Wyse voting for and Cr Thomas voting against)

Recommendation:

12092020 RESOLVED on the motion of Cr English seconded Cr Keatley that at the conclusion of the election any ballot papers be destroyed.

CARRIED Unanimously

The General Manager advised that one nomination has been received for the position of Deputy Mayor from Cr McGlynn and called for any further nominations.

Cr Thomas nominated Cr Wyse for the position of Deputy Mayor, the nomination was accepted.

Cr English nominated Cr Crowe for the position of Deputy Mayor, the nomination was accepted.

At the completion of the vote the General Manager advised that Cr McGlynn had received the majority of the votes (4) and in accordance with the election procedures, the lowest number of votes (2) were received for Cr Wyse and the candidate was therefore excluded. A further vote was taken of the two remaining candidates.

At the completion of the vote the General Manager advised that Cr Crowe had received the majority of the votes (5) and was therefore declared as elected as Deputy Mayor of Bland Shire Council for the ensuing twelve month term.

The Mayor thanked Cr McGlynn for her support in the role of Deputy Mayor, conveyed congratulations to Cr Crowe and welcomed him to the role.

8.3 Disclosure of Interest Returns

Recommendation:

13092020 RESOLVED on the motion of Cr Crowe seconded Cr Thomas that Councillors note the Disclosure of Interest return requirements and accept the Disclosure of Interest Register as tabled.

CARRIED Unanimously

8.4 LGNSW Annual Conference 2020 – Amended Format and Submission of Motions

Recommendation:

14092020 RESOLVED on the motion of Cr Lord seconded Cr Keatley that council endorses the attached motion and accompanying notes, concerning the IPART Review into Local Government Rating in NSW for submission to the LGNSW 2020 Conference.

CARRIED Unanimously

8.5 Review of the Operations of REROC and RIVJO – September 2020

Recommendation:

15092020 RESOLVED on the motion of Cr Lord seconded Cr McGlynn that given the conditions attached to the Covid-19 Stimulus Package for local councils that Bland Shire Council commit to continued membership of REROC to the end of the 2021/2022 financial period.

CARRIED Unanimously

8.6 Southern Lights Project – Update – September 2020

Recommendation:

16092020 RESOLVED on the motion of Cr Baker seconded Cr Thomas that Council receives and notes the information in this report and that the General Manager continue to update Council on the progress of this project.

CARRIED Unanimously

8.7 RDA Riverina – Country Change 2020-2021

Recommendation:

17092020 RESOLVED on the motion of Cr Lord seconded Cr Thomas:

- 1. That Council agrees to participate in the 2020/2021 Country Change campaign being coordinated by Regional Development Australia – Riverina;**
- 2. That the cost of involvement in the campaign, estimated at \$8,500.00, be met from the current Economic Development budget for 2020/2021.**

CARRIED Unanimously

Section 2 – Corporate & Community Services

8.8 Finance and Investment Report For August 2020

Recommendation:

18092020 RESOLVED on the motion of Cr Baker seconded Cr Thomas:

1. That Council receive and note the information contained within the Finance and Investment Report for the month of August 2020
2. That Council confirms the payment of accounts, for the period 01 August to 31 August 2020, summarised in the accounts summary totalling \$4,027,135.34.

CARRIED Unanimously

8.9 Endorsement Of Bland Shire Council Corporate Policies

Recommendation:

19092020 RESOLVED on the motion of Cr McGlynn seconded Cr Baker that Bland Shire Council:

1. Endorses the following policies:
 - Customer Service Charter
 - Complaints Handling Policy
 - Dealing with Unreasonable Complaints Policy
 - Confidentiality Policy
2. Place the policies on public exhibition for a period of 28 days for community feedback with comments received up until 30 October 2020.
3. Should there be no further comment from the community on the exhibited documents, formally adopt and implement the exhibited policies across Bland Shire Council.

CARRIED Unanimously

8.10 Endorsement Of The Revised Delivery Program 2017-2022 And Operational Plan 2020/2021

Recommendation:

20092020 RESOLVED on the motion of Cr Thomas seconded Cr Crowe that Council endorse the revised Combined Delivery Program 2017-2022 and Operational Plan 2020/2021.

CARRIED Unanimously

Section 3 – Technical Services

8.11 Swimming Pool Contract

Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Thomas that Bland Shire Council:

1. Note that the L&R Group have exercised their two year option.
2. Extend this option by an extra year (contract finishing 2023) provided that the CPI clause in the contract is not exercised over the three years.

AMENDMENT PROPOSED on the motion of Cr Lord seconded Cr Thomas:

1. Note that the L&R Group have exercised their two year option.
2. Extend this option by an extra year (contract finishing 2023) provided that the 2020-2021 lease payment remains the same for the rest of the contract in accordance with the body of the report.

On being put to the vote the amendment became the motion and was **CARRIED**.

21092020 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Bland Shire Council:

1. Note that the L&R Group have exercised their two year option.
3. Extend this option by an extra year (contract finishing 2023) provided that the 2020-2021 lease payment remains the same for the rest of the contract in accordance with the body of the report.

CARRIED Unanimously

Section 4 – Reports for Information

Recommendation:

22092020 RESOLVED on the motion of Cr Wyse seconded Cr Thomas that the following reports, provided for information only, be received and noted.

- 8.12 – Economic Development and Tourism Monthly Report
- 8.13 - Community Services Report
- 8.14 - Bland Shire Library Monthly Update
- 8.15 - Children’s Services Monthly Update
- 8.16 - Bland Community Care Services Update
- 8.17 - Assets & Engineering Services Report
- 8.18 - Development Services Activity Report – August 2020

CARRIED Unanimously

ITEM OF URGENT BUSINESS IN ACCORDANCE WITH 9.3 OF THE MODEL CODE OF MEETING PRACTICE

Recommendation:

23092020 RESOLVED on the motion of Cr Thomas seconded Cr Baker that the following report on Notification of Draft Planning Agreement be deemed as urgent and therefore dealt with at this meeting.

CARRIED Unanimously

Notification of Draft Planning Agreement

Recommendation:

24092020 RESOLVED on the motion of Cr Lord seconded Cr Thomas that Council resolve to notify the draft planning agreement, provided in Attachment A, for public inspection for a period of no less than 28 days with the additional comment that the annual contribution be linked to the rate pegging limit.

CARRIED Unanimously

9.0 NOTICES OF MOTIONS / QUESTIONS WITH NOTICE

Nil

10.0 CONFIDENTIAL MATTERS

Nil

11.0 CONCLUSION OF THE MEETING

There being no further business the meeting then closed at 8.26pm.

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Chairperson

CONFIRMED