Minutes

Extraordinary Council Meeting
Friday 22 March 2013

held at Murwillumbah Cultural and Civic Centre
commencing at 10.00AM
Tweed Shire Council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- to exercise community leadership;
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism;
- to promote and to provide and plan for the needs of children;
- to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development;
- to have regard to the long term and cumulative effects of its decisions;
- to bear in mind that it is the custodian and trustee of public assets and to effectively account for and manage the assets for which it is responsible;
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government;
- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants;
- to keep the local community and the State government (and through it, the wider community) informed about its activities;
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected;
- to be a responsible employer.
The Meeting commenced at 10.00am.

IN ATTENDANCE

Cr B Longland (Mayor), Cr M Armstrong (Deputy Mayor), Cr G Bagnall, Cr C Byrne, Cr K Milne, Cr W Polglase and Cr P Youngblutt.

Also present was Mr Neil Baldwin (Manager Corporate Governance/Public Officer).

The Extraordinary Meeting was called in accordance with a request signed by the Mayor, Cr B Longland and the Deputy Mayor, Cr M Armstrong.

ABORIGINAL STATEMENT

The Mayor acknowledged the Bundjalung Aboriginal Nation with the following statement::

"We wish to recognise the generations of the local Aboriginal people of the Bundjalung Nation who have lived in and derived their physical and spiritual needs from the forests, rivers, lakes and streams of this beautiful valley over many thousands of years as the traditional owners and custodians of these lands."

PRAYER

The meeting opened with a Prayer read by the Mayor, Cr B Longland.

APOLOGIES

Nil.

DISCLOSURE OF INTEREST

Nil.

ITEMS TO BE MOVED FROM ORDINARY TO CONFIDENTIAL - CONFIDENTIAL TO ORDINARY

Nil.
CONFIDENTIAL COMMITTEE

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Cr B Longland
Cr K Milne

RESOLVED that Council resolves itself into a Confidential Committee in accordance with Section 10A(2) of the Local Government Act 1993 (as amended) and that the press and public be excluded from the whole of the Committee Meeting, because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reasons of the confidential nature of the business to be transacted.

The Motion was Carried

FOR VOTE - Unanimous

The Manager Corporate Governance reported that the Confidential Committee had excluded the press and public from the whole of the Committee Meeting because, in the opinion of the Committee, publicity of the proceedings of the Committee would be prejudicial to the public interest, by reason of the confidential nature of the business to be transacted, and made the following recommendations to Council:-

CONFIDENTIAL ITEMS FOR CONSIDERATION

ORDERS OF THE DAY

1 [NOR-Crs C Byrne, W Polglase and P Youngblutt] General Manager's Contract

URGENCY MOTION

C 20

That Item 1 be dealt with and it be ruled by the Chairman to be of great urgency.

The Motion was Carried

FOR VOTE - Unanimous
NOTICE OF RESCISSION:

REASON FOR CONFIDENTIALITY:

Employment contract matters concerning the General Manager that need to be considered in Confidentical Session.

Local Government Act
This report is CONFIDENTIAL in accordance with Section 10A(2) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

(a) personnel matters concerning particular individuals (other than councillors)

C 21

That the Notice of Motion considered in the Confidential session at the meeting held Thursday 21 March 2013 regarding the General Manager's Contract, being:

.... That Council:

1. Terminates the General Manager's contract of employment (the "Contract") in accordance with clause 10.3.5 of the Contract, with the date of effect to be determined by the Mayor.

2. Authorises the Mayor to inform the General Manager of the above decision and to instruct the relevant officer(s) of Council to process any termination payments to which the General Manager is entitled under his Contract.

3. Having regard for the provisions of Clause 17 of the Contract (Dispute Resolution), determines that any notice under that section is not considered appropriate.

4. Authorises the Mayor to appoint one of the current Directors as Council's Acting General Manager pursuant to sections 336 and 351 of the Local Government Act 1993.

be rescinded

The Motion was Lost

FOR VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne
AGAINST VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland
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Cr B Longland  
Cr M Armstrong

RESOLVED that the recommendations of the Confidential Committee be adopted.

FOR VOTE - Cr M Armstrong, Cr K Milne, Cr G Bagnall, Cr B Longland  
AGAINST VOTE - Cr P Youngblutt, Cr W Polglase, Cr C Byrne

There being no further business the Meeting terminated at 11.13AM

_minutes of meeting confirmed by council

Chairman