

Bland Shire Council

Minutes

Extra Ordinary Council Meeting

5 April 2016



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	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au



Council Meeting Minutes
Extra Ordinary Council Meeting
5 April 2015 commencing at 6:30PM

1.0 INTRODUCTION

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

At this stage Cr Monaghan arrived.

2.0 ATTENDANCE

2.1 Councillors

Cr P Grellman
Cr L Hampton
Cr K Keatley
Cr T Lord
Cr L McGlynn
Cr B Monaghan
Cr L Pike
Cr N Pokoney
Cr P Templeton

2.2 Staff

General Manager – Ray Smith
Director Asset & Engineering Services – Will Marsh
Director Corporate, Community & Development Services – Adele Casey
Executive Assistant – Julie Sharpe

2.3 Apologies

Nil

3.0 DECLARATIONS OF INTEREST

Nil

4.0 MAYORAL MINUTE

Nil

5.0 NOTICES OF MOTION

5.1 Rescission Motion – Investigation into Locations for a Visitor Information Centre (Revised – March 2016) – Crs McGlynn, Grellman and Hampton

PROPOSED on the motion of Cr McGlynn seconded Cr Grellman that Motion 12.5, carried at the Ordinary Council meeting of the 15th March 2016, be rescinded.

Cr Lord called a Point of Order as the matter was not advertised for consideration at the meeting.

The Mayor sought advice from the General Manager who advised that consideration of rescission motions must be conducted at the next available meeting of the Council in accordance with the Local Government Act.

PROPOSED by Cr Lord that Council record a motion of dissent in the ruling.

On being put to the vote the motion was **LOST**.

PROPOSED on the motion of Cr McGlynn seconded Cr Grellman that Motion 12.5, carried at the Ordinary Council meeting of the 15th March 2016, be rescinded.

Cr Pike called a Point of Order as the proposed rescission motion varied from the adopted motion.

The Mayor sought advice from the General Manager who advised that there are two (2) separate notices of motion before Council for consideration:

- 5.1 – Rescission Motion – Investigation into Locations for a Visitor Information Centre (Revised – March 2016)
- 5.2 – VIC Services

Council Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Grellman that Motion 12.5, carried at the Ordinary Council meeting of the 15th March 2016, be rescinded.

Cr Lord called a Point of Order to allow all councillors the opportunity to speak to the proposed motion. With the consent of the council discussion continued.

01042016 RESOLVED on the motion of Cr McGlynn seconded Cr Grellman that Motion 12.5, carried at the Ordinary Council meeting of the 15th March 2016, be rescinded.

On the casting vote of the Mayor the motion was **CARRIED**

CLOSURE OF THE MEETING TO DISCUSS CONFIDENTIAL BUSINESS UNDER THE PROVISIONS OF SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT

Council Recommendation:

02042016 RESOLVED on the motion of Cr McGlynn seconded Cr Hampton that Council close the Extra Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act. **CARRIED**

The meeting then closed at 6.53pm.

The open meeting then resumed at 7.02pm.

5.2 VIC Services - Crs McGlynn, Grellman and Hampton

At this stage, 7.04pm, Cr Pike returned to the meeting.

Council Recommendation:

PROPOSED on the motion of Cr McGlynn seconded Cr Hampton that Council determine the site for delivering VIC services to the public.

AMENDMENT proposed on the motion of Cr Hampton seconded Cr Monaghan that Council defer a decision on the site for delivering VIC services to the public until the July 2016 meeting and in the interim the General Manager identify and cost other options for VIC services to be provided from McCann Park.

On being put to the vote the motion was carried

04042016 RESOLVED on the motion of Cr Hampton seconded Cr Monaghan that Council defer a decision on the site for delivering VIC services to the public until the July 2016 meeting and in the interim the General Manager identify and cost other options for VIC services to be provided from McCann Park. **CARRIED**

6.0 URGENT BUSINESS WITHOUT NOTICE

Nil

7.0 CLOSURE OF THE MEETING TO DISCUSS CONFIDENTIAL BUSINESS UNDER THE PROVISIONS OF SECTION 10A(2) OF THE LOCAL GOVERNMENT ACT

Council Recommendation:

05042016 RESOLVED on the motion of Cr McGlynn seconded Cr Hampton that Council close the Extra Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act. CARRIED

The meeting then closed at 7.22pm.

8.0 RESUMPTION OF THE MEETING AND CONSIDERATION OF RECOMMENDATIONS OF THE CLOSED SECTION OF THE MEETING

Council Recommendation:

09042016 RESOLVED on the motion of Cr Keatley seconded Cr Grellman that Council move out of closed Council and into open Council. CARRIED

The open meeting then resumed at 7.33pm.

7.1 Refurbishment of the Perseverance Street Sports Complex Stadium – Evaluation of Tenders

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Recommendation:

06042016 RESOLVED on the motion of Cr McGlynn seconded Cr Keatley:

- 1. That based on the evaluation process Council accepts the tender from Burton Constructions;**
- 2. That the general manager be delegated authority to liaise with the successful tenderer as to an appropriate handover date of the stadium complex;**
- 3. That the unsuccessful tenderers be thanked for their interest in this project; and**
- 4. That the general manager keeps council informed of progress of this project through regular updates to council meetings or council workshops. CARRIED**

7.2 Strategic Property Purchase

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

The matters and information are commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Council Recommendation:

07042016 RESOLVED on the motion of Cr Keatley seconded Cr Hampton:

- 1. That Council confirm its purchase of the subject land for the amount detailed in this report, including legal fees and that the Mayor and General Manager be delegated authority to execute all of the necessary documentation under the Common Seal of Council;**
- 2. That funds for this purpose are allocated from the Economic Development Fund. CARRIED**

9.0 CLOSE OF THE MEETING

There being no further business the meeting then closed at 7.34pm.

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Chairperson