

Minutes of Extraordinary Council Meeting held at Ashfield Service Centre and remotely on 29 September 2020

Meeting commenced at 6.11pm

Present:

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor
Marghanita Da Cruz	Councillor
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Sam Iskandar	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Vittoria Raciti	Councillor
Julie Passas	Councillor
John Stamolis	Councillor
Louise Steer	Councillor
Anna York	Councillor
Ian Naylor	Manager Governance
Megan Jenkins	Senior Lawyer
Ross Nassif	Local Government NSW
Mark Anderson	Local Government NSW

APOLOGIES: Nil

DISCLOSURES OF INTERESTS: Nil

Confidential Session

Motion: (Byrne/Da Cruz)

THAT Council enter into Confidential session.

Motion Carried

For Motion: Cllrs Byrne, Da Cruz, Drury, Hesse, Iskander, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

That in accordance with Section 10A(1) of the Local Government Act 1993, the following matter be considered in Closed Session of Council for the reasons provided:

C0920(3) Item 1 Confidential Staff Matter (Section 10A(2)(a) and s10A(2)(g)) of the Local Government Act 1993) that would, involve personnel matters concerning an individual other than a councillor and will also involve receipt of legal advice that would be privileged from production in legal proceedings on the ground of legal professional privilege.

6:14pm - All attendees other than Councillors left the meeting.

6:14pm - Mr Nassif entered the meeting.

ADJOURNMENT

7.04pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

7.06pm - The Mayor, Clr Byrne resumed the meeting.

Councillor Passas retired from the meeting at 7:04 pm.

7:06pm – Ms Jenkins entered the meeting to confirm that Clr Passas had retired from the meeting and left.

ADJOURNMENT

7.23pm - The Mayor, Clr Byrne adjourned the meeting for a short recess.

7.26pm - The Mayor, Clr Byrne resumed the meeting.

Councillor Da Cruz retired from the meeting at 7:23pm.

Councillor Stamolis retired from meeting at 7:26pm.

7:26pm - Ms Jenkins entered the meeting to confirm that Clr Da Cruz and Clr Stamolis had retired from the meeting and left.

8:26pm - Mr Nassif left the meeting.

8:26pm - Clr Steer left the meeting.

8:28pm - Mr Anderson entered the meeting.

8:30pm - Clr Steer returned to the meeting.

8:54pm - Mr Anderson left the meeting.

8:56pm - Ms Jenkins entered the meeting.

ADJOURNMENT

8.56pm - The Mayor, Clr Byrne adjourned the meeting to resume at 7:30pm on Thursday, 1 October 2020 at Ashfield Service Centre and remotely.

RESUMPTION

The Mayor, Clr Byrne resumed the meeting at 7:35pm on Thursday 1 October 2020 and the following Councillors, Staff and other attendees were present:

Present:

Darcy Byrne	Mayor
Victor Macri	Deputy Mayor
Marghanita Da Cruz	Councillor (8.45pm)
Mark Drury	Councillor
Lucille McKenna OAM	Councillor
Colin Hesse	Councillor
Tom Kiat	Councillor
Pauline Lockie	Councillor
Julie Passas	Councillor (8.45pm)
Vittoria Raciti	Councillor
John Stamolis	Councillor (8.45pm)
Louise Steer	Councillor
Anna York	Councillor
Ian Naylor	Manager Governance
Ross Nassif	Local Government NSW

Motion: (Byrne/Macri)

THAT Council move back into the Open Session of the Council Meeting.

Motion Carried

For Motion: Crs Byrne, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Raciti, Steer and York

Against Motion: Nil

REPORTS WITH CONFIDENTIAL INFORMATION

C0920(3) Item 1 Confidential Staff Matter

Motion: (Byrne/Macri)

THAT:

1. **The Council authorises Local Government NSW to negotiate with the General Manager and/or his legal representative in relation to the General Manager’s contract of employment.**
2. **To facilitate the timely and effective negotiations referred to in 1 above, the Mayor shall advise the General Manager that pursuant to sub-clause 9.8 of the contract of employment, the General Manager shall be on paid special leave for the duration of the negotiations. While on paid special leave the General Manager shall:**
 - a. **assign all the delegations of the position of General Manager to the person appointed to Act in the role of Inner West Council General Manager;**
 - b. **not enter any areas within council buildings that are closed to the general public, except with prior approval of the Mayor or the Acting General Manager;**
 - c. **co-operate with Inner West Council, including but not limited to providing relevant information and responding to inquiries from the Mayor, Deputy Mayor, Acting General Manager and/or other senior officers of Council;**
 - d. **only access Council’s internal computer system (e.g. intranet and email) for the purposes of co-operating with the Council or as otherwise directed or approved by the Mayor or the Acting General Manager; and**
 - e. **shall maintain the confidentiality of the negotiations.**
3. **In giving effect to motion 1 above, Local Government NSW will be limited to the confidential instructions provided by Council in closed session on Thursday 1 October 2020 and will report back to an extraordinary Council meeting on the status of negotiations. The meeting is to be convened by the Mayor following consultation with Councillors.**
4. **A request be made to the Chief Operating officer to act in the position of General Manager during the period that the General Manager is on special leave.**

Motion Carried

For Motion: Crs Byrne, Drury, Kiat, Lockie, Macri, McKenna OAM, Raciti, Steer and York

Against Motion: Crs Hesse

Absent: Crs Da Cruz, Passas and Stamolis

Councillors Da Cruz, Passas and Stamolis entered the Meeting at 8:45 pm.

Motion: (Byrne/Da Cruz)

THAT Council re-enter into Confidential session.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

Motion: (Byrne/Macri)

THAT Council move back into the Open Session of the Council Meeting.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

C0920(3) Item 1 Confidential Staff Matter

Motion: (Byrne/Macri)

THAT Council:

5. Engage the services of LGNSW Management Solutions to procure the services of an external Locum CEO for a period not less than three (3) months and for the period up until the new permanent CEO is appointed and commences work;
6. Note that the appointment of the Chief Operating Officer as the acting General Manager will conclude at the time that a Locum CEO is appointed.
7. Delegate the authority to the Mayor and Deputy Mayor in conjunction with LGNSW Management Solutions to procure the services of an experienced external Locum CEO including interviewing potential candidates, agreeing on the preferred candidate and the negotiation of the terms of the fixed term contract;
8. Immediately commence the process of the permanent recruitment for a CEO once the Locum CEO appointed has commenced in the position and seek a formal proposal from LGNSW Management Solutions to assist the Council with the permanent recruitment of the next CEO. A report on the recruitment process be tabled at the next Ordinary Council meeting.

Motion Carried

For Motion: Crs Byrne, Da Cruz, Drury, Hesse, Kiat, Lockie, Macri, McKenna OAM, Passas, Raciti, Stamolis, Steer and York

Against Motion: Nil

Meeting closed at 10.15 pm.

The Minutes of the Extraordinary Meeting of Council held on the 29th day of September, 2020 were confirmed as a correct record on 10th day of November, 2020.

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CHAIRPERSON