



Burwood Council

heritage ▪ progress ▪ pride

BURWOOD COUNCIL MEETINGS

MINUTES OF THE MEETING OF THE COUNCIL OF BURWOOD held at the Council Chamber, Suite 1, Level 2, 1-17 Elsie Street, Burwood on Tuesday 26 September 2017 commencing at 6.01pm.

ATTENDANCE Councillor John Faker (Mayor)
Councillor Ernest Chan
Councillor Heather Crichton
Councillor Joseph Del Duca
Councillor Raj Dixit
Councillor George Mannah

Mr M McMahon, General Manager
Mr T Briscece, Deputy General Manager Corporate, Governance & Community
Mr B Macdonnell, Deputy General Manager Land, Infrastructure & Environment
Mr B Mortimer, Manager Organisation Development
Ms P Viney, Governance Co-ordinator
Mr A Sonogo, Media & Communications Officer

COUNCILLOR OATH/AFFIRMATION OFFICE

(ITEM 57/17) COUNCILLOR OATH/AFFIRMATION OF OFFICE

File No: 17/34782

Summary

Section 233A of the *Local Government Act 1993* (the Act) requires that a person elected to be a Councillor is required to take an oath of office or make an affirmation of office at or before the first meeting of Council after the Councillor is elected.

The Oath/Affirmation of Office is made before the General Manager of Council and is recorded in Council's official minutes.

A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of office in accordance with the Act is not entitled to attend a meeting as a Councillor (other than the first meeting of the Council after the Councillor is elected to the office or a meeting at which the Councillor takes the oath or makes the affirmation) until the Councillor has taken the oath or made the affirmation.

Any absence of a Councillor from an ordinary meeting of the council that the Councillor is not entitled to attend because of this section is taken to be an absence without prior leave of the Council.

Failure to take an oath of office or make an affirmation of office does not affect the validity of anything done by a Councillor in the exercise of the Councillor's functions.

88/17 That the General Manager record in the minutes of Council as true record that the

following Councillors have made their oath:

1. Councillor John Faker (Mayor)
2. Councillor Ernest Chan
3. Councillor Heather Crichton
4. Councillor Joseph Del Duca
5. Councillor Raj Dixit
6. Councillor George Mannah

OPENING OF MEETING BY REV. KEL WILLIS

The Reverend Willis opened the meeting with a prayer.

OPEN FORUM

Name	Item
Mr Bill Ters	LEP Transition zone review to include Livingstone Street, Burwood Re-zoning
Dr Abraham Constantin	LEP Transition zone review to include Clarence and Church Streets, Burwood Re-zoning

APOLOGIES

89/17 RESOLVED (*carried unanimously*)

Cr Lesley Furneaux-Cook was an apology.

(Moved Councillor Joseph Del Duca/Seconded Councillor Heather Crichton)

DECLARATIONS OF INTEREST

There were no declarations of interests by Councillors.

DECLARATIONS OF POLITICAL DONATIONS

There were no declarations of political interests by Councillors.

CONFIRMATION OF MINUTES

90/17 RESOLVED (*carried unanimously*)

That the minutes of the meeting of the Council of Burwood held on Tuesday 25 July 2017, as circulated, be confirmed and signed as a true record of the proceeding of the meeting.

(Moved Councillor George Mannah/Seconded Mayor John Faker)

ADDRESS BY THE PUBLIC ON AGENDA ITEMS

There was no business for this item.

MAYORAL MINUTE

(ITEM MM7/17) PROCESS AND FUNCTION IMPROVEMENTS AS A RESULT OF COMMUNITY FEEDBACK

File No: 17/44088

Summary

Following extensive engagement with the community in the last 12 months, the following process and function matters were raised by several people as areas that could be improved upon:

- Abandoned shopping trolley management
- Penalty Infringement Notice reviews
- Street trees and planned infrastructure works
- Green waste disposal services
- Updates to the Burwood Local Environment Plan
- Woodstock Café

91/17 RESOLVED

Investigations into the listed matters below be undertaken by the General Manager and future reports to Council be prepared on each matter:

- Abandoned shopping trolley management
- Penalty Infringement Notice reviews
- Street trees and planned infrastructure works
- Green waste disposal services
- Updates to the Burwood Local Environment Plan
- Woodstock Café

GENERAL BUSINESS**(ITEM 58/17) ELECTION OF DEPUTY MAYOR - SECTION 231 (3) OF THE LOCAL GOVERNMENT ACT 1993**

File No: 17/34611

Summary

This report outlines the process and options for the election of a Burwood Council Deputy Mayor.

92/17 RESOLVED *(carried unanimously)*

1. That Council elect a Deputy Mayor.
2. That as a single nomination was received Cr Lesley Furneaux-Cook was elected as Deputy Mayor.

(Moved Councillor George Mannah/Seconded Ernest Chan)

INFORMATION ITEMS**(ITEM IN26/17) COUNCIL/COMMITTEE MEETINGS AND COUNCILLOR BRIEFING SESSIONS SCHEDULE FOR 2017**

File No: 17/34635

Summary

To inform the new Council of the 2017 Schedule for Council Meetings, Building and

Development Committee Meetings and Councillor Briefing Sessions.

No Decision – Information Item Only

CONFIDENTIAL ITEMS - CLOSED SESSION

93/17 RESOLVED *(carried unanimously)*

That the meeting move into closed session in order to consider items (ITEM MM8/17) Mayoral Minute - Termination of the General Manager's Employment Contract.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

THERE WERE NO REPRESENTATIVES FROM THE PUBLIC TO ADDRESS THE COUNCIL BEFORE THE RESOLUTION TO MOVE INTO CLOSED SESSION WAS CARRIED.

THE MEETING MOVED INTO CLOSED SESSION AT 7.50 PM THE PUBLIC AND PRESS EXCLUDED FROM THE MEETING.

(ITEM MM8/17) TERMINATION OF THE GENERAL MANAGER'S EMPLOYMENT CONTRACT

File No: 17/44766

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act 1993, as the matter involves personnel matters concerning particular individuals.

Summary

I wish to advise that in accordance with *Clause 10 - Termination* of the contract of the Contract of Employment, Council's General Manager Michael McMahon's employment with Council will terminate and cease at the close of business Friday 24 November 2017.

The *Local Government Act 1993* stipulates that Council must appoint a person as General Manager "immediately" after the position becomes vacant or appoint a person to act in the vacant position.

Therefore I propose that Bruce Macdonnell – Deputy General Manager – Land Infrastructure and Environment be appointed as Acting General Manager effective from 25 November 2017, for a period of up to 12 months.

It is important that the recruitment process for a new General Manager commence for Council to properly plan and implement a process to find a suitable replacement.

The appointment of the General Manager is one of the most important functions of the elected body of Council. It needs to be conducted thoughtfully and utilise the best endeavours of us as Councillors. The role of General Manager, while reporting to Council through the Mayor, serves the wider community of Burwood.

For recruitment and selection of a new General Manager Council must consider the Office of Local Government (OLG) *Guidelines for Appointment and Oversight of General Managers*, which are Director General's Guidelines issued pursuant to Section 23A of the *Local Government Act 1993*. Council is obliged to consider the guidelines "before exercising any of its functions".

The OLG guidelines encourage Councils to obtain independent assistance from expert

recruitment consultants in undertaking the recruitment process. Executive level recruitment is a specialist field and I propose that proposals be invited from identified recruitment consultants with expertise in the field of senior executive appointments.

Once appointed, the preferred recruitment consultants will commence with the identification of suitable candidates.

94/17 RESOLVED (*carried unanimously*)

1. Council concur that in accordance with *Clause 10 – Termination* of the Contract of Employment, Council's General Manager Michael McMahon's employment with Council will terminate and cease at the close of business Friday 24 November 2017.
2. Bruce Macdonnell – Deputy General Manager - Land Infrastructure and Environment be appointed as Acting General Manager effective from 25 November 2017 for a period of up to 12 months.
3. The Mayor be delegated authority to seek proposals from identified recruitment consultants with expertise in the field of senior executive appointments.
4. The Mayor engages a suitable recruitment consultant to assist Council in designing and implementing a recruitment process for the engagement of the new General Manager.
5. The successful recruitment consultant be required to consult with the Mayor and Councillors and demonstrate due consideration of the *Guidelines for the Appointment and Oversight of General Managers*, before presenting to the Mayor and Councillors on the proposed recruitment process to be utilized.
6. The successful recruitment consultant, under the direction of the Mayor, implements the approved recruitment process adopted by Council.

(Moved Councillor George Mannah/Seconded Councillor Heather Crichton)

THE MEETING RESUMED IN OPEN SESSION AT 7.55 PM

QUESTIONS WITHOUT NOTICE

There was no business for this item.

This concluded the business of the meeting and Council rose at 7.59 pm.

Confirmed this 24 October 2017.

MAYOR

GENERAL MANAGER