Minutes

Wodonga Council minutes for the Special meeting of the council held in the Council Chamber – 104 Hovell St, Wodonga on March 01, 2019.

Present
Cr A Speedie (Mayor)
Cr K Bennett (Deputy Mayor)
Cr R Mildren
Cr B Mitchell
Cr J Watson

In attendance
Ms D Mudra    Acting Chief Executive Officer
Ms N Klein    Director Business Services
Ms K Davies    Acting Director Community Development
Mr L Schultz    Director Planning and Infrastructure
1. **Calling to order**
   The meeting was called to order at 9am by the Mayor.

2. **Statement of acknowledgement**
   The Mayor read the following:
   *We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.*

3. **Apologies and requests for leave of absence**
   Apologies were received from Cr Libby Hall and Cr Danny Lowe.

4. **Declaration under Acts, Regulations, Codes or Local Laws**
   **Recording of council meeting**
   The acting CEO advised that the council’s Meeting Procedure Local Law states that audio, video, or still image recording devices are not to be used, unless prior approval has been given by the chairperson or by council. Members of the public gallery were requested to observe this requirement.

   **Period of notice of special meeting**
   A period of just one days notice was given for this special meeting. Where less than seven days notice is given the *Local Government Act 1989* requires that an explanation be included in the minutes.

   The reason for the shorter period of notice was that the Mayor determined that it was urgent the council meet to consider the preferred candidate for the position of Chief Executive Officer.

5. **Declaration by councillors of any conflict of interest**
   There were no conflict of interest disclosures.

6. **Urgent business**

7. **Confidential business**
   7.1 Preferred candidate for the position of Chief Executive Officer

8. **Confidential urgent business**

9. **Close of meeting**
Live streaming and video recording of meeting

The council meeting will be live streamed on the internet and video recorded.

The video recording of the meeting will be uploaded online within 48 hours of the conclusion of the meeting, and be capable of repeated viewing.

The voices and images of those participating in the meeting, and in the gallery, may be captured as part of this recording.

Every care is taken to maintain the privacy of persons in the public gallery with the camera focussed on the Mayor, Councillors and Executive Officers.

However persons in attendance at a public council meeting are advised that incidental capture of an image or sound of persons in the public gallery may occur. By remaining at the meeting persons give their consent to being filmed and the possible use of images and sound recordings in a live streaming or published video of the public council meeting.
<table>
<thead>
<tr>
<th>Environment</th>
<th>Minor (4)</th>
<th>Moderate (3)</th>
<th>Major (2)</th>
<th>Catastrophic (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Brief, non-hazardous, or contained temporary pollution</td>
<td>Residual pollution requiring cleanup</td>
<td>Significant harm to the environment requiring restorative work</td>
<td>Irreversible damage to the environment</td>
</tr>
<tr>
<td>Financial</td>
<td>Little to no impact on revenue or expenditure</td>
<td>Moderate impact on revenue or expenditure</td>
<td>Major impact on revenue or expenditure that will result in a council budget revision</td>
<td>Total impact on revenue or expenditure that may lead the organisation being placed into administration</td>
</tr>
<tr>
<td>Service Delivery</td>
<td>Disruption to program, project or service with no downtime. May be dealt with by routine operational or management action and have limited impact on objectives</td>
<td>Require management initiated review and have some impact on the business unit's program, project or service or on its strategic objectives. Temporary loss of key data</td>
<td>Would threaten the continuation of a business unit's program, project or a critical service. Impact adversely on the Business Unit's strategic objectives. Unrecoverable loss of key data</td>
<td>Would threaten the organisation's viability or would not allow the organisation to achieve its objectives</td>
</tr>
<tr>
<td>Reputation</td>
<td>Limited political/community sensitivity No reputational damage. Resolved in normal operational management</td>
<td>Some political/community sensitivity and local media scrutiny and/or requires external audit</td>
<td>Results in significant political community sensitivity and media scrutiny or could result in a commission of inquiry or request for additional information</td>
<td>Results in extreme political/community sensitivity and media scrutiny or may result in a commission of inquiry or request for additional information</td>
</tr>
<tr>
<td>Safety</td>
<td>May result in minor injury or reversible health damage which may be dealt with through primary First Aid</td>
<td>Result in injury or health impacts that are reversible, but may require medical attention but limited ongoing treatment</td>
<td>Results in life-threatening or serious injury which is irreversible requiring medical attention and ongoing treatment</td>
<td>Results in death or permanent disability of one or more people</td>
</tr>
<tr>
<td>Legislative Compliance</td>
<td>Minor technical breach but no damages</td>
<td>Minor technical non-compliance and breaches of regulations or laws with potential for minor damage or monetary penalty</td>
<td>Major compliance breach with potential exposure to large damages or awards</td>
<td>Sanction compliance breach with potential prosecution with maximum penalty imposed</td>
</tr>
</tbody>
</table>

### Consequence

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Almost Certain (A)</th>
<th>Likely (B)</th>
<th>Possible (C)</th>
<th>Unlikely (D)</th>
<th>Rare (E)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Significant</td>
<td>Medium</td>
<td>Significant</td>
<td>Low</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>High</td>
<td>Significant</td>
<td>High</td>
<td>Medium</td>
<td>Low</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>High</td>
<td>Extreme</td>
<td>Medium</td>
<td>Significant</td>
</tr>
<tr>
<td></td>
<td>Extreme</td>
<td>High</td>
<td>Extreme</td>
<td>High</td>
<td>Significant</td>
</tr>
</tbody>
</table>

### Response based on risk score

- **Extreme** - Council/CEO's attention immediately required. Possibly avoid undertaking the activity OR implement new controls
- **High** - Director's attention required. Consider suspending or ending activity OR implement additional controls
- **Significant** - Manager's attention required. Ensure that controls are in place and operating and management responsibility is aligned
- **Moderate** - Monitor through usual processes and accountabilities
- **Low** - Add treatments where appropriate
Clause 23 of the council's Meeting Procedure Local Law (no. 1 of 2009) states:

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

a) relates to or arises out of a matter which has arisen since distribution of the agenda; or

b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

There was no urgent business.
Closure of meeting to the public

Section 89 (2) of the Local Government Act 1989 provides that a council may resolve that a meeting be closed to members of the public if the meeting is discussing any of the following:

(a) personnel matters;
(b) the personal hardship of any resident or ratepayer;
(c) industrial matters;
(d) contractual matters;
(e) proposed developments;
(f) legal advice;
(g) matters affecting the security of Council property;
(h) any other matter which the Council or special committee considers would prejudice the Council or any person;
(i) a resolution to close the meeting to members of the public.

The item/s listed at item 16 were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the Local Government Act 1989. In accordance with that Act, the council may resolve to consider these issues in open or closed session.

Recommendation

That the meeting be closed to members of the public in order to consider matters pursuant to section 89(2) of the Local Government Act, 1989, and that the meeting be adjourned for two minutes to allow the public to leave the Chamber.

Motion

Crs John Watson / Brian Mitchell

That the recommendation be adopted.

Carried
7 - Confidential business

7.1 - Preferred candidate for the position of Chief Executive Officer

Consideration of this item will be closed to members of the public as it contains matters listed under section 89(2) of the Local Government Act 1989:

(a) personnel matters;
(b) contractual matters.
Clause 23 of the council’s Meeting Procedure Local Law (no. 1 of 2009) states:

If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council and only then if it:

a) relates to or arises out of a matter which has arisen since distribution of the agenda; or
b) cannot safely or conveniently be deferred until the next Ordinary meeting or involves a matter of urgent community concern.

A confidential urgent business item also needs to stipulate the reason for the matter being considered as confidential in accordance with section 89 (2) and section 89 (3) of the Local Government Act 1989.

There was no confidential urgent business.
Return to open council

**Recommendation**
That the ordinary meeting of the council be resumed.

**Motion**
Crs Ron Mildren / Kat Bennett
That the recommendation be adopted.  
**Carried**

**Adopt the 'in-camera' recommendations**

**Recommendation**
That the recommendations of the closed meeting of the council be adopted.

**Motion**
Crs Ron Mildren / Kat Bennett
That the recommendation be adopted.  
**Carried**

Chairperson to close the meeting.

There being no further business the meeting closed at 9.10am.

Minutes confirmed this ..................... day of ............................. 2019.

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Chairperson