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MINUTES OF THE SPECIAL COUNCIL MEETING

Held on Monday, 19 December 2016

Released to the public on Thursday 22 December 2016

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE
DAREBIN CITY COUNCIL HELD AT DAREBIN CIVIC CENTRE,
350 HIGH ST, PRESTON ON MONDAY 19 DECEMBER 2016**

THE MEETING OPENED AT 8.13 PM

1. PRESENT

Councillors

Cr Kim Le Cerf (Mayor) (Chairperson)

Cr Steph Amir

Cr Gaetano Greco

Cr Tim Laurence

Cr Trent McCarthy

Cr Lina Messina

Cr Susanne Newton

Cr Susan Rennie

Cr Julie Williams

Council Officers

Andrew McLeod – Acting Chief Executive Officer

Jacinta Stevens – Director Civic Governance and Compliance

Katia Croce – Council Business Coordinator

2. APOLOGIES

Nil.

3. DISCLOSURES OF CONFLICTS OF INTEREST

There were no conflicts of interest declared by any Councillor.

PROCEDURAL MOTION

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. S. Amir

THAT the Special Council meeting be adjourned to 8.40 pm to allow for remaining Planning Committee items to be resolved.

CARRIED

PROCEDURAL MOTION

COUNCIL RESOLUTION

MOVED: Cr. T. McCarthy
SECONDED: Cr. T. Laurence

THAT the Special Committee meeting be resumed.

CARRIED

The meeting resumed at 8.41 pm.

Council Resolution

MOVED: Cr. S. Rennie
SECONDED: Cr. T. McCarthy

That in accordance with section 84 (4) of the *Local Government Act 1989* an Urgent Motion be admitted relating to the 'Planning Committee Charter' be admitted to the agenda to be heard as Item 4.1.

CARRIED UNANIMOUSLY

4. URGENT MOTION

4.1 PLANNING COMMITTEE CHARTER

MINUTE NO. 54

Motion

MOVED: Cr. S. Rennie
SECONDED: Cr. T. McCarthy

That the planning committee Charter be amended to allow for merit based rejections of planning applications to be made under officer delegation.

Cr. McCarthy proposed to the mover that the motion be amended to read as follows. This was accepted by Cr. Rennie.

That the Planning Committee Charter be temporarily altered to enable officer under delegation to refuse applications that would otherwise be referred to the Planning Committee and that the temporary change expire at the Council meeting on 20 March 2017.

Cr. Laurence further proposed to the mover and seconder that a point (2) be added to the motion as follows. This was accepted by the Cr. Rennie and Cr. McCarthy.

- (2) Council officers prepare a report for the 20 March 2017 on the impacts and benefits of making the temporary changes permanent.

THE AMENDED MOTION READ AS FOLLOWS:

Amended Motion

MOVED: Cr. S. Rennie
SECONDED: Cr. T. McCarthy

That:

- (1) The Planning Committee Charter be temporarily altered to enable officer under delegation to refuse applications that would otherwise be referred to the Planning Committee and that the temporary change expire at the Council meeting on 20 March 2017.
- (2) Council officers prepare a report for the 20 March 2017 on the impacts and benefits of making the temporary changes permanent.

THE AMENDED MOTION WAS PUT AND CARRIED AND BECAME THE COUNCIL RESOLUTION AS FOLLOWS:

Council Resolution

MOVED: Cr. S. Rennie
SECONDED: Cr. T. McCarthy

That:

- (1) The Planning Committee Charter be temporarily altered to enable officer under delegation to refuse applications that would otherwise be referred to the Planning Committee and that the temporary change expire at the Council meeting on 20 March 2017.
- (2) Council officers prepare a report for the 20 March 2017 on the impacts and benefits of making the temporary changes permanent.

CARRIED UNANIMOUSLY

Cr. S. Newton temporarily left the meeting during discussion of the above item at 8.49 pm and returned at 8.51 pm.

NOTE: Item 4., 4.1 and 4.2 in the Agenda for the Special Council meeting on 19 December 2016 has been renumbered to 5., 5.1 and 5.2.

5. CONSIDERATION OF REPORTS CONSIDERED CONFIDENTIAL

CLOSE OF MEETING

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Rennie

THAT in accordance with section 89(2) of the Local Government Act 1989, Council resolves to close the meeting to members of the public to consider the following items which relates to a contractual and personnel matter:

5.1 Appointment of Interim Chief Executive Officer

5.2 Personnel Matter

CARRIED

The meeting was closed to members of the public at 8.56 pm.

Andrew McLeod, Acting Chief Executive Officer and Katia Croce Coordinator Council Business left the meeting prior to discussion of the following item – 8.56 pm

The Council considered and resolved on Report Item 5.1 (Appointment of Interim Chief Executive Officer) and Item 5.2 (Personnel matter) which had been circulated to Councillors on 15 December 2016 with the Special Council Agenda Paper.

RE-OPENING OF MEETING

MOVED: Cr. McCarthy

SECONDED: Cr. Amir

THAT the meeting be re-opened to the members of the public.

CARRIED

The meeting was re-opened to the members of the public at 9.56 pm

CONFIDENTIAL**5.1 APPOINTMENT OF INTERIM CHIEF EXECUTIVE OFFICER****MINUTE NO. 55****AUTHOR:** Director, Civic Governance and Compliance**REVIEWED BY:** Mayor**SUMMARY:****Recommendation****THAT** the Council Resolution and report remain confidential.**Council Resolution****MOVED:** Cr. T. McCarthy**SECONDED:** Cr. G. Greco**THAT** the following Council Resolution

"That Council:

- (1) Notes in accordance with point (5) of the 5 December 2016 Council resolution, the sub-committee undertook a rigorous process in selecting Council's acting Chief Executive Officer.
- (2) Resolves to appoint Mr Philip Shanahan as Council's acting Chief Executive Officer for a period of 6 months effective 2 January 2017 to 30 June 2017 at a base salary of \$300,000 gross pro rata, plus 9.5% compulsory superannuation and the use of an existing Council fleet vehicle.
- (3) Extends the temporary appointment of Mr Andrew McLeod from 21 December 2016 until 1 January 2017.
- (4) Resolves to pay Mr Andrew McLeod higher duties for the period 8 December 2016 to 1 January 2017 at 80% of the difference of his and the incoming acting Chief Executive Officers total remuneration packages, as per point (2) above, in recognition of the additional responsibilities required to be performed as the acting Chief Executive Officer.
- (5) Notes that Meerkin & Apel were engaged through the Director of Civic Governance and Compliance to assist Council with the appointment of the interim Chief Executive.
- (6) Authorises the Mayor, Cr Le Cerf to execute the attached six months Contract of Employment, attached at **Appendix A**, on behalf of Council.

- (7) Resolves that the acting Chief Executive Mr Philip Shanahan assists Council through the recruitment process of a permanent Chief Executive Officer.
- (8) Authorises the Director Civic Governance and Compliance to appoint Meerkin & Apel to provide Council with any legal advice relating to the recruitment and appointment of a permanent Chief Executive Officer.
- (9) Resolves to make this resolution and the appointment, employment contract term and total remuneration package of the interim Chief Executive available to the public.”

be made public and report remain confidential.

CARRIED

CONFIDENTIAL

5.2 PERSONNEL MATTER

MINUTE NO. 56

AUTHOR: Director, Civic Governance and Compliance

REVIEWED BY: Mayor

SUMMARY:

Council Resolution

MOVED: Cr. T. McCarthy

SECONDED: Cr. S. Rennie

THAT the Council Resolution and report remain confidential.

CARRIED

6. CLOSE OF MEETING

The meeting closed at 9.58 pm.