

CITY OF NEWCASTLE

Minutes of the Ordinary Council Meeting held in the Council Chambers, 2nd Floor City Hall on Tuesday 26 September 2017 at 5.52pm.

Prior to the opening of the meeting, the Councillors were led into the Chamber. Aunty Jaye Quinlan and the Wakagetti Dancers and Didgeridoo delivered a formal Welcome to Country.

The Interim Chief Executive Officer presented the Chains of Office to the Lord Mayor, Councilor Nuatali Nelmes and gave the following address:

Councillors, officers, invited guests, ladies and gentlemen

I now take great pleasure in investing the Lord Mayor Councillor Nuatali Nelmes with her chains of office.

It is my privilege on behalf of the community of Newcastle to congratulate you Lord Mayor on your election to this high office, of civic leadership in the City of Newcastle.

On behalf of the whole organisation, we welcome you and look forward to working with you.

I now take great pleasure in placing the chains upon you.

May I also congratulate all Councillors on their election to the office of Councillor of the City of Newcastle and add my congratulations to each one of you individually and to re-iterate that the staff of the organisation and myself are very much looking forward to the challenges, opportunities, successes and achievements of the next three years.

The Lord Mayor declared the meeting open at 5.52pm.

PRESENT

The Lord Mayor (Councillor N Nelmes), Councillors M Byrne, D Clausen, J Church, C Duncan, J Dunn, B Luke, J Mackenzie, A Robinson, A Rufo and E White.

IN ATTENDANCE

J Bath (Interim Chief Executive Officer), K Liddell (Interim Director Infrastructure), P Chrystal (Director Planning and Regulatory), E Kolatchew (Interim Manager Legal and Governance), M Swan (Interim Manager Finance), P Nelson (Manager Property Services), A Baxter (Manager Regulatory Services), K Baartz (Acting Manager Communications and Engagement), M Murray (Policy Officer), K Sullivan (Council Services/Minutes) and A Leach (Council Services/Webcasting).

MESSAGE OF ACKNOWLEDGEMENT

The Lord Mayor read the message of acknowledgement to the Awabakal and Worimi peoples.

PRAYER

The Lord Mayor read a prayer and a period of silence was observed in memory of those who served and died so that Council might meet in peace.

APOLOGIES

MOTION

Moved by Cr Luke, seconded by Cr Rufo

The apologies submitted on behalf of Councillors Elliott and Winney-Baartz be received and leave of absence granted.

Carried

TAKING OF THE OATH / AFFIRMATION OF OFFICE

The Lord Mayor, Cr Nelmes and Councillors Byrne, Clausen, Church, Duncan, Dunn, Luke, Mackenzie, Robinson, Rufo and White individually took the Oath / Affirmation as required under Section 233A of the Local Government Act - *Oath and Affirmation for Councillors*.

DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS

Councillor Rufo

Councillor Rufo declared a pecuniary interest in Lord Mayoral Minute Item 14 - Marriage Equality stating that he was a registered and practising marriage celebrant and a reasonable person may believe the Lord Mayoral Minute on Council's agenda may result in financial gain to him. Councillor Rufo stated that he would leave the Chamber for discussion on the item.

Councillor Luke

Councillor Luke declared a non-pecuniary less than significant conflict of interest in Item 100 - Executive Monthly Performance Report as it included the Re-investment Surplus Funds Report which mentions multiple financial institutions and many financial institutions that he had dealings with in his business. The declaration is less than significant as he noted he was not involved in determining where funds are invested and was just receiving a report.

CONFIRMATION OF PREVIOUS MINUTES

MINUTES PUBLIC VOICE COMMITTEE 15 AUGUST 2017

MINUTES - ORDINARY COUNCIL MEETING 22 AUGUST 2017

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

The draft minutes as circulated be taken as read and confirmed.

Carried

LORD MAYORAL MINUTE

ITEM-14 LMM 26/09/17 - MARRIAGE EQUALITY

Councillor Rufo left the Chamber for discussion on Lord Mayoral Minute Item 14 - Marriage Equality.

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Councillor Clausen

That Newcastle City Council:

- 1 Re-affirms the City of Newcastle's commitment to Marriage Equality;
- 2 Writes to the Federal Government, and Federal Opposition, advising them of the City of Newcastle's support for Marriage Equality;
- 3 Shows support for Marriage Equality by flying the Rainbow Flag at City Hall;
- 4 Delivers an advocacy and communication strategy that affirms Council's support for Marriage Equality and the "Yes" Campaign on its website, social media account, and by erecting banners across the City in support of Marriage Equality;
- 5 Hosts a community event in support of a "Yes" vote.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie and White.

Against the Motion: Councillors Church, Luke and Robinson.

Carried

Councillor Rufo returned to the Chamber at the conclusion of the item.

ITEM-15 LMM 26/09/17 - APPOINTMENT OF CHIEF EXECUTIVE OFFICER

MOTION

Moved by Lord Mayor, Cr Nelmes

1. Establish a Chief Executive Officer Recruitment Panel comprising Councillors Duncan, Dunn and Mackenzie in addition to the Lord Mayor and a representative from the appointed recruitment agency to be part of the recruitment panel for the recruitment and selection of Council's permanent Chief Executive Officer. This Panel will also be responsible for the performance review.

The Chief Executive Officer Recruitment Panel's role will be to shortlist candidates, conduct candidate interviews, and assess the results of interviews before recommending an appointment.

2. Delegates to the Chief Executive Officer Recruitment Panel, the management of the process for the selection of a permanent Chief Executive Officer and approves the recruitment process in three (4) phases including:
 - a) Phase 1 will be the engagement of a preferred recruitment agency. The engagement of the preferred recruitment agency is to be undertaken in accordance with Council's Procurement Policy. The Chief Executive Officer Recruitment Panel will be required to be available to select the preferred recruitment agency by 13 October 2017.

Councillors on the recruitment panel will also need to be available between 16 - 20 October to meet the preferred recruitment agency to agree on search strategies, time lines and ideal candidate profile.
 - b) Phase 2 of the recruitment process will be the candidate search. The Chief Executive Officer Recruitment Panel will need to be available to review shortlisted candidates by 22 November 2017.
 - c) Phase 3 of the recruitment process will be interviews, assessment and recommended appointment. The Chief Executive Officer Recruitment Panel will need to be available for interviews from the week commencing 26 November 2017.
 - d) Phase 4 this panel will form the Performance Review Panel for the CEO and will convene and report back to council when required.
3. Council directs the Lord Mayor to report the recommendation of the Chief Executive Officer Recruitment Panel relating to the appointment of a permanent Chief Executive Officer, to a meeting of the elected Council as soon as possible.

AMENDMENT

Moved by Cr Rufo, seconded by Cr Luke

The Chief Executive Officer Recruitment Panel include Councillor Robinson

Defeated

The motion moved by the Lord Mayor was put to the meeting.

Carried

REPORTS BY COUNCIL OFFICERS

ITEM-98 CCL 26/09/17 - ADOPTION OF ASSET ADVISORY COMMITTEE CHARTER AND NOMINATION OF COUNCILLOR REPRESENTATIVES

MOTION

Moved by Cr Clausen, seconded by Cr Dunn

- a) Council adopts the Asset Advisory Committee Charter as at **Attachment A**.
- b) Councillor Clausen and Dunn are elected as Councillor members to fill the existing Asset Advisory Committee vacancies.
- c) The Lord Mayor, currently acting as Chairperson of the Asset Advisory Committee, is re-appointed to the role.

AMENDMENT

Moved by Cr Rufo, seconded by Cr Luke

Councillor Elliott be elected to the Asset Advisory Committee.

For the Motion: Councillors Church, Luke and Robison.

Against the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie and White.

Defeated

The motion moved by Councillors Clausen and Dunn was put to the meeting.

Carried

ITEM-99 CCL 26/09/17 - NOMINATION OF COUNCILLOR MEMBERS TO AUDIT COMMITTEE

MOTION

Moved by Cr Clausen, seconded by Cr Mackenzie

- 1 Through a process of nomination and majority vote, Council appoints two Councillor Members to the Audit Committee for the term of Council.
- 2 Council appoints Councillors Dunn and Mackenzie to the Audit Committee.

For the Motion: Lord Mayor, Cr Nelmes, Councillors Byrne, Clausen, Duncan, Dunn, Mackenzie and White.

Against the Motion: Councillors Church, Luke, Robinson and Rufo.

Carried

ITEM-100 CCL 26/09/17 - EXECUTIVE MONTHLY PERFORMANCE REPORT

MOTION

Moved by Cr Dunn, seconded by Cr Duncan

The report be received.

ITEM-101 CCL 26/09/17 - NOMINATIONS FOR ELECTION OF DEPUTY LORD MAYOR

The Lord Mayor proceeded with the motion seriatim.

MOTION

Moved by Lord Mayor, Cr Nelmes, seconded by Cr Clausen

(a) That Council resolves the term of the Deputy Lord Mayor be for the period taking effect from 26 September 2017 and concluding 25 September 2018.

Carried

(b) That Council elects a Deputy Lord Mayor by open voting in accordance with the process set out in the *Local Government (General) Regulation 2005* (NSW).

Carried

(c) That Councillor Clausen is elected Deputy Lord Mayor for the period 26 September 2017 until 25 September 2018.

Carried

The Interim Chief Executive Officer (as the returning officer):

- Announced that nominations had been received for the position of Deputy Lord Mayor from Councillors Clausen and Rufo.
- Distributed ballot forms and called for a vote in favour of each nominee by ordinary ballot.
- Declared Councillor Clausen elected as Deputy Lord Mayor for a period from 26 September 2017 and concluding on 25 September 2018.

The meeting concluded at 6.34pm.