

Armidale

Regional Council

EXTRAORDINARY MEETING OF COUNCIL

Held on

Wednesday, 30 November 2016
2pm

at

Armidale Council Chambers

PRESENT: Administrator, Dr Ian Tiley.

IN ATTENDANCE: Mr Greg Meyers (Interim General Manager), Mr Keith Lockyer (Chief Financial and Information Officer), Mr Andre Kompler (Director Regional Services), Mr Rob Shaw (Director Regional Infrastructure), Mrs Jessica Bower (Executive Officer); Mr Peter Wilson (Senior Governance Officer).

MINUTES

1. CIVIC PRAYER AND RECOGNITION OF TRADITIONAL OWNERS
ADVICE REGARDING TAPING OF MEETINGS

2. DECLARATIONS OF INTEREST

Mr Greg Meyers Interim General Manager made a declaration in relation to items 4.1 Appointment of Chief Executive Officer. The declaration is attached to these minutes.

3. ADMINISTRATOR MINUTES

Mr Greg Meyers Interim General Manager left the meeting and Mr Peter Wilson assumed position of temporary Acting Interim General Manager at 2:00pm.

DECISIONS FROM CLOSED SESSION

220/16

RECOMMENDATION:

Members of the press and public be excluded from the meeting of the Closed Session and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld. This action is taken in accordance with Section 10A(s) of the Local Government Act, 1993 as the items lists come within the following provisions:-

- 4.1 Appointment of Chief Executive Officer. (AINT/2016/09875) - *As this report deals with personnel matters concerning particular individuals (Section 10A(2)(a) of the Local Government Act 1993); AND deals with commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i) of the Local Government Act 1993). Council closes part of this meeting, in accordance with Council's Code of Meeting Practice, as consideration of this matter in open Council would be contrary to the public interest.*

The recommendation was ADOPTED.

RESUMPTION OF MEETING

221/16

RECOMMENDATION:

That the decisions of Closed Session be noted as follows:-

Mr Greg Meyers Interim General Manager re-joined the meeting at 2:05pm and assumed position of Interim General Manager.

4. CLOSED SESSION

4.1 Appointment of Chief Executive Officer

Ref: AINT/2016/09875

222/16

RECOMMENDATION:

- a) **The Administrator's Minute be received and noted;**
- b) **The preferred candidate selected at the conclusion of interviews in closed session be offered the position of Chief Executive Officer of Armidale Regional Council and the Administrator be authorised, with advice from the Recruitment Consultant to finalise negotiations based on the following:**
 - i. **A five year performance-based Contract;**
 - ii. **A total remuneration package of \$320,000;**
 - iii. **The contract of employment being in accordance with the standard contract required by the Office of Local Government, and in particular adoption of the Council Policies in Schedule A relating to the Chief Executive Officer.**
- c) **That no public announcement of the name of the successful candidate be made until the Administrator has obtained a written acceptance of the offer from the preferred candidate;**
- d) **That the Employment Contract between the appointee and the Council be executed under the Common Seal of the Council.**

The recommendation was ADOPTED.

The recommendation was ADOPTED.

There being no further business the Administrator declared the meeting closed at 2:07pm.

DECLARATION OF CONFLICT OF INTEREST FORM

To the Administrator,

Given Names: Gregory Surname: Meyers

Nature of Meeting: Ordinary
 (Please tick) Extraordinary
 Other (Please Specify)

Date of Meeting: ...30.../...11...../...2016.....

ITEM A - Report Item (see item B if the interest relates to environmental planning/zone control item)

Item No: 4.1 Appointment of Chief Executive Officer Page No: _____

Reason for the Interest: Appointment of the new Chief Executive Officer for which I been undertaking the duties in an Acting capacity.

This conflict of interest has been identified as an:

(Please tick appropriate boxes)

Actual conflict of interest	<input type="checkbox"/>	having a	Pecuniary Interest	<input checked="" type="checkbox"/>
Perceived conflict of interest	<input type="checkbox"/>		Non-pecuniary Interest	<input type="checkbox"/>
Potential conflict of interest	<input type="checkbox"/>			

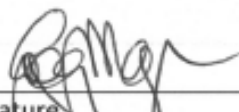
ITEM B - Report Item (complete if the interest relates to environmental planning/zone control)

Item No: _____ Page No: _____

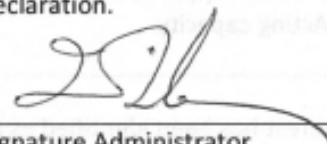
Pecuniary interest	
Address of land in which councillor or an associated person, company or body has a proprietary interest (the <i>identified land</i>) ¹	
Relationship of identified land to councillor [Tick one box.]	<input type="checkbox"/> Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> Associated person of councillor has interest in the land. <input type="checkbox"/> Associated company or body of councillor has interest in the land.

Matter giving rise to pecuniary interest ²	
Nature of land that is subject to a change in zone/ planning control by proposed LEP (the subject land) ³ [Tick one box]	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control [Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	
Proposed change of zone/planning control [Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]	

I hereby declare that the above details are correct to the best of my knowledge and I make this conflict declaration in good faith.


 Signature
 Date: 30/11/2016

I hereby declare that I have received and appropriately noted this conflict of interest declaration.


 Signature Administrator
 Date:/..../.....

IMPORTANT INFORMATION: This information is being collected for the purpose of making a special disclosure of pecuniary interests under sections 451 (4) and (5) of the *Local Government Act 1993*. You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints made about contraventions of these requirements may be referred by the Director-General to the Local Government Pecuniary Interest and Disciplinary Tribunal. This form must be completed by you before the commencement of the Council or Council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. This form is to be retained by the General Manager and included in full in the minutes of the meeting.

1. Section 443 (1) of the *Local Government Act 1993* provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative⁴ or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

2. Section 442 of the *Local Government Act 1993* provides that a **pecuniary interest** is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of that Act (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

3. A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in section 443 (1) (b) or (c) of the *Local Government Act 1993* has a proprietary interest—see section 448 (g) (ii) of the *Local Government Act 1993*.

4. **Relative** is defined by the *Local Government Act 1993* as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.