



MINUTES

Ordinary Council Meeting

23 October 2023

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**MINUTES OF SHIRE OF BOURKE
ORDINARY COUNCIL MEETING
HELD AT THE BOURKE SHIRE COUNCIL, 29 MITCHELL STREET BOURKE NSW
ON MONDAY, 23 OCTOBER 2023 AT 9.15AM**

PRESENT: Cr Barry Hollman (Mayor), Cr Victor Bartley, Cr Sarah Barton, Cr Sally Davis, Cr Cec Dorrington, Cr Lachlan Ford (Deputy Mayor), Cr Sam Rice, Cr Grace Ridge, Cr Robert Stutsel

IN ATTENDANCE: Leonie Brown (General Manager), Peter Brown (Manager Works), Paul Flanagan (Manager Roads Services), Melanie Milgate (Economic Development Manager), Ang Pasang Rai (Manager Corporate Services), Dwayne Willoughby (Manager Environmental Services), Margo Anderson (Executive Assistant - Minutes)

1 OPENING PRAYER

The Mayor opened the meeting with a prayer

2 ACKNOWLEDGEMENT OF COUNTRY

The Mayor then provided an Acknowledgment of Country

3 REMEMBRANCE

Council stood in silence in the memory of the following recently deceased:

Cr Peter Abbott	Edith Clatworthy	Jim Field	Dean Haseloff
Chris Johnson	Patsy Knight	Daphne Mackay	Dorothy O'Malley
David Sutton	David Watson	Warren Watzel	

4 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE

A request for Leave of Absence was received from Cr Nathan Ryan who was absent from the meeting due to personal reasons.

Resolution 2023/220

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the apology received from Councillor Nathan Ryan be accepted and leave of absence granted.

Carried

5 ATTENDANCE BY AUDIO VISUAL LINK BY COUNCILLORS

Nil

6 DISCLOSURES OF INTEREST

Cr Victor Bartley declared a pecuniary interest in Item 12.3. of the Agenda – Business Arising, Proposed Sale of Land to Bourke Aboriginal Corporation Health Service. The reason for such interest is that Cr Bartley is a Director on the Board of Management for the Bourke Aboriginal Corporation Health Service. In making this declaration, Cr Bartley advised he would leave the Chamber and be out of sight should Council consider this matter as part of Item 12.3 of the Agenda.

Cr Victor Bartley declared a significant non-pecuniary interest in Item 20.1 of the Agenda – Rotary Club Seniors Christmas Party. The reason for such interest is that Cr Bartley is a member of the Bourke Rotary Club, the applicant for financial assistance from Council in this matter. In making this declaration, Cr Bartley advised that he would leave the Chamber and be out of sight during Councils consideration of Item 20.1 of the Agenda.

Cr Sarah Barton declared a significant non-pecuniary interest in Item 12.3 of the Agenda - Business Arising, Proposed Projects Under Phase 4 of the Local Roads and Community Infrastructure Program (LR&CIP). The reason for such interest is that Cr Barton is the Secretary for the Back O' Bourke Picnic Race Club who make use of the Renshaw Sporting Complex and facilities, a potential project as listed in the report. In making this declaration, Cr Barton advised that she would leave the Chamber and be out of sight should Council consider this matter as part of Item 12.3 of the Agenda.

Cr Sarah Barton declared a significant non-pecuniary interest in Item 21.4 of the Agenda – General Managers Activity Report, Community Assets Program. The reason for such interest is that Cr Barton is employed by the Department of Regional NSW who administer this grant. In making this declaration, Cr Barton advised that she would leave the Chamber and be out of sight should Council consider this matter as part of Item 21.4 of the Agenda.

Cr Sarah Barton declared a significant non-pecuniary interest in Item 22.2 of the Agenda – Mayoral Minute – General Managers Performance Review. The reason for such interest is that Cr Barton has a family relationship with the General Manager. In making this declaration, Cr Barton advised that she would leave the Chamber and be out of sight during Councils consideration of Item 22.2 of the Closed Session Agenda.

Cr Sally Davis declared a pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Davis and her husband own land adjacent to the land the subject of the reports and is in discussion with Council regarding a potential sale of a portion of such land. In addition, she has a friendship with the landowner (Mr G Seiler). In making this declaration, Cr Davis advised she would leave the Chamber and be out of sight should Council separately consider this matter as part of Item 12.3 of the Agenda.

Cr Cec Dorrington declared a significant non-pecuniary interest in Item 22.2 of the Agenda – Mayoral Minute – General Managers Performance Review. The reason for such interest is that Cr

Dorrington has a family relationship with the General Manager. In making this declaration, Cr Dorrington advised that he would leave the Chamber and be out of sight during Councils consideration of Item 22.2 of the Closed Session Agenda.

Cr Grace Ridge declared a pecuniary conflict of interest in Item 12.3 of the Agenda – Business Arising, North Bourke Storm Water Drainage. The reason for such interest is that Cr Ridge and her family have a business relationship with the owner of the land detailed within the report. In making this declaration Cr Ridge advised that she would leave the Chamber and be out of sight should Council separately consider this matter as part of Item 12.3 of the Agenda.

Cr Grace Ridge declared a significant non-pecuniary interest in Item 12.3 of the Agenda - Business Arising, Proposed Projects Under Phase 4 of the Local Roads and Community Infrastructure Program (LR&CIP). The reason for such interest is that Cr Ridge is the President of the Bourke P & A Show Committee who make use of the Renshaw Sporting Complex and facilities, a potential project listed in the report. In making this declaration, Cr Ridge advised that she would leave the Chamber and be out of sight should Council consider this matter as part of Item 13.3 of the Agenda.

Councils General Manager, Mrs Leonie Brown, declared a significant non-pecuniary interest in Item 20.1 of the Agenda – Rotary Club Seniors Christmas Party. The reason for such interest is that Mrs Brown is a member of the Bourke Rotary Club, the applicant for financial assistance from Council in this matter. In making this declaration, Mrs Brown advised that she would leave the Chamber and be out of sight during Councils consideration of Item 20.1 of the Agenda.

Councils General Manager, Mrs Leonie Brown declared a pecuniary conflict of interest in Item 22.2 of the Councils Closed Session Agenda –Mayoral Minute-General Managers Performance Review. The reason for such interest is that the report relates directly to Mrs Brown employment. In making this declaration Mrs Brown advised that she would leave the Chamber and be out of sight during Councils consideration of Item 22.2 of the Closed Session Agenda.

7 MAYORAL MINUTE

7.1 MAYORAL MINUTE - MAYORAL ACTIVITY

File Number: M2.1

The Council had before it the report of the Mayor regarding the Mayoral Minute - Mayoral Activity.

Resolution 2023/221

Moved: Cr Barry Hollman

That the Mayoral Minute regarding Mayoral Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried

At this juncture, the Mayor extended his thanks to Cr Lachlan Ford for opening the Back O' Bourke Stampede given the Mayors inability to attend, and to the Committee, volunteers and staff who assisted with the organisation of this most successful event.

7.2 * MAYORAL MINUTE - CROSS BORDER MOU - BULLOO SHIRE**

File Number: C6.7, T4.1, A3.23

The Council had before it the report of the Mayor regarding the Mayoral Minute - Cross Border MoU - Bulloo Shire.

Resolution 2023/222

Moved: Cr Barry Hollman

- 1. That Council advise the Border Region Organisation of Councils (BROC), Bulloo Shire Council and Paroo Shire Council that it supports the Cross Border initiatives.**
- 2. That Council agree to entering into separate Memorandums of Understanding with Bulloo Shire Council and Paroo Shire Council, generally based on the draft MoU as provided by BROC.**
- 3. That the Mayor and General Manager be authorised to take the necessary action to negotiate, finalise and enter into separate Memorandums of Understanding with Bulloo Shire Council and Paroo Shire Council.**

Carried

8 STARRING OF ITEMS

Council's Code of Meeting Practice provides that Council may at any time, resolve to adopt multiple items of business on the agenda by way of a single resolution.

In this regard the council had before it a list of reports, unstarred, with such items proposed to be adopted by Council in a single resolution. The following additional reports were identified by Council to be starred for individual consideration.

Item No	Name of Report	Officer
15.4	Australia Day	Leonie Brown
17.1	Historical Hotel Tour	Melanie Milgate

Resolution 2023/223

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the recommendations as detailed in the un-starred items as contained in the agenda for the Ordinary Meeting of Council, held on Monday, 23 October 2023 be adopted save and except for Items No 15.4 and 17.1 of the Agenda, with such items to be considered seperately.

Carried

9 CONFIRMATION OF MINUTES**Resolution 2023/224**

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the minutes of the Ordinary Council Meeting held on 25 September 2023 be taken as read, confirmed as correct minutes and signed by the Mayor and the General Manger.

Carried

10 RESCISSION MOTIONS

Nil

11 NOTICES OF MOTION

Nil

12 BUSINESS ARISING**12.1 CALENDAR OF EVENTS**

File Number: C12.6

The Council had before it the report of the General Manager regarding the Calendar of Events.

Resolution 2023/225

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the report of the General Manager regarding the Calendar of Events, as presented to Council on Monday, 23 October 2023, be noted.

Carried

12.2 INFORMATION TO COUNCILLORS

File Number: C12.1

The Council had before it the report of the General Manager regarding the Information to Councillors.

Resolution 2023/226

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the report of the General Manager regarding Information to Councillors, as presented to Council on Monday, 23 October 2023, be noted.

Carried

12.3 * BUSINESS ARISING REPORT**

File Number: C12.1

The Council had before it the report of the General Manager regarding the Business Arising.

Resolution 2023/227

Moved: Cr Robert Stutsel

Seconded: Cr Lachlan Ford

That the report of the General Manager regarding Business Arising, as presented to Council on Monday, 23 October 2023, be noted.

Carried

13 ENGINEERING SERVICES DEPARTMENT

Nil

14 ENVIRONMENTAL SERVICES & DEVELOPMENT DEPARTMENT**14.1 ALCOHOL FREE ZONE - TOWNSHIP OF BOURKE****File Number: H1.5**

The Council had before it the report of the Manager Environmental Services regarding the Alcohol Free Zone - Township of Bourke.

Resolution 2023/228**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That Council approves the continuation of the Alcohol-Free Zone within the levee of the township of Bourke from 1 January 2024 to 31 December 2027 and to notify the public in accordance with the Ministerial Guidelines.

Carried**15 GENERAL MANAGER****15.1 *** CHRISTMAS - NEW YEAR CLOSURE****File Number: A3.10.1**

The Council had before it the report of the General Manager regarding the Christmas - New Year Closure.

Resolution 2023/229**Moved: Cr Sally Davis****Seconded: Cr Sam Rice**

- 1. That Councils Shire Office and Library close at 4.30pm on Thursday, 21 December 2023 and re-open at their respective regular opening times on Monday, 8 January 2024.**
- 2. That Councils other facilities including the Memorial Swimming Pool, Waste Depot and Back O' Bourke Exhibition Centre close for Christmas Day on Monday, 25 December 2023, and that dates and times of operation for these facilities during the remaining days of Christmas/New Year period be determined by the General Manager, having regard to demand and operational requirements.**
- 3. That it be noted that Council will maintain a skeleton crew to provide appropriate on-call staff to respond to urgent maintenance work or emergency situations during the holiday period.**
- 4. That the community be advised of Councils Christmas/New Year holiday arrangements.**

Carried

15.2 * COUNCIL REPRESENTATION ON OUTBACK ARTS****File Number: 20260**

The Council had before it the report of the General Manager regarding the Council Representation on Outback Arts.

Resolution 2023/230**Moved: Cr Grace Ridge****Seconded: Cr Victor Bartley**

1. That the General Manager be requested to liaise with Councillor Ridge with a view to determining a suitable delegate and alternate delegate to represent Council on the Outback Arts.
2. That following Councils determination of the delegate and alternate delegate, Outback Arts be advised accordingly.

Carried**15.3 DISCLOSURE OF INTEREST IN WRITTEN RETURNS****File Number: C11.7,S2.29**

The Council had before it the report of the General Manager regarding the Disclosure of Interest in Written Returns.

Resolution 2023/231**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

1. That the tabling of the Disclosure of Interest Returns at the Ordinary Meeting of Council held on 23 October 2023, as detailed in the report of the General Manager, be noted.
2. That as per Information Access Guideline 1, as issued by the NSW Information Commissioner, Council proceed to publish the tabled Disclosure of Interest Returns of Councillors and Designated Persons on the Council website, on the basis of addresses and signatures on each Return being redacted prior to publication.

Carried

15.4 AUSTRALIA DAY**File Number: C2.3-C2.31**

The Council had before it the report of the General Manager regarding Australia Day.

Resolution 2023/232**Moved: Cr Sarah Barton****Seconded: Cr Sam Rice****1. That the award categories for the 2024 Australia Day Awards be as follows:**

- Citizen of the Year
- Junior Citizen of the Year
- Sportsperson of the Year
- Junior Sportsperson of the Year
- Village Service Award
- Emergency Services Person of the Year
- Community Event of the Year

2. That nominations in respect of the 2024 Australia Day Awards open on Wednesday 1 November 2023 and close at 4.30 pm on Monday 4 December 2023.**3. That Council delegate to the General Manager the role of finalising the determination of the Bourke Shire Council Australia Day Award Recipients, having regard to deliberations to be undertaken as part of a Workshop of Councillors to be convened following the Ordinary Council meeting to be held on 18 December 2023.****Carried****16 CORPORATE SERVICES DEPARTMENT****16.1 *** BANK RECONCILIATION AND STATEMENT OF BANK BALANCES - 30 SEPTEMBER 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Bank Reconciliation and Statement of Bank Balances - 30 September 2023.

Resolution 2023/233**Moved: Cr Cec Dorrington****Seconded: Cr Sam Rice**

That the Certificate of Reconciliation of the Cash Book for all funds of the Council and the Statement of Bank Balances as at 30 September 2023 be noted.

Carried

16.2 * INVESTMENT PORTFOLIO REPORT AS AT 30 SEPTEMBER 2023****File Number: F1.1**

The Council had before it the report of the Manager Corporate Services regarding the Investment Portfolio as at 30 September 2023.

Resolution 2023/234**Moved: Cr Cec Dorrington****Seconded: Cr Victor Bartley**

- 1. That the report of the Manager Corporate Services regarding Council's Investment Portfolio as at 30 September 2023, as presented to Council on Monday, 23 October 2023, be received and noted.**
- 2. That the Certificate of the Responsible Accounting Officer be noted, and the report adopted.**

Carried**16.3 CODE OF CONDUCT - ANNUAL SUMMARY****File Number: 2573**

The Council had before it the report of the Manager Corporate Services regarding the Code of Conduct - Annual Summary.

Resolution 2023/235**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

- 1. That it be noted that no Code of Conduct Complaints were made about Councillors and the General Manager, or costs incurred, during the reporting period of 1 October 2022 till 30 September 2023.**
- 2. That the Office of Local Government be advised accordingly as per Part 11.2 of the Procedures for the Administration of the Model Code of Conduct.**

Carried

16.4 AGENCY INFORMATION GUIDE AND ACCESS TO INFORMATION POLICY REVIEW**File Number: P4.1**

The Council had before it the report of the Manager Corporate Services regarding the Agency Information Guide and Access to Information Policy Review.

Resolution 2023/236**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That Council adopt the Agency Information Guide 2023 and Access to Information Policy for integration into operational controls in accordance with *Government Information (Public Access) Act 2009*.

Carried**17 ECONOMIC DEVELOPMENT DEPARTMENT****17.1 *** HISTORICAL HOTEL TOUR****File Number: 2897, 3283**

The Council had before it the report of the Manager Economic Development regarding the Historical Hotel Tour.

Resolution 2023/237**Moved: Cr Sally Davis****Seconded: Cr Grace Ridge**

That the report of the Manager Economic Development regarding the Historic Hotel Tour, as presented to Council on Monday, 23 October 2023, be noted.

Carried**18 DELEGATES AND COUNCILLORS REPORTS**

Nil

19 POLICIES

Nil

20 PRÉCIS OF CORRESPONDENCE

At this juncture, Cr Victor Bartley and the General Manager left the meeting, the time being 10:07 am.

20.1 * ROTARY CLUB SENIORS CHRISTMAS PARTY**

File Number: 1725, 4188

The Council had before it the report of the Executive Assistant regarding the Rotary Club Seniors Christmas Party.

Resolution 2023/238

Moved: Cr Robert Stutsel

Seconded: Cr Lachlan Ford

That Council accede to the request of the Bourke Rotary Club Inc, for financial assistance in the amount of \$500 to cover the hire costs of the Back O' Bourke Function Centre to assist the Club as it hosts a Christmas Party for Senior Citizens residing in Bourke on Saturday, 25 November 2023.

Carried

At this juncture, the General Manager returned to the meeting, the time being 10:09 am.

21 ACTIVITY REPORTS**21.1 ENGINEERING SERVICES - ROAD WORKS AND WORKSHOP ACTIVITY REPORT**

File Number: E7.1

The Council had before it the report of the Manager Roads regarding the Engineering Services - Road Works and Workshop Activity.

Resolution 2023/239

Moved: Cr Robert Stutsel

Seconded: Cr Sarah Barton

That the report of the Manager Roads regarding Engineering Services - Road Works and Workshop Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried

21.2 ENGINEERING SERVICES - PARKS AND GARDENS, TOWN SERVICES, WATER AND WASTE WATER ACTIVITY REPORT**File Number: E7.1**

The Council had before it the report of the Manager Works regarding the Engineering Services - Parks and Gardens, Town Services, Water and Waste Water Activity.

Resolution 2023/240**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the report of the Manager Works regarding Engineering Services - Parks and Gardens, Town Services and Water and Wastewater Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried**21.3 PLANNING, REGULATORY AND ENVIRONMENTAL SERVICES ACTIVITY REPORT****File Number: D3.1-A11.1-A8.1-S10.1**

The Council had before it the report of the Manager Environmental Services regarding the Planning, Regulatory and Environmental Services Activity.

Resolution 2023/241**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the report of the Manager Environmental Services regarding Planning, Regulatory and Environmental Services Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried**21.4 GENERAL MANAGER'S ACTIVITY REPORT****File Number: G2.1**

The Council had before it the report of the General Manager regarding the General Manager's Activity.

Resolution 2023/242**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the report of the General Manager regarding General Manager Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried

21.5 LIBRARY ACTIVITY REPORT**File Number: L4.1**

The Council had before it the report of the Library Manager regarding the Library Activity.

Resolution 2023/243**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the report of the Library Manager regarding Library Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried**21.6 TOURISM AND EVENTS ACTIVITY REPORT****File Number: T4.3**

The Council had before it the report of the Coordinator Tourism Operations regarding the Tourism and Events Activity.

Resolution 2023/244**Moved: Cr Robert Stutsel****Seconded: Cr Sarah Barton**

That the report of the Coordinator Tourism regarding Tourism and Events Activity, as presented to Council on Monday, 23 October 2023, be noted.

Carried

22 CLOSED SESSION

At this juncture, the Council gave consideration to moving into Closed Session of Council.

Resolution 2023/245

Moved: Cr Cec Dorrington

Seconded: Cr Sarah Barton

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

22.1 * Tender for Provision of Linemarking Services**

This matter is considered to be confidential under Section 10A(2) - (d)(ii) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.

22.2 * Mayoral Minute - General Managers Performance Review**

This matter is considered to be confidential under Section 10A(2) - (a) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

Carried

Council proceeded into closed session with the livestreaming of the meeting being paused at 10.10am.

At this juncture Cr Victor Bartley returned to the meeting, the time being 10:11am.

22.1 * TENDER FOR PROVISION OF LINEMARKING SERVICES****File Number: 20262**

The Council had before it the report of the Manager Roads regarding the Tender for Provision of Linemarking Services.

Resolution 2023/246**Moved: Cr Lachlan Ford****Seconded: Cr Cec Dorrington**

- 1. That ACT Linemarking Pty Ltd; Central West Linemarking Pty Ltd t/a Central West Linemarking; Capital Lines & Signs Pty Ltd; Complete Linemarking Services Pty Ltd; OZ Linemarking NSW Pty Ltd; Stelcorp Pty Ltd t/a Total Linemarking Resources; and Jenalad Pty Ltd t/a Whiteline Road Services be awarded the contract for the provision of linemarking services as Panel Source Suppliers to Bourke Shire Council for the period 1 January 2024 to 31 December 2025.**
- 2. That a provision be allowed for a 12-month extension based on satisfactory supplier performance, which may take this contract through to 31 December 2026.**
- 3. That Regional Procurement be advised of the Council Resolutions.**
- 4. That the documents and considerations in respect of this matter remain confidential to Council.**

Carried

At this juncture, Cr Sarah Barton, Cr Cec Dorrington, the General Manager, and at the request of Council, all staff left the meeting, the time being 10:12 am.

22.2 * MAYORAL MINUTE - GENERAL MANAGERS PERFORMANCE REVIEW**

File Number: S3.5.21, 3955

The Council had before it the report of the Mayor regarding the Mayoral Minute - General Managers Performance Review.

Resolution 2023/247

Moved: Cr Lachlan Ford

Seconded: Cr Sally Davis

- 1. That Council endorse the report of the General Managers Performance Review Committee and specifically the “Summary of Annual Performance Monitoring” advice as prepared by Local Government Management Solutions.**
- 2. That the General Manager, Mrs Leonie Brown, be congratulated on her performance score of 3.54 – “Meets Expectations to Exceeds Expectations” level.**
- 3. That following the 2022/2023 Annual Performance Review of Councils General Manager, Mrs Leonie Brown, and the better than satisfactory performance result, Mrs Browns existing Total Remuneration Package be increased by way of a 4.5% discretionary increase to \$292,600 effective 23 October 2023 for the duration of her Contract of Employment with Council.**
- 4. That the documents and considerations in respect of this matter remain confidential to the Council.**

Carried

Resolution 2023/248

Moved: Cr Sam Rice

Seconded: Cr Sally Davis

That Council moves out of Closed Council into Open Council.

Carried

At this juncture, Cr Sarah Barton, Cr Cec Dorrington, the General Manager and staff returned to the meeting, the time being 11.08am.

Open council resumed at 11.08am.

RESOLUTIONS FROM CLOSED SESSION OF COUNCIL

At the request of the Mayor, the Executive Assistant read to the meeting the Councils resolutions as determined in the Closed Session of Council.

The Meeting closed at 11.12am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 November 2023.

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CHAIRPERSON