

**Minutes of the Extraordinary Council Meeting
of Shellharbour City Council
held in the Council Chambers,
Council Administration Centre,
Shellharbour City Centre
on Tuesday 5 July 2022 commencing at 6.30pm**

Present

Mayor	C Homer
Deputy Mayor	K Marsh
Councillor	J Davey
Councillor	M Edwards
Councillor	C Gow
Councillor	J Graf
Councillor	M Hamilton
Councillor	R Petreski
Councillor	L Stefanovski

In attendance

Executive Manager / Public Officer	F Lepouras
Acting Governance Manager	L Davey
Executive Assistant–Councillor Support (Minute Taker)	J Frasca

1. Acknowledgement to Country

Shellharbour City Council acknowledges the Traditional Custodians of the Dharawal Country and recognise their continued connection to the land we meet on today. We pay our respects to Elders past, present and emerging and the contribution they make to the life of this city and this region and extend our recognition to their descendants who continue to live on country.

Webcasting Statement

Council broadcasts its meeting live to enhance the accessibility of Council Meetings to the broader Shellharbour City Community. Recordings can be downloaded from Council's website for later viewing. For further information on Privacy refer to Council's website.

Council accepts no responsibility for any defamatory or offensive statements. Conduct standards of behaviour during Council meetings and Public Address forums are available on Council's website.

Should Council need to consider confidential matters during a Council Meeting, the open Council meeting will adjourn, the online webstreaming will be paused and will resume when the open meeting has resumed.

Please ensure that mobile phones and other electronic devices are turned off or are in silent mode for the duration of the meeting.

In the event of an emergency, please evacuate the building using the nearest exit and follow the instructions given by the wardens. Do not use the lifts.

Statement of Ethical Obligations

The Mayor and Councillors are reminded of their Oath/Affirmation of office made under Section 233A of the *Local Government Act 1993* and their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

2. Apologies

Nil.

3. Leave of Absence

Nil.

4. Disclosures of Interest

Nil.

5. Confidential Business (Committee of the Whole in Closed Session)

In accordance with the *Local Government Act 1993*, and the *Local Government (General) Regulation 2005*, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

Set out below is Section 10A(2) of the Local Government Act 1993, in relation to Confidential Business:

10A(2) Which parts of a meeting can be closed to the public? The matters and information are the following:

- (a) personnel matters concerning particular individuals (other than councillors),
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege,
- (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

CONFIDENTIAL ITEMS

5.1 Confidential – Late Mayoral Minute: Appointment of Chief Executive Officer (General Manager)

Reason for Confidentiality

This item is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the *Local Government Act 1993*, which permits the meeting to be closed to the public for business relating to the following:

- (a) personnel matters concerning particular individuals (other than councillors)

This Mayoral Minute is confidential as it relates to the personal information of potential candidates for the position of Chief Executive Officer (General Manager).

**6. Committee of the Whole in Closed Session (closed to the public):
Adjournment**

The Mayor did not ask if members of the public wished to speak on the reasons why Item 5.1 should not be held in confidential session as there were no members of the public present in the public gallery.

140 RESOLVED: Petreski/Marsh

1. That Council resolve into Committee of the Whole (in Confidential Session) to consider the above business as listed.
2. That pursuant to Section 10A(1-3) of the *Local Government Act 1993*, the press and public be excluded from the proceedings on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(a) of the Act as outlined above.
3. That the correspondence and reports relevant to the subject business be withheld from access to the press and public in accordance with Section 11(2) of the *Local Government Act 1993*.

CARRIED UNANIMOUSLY

**Meeting adjourned at 6.33pm
Meeting resumed at 6.51pm**

**7. Committee of the Whole in Closed Session: Consideration of Adoption of
Decisions Reached in Closed Session**

The following Recommendations to Council from the Committee of the Whole (Confidential) session were read to the Meeting by the Executive Manager / Public Officer:

**5.1 Confidential – Late Mayoral Minute: Appointment of Chief Executive
Officer (General Manager)**

1. That the Report to the Council Meeting held on 5 July 2022 on the outcome of interviews for appointment to the position of Chief Executive Officer (General Manager) for Shellharbour City Council be received and noted.
2. That the preferred candidate, Candidate A, selected at the final interviews conducted by the full Council at confidential interviews held on 4 July 2022 and outlined in this confidential Mayoral Minute be offered the position of Chief Executive Officer (General Manager) of Shellharbour City Council and the Mayor, in consultation with the Recruitment Consultant, be

authorised to negotiate and finalise the appointment based on the following terms and conditions:

- a. A five (5) year performance based contract in accordance with the standard contract of employment for General Managers in NSW.
 - b. A total remuneration package of \$370,000 being the total value of all components of remuneration offered, including salary, superannuation, the private use value of the Council provided motor vehicle under a novated lease or leaseback arrangement and any other benefits negotiated with the successful candidate.
 - c. A relocation allowance be offered to the candidate if required up to a limit of \$10,000 to cover the cost of relocating the candidate and family along with household and other items.
 - d. Adoption of the Council Policies in Schedule A of the contract relating to entitlements provided to the Chief Executive Officer (General Manager).
3. That no public announcement of the name of the successful candidate be made until such time as the Mayor has obtained a written acceptance of the offer from the preferred candidate.
 4. That Council maintain the confidentiality of the documents and considerations in respect of the Chief Executive Officer (General Manager) recruitment process.
 5. That the Employment Contract between the appointee and the Council be executed under Council Seal.

141 RESOLVED: Stefanovski/Davey

The Recommendations to Council from the Committee of the Whole held earlier today be adopted.

CARRIED UNANIMOUSLY

Meeting closed 6.55pm