

**MINUTES of the MEETING of RIVERINA WATER COUNTY COUNCIL,
held at 91 HAMMOND AVENUE, WAGGA WAGGA,
on WEDNESDAY 27TH FEBRUARY 2013 at 1.42 pm**

PRESENT: Clr. G. Hiscock, Clr. R. Kendall I. Kreutzberger, Clr. J. McInerney, Clr. D Meyer OAM, Clr. A. Negline, Clr. K. Pascoe, Clr. K. Poynter & Clr. G Verdon.

The General Manager, Director of Engineering, Senior Project Engineer, Finance Administration Manager and Naomi Stuart (Internal Auditor) were in attendance.

13/1 An apology for non-attendance was received from Clr. Kreutzberger and leave of absence was GRANTED on the motion of Clrs. McInerney and Kendall.

DECLARATION OF PECUNIARY & NON-PECUNIARY INTEREST

13/2 No declarations of Pecuniary & Non-pecuniary interest received.

CONFIRMATION OF MINUTES

13/3 The Minutes of the Meeting of 14th December 2012 having been circulated and read by the Members, were taken as being CONFIRMED on the motion of Clrs. Negline and Meyer OAM, subject to changing the name of the seconder of motion 12/168 to Councillor McInerney.

CORRESPONDENCE

SHIRES ASSOCIATION OF NSW: forwarding a copy of Weekly Circulars 50/12 – 08/13.

STAFF CONSULTATIVE COMMITTEE: (27th February 2013) forwarding Minutes of the Staff Consultative Committee Meeting held 18th December 2012.

HEALTH AND SAFETY COMMITTEE: (27th February 2013) forwarding Minutes of the Health and Safety Committee Meeting held 14th February 2013.

13/4 RESOLVED, on the motion of Clrs. Kendall and Negline that the correspondence be received.

GENERAL MANAGER'S REPORT

FINANCIAL STATEMENTS – LIST OF INVESTMENTS

- 13/5 RESOLVED on the motion of Clrs. Poynter and Pascoe that the report detailing Council's external investments for the months of December 2012 and January 2013 be received.

Director of Engineer entered meeting 1.47 pm

QUARTERLY BUDGET REVIEW – PERIOD ENDED 21ST DECEMBER 2012

- 13/6 RESOLVED on the motion of Clrs. Kendall and Pascoe that the Quarterly Budget Review for the period ended 31st December 2012 is submitted for examination by the Council.

LOAN FACILITY

- 13/7 RESOLVED on the motion of Clrs. Poynter and Negline that Council resolve to borrow \$15,000,000 over 10 years from the National Australia Bank on 28th February 2013, being budgeted borrowing under the LIRS, to fund part of the new water treatment plant project.

AGREEMENT – LOCAL INFRASTRUCTURE RENEWAL SCHEME

- 13/8 RESOLVED on the motion of Clrs. McInerney and Pascoe that Riverina Water County Council complete the agreement for a 4% interest subsidy under the Local Infrastructure Renewal Scheme, for the Wagga Wagga Water Treatment Plant Replacement, under the Common Seal of Council.

MINUTES OF AUDIT AND RISK COMMITTEE

- 13/9 RESOLVED on the motion of Clrs. Negline and Poynter that Council receive and note the minutes of the Audit and Risk Committee Meeting held on 7th February 2013 and endorse the recommendations contained therein.

DELEGATION TO COUNCIL OF FUNCTIONS UNDER THE PLUMBING AND DRAINAGE ACT 2012

- 13/10 RESOLVED on the motion of Clrs. Kendall and Meyer that Council advise NSW Fair Trading that it is willing to accept the delegation of regulatory powers under the Plumbing and Drainage Act 2012 and that Council complete the Instrument of Delegation under the Common Seal of Council.

PROPOSED ACQUISITION OF RWCC LAND ON WILLANS HILL FOR ROAD PURPOSES

- 13/11 RESOLVED on the motion of Clrs. McInerney and Kendall that Riverina Water County Council agree to the sale of lots 8 and 10 of DP 1177748 for road purposes to Wagga Wagga City Council and that Council resolve to complete any necessary documents under the Common Seal of the Council.

DRAFT POLICY 1.1 DRAFT CODE OF CONDUCT

- 13/12 RESOLVED on the motion of Clrs. Verdon and Poynter that Riverina Water County Council adopt Draft Policy 1.1 Code of Conduct and Draft Policy 1.1a Procedures for the Administration of the Model Code of Conduct and that Council enter into an arrangement with Riverina Eastern Regional Organisation of Councils (REROC) to share a panel of conduct reviewers and, until the panel of reviewers is appointed, that Council reappoint Mr. Gerry Holmes as its independent code of conduct reviewer.

DRAFT POLICY 1.2 DRAFT CODE OF MEETING PRACTICE

- 13/13 RESOLVED on the motion of Clrs. Kendall and Pascoe that Riverina Water County Council adopt Draft Policy 1.21 Code of Meeting Practice.

Naomi Stuart left meeting 2.17 pm

DRAFT POLICY 1.18 ACKNOWLEDGEMENT OF COUNTRY

- 13/14 RESOLVED on the motion of Clrs. Kendall and Pascoe that Riverina Water County Council adopt Draft Policy 1.16 Acknowledgement of Country, subject to the policy being changed to where the Statement is made at the start of each Council Meeting.

DRAFT POLICY 1.22 BUSINESS CONTINUITY

- 13/15 RESOLVED on the motion of Clrs. Pascoe and Poynter that Riverina Water County Council adopt Draft Policy 1.22 Business Continuity.

DRAFT INTERNAL POLICY 1.5 USE OF AUTHORITY ACCOUNTING AND MANAGEMENT SYSTEM

- 13/16 RESOLVED on the motion of Clrs. Verdon and Meyer that Riverina Water County Council adopt Internal Policy 1.5 Use of Authority Accounting and Management System.

PERFORMANCE REVIEW – GENERAL MANAGER

- 13/17 RESOLVED on the motion of Clrs. Pascoe and McInerney that the Council consider the Chairman's Report "Performance Review – General Manager" whilst the meeting is closed to the Public as it relates to personnel matters about an individual, as prescribed by Section 10A(2)(a) of the Local Government Act 1993.

DIRECTOR OF ENGINEERING'S REPORT FOR MONTH OF DECEMBER 2012

- 13/18 RESOLVED on the motion of Clrs. Kendall and Pascoe that the Director of Engineering's report covering the month of December 2012 be received and noted.

DIRECTOR OF ENGINEERING'S REPORT FOR MONTH OF JANUARY 2013

- 13/19 RESOLVED on the motion of Clrs. Poynter and Negline that the Director of Engineering's report covering the month of January 2013 be received and noted.
- 13/20 MOTION by Rod Kendall Council undertake appropriate lobbying with the Local Government Association, relevant Ministers and unions to address the issue of detectability of underground services laid by other authorities and standards of construction.

QUESTIONS AND STATEMENTS

- 13/21 Clr. McInerney: Refer to page 19 of business paper – legal costs, concern at high figure.

General Manager: Cost for ongoing Court Case, legal firm in Sydney and transfers. Police have advised that they will lodge a request for costs and reimbursement.

Clr. Negline: Requested an update on Court Case, in paper recently that it has been delayed.

General Manager: The defence has about 14 boxes of evidence to go through, could be late 2013 before it is finalised.

13/22 Clr. McInerney: Raised at last Council Meeting in December, investigation and report on bottling and sale of water from Ralvona Bore.

General Manager: Will do report for next meeting, currently agreement with Dentists which would run out next year, they have exclusive rights to botting water from Ralvona Bore

13/23 Clr. Verdon: Put a leave of absence for next meeting in April.

13/24 Chairperson: Next Meeting will be Wednesday, 24th April 2013.

RESOLUTION TO MOVE INTO CLOSED COUNCIL

13/25 RESOLVED, on the motion of Clrs Negline and Pascoe that Council now resolve itself into Closed Council to consider business identified.

Council closed its meeting at 3.05 pm

Pursuant to section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public were present or made representations.

CLOSED COUNCIL

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

13/26 RESOLVED, on the motion of Clrs Negline and Pascoe that:

1. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business is to be considered is classified confidential under the provisions of section 10A(2)(c) as outlined above.
2. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required under section 11(2) of the Local Government Act 1993.

LOAN FACILITY

This item is classified as confidential under Section 10A(2) of the Local Government Act which permits the meeting to be closed to the public for business relating to the following:

c) Commercial Information, the disclosure of which would be likely to prejudice the commercial position of the persons who supplied it.

13/27 RESOLVED on the motion of Clrs. McInerney and Negline that this report be received and noted.

GENERAL MANAGER'S PERFORMANCE REVIEW

This item is classified as confidential under Section 10A(2) of the Local Government Act 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).

13/28 RESOLVED on the motion of Clrs. Negline and Poynter that this report be received and that, under the provisions of Clause 8.3 of his employment contract, the total remuneration package of the General Manager be increased to \$192,726.65 commencing 17th January 2013

OPEN COUNCIL

13/29 RESOLVED, on the motion of Clrs McInerney and Pascoe that Council move out of Closed Council and into Open Council.

DECISIONS READ ALOUD

The Chairman read aloud the decisions of the Council made whilst the meeting was closed to the public.

The Meeting concluded at 3.15 pm
