

**MINUTES of the MEETING of RIVERINA WATER COUNTY COUNCIL,
held at 91 HAMMOND AVENUE, WAGGA WAGGA,
on WEDNESDAY, 23rd OCTOBER 2013 at 1.30 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 and Phillip Swaffield (Internal Auditor) were in attendance.

Mr. Denis Smith and Andrew Dore (North Urana Water Group) were present.

13/135 An apology for non-attendance was received from Clr. Negline and leave of absence was GRANTED on the motion of Clrs. Kreutzberger and Kendall.

Clr. G. Hiscock, Acting Chairperson opened the meeting.

DECLARATION OF PECUNIARY & NON-PECUNIARY INTEREST

13/136 No declarations of Pecuniary & Non-pecuniary interest received.

CONFIRMATION OF MINUTES

13/137 The Minutes of the Meeting of 28th August 2013 having been circulated and read by the Members, were taken as being CONFIRMED on the motion of Clrs. Poynter and Pascoe.

CORRESPONDENCE

LOCAL GOVERNMENT NSW: forwarding a copy of Weekly Circulars 35/13 – 42/13.

HEALTH AND SAFETY COMMITTEE: (15th October 2013) forwarding Minutes of the Health and Safety Committee Meeting held 3rd October 2013.

STAFF CONSULTATIVE COMMITTEE: (26th September 2013) forwarding Minutes of the Staff Consultative Committee meeting held 18th September 2013.

13/138 RESOLVED, on the motion of Clrs. Kreutzberger and Verdon that the correspondence be received.

ACKNOWLEDGEMENT OF COUNTRY

13/139 Acting Chairperson Clr. Hiscock read out the Acknowledgement of Country.

ELECTION OF CHAIRPERSON

There was 1 nomination for the office of Chairperson for the ensuing year, that of Clr. Hiscock.

13/140 Clr. Hiscock was ELECTED Chairperson.

ELECTION OF DEPUTY CHAIRPERSON

There was 1 nomination for the office of Deputy Chairperson for the ensuing year, that of Clr. Verdon.

13/141 Clr. Verdon was ELECTED Deputy Chairperson.

GENERAL MANAGER'S REPORT

NOTICE OF MOTION

13/142 RESOLVED on the motion of Clrs. McInerney and Verdon that Council:

1. Authorises the Chairman, subject to the agreement of the Deputy Chairman and at least one other Councillor, to seek independent legal advice in relation to governance matters relating to the Council that may arise from time to time; and
2. Makes appropriate funds available for this purpose.

REQUEST FOR TEMPORARY SUPPLY OF RAW WATER, MR DENIS SMITH, URANA

13/143 RESOLVED on the motion of Clrs. Kendall and McInerney that Council Suspend Standing Orders to allow Mr. Denis Smith to present information on history of the North Urana Water Group and their requirements for water supply.

13/144 RESOLVED on the motion of Clrs. Poynter and Pascoe that Council Resume Standing Orders.

13/145 RESOLVED on the motion of Clrs. McInerney and Verdon that Council supply raw water for a limited time, to Mr. Denis Smith of Urana with the following conditions:

1. the water be discharged to a water tank or similar;
2. the water have no direct connection to any residence;
3. the water be supplied up to 30 April 2014;
4. this decision made on basis of extraordinary circumstances and will not be regarded as a precedent;
5. all reasonable costs to be borne by Mr Smith;
6. that Mr Smith indemnify Riverina Water County Council against any damage that may be caused by the supply of raw water and install appropriate signage on his property advising that the water is not potable;
7. that a report on previous undertakings by Riverina Water County Council to supply connections for rural consumers along the Urana pipeline be made to Council.

Denis Smith and Andrew Dore left meeting 2.15 pm

MINUTES OF AUDIT AND RISK COMMITTEE

13/146 RESOLVED on the motion of Clrs. Poynter and Verdon that Council receive and note the minutes of the Audit and Risk Committee Meeting held on 10TH September 2013 and endorse the recommendations contained therein.

FINANCIAL STATEMENTS – LIST OF INVESTMENTS

13/147 RESOLVED on the motion of Clrs. Kreutzberger and Pascoe that the report detailing Council's external investments for the months of August and September 2013 be received.

QUARTERLY BUDGET REVIEW – PERIOD ENDED THE 30TH SEPTEMBER 2013

13/148 RESOLVED on the motion of Clrs. Meyer OAM and Pascoe that the Quarterly Budget Review for the period ended 30th September 2013 be received and adopted.

FINANCIAL STATEMENTS 2012/2013

13/149 RESOLVED on the motion of Clrs. Kreutzberger and McInerney that the 2012/2013 Audited Financial Statements be received.

Councillor's auditor Peter King from John L Bush and Campbell entered the meeting at 2.35 pm.

13/150 RESOLVED on the motion of Clrs. McInerney and Poynter that Council suspend standing orders.

Mr Peter King of John L. Bush and Campbell presented his report on the Annual Financial Statements for 2012/2013.

- 13/151 RESOLVED on the motion of Clrs. Poynter and Kendall that Council resume standing orders.

OPERATIONAL PLAN – PERFORMANCE TARGETS

- 13/152 RESOLVED on the motion of Clrs. Kreutzberger and Pascoe that the report detailing the progress achieved towards the various objectives set out in the 2013/2014 Operational Plan be noted and received.

Clr. Verdon requested more detail on progress reports.

DISCLOSURE OF INTEREST RETURNS

- 13/153 RESOLVED on the motion of Clrs. Verdon and Meyer that the information be noted.

APPOINTMENT OF ACTING GENERAL MANAGER

- 13/154 RESOLVED on the motion of Clrs. McInerney and Kendall and that Council consider the Report “Appointment of Acting General Manager” whilst the meeting is closed to the public as it relating to personnel matters about an individual, as prescribed by Section 10A(2)a) of the Local Government Act 1993.

APPOINTMENT OF COUNCIL REPRESENTATIVES

- 13/155 RESOLVED on the motion of Clrs. Kendall and McInerney that Council appoint the following representatives to the named Committees:

- a) General Manager’s Performance Review Committee
Clrs. Kendall and McInerney.
- b) Audit and Risk Committee, plus an alternate
Clr. Negline, with Clr. Poynter as the alternate.
- c) Staff Consultative Committee
Clr. Poynter.
- d) Murray Darling Association – Murrumbidgee Region
Clr. Hiscock.
- e) Riverina Eastern Regional Organisation of Councils (REROC) – *Clr. Hiscock and General Manager.*

**REQUEST FOR A REDUCTION IN HEADWORKS CHARGES –
PILGRIM UNITING CHURCH**

- 13/156 RESOLVED on the motion of Clrs. Kendall and McInerney that Council make a contribution \$12,000 to the Uniting Church in Australia, Wagga Wagga, to assist in offsetting increase in connection cost of their project, noting the community benefits of the project and the 2013/14 budget to be adjusted accordingly.

MEMBERSHIP COMMITTEE 4 WAGGA

- 13/157 RESOLVED on the motion of Clrs. McInerney and Meyer OAM that Council make a provision in its 2014/2015 Draft Operational Plan of \$5,500 being for Business Membership of the Committee 4 Wagga and that this be a specific item in next year's budget and receive specific consideration at the time of determining the budget.

CONSIDERATION OF TENDER T166 FOR PURCHASE OF TRUCK

- 13/158 RESOLVED on the motion of Clrs. McInerney and Kendall that Council consider the Report "Consideration of Tender T166 for Purchase of Truck" whilst the meeting is closed to the public as it could relate to commercial information, the disclosure of which would be likely to prejudice the commercial position of the person who supplied it, as prescribed by section10A(2)c) of the Local Government Act 1993.

CONSIDERATION OF TENDER T167 FOR PURCHASE OF TRAILER

- 13/159 RESOLVED on the motion of Clrs. McInerney and Kendall that Council consider the Report "Consideration of Tender T167 for Purchase of Trailer" whilst the meeting is closed to the public as it could relate to commercial information, the disclosure of which would be likely to prejudice the commercial position of the person who supplied it, as prescribed by Section10A(2)c) of the Local Government Act 1993.

RESIGNATION – DIRECTOR OF ENGINEERING

- 13/160 RESOLVED on the motion of Clrs. McInerney and Kendall that Council consider the Report "Resignation – Director of Engineering" whilst the meeting is closed to the public as it relating to personnel matters about an individual, as prescribed by Section10A(2)a) of the Local Government Act 1993.

STAFF ISSUES - GRIEVANCES

- 13/161 RESOLVED on the motion of Ctrs. McInerney and Kendall that Council consider the Report "Staff Issues - Grievances" whilst the meeting is closed to the public as it relating to personnel matters about an individual, as prescribed by Section10A(2)a) of the Local Government Act 1993.

STAFFING STRUCTURE

- 13/162 RESOLVED on the motion of Ctrs. McInerney and Kendall that Council consider the Report "Staffing Structure" whilst the meeting is closed to the public as it relating to personnel matters about an individual, as prescribed by Section10A(2)a) of the Local Government Act 1993.

WORKS REPORT FOR MONTH OF AUGUST 2013

- 13/163 RESOLVED on the motion of Ctrs. Meyer OAM and Kendall that this report be received and noted.

WORKS REPORT FOR MONTH OF SEPTEMBER 2013

- 13/164 RESOLVED on the motion of Ctrs. Meyer OAM and Kendall that this report be received and noted

Phillip Swaffield left meeting 3.25 pm

CONSIDERATION OF TENDERS FOR THE PROVISION OF EXTERNAL AUDIT SERVICES 1 JULY 2013 – 30 JUNE 2013

- 13/165 RESOLVED on the motion of Ctrs Kendall and Verdon that Council consider the Report "Consideration of Tenders for the Provision of External Audit Services 1 July 2013 – 30 June 2013" whilst the meeting is closed to the public as it could relate to commercial information, the disclosure of which would be likely to prejudice the commercial position of the person who supplied it, as prescribed by section 10A(2)(c) of the Local Government Act 1993.

QUESTIONS AND STATEMENTS

- 13/166 Clr Pascoe: Removal of old fire services and hydrants, who are charged for this?

General Manager: private property would be charged for the work on their property.

- 13/167 Clr Kreutzberger: Congratulate Clr. Hiscock on being again elected as Chairperson and Clr. Verdon as Deputy Chairperson.

- 13/168 Clr Verdon: Asked on progress of risk register?
General Manager: Progressing by Work Health & Safety Officer.
- 13/169 Clr Hiscock: Thank you for putting me back in position of Chairperson, enjoyed the challenge and working with the Council.
- 13/170 Clr Verdon: Thanked Members for support and working closely together.
- 13/171 General Manager: A Consultative Committee Meeting next week will discuss productivity measures required for next Enterprise Award. Have held discussions with managers and have a list of possible productivity measures, will fine tune them and will report to next Council Meeting. Enterprise Award has been signed off, received today and will be forwarded to be registered.
Clr. Verdon: Was expecting productivity measures to be in this award.
Clr. Poynter: Wasn't possible to record gains for this award, Council agreed to sign off Enterprise Award.
General Manager: Being proactive, should have happened in 2010. Council will provide annual reports to Council.
Clr. Poynter: No objections to supply productivity measures by Staff Committee. If staff doesn't agree, we can still measure them.
Clr. Kendall: Performance measures in place for negotiating next Enterprise Award.
General Manager: Read out part of resolution from last meeting:
- (i) *Council agrees to enter into an enterprise award for a period of three years with wage increases linked to a commitment to productivity improvements based on Council's operational plan as follows:*
 - (ii) *4.0% effective 1st July 2013,
3.5% effective 1st July 2014 and
3.5% effective 1st July 2015;*
 - (ii) *Council to also agree to increase superannuation contributions for employees as follows:*
 - .5% effective 1st July 2013,*
 - .5% effective 1st July 2014, and*
 - .5% effective 1st July 2015;*
 - (iii) *Council resolve to affix its seal to the documents at the appropriate time.*
 - (iv) *Management put 'Productivity Improvement' Measures in place, over life of this agreement; inform the relevant Unions and Staff of these measures and report to the next Council Meeting on the measures proposed.*

Next meeting will be Friday, 13th December, 2013, to be followed by Council's Staff Christmas gathering.

RESOLUTION TO MOVE INTO CLOSED COUNCIL

13/172 RESOLVED, on the motion of Clrs McInerney and Kendall that Council now resolve itself into Closed Council to consider business identified.

Council closed its meeting at 3.45 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.

13/173 RESOLVED, on the motion of Clrs McInerney and Kendall 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)(a) 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.

CONSIDERATION OF TENDER T166 FOR PURCHASE OF TRUCK

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:

*2(d) Commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it.*

13/174 RESOLVED, on the motion of Clrs Poynter and Meyer that Council purchase an Isuzu FDX 1000 for \$139,580 excl GST, from Wagga Motors.

CONSIDERATION OF TENDER T167 FOR PURCHASE OF TRAILER

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:

*2(d) Commercial information of a confidential nature that would, if disclosed:
(i) prejudice the commercial position of the person who supplied it.*

13/175 RESOLVED, on the motion of Clrs Kendall and Verdon that Council purchase a North Star Trailer for \$40,820 excl GST.

APPOINTMENT OF ACTING GENERAL MANAGER

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:

2(a) Personnel matters concerning particular individuals (other than councillors).

13/176 RESOLVED, on the motion of Clrs. McInerney and Kendall that Council appoint Mr. Ken Murphy as Acting General Manager of Riverina Water County Council for the period 29th October 2013 to 22nd November 2013, inclusive.

RESIGNATION - DIRECTOR OF ENGINEERING

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:

2(a) Personnel matters concerning particular individuals (other than councillors).

13/177 RESOLVED, on the motion of Clrs McInerney and Kendall that

- (a) Council endorsed the actions of the General Manager in calling applications for the vacant position of Director of Engineering and recruiting an Acting Director of Engineering for a 3 month period.
- (b) That a recruitment Committee be formed comprising the General Manager, Chairperson, Deputy Chairperson and an independent.

- (c) That Council endorse the actions of the General Manager in engaging the services of Local Government NSW in assisting in the recruitment of this position.

STAFF – GRIEVANCES

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:

- 2(a) *Personnel matters concerning particular individuals (other than councillors).*

13/178 RESOLVED, on the motion of Clrs Pascoe and Kendall that the advice of the General Manager be received and noted.

STAFFING STRUCTURE

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:

- 2(a) *Personnel matters concerning particular individuals (other than councillors).*

13/179 RESOLVED, on the motion of Clrs Kreutzberger. and Kendall that Council adopt the suggested staffing structure, in principle, subject to appropriate discussions being held with the affected staff and unions as required under the Riverina Water County Council Enterprise Award.

CONSIDERATION OF TENDERS FOR THE PROVISION OF EXTERNAL AUDIT SERVICES 1 JULY 2013 – 30 JUNE 2013

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:

- 2(d) *Commercial information of a confidential nature that would, if disclosed:*
(i) prejudice the commercial position of the person who supplied it.

13/180 RESOLVED on the motion of Clrs Kendall and Verdon that:

1. This report be received
2. That Crowe Horwath Auswild be appointed Council auditors for the reporting period commencing 1 July 2013 to 30 June 2019.

13/181 RESOLVED, on the motion of Clrs Kendall and McInerney 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.

CHAIRPERSONS MINUTE

13/182 RESOLVED that Council endorse the Chairperson's proposal to engage M/s Julie Carroll of Commins Hendricks Solicitors to mediate a staff dispute, subject to the agreement of those involved.

The Meeting concluded at 5.00pm
