

MINUTES OF THE MEETING OF THE CORPORATE SERVICES COMMITTEE HELD ON
MONDAY 11 MAY 2020

Due to the COVID-19 Pandemic this meeting was held via Zoom

PRESENT: His Worship the Mayor D. Ryan
Councillor G. Auricht (Chair)
Councillor M. Banks
Councillor J. Cocking
Councillor E. Melky
Councillor M. Paterson
Councillor C. Satour

OFFICERS: Mr R. Jennings - Chief Executive Officer (CEO)
Ms S. Taylor - Director Corporate Services
Mr T. Charlie - Acting Director Technical Services
Ms S. Dominguez - Executive Assistant (Minutes)
Ms B. Lang - Executive Assistant (Training)

The meeting was declared open at 5:33 pm

1. APOLOGIES

Councillor J. de Brenni
Councillor J. Price

2. PUBLIC QUESTION TIME

Nil

3. DISCLOSURE OF INTEREST

Nil

4. MINUTES OF PREVIOUS MEETING

4.1 Minutes - Corporate Services - 14 April 2020

RESOLVED

That it be a recommendation to Council

That the minutes of the Open Section of the Corporate Services Committee meeting held on 14 April 2020 be taken as read and confirmed as a true and correct record of the proceedings of those meetings.

(19 cs)
CARRIED

4.2 Business Arising

4.2.1 Follow up on Budget line for Preparedness in regard to Potential Compulsory Acquisition of Council Assets - Councillor Banks (4.2.1)

Councillor Banks followed up in regard to question raised at the previous meeting concerning a budget line for the readiness for compulsory acquisition of Council. The CEO advised no further update at this stage and advised he would provide information to Elected Members as it comes to hand.

5. IDENTIFICATION OF ITEMS FOR DISCUSSION

5.1 Identification of items for discussion

The following items were identified for discussion:

9.1, 9.3,

5.2 Identification of items to be raised in General Business by Elected Members and Officers

5.2.1 Conflicts Management Policy (Item 20.4)
CONFIDENTIAL Report No: 102 / 20 cs (GM) - Councillor Melky

Councillor Melky requested the *Conflicts Management Policy (Item 20.4)* be moved to the open meeting for discussion. The Chief Executive Officer supported this recommendation as the report was not required to be Confidential under the *Local Government Act - Administration Regulations (2013)*.

Moved: Councillor Melky

Seconded: Councillor Cocking

5.2.2 Request for review of reserves - Councillor Cocking

6. DEPUTATIONS

Nil

7. PETITIONS

Nil

8. NOTICES OF MOTION

Nil

9. REPORTS OF OFFICERS

9.1 Corporate Services Directorate Update
Report No. 95/20 cs (DCS)

This report provides an update of current Corporate Services projects, programs and events.

RESOLVED

That it be a recommendation to Council

That the May 2020 Corporate Services Directorate Update be received and noted.

(20 cs)

Councillor Cocking raised a number of items in regard to the *Attachment 8 - Income & Expenditure by Council Objective* report:

- *Item 56 - General Litter Control.* Councillor Cocking noted the allocated annual budget of \$1.25M and a flagged a potential significant underspend on this budget with a variance of \$340k. He enquired if Officers were expecting this budget to remain underspent. The Acting Director Technical Services took the item on notice.
- *Item 500 - Library - Operational.* Councillor Cocking enquired if Officers were expecting an underspend on the *Library – Operational* budget line. The Director Corporate Services acknowledged there was some significant spend to occur in the Library and advised a portion of the budget was earmarked for upgrades of some dilapidated furnishings and general maintenance in the Library.
- *Item 95 - Tree and Turf Farm (Albrecht).* Councillor Cocking noted the budgeted amount of \$13,530 and the spend of \$35,849 and requested this be highlighted for Council to consider the whether the budget for this item should be increased during budget discussions. The CEO noted these items had been considered by Officers during budget preparations.
- *Item 805 - 35 Wilkinson Street.* Councillor Cocking enquired about Council's arrangement with the property at 35 Wilkinson Street. The CEO took the item on notice.

Councillor Cocking referred to the *Attachment 9 - Regional Waste Management Facility Financial Performance* report and enquired if there was an error, highlighting the revenue type *Cardboard Processing Facility Maintenance*. The Acting Director Technical Services advised this looked to be an error and he would investigate.

Action:

Acting Director Technical Services to respond to questions on notice in regard to *Attachment 8 - Income & Expenditure by Council Objectives*:

- *Item 56 - General Litter Control*
- *Item 805 - 35 Wilkinson Street*

Action:

Acting Manager Finance to investigate the labelling of the revenue type in *Attachment 9 - Regional Waste Management Facility Financial Performance* report.

Councillor Banks requested additional information about the operational processes around expenditure be brought to the budget discussions. The CEO acknowledged the request.

Action:

Director Corporate Services to provide information to budget meetings on operational processes around expenditure.

9.2 Acquittal of NT Government Special Purpose Grants
Report No: 96/20cs

The Special Purpose Grant for the outdoor fitness stations including soft fall near the walking tracks of the Todd River was received on the 29 March 2018 from the Department of Housing and Community Development.

The Special Purpose Grant to purchase a mobile grandstand to be used at both Council and Community events was received on the 27 June 2018 from the Department of Housing and Community Development.

This report is provided, as required, for Council to formally authorise the CEO to sign the acquittals.

RESOLVED

That it be a recommendation to Council:

That Council authorise the CEO to sign the following acquittals on behalf of Council:

- A. An acquittal for the Grant received of \$72,330 with expenditure of \$37,079.60 for 2018/19 provided by Department of Housing and Community Development for purchase and installation of four (4) outdoor fitness stations including soft fall near walking tracks of the Todd River. The same \$37,079.60 acquitted in August 2019 as per the funding agreement and the balance brought forwarded to 2019/2020 of \$35,250.40 is now fully expended and can be acquitted.**
- B. An acquittal for the Grant received of \$35,565 with expenditure of \$18,091.59 for 2018/19 provided by Department of Housing and Community Development for purchase a mobile grandstand to be used at both Council and Community events. The same \$18,091.59 acquitted in August 2019 as per the funding agreement and the balance brought forwarded for 2019/2020 of \$17,473.41 is now fully expended and can be acquitted.**

(21 cs)

9.3 Revised Pandemic Financial Hardship Assistance Policy
Report No. 97/20 cs (GM)

This report provides an updated Pandemic Financial Hardship Assistance Policy which incorporates the policies adopted by Council at its April Ordinary meeting and enables the same support to residential ratepayers. The policy is high level and enables the commercial ratepayer concessions as requested by the NT Government in return for financial assistance through the new Special Community Assistance and Local Employment (SCALE) Program introduced to support local government and businesses during the COVID-19 pandemic and addresses queries raised in regard to proper policy process and implementation.

RESOLVED

That it be a recommendation to Council:

- 1. That Council Adopt the updated Pandemic Financial Hardship Assistance Policy which includes:**
 - i. the Public Benefit Concessions for Commercial Ratepayers policy measures adopted at the 27 April 2020 Ordinary meeting; and**
 - ii. the same measures for residential ratepayers as resolved at the Special Meeting of Council on Monday 4 May 2020.**

(22 cs)

The Director Corporate Services provided clarification on the other policies recently adopted and considered by Council, stipulations made by Elected Members in regard to adoption of reserves, and advised as per the report, that the updated Pandemic Financial Hardship policy *supersedes all other Council policy but only if financial hardship is due to a Pandemic.*

Councillor Banks raised concern in regard to this recommendation being presented by Officers when the motion she tabled at the 27 April 2020 - Ordinary Council meeting after following proper process, was ultimately lost. The Director Corporate Services provided background obtained through the listening to the recording of the meeting which supported Officers actions in resubmitting this revised recommendation.

Councillor Banks requested the CEO receive advice from the Solicitor in regard to this decision of Council and subsequent process. The CEO noted he had received a call today from Councillor Banks to request this matter be investigated, and in doing so highlighted that this circumstance was not considered in Council's meeting By-Laws, and additional research suggested that 'a no vote does not mean that you cannot make a decision on a similar motion in a preceding meeting'. The CEO took the question on notice to obtain further advice from Council's Solicitor.

Action:

Chief Executive Officer and Director Corporate Services to obtain further advice from the Council Solicitor in regard to the decision of Council and subsequent process of Officers submitting a similar recommendation.

Councillor Cocking left the meeting at 6:33pm

Councillor Cocking left the meeting at 6:34pm

9.4 Conflicts Management Policy
Report No. 102/20cs (GM)

Moved from Confidential Corporate Services item 20.4 into Open as Corporate Services item 9.4

This report provides a framework to ensure that any actual, potential or perceived conflicts of interest and conflicts of duties are appropriately identified, considered and managed.

RESOLVED:

That it be a recommendation to Council:

1. **That Council approve the Conflicts Management Policy.**
2. **That Council direct the CEO to provide a copy of the Conflicts Management Policy to the NT Government in response to their request for advice on how Council will manage its conflicts of interest.**

(23 cs)

Mayor Ryan left the meeting at 6:41pm

Discussion ensued in regard to whether any Elected Member needed to leave the meeting due to perceived conflict of interest. The Director Corporate Services advised that this was a general policy discussion to identify the difference between the conflicts of duty and conflicts of interest and noted there was no reason for any Elected Member to leave the meeting. The Chair sought support for the CEO to invite Mayor Ryan back to the meeting to participate in the discussion. No descent was received.

The CEO left the meeting to invite Mayor Ryan to re-join the meeting at 6:47pm and returned 6:48pm

The CEO advised Mayor Ryan had elected to remain absent from this part of the discussion. Director Corporate Services provided clarity in regard to the difference between a *Conflict of Interest* and *Conflict of Duties*, referred to section 3.5 of the proposed policy to explain how the Governance team would assess these conflicts, and section 3.6.3.1 in regard to disclosing

meetings from three (3) months prior to any election in an effort to introduce procedural and substantive fairness to all Elected Members in the time moving up to an Election.

Councillor Cocking requested the policy better define 'community' and expressed concern in regard to the administrative workload of reporting meetings required by Elected Members who had not, or who had no intention to announce candidacy for election.

Action:

Director Corporate Services to ensure a better definition of community, and type of meeting are included in the policy.

Councillor Banks referred to actual versus perceived conflict under the ICAC definition and requested the following items be better defined in the policy:

- personal gain, and
- meetings

The Director Corporate Services responded, advising Elected Members should use best judgement in regard to disclosing meetings.

Action:

Director Corporate Services to ensure policy aligns with ICAC and Local Government Act definitions.

Councillor Satour raised the impact on Council operations due to the Mayor or Deputy Mayor declining meetings to avoid perceived or actual conflict of interest and request that be considered. Councillor Banks questioned who would take on the role of principle representative on behalf of Council for meetings where there was a perceived or actual conflict of interest by the Mayor or Deputy as candidates.

Action:

Director Corporate Services to investigate the Local Government Act to determine how principle representative on behalf of Council is determined for this scenario.

Deputy Mayor Paterson left the meeting at 7:24pm

Deputy Mayor Paterson returned to the meeting at 7:26pm

Cr Cocking requested from the date of announcement of candidacy or preselection for an election a member should start reporting meetings, irrelevant of timeframe before election and all other elected members keep a record from 3 months prior to an Election. Deputy Mayor Paterson recommended members of a political party should also be required to report meetings in-line with the requirement of a candidate for political office.

Action:

Director Corporate Services to better define the requirements in regard to timeframe by Candidates or Elected Member to disclose meetings prior to an election.

The CEO left the meeting to invite Mayor Ryan to re-join the meeting at 7:35pm and returned at 7:36pm

10. REPORTS OF ADVISORY AND EXECUTIVE COMMITTEES

10.1. UNCONFIRMED Minutes - Risk Management & Audit Committee - 13 March 2020

RESOLVED:

That it be a recommendation to Council that:

That the minutes of the Risk Management & Audit Committee Meeting held 13 March 2020 be received and recommendations adopted.

(24 cs)

11. GENERAL BUSINESS

11.1 Request for review of Council Reserves - Councillor Cocking

Councillor Cocking requested a clear understanding is obtained in regard to the funds available in the Council Reserves to obtain a clear understanding of the financial position of Council.

Mayor Ryan returned to the meeting at 7:40pm

The CEO responded and advised that Officers had undertaken a snapshot analysis of the Asset Management Plan for this year's budget, however more work was required to allow Elected Members to make informed decisions.

Action:

Officers to provide update to Elected Members on progress of Asset Management Plan and review of Council Reserves.

12. NEXT MEETING: **Monday, 16 June 2020**

The meeting stands adjourned and resumes in the Confidential Section.

The meeting adjourned at 7:47 pm

Confirmed on _____

CHAIRPERSON _____

Date _____