



## **DRAFT Minutes of the Extraordinary Meeting of Council**

**Monday 25 November 2024**

5.00pm

Yass High School

Grampian Street, Yass

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**Extraordinary Council Meeting - The Mayor declared the meeting open at 5.07 pm.**

**Present**

Councillors Jasmin Jones, Mayor, in the chair, Cecil Burgess, Kristin Butler, Adrian Cameron, David Carter, Alvaro Charry, Fleur Flanery, Allan McGrath and David Rothwell

Also present were Julie Costa, Director of Planning & Environment, – Nathan Cooke, Director of Infrastructure & Assets, Executive Support Officer Katie Yeo and Kath Roach from SINC Solutions.

**Acknowledgement of Country**

**1. Prayer**

**2. Apologies**

Nil

**3. Declaration of Interest/Disclosures**

**Cr Charry**, declared a non-pecuniary, non-significant conflict of interest in *Chief Executive Officer's Contract of Employment* and can participate in the confidential meeting without compromising its integrity.

**Reason:** Cr Charry declared an interest relating to comments I made during my election campaign, particularly at meet-the-candidates forums. Since my election, I have worked diligently to uphold the highest standards of impartiality and professionalism expected of me as a Yass Valley Councillor. Recognising the importance of trust and collaboration, I proactively met with the CEO early in my term to address any potential misunderstandings, clear the air, and establish a strong, productive relationship. My actions since being elected demonstrate my unwavering commitment to serve our community with fairness, integrity, and a focus on outcomes that benefit all residents of the Yass Valley. Accordingly, I am confident that my impartiality and professionalism ensure I can participate in this confidential meeting without compromising its integrity."

**4. Reports to Council**

**4.1 CHIEF EXECUTIVE OFFICER'S CONTRACT OF EMPLOYMENT**

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**SUMMARY**

To consider a matter relating to the Chief Executive Officer's Contract of Employment.

***RESOLVED that this item is classified CONFIDENTIAL in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business***

*relating to personnel matters concerning particular individuals (other than councillors) and discussion of the matter in an open meeting would be, on balance contrary to the public interest*

*(McGrath/Rothwell)*

No representations were received from members of the public.

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

Motion to move into Closed session of Council was carried.

Closed Council commenced at 5.12pm

**RESOLVED** that the meeting move into Open Council.

**(Rothwell/Carter)**

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

Open Council resumed at 8.06pm.

**The Resolutions of Closed Council were as follows:**

**4.1 Mayoral Minute – Chief Executive Officer’s Contract of Employment**

That the matters pertaining to the subject of this item remain confidential until such time as the matters the subject of the resolution can be enacted, at which time the resolution will be made public.

**4.2 Mayoral Minute – Personnel Matter**

That the matters pertaining to the subject of this item remain confidential until such time as the matters the subject of the resolution can be enacted, at which time the resolution will be made public.

The meeting closed at 8.09 p.m.

**27 November 2024 - Resolutions of Closed Council**

**4.1 Mayoral Minute – Chief Executive Officer’s Contract of Employment**

**RESOLVED:**

That Council:

- 1. *Terminate the employment of Mr Christopher Berry as Chief Executive Officer of the Council with immediate effect***

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

***Part 1 Carried unanimously***

- 2. *Pursuant to clause 10.3.1e) and 11.3 of the Employment Contract, make the payment equivalent to the required 38 week’s pay, which accords with the employment contract.***

FOR: Councillors C Burgess, K Butler, J Jones, A McGrath and D Rothwell

AGAINST: Councillors A Cameron, D Carter, A Charry and F Flanery

***Part 2 Carried 5/4***

- 3. *Delegates to the Mayor the authority to write to Mr Berry informing him of the Council’s decision without delay.***

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

***Part 3 Carried unanimously***

- 4. *Delegates to the Mayor the authority to make all relevant and reasonable decisions that are necessary to implement the decision to terminate the employment of Mr Berry.***

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

***Part 4 Carried unanimously***

5. ***Takes all steps to ensure this recommendation, which will form the resolution, remains confidential until such time as points 1-4 detailed above have been enacted. Once enacted this resolution is to be made public and the termination letter is to remain confidential in accordance with the provisions of a matter pertaining to that of a personnel nature under the Act.***

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

***Part 5 Carried unanimously***

#### **4.2 Mayoral Minute – Personnel Matter**

**RESOLVED:**

##### ***PART 1***

***That Council:***

1. ***Pursuant to sections 336 and 351 of the Local Government Act 1993 (NSW), Council appoints Ms Julie Costa, Director Planning and Environment, to the position of Acting Chief Executive Officer effective immediately, and until the Ordinary Meeting of Council in December 2024 at which time it will be considered further.***

***(Cameron/Butler)***

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

***Part 1 – Carried unanimously***

##### ***PART 2***

***That Council:***

1. ***Delegate to the Acting Chief Executive Officer all the functions, delegations and sub-delegations given to the Chief Executive Officer by the Council.***

***(Cameron/Butler)***

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

***Part 2 Carried unanimously***

**PART 3**

**That:**

- 1. The Mayor, Councillor Jones; the Deputy Mayor, Butler; Councillor Carter; and Councillor Burgess comprise the Recruitment and Selection Panel for the recruitment of a Chief Executive Officer.**

*(Jones/Rothwell)*

FOR: Councillors C Burgess, K Butler, , D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: A Cameron

**Part 3 Carried 8/1**

**PART 4**

**That Council:**

- 4. Delegate authority to the Recruitment and Selection Panel, to do all needed to undertake a recruitment process, including ensuring that:**
  - a. they invite suitably experienced external recruitment consultants to submit proposals to assist the Council with the recruitment process to recruit a new Chief Executive Officer for the Council.**
  - b. to appoint a suitably experienced external recruitment consultant to assist the Council with the recruitment process to recruit a new Chief Executive Officer for the Council in accordance with the requirements of the Local Government Act 1993 and consistent with the Office of Local Government's publication Guidelines for the Appointment and Oversight of General Managers (August 2022) (Guidelines).**
  - c. The CEO's position description is current and evaluated in terms of salary to reflect the responsibilities of the position. This will be done in consultation with the recruitment provider.**
  - d. the proposed salary range reflects the responsibilities and duties of the position. This will be done in consultation with the recruitment provider.**
  - e. The position is advertised according to the requirements of the Act.**
  - f. The information packages are prepared.**
  - g. Applicants selected for interview are notified, and**
  - h. Present a preferred candidate(s) for determination at a meeting of full Council.**

*(Carter/Charry)*

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

**Part 4 Carried unanimously**

**PART 5**

**That:**

- 5. The Recruitment and Selection panel prepare a selection panel report addressing the matters referred to in the relevant section of the Guidelines, which is to be presented to a future meeting of the Council for consideration.**

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

**Part 5 Carried unanimously**

At 7.45pm Kath Roach – SINC Solutions left the meeting.

**PART 6**

**That Council:**

- 6. Engage SINC Solutions Pty Ltd as an independent to advise and assist the Recruitment and Selection Panel; be the liaison point with Councillors throughout the process; liaise with the Recruitment provider including drafting a scope of works to be undertaken by the recruitment provider for the Panel's review and determination; be an Independent Advisor on the recruitment panel; and provide guidance to Council throughout the process, ensuring that governance responsibilities are met subject to a suitable proposal against the agreed scope be presented to and accepted by the Mayor.**

**(Carter/Flanery)**

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

**Part 6 Carried unanimously**

At 7.55pm Kath Roach – SINC Solutions returned the meeting.

**PART 7**

**That Council:**

- 6. Takes all steps to ensure this recommendation, which will form the resolution, remains confidential until such time as points 1-6 detailed above have been enacted. Once enacted this resolution is to be made public and the termination letter is to remain confidential in accordance with the provisions of a matter pertaining to that of a personnel nature under the Act.**

**(Jones/Rothwell)**

FOR: Councillors C Burgess, K Butler, A Cameron, D Carter, A Charry, F Flanery, J Jones, A McGrath and D Rothwell

AGAINST: Nil

**Part 7 Carried unanimously**