

**ADELAIDE HILLS COUNCIL
MINUTES OF SPECIAL COUNCIL MEETING
TUESDAY 20 SEPTEMBER 2022
63 MT BARKER ROAD STIRLING**

In Attendance

Presiding Member: Mayor Jan-Claire Wisdom

Members:

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

In Attendance:

Andrew Aitken	Chief Executive Officer
Peter Bice	Director Infrastructure & Operations
Natalie Armstrong	Director Development & Regulatory Services
David Waters	Director Community Capacity
Lachlan Miller	Executive Manager Governance & Performance
Steven Watson	Governance and Risk Coordinator Minute Taker

1. COMMENCEMENT

The special meeting commenced at 6.31pm

2. OPENING STATEMENT

Council acknowledges that we meet on the traditional lands and waters of the Peramangk and Kurna people. They are Custodians of this ancient and beautiful land and so we pay our respects to Elders past, present and emerging. We will care for this country together by ensuring the decisions we make will be guided by the principle that we should never decrease our children's ability to live on this land.

Mayor _____ 27 September 2022

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3. APOLOGIES/LEAVE OF ABSENCE

3.1 Apology

Cr Chris Grant
Cr Linda Green

3.2 Leave of Absence

- Cr Chris Grant - 29 July 2022 to 26 September 2022, approved at Council 26 July 2022
- Mayor Jan-Claire Wisdom – 22 September to 14 October 2022, approved at Council 23 August 2022

3.3 Absent

Nil

4. DECLARATION OF CONFLICT OF INTEREST BY MEMBERS OF COUNCIL

4.1 Material Conflict of Interest, Mayor Jan-Claire Wisdom, Item 7.1 Election of East Regional Grouping Representatives to GAROC

Under Section 74 of the *Local Government Act 1999* Mayor Jan-Claire Wisdom disclosed a Material Conflict of Interest in Item 7.1 Election of East Regional Grouping Representatives to GAROC, the nature of which is as follows:

- I am a Candidate for the election.

Mayor Jan-Claire Wisdom intends to leave the meeting when Item 7.1 is discussed.

5. PRESIDING MEMBER'S OPENING REMARKS

5.1 Condolence Motion – Death of Her Majesty Queen Elizabeth II

Moved Mayor Jan-Claire Wisdom
S/- Cr Mark Osterstock

238/22

Adelaide Hills Council records its sorrow at the death of Her Majesty Queen Elizabeth II, expresses gratitude for her life of exceptional public service, and extends our sincere condolences to the Royal Family, the people of the United Kingdom and the Commonwealth, at home and abroad, and the Mayor be authorised to forward correspondence to this regard listing the names of the current Council Members.

Carried Unanimously

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5.2 Accession of His Majesty King Charles III

**Moved Mayor Jan-Claire Wisdom
S/- Cr Mark Osterstock**

239/22

Council acknowledges the accession to the throne of His Majesty King Charles III and wishes His Majesty a long and peaceful reign, and the Mayor be authorised to forward correspondence to this regard listing the names of the current Council Members.

Carried Unanimously

6. PUBLIC FORUM

Nil

7. BUSINESS OF THE MEETING

7.1 Election of East Regional Grouping Representatives to GAROC

Mayor Jan-Claire Wisdom declared a Material Conflict of Interest at Agenda Item 5 'Declaration of Interest by Members of the Council' in relation to Item 7.1 and Mayor Jan-Claire Wisdom left the Chamber and did not participate in the vote.

6.40pm Mayor Jan Claire Wisdom left the meeting and Deputy Mayor Nathan Daniell assumed the role of Presiding Member.

Moved Cr John Kemp
S/- Cr Ian Bailey

1. That the report be received and noted.
2. To cast its vote for Mayor Jan-Claire Wisdom as the East Regional Grouping Representatives to GAROC.
3. To authorise the Mayor to mark the ballot paper reflecting the Council's determination and authorise the CEO (or their delegate) to lodge Council's nomination in accordance with the process set out in Appendix 1.

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AMENDMENT

Moved Cr Malcolm Herrmann
S/- Cr Andrew Stratford

1. That the report be received and noted.
2. To cast its vote for Mayor Jan-Claire Wisdom and Don Palmer as the East Regional Grouping Representatives to GAROC.
3. To authorise the Mayor to mark the ballot paper reflecting the Council's determination and authorise the CEO (or their delegate) to lodge Council's nomination in accordance with the process set out in Appendix 1.

Carried

The Amendment was put and carried

The Amendment became the motion, as follows

Moved Cr Malcolm Herrmann
S/- Cr Andrew Stratford

1. That the report be received and noted.
2. To cast its vote for Mayor Jan-Claire Wisdom and Don Palmer as the East Regional Grouping Representatives to GAROC.
3. To authorise the Mayor to mark the ballot paper reflecting the Council's determination and authorise the CEO (or their delegate) to lodge Council's nomination in accordance with the process set out in Appendix 1.

Lost

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**Moved Cr Pauline Gill
S/- Cr Kirrilee Boyd**

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1. That the report be received and noted.
2. To cast its vote for Mayor Jan-Claire Wisdom as the East Regional Grouping Representative to GAROC.
3. To authorise the Mayor to mark the ballot paper reflecting the Council's determination and authorise the CEO (or their delegate) to lodge Council's nomination in accordance with the process set out in Appendix 1.

Carried Unanimously

6.48pm Mayor Jan-Claire Wisdom returned to the meeting and the Presiding Member role.

7.2 Election of LGA President

**Moved Cr Pauline Gill
S/- Cr Nathan Daniell**

241/22

Council resolves:

1. That the report be received and noted.
2. To cast its vote for Mayor Erica Vickery, Naracoorte Lucindale Council for LGA President.
3. To authorise the Mayor to mark the ballot paper reflecting the Council's determination and authorise the CEO (or their delegate) to lodge Council's nomination in accordance with the process set out in *Appendix 1*.

Carried Unanimously

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7.3 Elections for Local Government Finance Authority Board of Trustees

Moved Cr Malcolm Herrmann
S/- Cr Pauline Gill

242/22

1. That the report be received and noted
2. To vote for Michael Sedgman and Annette Martin as Representative Members of the Board of Trustees of the Local Government Finance Authority.
3. To authorise the Mayor to mark the ballot paper reflecting Council's determination and authorise the CEO (or their delegate) to lodge the ballot paper in accordance with the process set out in Appendix 1.

Carried Unanimously

7.4 Use of Boundary Change Committee delegation

Moved Cr John Kemp
S/- Cr Leith Mudge

243/22

Council resolves:

1. That the report be received and noted.
2. To note the Boundary Change Committee's use of the delegation under clause 4.3.1 of the Committee's Terms of Reference to lodge the Inquiry Plan Submission directly to the Boundaries Commission.
3. To retrospectively endorse the Inquiry Plan Submission contained in Appendix 4.

Carried Unanimously

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RELEASED 21 SEPTEMBER 2022

8. CONFIDENTIAL ITEM

8.1 Appointment of Acting CEO – Exclusion of the Public

Moved Cr Malcolm Herrmann
S/- Cr Ian Bailey

244/22

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except:

- Chief Executive Officer, Andrew Aitken
- Executive Manager Governance & Performance, Lachlan Miller
- Governance and Risk Coordinator and Minute Secretary, Steven Watson

be excluded from attendance at the meeting for Agenda Item 8.1: (Appointment of the Acting Chief Executive Officer) in confidence.

The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified above, be excluded to enable Council to consider the report at the meeting on the following grounds:

Section 90(3)(a) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead), being the personal affairs of the candidates for the Acting Chief Executive Officer role, in that details of their applications, interviews and referee comments will be discussed.

Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.

Carried Unanimously

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8.1.1 Suspension of proceedings

**Moved Cr Leith Mudge
S/- Cr Ian Bailey**

245/22

Leave of the meeting was granted to suspend proceedings to allow members open discussion on item 8.1.2.

Carried Unanimously

7.00pm Mayor Jan-Claire Wisdom suspended the meeting.

7.15pm Mayor Jan-Claire Wisdom reconvened the meeting.

RELEASED 21 SEPTEMBER 2022

8.1.2 Appointment of Acting CEO – Confidential Item

**Moved Cr Ian Bailey
S/- Cr Leith Mudge**

246/22

Council resolves:

- 1. That the report be received and noted**
- 2. To appoint David Waters to the position of Acting Chief Executive Officer of the Adelaide Hills Council for a period commencing 4.01pm Friday 30 September 2022 and concluding upon the commencement of the successful candidate in the (substantive) Chief Executive Officer Recruitment process.**
- 3. To authorise the Mayor to negotiate the final terms and conditions of the Acting Chief Executive Officer's Employment Agreement being materially similar to the draft Employment Agreement in Appendix 1 and with a Total Remuneration Package value of no greater than \$269,582.00.**

Carried Unanimously

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8.1.3 Appointment of Acting CEO – Duration of Confidentiality

Moved Cr Leith Mudge
S/- Cr John Kemp

247/22

Subject to the CEO, or his delegate, disclosing information or any document (in whole or in part) for the purpose of implementing Council's decision(s) in this matter in the performance of the duties and responsibilities of office, Council, having considered Agenda Item 8.1 in confidence under sections 90(2) and 90(3)(a) of the *Local Government Act 1999*, resolves that an order be made under the provisions of sections 91(7) and (9) of the *Local Government Act 1999* to retain the Items in confidence as detailed in the Duration of Confidentiality Table below:

Item	Duration of Confidentiality NB: Item to be reviewed every 12 months if not released
Report	Until an Employment Agreement has been executed between both parties
Related Attachments	NIL
Minutes	Until an Employment Agreement has been executed between both parties

Pursuant to section 91(9)(c) of the *Local Government Act 1999*, the Council delegates the power to revoke the confidentiality order either partially or in full to the Chief Executive Officer.

Carried Unanimously

9. NEXT MEETING

Moved Cr Kirsty Parkin
S/- Cr Pauline Gill

248/22

Council resolves the next Ordinary Council Meeting be scheduled for Tuesday 27 September 2022, 6.00pm, 63 Mt Barker Road Stirling.

Carried Unanimously

10. CLOSE MEETING

The meeting closed at 7.22pm.