

Minutes

Of the Special Council Meeting

Location: Council Chambers, Municipal Offices
62-68 Ovens Street, Wangaratta

Date: Tuesday 3 April 2018

Time: 2.30pm



RURAL CITY OF
WANGARATTA

Brendan McGrath
Chief Executive Officer

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1. **ACKNOWLEDGEMENT OF TRADITIONAL OWNERS**

We acknowledge the traditional owners of the land on which we are meeting. We pay our respects to their Elders and to Elders from other communities who may be here today.

2. **OPENING PRAYER**

Almighty God, we humbly ask thee to bless and guide this council in its deliberations so that we may truly preserve the welfare of the people whom we serve. Amen

3. **PRESENT**

COUNCILLORS:

MR DAVID FULLER, MR HARRY BUSSELL, MR HARVEY BENTON, MR MARK CURRIE, MS ASHLEE FITZPATRICK (WHEN THE COUNCIL MEETING RESUMED AT 5.00PM)

OFFICERS:

RUTH KNEEBONE , DIRECTOR CORPORATE SERVICES, JAIME CARROLL , ACTING CHIEF EXECUTIVE OFFICER, BARRY GREEN, DIRECTOR DEVELOPMENT SERVICES,

4. **ABSENT**

COUNCILLORS:

MR KEN CLARKE OAM, MR DEAN REES

OFFICERS:

BRENDAN MCGRATH, CHIEF EXECUTIVE OFFICER; ALAN CLARK, DIRECTOR INFRASTRUCTURE SERVICES.

5. **ACCEPTANCE OF APOLOGIES & GRANTING OF LEAVE OF ABSENCE**

ORDER OF BUSINESS

6. **CONFLICT OF INTEREST DISCLOSURE**

In accordance with sections 77A, 77B, 78 and 79 of the *Local Government Act 1989* Councillors are required to disclose a '*conflict of interest*' in a decision if they would receive, or could reasonably be perceived as receiving, a direct or indirect financial or non-financial benefit or detriment (other than as a voter, resident or ratepayer) from the decision.

Disclosure must occur immediately before the matter is considered or discussed.

Cr Harvey Benton declared an indirect conflict of interest for item 7.1 due to his association with stock agents.

PRESENTATION OF REPORTS

RESOLUTION:

(Moved: Councillor H Bussell moved a motion/Councillor D Fuller)

That Council adjourn the meeting to 5.00pm Tuesday 3 April 2018.

Carried

RESOLUTION:

(Moved: Councillor H Bussell/Councillor H Benton)

That the Meeting be resumed at 5.00pm Tuesday 3 April 2018.

Carried

OFFICERS' REPORTS

7. CORPORATE SERVICES

7.1 APPOINTMENT OF DIRECTORS TO WANGARATA LIVESTOCK EXCHANGE

Meeting Type: Special Council Meeting
Date of Meeting: 3 April 2018
Author: Governance & Corporate Planning Advisor
File Name: Administration - Saleyard Directors - February 2018
File No: S18/1321

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

Cr Harvey Benton declared an indirect conflict of interest for item 7.1 due to his association with stock agents. Cr Harvey Benton left the chamber at 5.01pm.

The contents of the related attachment has been declared confidential under the powers vested in me pursuant to Section 89 (2) of the Local Government Act on the grounds they relate to the following matters:
(a) personnel matters.

Declared by: Brendan McGrath - Chief Executive Officer

Executive Summary

This report is presented to Council to approve the appointment of independent Directors to the Board of the Wangaratta Livestock Exchange (WLE) which will enable the incorporate of the WLE to commence.

RESOLUTION:

(Moved: Councillor H Bussell/Councillor A Fitzpatrick)

That Council:

- 1. appoints John Muraca as Chair of the Wangaratta Livestock Exchange with effect from 16 April 2018 for a period of one (1) year and remuneration of \$2,400 p.a.***
- 2. appoints the following individuals as Directors of the Wangaratta Livestock Exchange with effect from 16 April 2018 for a period of three (3) years; with remuneration to be \$1,200 p.a.***

- a) John Muraca (first year as chair)
- b) Chris Gillard
- b) Daniel Fischer

3. *appoints the following individuals as Directors of the Wangaratta Livestock Exchange with effect from 16 April 2018 for a period of two (2) years; with remuneration to be \$1,200 p.a.*

- a) Doug James
- b) Justin Keane.

Note: All appointments are subject to probity checks

Carried

Background

Last year, Council resolved to agree in principle to develop a management structure for the Wangaratta saleyards which would be a Council owned entity, to ensure the facility has the flexibility to maximise its full commercial potential. The Constitution of the new company provides for the appointment of between three and seven Directors.

Expressions of interest for the positions of Director were received from seven individuals.

All candidates were interviewed by the Mayor, the Chief Executive Officer and the Director Development Services. The preferred candidates demonstrated the requisite skills, knowledge and experience of a Board Director and were able to speak to their vision for the Wangaratta Livestock Exchange. Summary details of the five recommended candidates are listed in the confidential attachment.

Implications

Policy Considerations

There are no specific Council policies or strategies that relate to this report.

Financial/Economic Implications

Officers have previously advised Council estimated legal and incorporation costs for 2017/18 of \$60,000. This amount is included in the 2017/18 revised budget.

Other costs, including capitalising the entity, have been allowed for in the 2017/18 budget.

Legal/Statutory

Council must meet the provisions of the *Corporations Act 2001* and the entrepreneurial powers provisions established under section 193 of the *Local Government Act 1989*.

From a legal perspective key documents are the Company's Constitution and the Management Services Agreement between Council and the Company, both of which have been prepared.

Social

The incorporation of the Wangaratta Saleyards will assist in securing the long-term viability of livestock exchange within the Wangaratta municipality. This will provide all stakeholders involved with a place to congregate, socialise and do business.

Environmental/Sustainability Impacts

There are no environmental/ sustainability impacts identified for this subject of this report.

2017 – 2021 Council Plan

This report supports the 2017-2021 Council Plan:

Goal

We are Established

Our saleyards will be managed in an appropriate structure to ensure business growth and longevity

Risk Management

A risk assessment was undertaken by Pitcher Partners and considered by Council at a special meeting in January 2018.

Consultation/Communication

Officers believe that appropriate consultation has occurred and the matter is now ready for Council consideration.

Options for Consideration

Option 1 Appoint the preferred candidates as outlined in this paper. Recommended.

Option 2 Re-open the process for expressing interest in the Director position and conduct further interviews. Not recommended as this will create an additional risk to the establishment of the company due to uncertainty, and a perceived lack of confidence in some Directors.

Conclusion

A thorough recruitment and assessment process has been conducted. In order to meet the timeframe for incorporating the Wangaratta Livestock Exchange, the Directors should now be appointed.

Attachments

- 1 Wangaratta Livestock Exchange candidate experience summary - Confidential

8. CLOSURE OF MEETING

The meeting closed at 5.06pm.