
WYONG SHIRE COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL THE GOSFORD REGIONAL GALLERY AND ARTS CENTRE 36 WEBB ST, EAST GOSFORD ON 28 JUNE 2012 COMMENCING AT 7.00 PM

PRESENT

Councillors R L Graham (Chairperson), D J Eaton, L A Matthews, E M McBride, J J McNamara, W R Symington, D P Vincent and S A Wynn.

IN ATTENDANCE

General Manager, Director Environment and Planning Services, Director Infrastructure Management, Acting Director Corporate Services, Director Community and Recreation Services and General Counsel.

Executive Manager to the General Manager, Communications Officer – Program Management Office for Central Coast Joint Services, and two administration staff.

The Mayor, Councillor Graham, declared the meeting open at 7.00 pm and advised in accordance with the Code of Meeting Practice that the meeting is being recorded.

Councillor Vincent delivered the opening prayer and Councillor Matthews read an acknowledgment of country statement.

APOLOGIES

An apology for the inability to attend the meeting was received on behalf of Councillors Best and Webster who have advised that they will not be in attendance at this meeting.

RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN:

That Council accept the apologies and grant Councillors Best and Webster leave of absence from the meeting.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON,
VINCENT AND WYNN

AGAINST: NIL

1.1 Notice of Intention to Deal with Matters in Confidential Session

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor WYNN:

1 That Council consider the following matters in Confidential Session, pursuant to Sections 10A(2)(d), (i) and (ii) of the Local Government Act 1993:

Report no 3.1 Central Coast Water Corporation - Statement of Corporate Intent

2 That Council note considering item 3.1 in confidential session is the reports require commercial discussion and agreement with another party (Gosford City Council) before they can be presented for Wyong Shire Council's endorsement.

3 That Council note the reason for considering item 3.1 in confidential session is that it would confer a commercial advantage on a competitor of the Council.

4 That Council request the General Manager to report on this matter in open session of Council.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

1.2 Disclosures of Interest

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor WYNN:

That Council receive the report on Disclosure of Interest and the fact that no disclosure was made be noted.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

2.1 Proposed Legal and Governance Framework for Shared Services - Gosford City Council and Wyong Shire Council

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor SYMINGTON:

- 1 That Council **adopt** the Interim Strategic Alliance model to facilitate the initial stages of the implementation of the JSB.
- 2 That Council **note** that the Interim Strategic Alliance Legal and Governance Framework is to ensure:-
 - a Continued Job Security in accordance with the legislative requirements of the Central Coast Water Corporation Act 2006 (NSW) and the resolutions of the two Councils.
 - b Continued ownership of the assets by the Central Coast Community
 - c Capture and share knowledge and innovation
 - d Connect Councils in maximising service delivery opportunities to meet common community needs
 - e Access economies of scale
 - f Reduce costs through the elimination of duplication
- 3 That Council **direct** the General Manager to enter into a Memorandum of Understanding with Gosford City Council and the Unions for the Interim Strategic Alliance Framework herein called the 'Central Coast Corporation Alliance'.
- 4 That the Council **endorse** a study tour consisting of the General Manager and four (4) staff from each Council be undertaken to review the jointly owned corporate entities that have been successfully developed by Auckland and Bay of Plenty Councils in New Zealand.
- 5 That Council **note** that a detailed report will then be presented to both Councils in mid 2013, detailing progress to date, the implementation progress of the interim Strategic Alliance model and progression towards a long term preferred legal and governance models for the JSB once fully established in July 2017.

This report will include the following:-

- a Current update in respect of the Strategic Joint Alliance
- b Clarification of Key Performance indicators.
- c Key Dates and Responsibilities for various models
- d Alternate legal and governance frameworks for Council's consideration and progress for a preferred long term legal and governance frameworks for Council's consideration.

- 6 That Council authorise the Mayor and General Manager meet with the Division of Local Government together with the Mayor and General Manager of Gosford City Council to seek funding assistance of approximately \$250,000 for the development and implementation of a preferred legal & governance framework for the Joint Services Business.
- 7 That Council request the General Manager to provide reports on the actions of the Project Control Group and note that these reports will also be considered by Gosford City Council.
- 8 That Council request the CCROC to meet bi-monthly, or as required.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

2.2 Implementation of the CCWC & JSB Under the Council's Adopted Model

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor MCNAMARA:

- 1 That Council adopt the attached Central Coast Water Corporation and Joint Services Business Implementation Workplan and refer to the Central Coast Water Corporation and to the NSW Minister for Water in accordance with the Memorandum of Understanding (MoU).
- 2 That as a consequences of one (1) above Council write to the Minister for Water to confirm that obligations under the MoU have been completed and that the MoU be terminated.
- 3 That Council note the attached working draft Strategic Project Management Plan, including specifically the change in the program management office resourcing and costs as a result of the adopted operating model and implementation timetable.
- 4 That Council note the attached working draft Project Management Plans for each of the Finance, Human Resources, Information Management, Plant/Fleet and Water and Wastewater working groups.
- 5 That Council endorse a delegation comprising the Councils' General Managers and Mayors meet with the Minister for Primary Industries and Minister for the Central Coast to discuss the Councils' resolutions in relation to the implementation of the Central Coast Water Corporation and Joint Services Business and any legislative changes required to accommodate the Councils' adopted operating model.
- 6 That Council submit an application for funding to the Division of Local Government to assist with the cost of implementing the Councils' adopted operating model.

- 7 That Council delegate the General Manager and Gosford City Council General Manager to commence, on behalf of the Councils, discussions with the unions to develop a new industrial instrument to cover staff under the new operating arrangements.**

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

2.3 Corporate Governance

RESOLVED unanimously on the motion of Councillor EATON and seconded by Councillor MCNAMARA:

That Council adopt the appointment of Mr Stephen Glen as Gosford City Council's Deputy Director and Mr Greg McDonald as Wyong Shire Council's Deputy Director to attend meetings of the Central Coast Water Corporation Board of Director's in the absence of the Councils' nominated Directors.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

2.4 Implementation Of The Central Coast Water Corporation

RESOLVED unanimously on the motion of Councillor WYNN and seconded by Councillor MCNAMARA:

- 1 That Council resolve, in relation to the Constitution of the Central Coast Water Corporation, as follows:**
- a To revoke the current Constitution of Central Coast Water Corporation and replace it with the tabled Constitution of Central Water Corporation which shall be the constitution of the Corporation for the purposes of section 8 of the Central Coast Water Corporation Act 2006 (NSW).**
 - b To execute the Constitution under Council seal**
 - c To authorise the Mayor and General Manager sign the tabled written resolution**
 - d To request the General Manager to provide a copy of the adopted Constitution to the Minister for Primary Industry for tabling in Parliament within 14 days of its adoption**

- 2 That Council resolve, in relation to the Voting Shareholders' Agreement, as follows:
- a To approve the tabled Voting Shareholders' Agreement as the voting shareholders agreement for the Corporation for the purposes of section 10 of the Central Coast Water Corporation Act 2006 (NSW) and executed under Council seal
- 3 That Council approve the tabled Service Level and Funding Agreement and authorise execution under Council seal
- 4 That Council approve the tabled Joint Scheme Funding Agreement and authorise execution under Council seal
- 5 That Council direct the GM to contact Minister for Primary Industry requesting amendment of the Central Coast Water Corporation Act 2006, Water Management Act 2000 and Local Government Act 1993 to
- a enable the leasing of water and wastewater infrastructure assets from the Councils to the Corporation
- b increase the number of Council representative Board members from two (2) to four (4)
- c make other changes as outlined in the tabled Schedule of Legislative Amendments.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

CONFIDENTIAL SESSION

RESOLVED unanimously on the motion of Councillor GRAHAM and seconded by Councillor WYNN:

That Council move into Confidential Session.

FOR: COUNCILLORS EATON, GRAHAM, MATTHEWS, MCBRIDE, MCNAMARA, SYMINGTON, VINCENT AND WYNN

AGAINST: NIL

At this stage of the meeting being 7.07 pm council moved into Confidential Session with the members of the press and public excluded from the meeting of the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session being withheld. This action is taken in accordance with Section 10a of The Local Government Act, 1993 as the items listed come within the following provisions:-

OPEN SESSION

Council resumed in open session at 7.08 pm and the General Manager reported on proceedings of the confidential session of the ordinary meeting of council as follows:

3.1 Central Coast Water Corporation Board - Statement of Corporate Intent

RECOMMENDATION

That Council approve and adopt the report on the Central Coast Water Corporation - Statement of Corporate Intent for 2011/12.

THE MEETING closed at 7.09 pm.