

ITEM NO: 1

SUBJECT: VARIATION OF THE COUNCIL MEETING SCHEDULE FOR 2008-2009

FILE NO: C01055

Recommendation:

That the following Council Meeting dates be varied due to the rescheduling of the Local Government Elections:

<i>Time</i>	<i>Current Date</i>	<i>Proposed Date</i>
7:30pm	16 September 2008	9 September
7:30pm	14 October 2008 (Mayoral Election)	30 September (Mayoral Election)
7:30pm	4 November 2008	21 October
7:30pm	25 November 2008	11 November
7:30pm	16 December 2008	2 December

Report by General Manager:

Background

At the Ordinary Council Meeting of 30 October 2007 the Council resolved the Council Meeting dates for the following calendar year (2008) and two months into the following year (2009). Those dates were:

<i>Time</i>	<i>Date</i>
7:30pm	29 January 2008
7:30pm	19 February 2008
7:30pm	11 March 2008
7:30pm	1 April 2008
7:30pm	22 April 2008
7:30pm	13 May 2008
7:30pm	3 June 2008
7:30pm	24 June 2008
7:30pm	15 July 2008
7:30pm	5 August 2008
7:30pm	26 August 2008
7:30pm	16 September 2008
7:30pm	14 October 2008 (Mayoral Election)
7:30pm	4 November 2008
7:30pm	25 November 2008
7:30pm	16 December 2008
7:30pm	27 January 2009
7:30pm	17 February 2009

This Schedule took account of the Local Government Elections which were to be held on 28 September 2008.

On 7 March 2008 The Department of Local Government issued a Circular advising that the date of ordinary elections of councillors will be changed from the fourth to the second Saturday in September every 4 years, starting in 2008. The amending legislation will prevent the elections clashing with the public school holidays.

As a result, the next ordinary elections of local councils will now be held on 13 September 2008.

Conclusion

The amended Council Meeting Schedule as recommended will accommodate the revised Local Government election date as well as other significant known dates that impact this schedule.

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ITEM NO: 2

**SUBJECT: REDUCTION IN NUMBER OF COUNCILLORS ELECTED IN 2008
LOCAL GOVERNMENT ELECTIONS.**

FILE NO: F02653

Recommendation:

That the Council notes the Media Release from the Minister for Local Government and that the legislation to enable Councils to reduce Local Government Councillor numbers was introduced to the NSW Parliament on 4 April 2008.

Report by General Manager

Reason for report

On 4 April 2008 the Council received a Media Release from the Minister for Local Government (see attached) which outlines the opportunity for New South Wales councils to reduce the number of Councillors elected at this year's local government elections. This opportunity will be facilitated by an amendment to the *Local Government Act 1993* which is currently before the NSW Parliament with an outcome expected in mid-April 2008.

Background

Under an amendment to the *Local Government Act 1993* introduced to NSW Parliament on 4 April 2008, Councils will have the opportunity to reduce Councillor numbers without having to resort to holding a constitutional referendum.

The proposed amendments will also confirm the optional preferential voting system where only one Councillor is to be elected. The amendments would also introduce proportional representation where two or more councillors are to be elected.

As outlined in the press release this is an opportunity for Councils to manage both community representation and costs within their local government area.

The opportunity to reduce Councillor numbers would be qualified by the following restrictions:

- Councils undertake public consultation; and
- Councils must not have less than 5 councillors

Councils have until 30 June 2008 to apply for a reduction in Councillor numbers.

Issues for Council

Should Council wish to reduce the number of Councillors within the Blue Mountains local government area, if the legislation is passed, an expedient decision would need to be taken to explore:

- Potential for reductions;
- Options for reduction and their impact on the local government area;
- The Community Consultation program that is required;

Conclusion

Any decision to reduce the number of Councillors elected in the upcoming 2008 Local Government elections would need to be resolved by the Council. This would be possible to implement in the upcoming Local Government Election should the legislation currently introduced to NSW Parliament be passed.

* * * * *

Attachment



MEDIA RELEASE

PAUL LYNCH MP
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR ABORIGINAL AFFAIRS
MINISTER ASSISTING THE MINISTER FOR HEALTH (MENTAL HEALTH)

4 April 2008

Another chance for councils to save money

New South Wales councils will be given an opportunity to reduce the number of councillors elected at this year's local government elections.

Under an amendment to the *Local Government Act 1993* introduced to State Parliament today, councils will have the opportunity to drop councillor numbers without having to resort to holding a constitutional referendum.

Minister for Local Government Paul Lynch said the proposed amendments would also confirm the optional preferential voting system where only one councillor is to be elected.

The amendments would also introduce proportional representation where two or more councillors are to be elected.

Mr Lynch said councils and ratepayers would benefit from a reduction in the number of elected representatives.

"Having a smaller number of councillors allows councils and ratepayers to save money on councillor fees and the cost administrative support," he said.

Mr Lynch said this opportunity to shed councillor numbers was particularly useful for councils with an even number of elected representatives.

"If councils decide on having 5, 7, 9 or 11 councillors, decisions are reached by majority vote without the need for the Mayor to use an additional casting vote," he said.

In 2005, the NSW Government gave councils a similar opportunity to reduce councillor numbers without the need to hold a constitutional referendum.

"As a result, 21 councils decided to reduce 46 councillor positions, saving ratepayers about \$540,000," Mr Lynch said. (a list of these councils follows this page)

The opportunity to reduce councillor numbers would be qualified by the following restrictions:

- councils undertake public consultation
- councils must not have less than 5 councillors

Councils have until 30 June 2008 to apply for a reduction in councillor numbers.

MEDIA CONTACT: Andrew Williams 0408 002 930

In 2005, 21 NSW councils elected to reduce the number of councillors to be elected at the 2008 local government elections

- **Auburn** – 12 to 10 councillors – saving about **\$27,960** per annum
- **Blayney** – 9 to 7 – saving **\$16,760**
- **Bourke** – 12 to 10 – saving **\$16,760**
- **Brewarrina** – 12 to 9 – saving **\$25,140**
- **Broken Hill** – 12 to 10 – saving **\$27,960**
- **Central Darling** – 12 to 9 – saving **\$25,140**
- **Coonamble** – 9 to 7 – saving **\$16,760**
- **Cootamundra** – 12 to 11 – saving **\$8380** ***
- **Cowra** – 11 to 9 – saving **\$16,760**
- **Dubbo** – 12 to 11 – saving **\$13,980**
- **Glen Innes Severn** – 9 to 7 – saving **\$16,760**
- **Great Lakes** – 12 to 9 – saving **\$41,940**
- **Greater Taree** – 12 to 9 – saving **\$41,940**
- **Jerilderie** – 9 to 7 – saving **\$16,760**
- **Mosman** – 12 to 9 – saving **\$41,940**
- **Murrumbidgee** – 8 to 6 – saving **\$16,760**
- **Orange** – 14 to 12 – saving **\$27,960**
- **Strathfield** – 9 to 7 – saving **\$27,960**
- **Tweed** – 11 to 7 – saving **\$55,920**
- **Wagga Wagga** – 15 to 14 – saving **\$13,980** ***
- **Wingecarribee** – 12 to 9 – saving **\$41,940**

***** As a result of constitutional referenda, Cootamundra and Wagga Wagga will reduce councillor numbers further at the 2008 election, from 11 to 9 and 14 to 11 respectively**

ITEM NO: 3

SUBJECT: MEMORANDUM OF UNDERSTANDING – BLUE MOUNTAINS AND PENRITH CITY COUNCILS

FILE NO: F03681

Recommendations:

1. *That the Council note that a Memorandum of Understanding to establish a Blue Mountains and Penrith Councils Alliance has been prepared in response to the Council's resolution of 13 March 2007, Minute Number 49.*
 2. *That the General Manager sign the Memorandum of Understanding attached to this report.*
 3. *That the Mayors and General Managers promote the signing of the Memorandum of Understanding.*
-

Report by Group Manager Community and Corporate

Background

Liaison has been occurring between the Blue Mountains City Council and Penrith City Council at Executive level and a number of fruitful outcomes have been pursued and achieved as a result.

Further to this liaison and cooperation, the Council considered a report at its Ordinary Meeting of 13 March 2007 titled "*Establishing Business Clusters between Councils: A Reform Initiative from the Minister of Local Government*".

At that meeting the Council resolved:

1. *That the report be received.*
2. *That the Council endorse the discussions that have taken place between representatives of this Council and the Penrith City Council.*
3. *That the Council agree in principle to the preparation of a partnership agreement with Penrith City Council, along the lines set out in this report, subject to a further report to the Council with a detailed agreement for each Council's consideration.*
4. *That the contents of this report be used as the basis for a response to the Minister of Local Government's request for proposals on resource sharing.*
5. *That the Council records its view that any such proposals in response to the request by the Minister of Local Government for resource sharing proposals must not have the effect of either detracting from or reducing the current role of*

WSROC, nor limiting its opportunities to play a more influential role on behalf of Western Sydney in the future.

6. *This matter be referred to a Finance and Assets Working Party to explore resource sharing with the other Councils of WSROC.*

(Minute Number: 49, 13/3/07)

The purpose of this report is to advise the Council that a Memorandum of Understanding has been prepared for the signatures of the General Managers of both Councils.

Memorandum of Understanding (MoU)

The draft MoU is attached to this report and formalises a voluntary relationship between the two Councils and establishes a Blue Mountains and Penrith Councils Alliance.

It commits to meeting regularly to liaise and explore means to improve service to, and representation of, the Blue Mountains and Penrith communities in the areas of:

- Regional planning
- Economic development
- Resource and information sharing
- Regional project implementation
- Advocacy on behalf of regional communities
- Liaison with State and Commonwealth agencies
- Other matters that may arise from time to time

Coordination has been occurring since the Council's resolution in 2007 and positive cooperation and outcomes have been achieved in a number of areas. Some examples include:

- Coordinating to attract major events to the region. This includes marketing accommodation and attractions in the Blue Mountains for visitors to regional facilities such as the Regatta Centre and the Greater Blue Mountains Drive;
- Coordinated response to State Government regional planning strategies, particularly in regard to infrastructure provision and sub-regional employment targets; and
- Resource sharing arrangements

Commitment by the Council

The draft MoU is voluntary and either Council can withdraw from the agreement. It is important to note that it does not compromise the independence of either Council and is consistent with Section 355 of the Local Government Act.

Financial Implications

The Alliance has the potential to identify savings and strengthen both Council's capacity to deliver services to rate payers. Some areas being explored in this regard include cooperative grant applications, joint lobbying for support from other levels of government, shared resources and economics of scale in procurement.

Sustainability Assessment

Effects	Positive	Negative
<u>Environmental, Social and Economical</u>	<ul style="list-style-type: none"> • The Alliance has the potential through cooperation between the two Councils to achieve better environmental, social and economic/financial outcomes for the community and the Councils. 	<ul style="list-style-type: none"> ○ There are no negative environmental, social or economic effects envisaged.

Legal and Risk Management Issues

The MoU and Alliance is consistent with the Local Government Act and does not expose either Council to legal exposure or risk.

External Consultation

The resolution in March 2007 of the Council to pursue a partnership agreement with Penrith City Council has been communicated in writing to the Department of Local Government.

Conclusion

In response to the resolution of the Council (F00534) on 13 March 2007, regular cooperation and liaison has occurred with Penrith City Council and a Draft Memorandum of Understanding prepared to establish a Blue Mountains and Penrith Councils Alliance.

It is recommended that the Council endorses the signing of the MoU by the General Manager.

* * * * *

Attachment

MEMORANDUM OF UNDERSTANDING

Between

Blue Mountains City Council

&

Penrith City Council

This Memorandum of Understanding (MOU) documents and formalises the voluntary relationship between the above local government authorities and formalises the establishment of the Blue Mountains and Penrith Councils Alliance (the Alliance)

1 Purpose

The purpose of the MOU is to establish a framework for co-operation to achieve mutual benefit between the Councils. This MOU provides a structure to facilitate the establishment if appropriate, of subsequent sub-ordinate agreements to deal with specific matters.

This MOU is consistent with Section 355 of the Local Government Act 1993 which provides that a function of a Council may be exercised jointly by the Council and another Council or Councils.

2 Objectives

The objectives of this voluntary relationship include strengthening the capacity for:

- regional planning;
- economic development;
- resource and information sharing;
- regional project implementation;
- advocacy on behalf of regional communities;
- liaison with State and Commonwealth agencies;
- Other matters that may arise from time to time.

3 Operations

The Alliance will meet quarterly or as required on a rotational basis at participating Councils. The General Manager of the host participating Council will chair that specific meeting and arrange to service that meeting including appropriate administrative support and communications with respect to matters dealt with at that meeting. Representatives of participating Councils in the Alliance are the General Manager and senior staff of each Council.

The Alliance may establish sub-groups or task forces to deal with particular matters and may invite others to participate on those groups.

4 Participation

Either Council can terminate their involvement in the Alliance by serving the other Council with ninety (90) days prior notice.

5 Disclaimer

This MOU is not to be interpreted that either of the Councils is relinquishing their independence, autonomy or status as Councils constituted under the Local Government Act 1993.

6 Review

The Alliance will conduct an annual self-assessment of achievements, progress and effectiveness

7 Effective Date and Duration

This Partnership Agreement becomes effective upon signature by the participating Councils. The Agreement will continue in effect until modified by mutual consent of the participants or terminated under Clause 4 above.

Blue Mountains City Council

Phil Pinyon
General Manager

Date

Penrith City Council

Alan Travers
General Manager

Date

ITEM NO: 4**SUBJECT: RESIGNATION FROM SPRINGWOOD TOWN CENTRE ADVISORY COMMITTEE****FILE NO: FO3566**

Recommendations:

1. *That the Council accept the resignation of Mr Paul McPhee from the Springwood Town Centre Advisory Committee.*
 2. *That the Council write to Mr Paul McPhee accepting his resignation and thanking him for his willingness to contribute to the achievement of positive outcomes for Springwood.*
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Report by Group Manager Community and Corporate**Reason for report**

Mr Paul McPhee has submitted his resignation from the Springwood Advisory Committee. The Committee was formed in response to a Council resolution of 12 October 2007 and has met three times, commencing in February 2008. Mr McPhee has resigned to avoid any perception of conflict of interest between his personal involvement in the Committee and the engagement of a partner in his law firm to provide legal advice on procedural matters with the Springwood Town Centre Project.

Sustainability Assessment (Triple Bottom Line Reporting):

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Nil	Nil
Economic	Nil	Nil

Financial implications for the Council

Nil.

Legal and risk management issues for the Council

Mr McPhee was appointed to the Springwood Town Centre Advisory Committee as a representative of the Chamber of Commerce in December 2007 under the delegation of the Mayor. During this period a partner of Mr McPhee in the law firm McPhee Kelshaw has been engaged by the Council to provide legal advice on various procedural matters with the Springwood Town Centre Project.

The Council and the firm McPhee Kelshaw have been aware of the potential for conflict of interest arising from this situation and have both instigated formal steps to maintain confidentiality of all correspondence and legal advice relating to the Springwood Town Centre Project. All correspondence from the Council has been sent to the individual email address of the solicitor engaged and the firm has followed strict confidentiality measures

within the firm to maintain confidentiality of communications by Council or its officers to that solicitor. During this period care was taken to ensure that legal advice was only sought from the firm in relation to procedural matters. The appropriateness of engagement of the partner in the firm on the Springwood project has also been regularly checked with the probity adviser for the Springwood Town Centre Project.

Regretfully, on consideration of the potential for perception of conflict of interest, Mr McPhee has decided to resign from the Advisory Committee.

External consultation

Nil.

Conclusion

It is recommended that the Council formally accept the resignation of Mr Paul McPhee from the Springwood Town Centre Advisory Committee and thank him for his contribution.

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ITEM NO: 5

SUBJECT: ANNUAL REPORTING OF CONTRACTS FOR SENIOR STAFF

FILE NO: CO6762

Recommendation:

That the report be received and noted.

Report by General Manager:

Introduction

Pursuant to Section 339 of the Local Government Act 1993 the General Manager must, at least once annually, report to the Council on the contractual conditions of designated senior staff positions.

This report outlines the number of designated senior staff positions currently in the Council's organisational structure and the contractual conditions of each senior staff position.

Under Section 338 of the Local Government Act 1993 it also states that:

- (1) The General Manager and other senior staff of a council are to be employed under contracts that are performance-based.
- (2) The term of a contract must not be less than 12 months or more than 5 years (including any option for renewal). A term that is less than 12 months is taken to be for 12 months and a term for more than 5 years is taken to be limited to 5 years.

Blue Mountains City Council's current organisational structure has four (4) designated senior staff positions under contractual arrangements. The positions are as follows:

- General Manager, Blue Mountains City Council;
- Group Manager, Environmental & Customer Services Group;
- Group Manager, Community & Corporate Group;
- Group Manager, BM City Services Group.

Each designated senior staff position is employed under a contract of employment that has a performance based component which satisfies the requirements under Section 338 of the Local Government 1993.

The contractual arrangements for each of the designated senior staff employed in those positions are as follows:

Senior staff	Contract term	Expiry Date
Mr Phil Pinyon General Manager	4 years	25 February 2011
Mr Robert Greenwood Group Manager, Environmental & Customer Service	4.5 years	16 April 2010
Mr Peter Adams Group Manager, Community & Corporate	4 years	30 October 2009
Mr Dave Allen Group Manager, Blue Mountains City Services	4.7 years	8 April 2011

Conclusion

Council is advised that each of the designated senior staff contracts of employment are in accordance with the contractual conditions stated in Sections 338 & 339 of the Local Government Act 1993.

It is recommended that this report be received and noted.

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