

**CITY OF
BALLARAT**



Council Meeting

18 May 2020

Council Chamber, Town Hall, Sturt Street, Ballarat

MINUTES
Public Copy

**MINUTES OF A MEETING OF BALLARAT CITY COUNCIL HELD IN THE COUNCIL
CHAMBER, TOWN HALL, STURT STREET, BALLARAT ON MONDAY
18 MAY 2020 AT 6:00PM**

MINUTES

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1. OPENING DECLARATION

Councillors: *"We, the Councillors of the City of Ballarat, declare that we will carry out our duties in the best interests of the community, and through collective leadership will maintain the highest standards of good governance."*

Mayor: *"I respectfully acknowledge the Wadawurrung and Dja Dja Wurrung People, the traditional custodians of the land, and I would like to welcome members of the public in the gallery."*

2. APOLOGIES FOR ABSENCE

2.1 Present

Mayor Cr Ben Taylor
Cr Samantha McIntosh
Cr Belinda Coates
Cr Mark Harris
Cr Des Hudson
Cr Daniel Moloney
Cr Jim Rinaldi
Cr Grant Tillett
Cr Amy Johnson

Mr Neville Ivey – Acting Chief Executive Officer

2.2 Apologies

Nil

3. DISCLOSURE OF INTEREST

Nil

4. SECTION 66**RESOLUTION:**

That Council resolve, pursuant to Section 66(2)(a) of the *Local Government Act 2020*, that the meeting be closed to members of the public at 6:03pm whilst the Council is dealing with the following matters concerning legal privilege and personal information.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Belinda Coates

(R113/20)

RESOLUTION

That Standing Orders be suspended to discuss the Victorian Ombudsman Report.

Moved: Cr Des Hudson

CARRIED

Seconded: Cr Daniel Moloney

(R114/20)

RESOLUTION

That Standing Orders be resumed.

Moved: Cr Mark Harris

CARRIED

Seconded: Cr Des Hudson

(R115/20)

4.1. VICTORIAN OMBUDSMAN'S REPORT

(Considered confidential information in accordance with section 66(2)(a) of the *Local Government Act 2020* including legal privilege, personal information and information that was designated confidential under section 77(2)(a) of the *Local Government Act 1989*).

RESOLUTION:

That Council:

- 1. Notes the Ombudsman's Report titled 'Investigation of alleged improper conduct by Executive Officers at Ballarat City Council' (Report) and the Recommendations in it; and**
- 2. Resolves to:**
 - 2.1 Terminate the Chief Executive Officer's employment effective immediately in reliance on clause 15 of the Chief Executive Officer's Contract of Employment;**

2.2 In accordance with clause 15 of the Chief Executive Officer's Contract of Employment, pay to the Chief Executive Officer the equivalent of 6 months of her Total Remuneration Package;

- 3. Authorises the Mayor to take such steps and execute such documents as are necessary to give effect to this Resolution; and**
- 4. Resolves that this Resolution ceases to be confidential when the Mayor sends an email to all Councillors confirming that the Chief Executive Officer has been informed of its effect.**

Moved: Cr Daniel Moloney

CARRIED

Seconded: Cr Mark Harris

(R116/20)

Upon being put to the meeting, the Motion was declared carried. Cr Johnson called for a Division.

For the Motion were Councillors: Cr Moloney
Cr Taylor
Cr Coates
Cr Harris
Cr Hudson
Cr Johnson

Against the Motion were: Cr Tillett
Cr Rinaldi
Cr McIntosh

RESOLUTION:

That Council:

- 1. Confirms the appointment of Council's Director Community Development, Neville Ivey, as Acting Chief Executive Officer for a period commencing on 14 May 2020 and expiring on the date that the Interim Chief Executive Officer commences his or her appointment, or such earlier date as Council determines;**
- 2. Resolves to undertake a recruitment process for the appointment of an Interim Chief Executive Officer;**
- 3. Authorises the Mayor to take such steps as are necessary to initiate the recruitment process referred to in paragraph 2 of this Resolution, including the engagement of legal advisors and recruiters selected by the Mayor on the advice of the Acting Chief Executive Officer;**
- 4. Considers the candidates for the position of Interim Chief Executive Officer at a Council meeting to be held at the earliest opportunity after assessment of all applications by the recruiter engaged for the purpose; and**

- 5. Resolves that this Resolution ceases to be confidential when the Mayor sends an email to all Councillors confirming that the Chief Executive Officer has been informed of its effect.

Moved: Cr Des Hudson
 Seconded: Cr Daniel Moloney

CARRIED
 (R117/20)

RESOLUTION:

That Council move out of closed Council at 08:13 pm and adopt the resolutions made therein.

Moved: Cr Des Hudson
 Seconded: Cr Mark Harris

CARRIED
 (R118/20)

5. CLOSE

The Mayor declared the meeting closed at 8:13pm.

Confirmed this day of 2020.

.....
 Mayor