

Minutes of the Meeting of Riverina Water County Council held on Wednesday 14 December 2022

The meeting of the Riverina Water County Council Board was declared open at 9:33am.

Present

Chairperson Tim Koschel
Councillor Doug Meyer OAM
Councillor Pat Bourke
Councillor Tony Quinn
Councillor Dan Hayes
Councillor Gail Driscoll
Councillor Michael Henderson
Councillor Jenny McKinnon

In Attendance

Chief Executive Officer	(Andrew Crakanthorp)
Director Corporate Services	(Emily Tonacia)
Director Engineering	(Bede Spannagle)
Customer & Communications Team Leader	(Joshua Lang)
Executive Assistant to the Chief Executive Officer	(Melissa Vincent)
Governance Officer	(Wendy Reichelt)
ICT Officer	(Alan Eacott)
ICT Officer	(Alex Corneliusen)

Livestreaming of Meeting

Board meetings, including public address speeches, are recorded and webcast live on Council's website. If you are addressing a meeting, your image, voice and name, will form part of the webcast.

Statement of Ethical Reminders

Board members are reminded of the Oath or Affirmation of Office that they made under Section 233A of the Local Government Act 1993. Board Members and staff are also reminded of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Acknowledgment of Country

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

Apologies

Noting Cllr Davies non-attendance as approved during the August 2022 meeting.

Declaration of pecuniary and non-pecuniary interests

Chairperson Tim Koschel declared a non-pecuniary interest in R1 List of Investments the reason being he works for a financial institution and remained in the meeting during the discussion.

Chairperson Tim Koschel declared a non-pecuniary interest in R2 POL 1.23 Investments Policy the reason being he works for a financial institution and remained in the meeting during the discussion.

Chairperson Tim Koschel declared a non-pecuniary interest in R14 Request for sponsorship: Wagga Wagga Takes 2 , the reason being he is a board member for Ronald McDonald House in Wagga Wagga and remained in the meeting during the discussion.

Mr Andrew Crakanthorp declared a pecuniary interest in CONF-3 Conduct of the Annual Performance Review for Chief Executive Officer the reason being his performance is the subject matter of the meetings facilitated by the third party consultant and he left the meeting during the discussion.

Confirmation of Minutes

22/186 RESOLVED:

On the Motion of Councillors T Quinn and D Meyer OAM

That the minutes of the meeting of 26 October 2022, having been circulated and read by Members, were confirmed as a true and accurate record of the proceedings.

CARRIED

Correspondence

Local Government: NSW Weekly Circulars: previously forwarded to Councillors by Constituent Councils

Work Health & Safety Committee: Forwarding a copy of Minutes of the meeting held on 27 October 2022.

22/187 RESOLVED:

On the Motion of Councillors M Henderson and J McKinnon

That the correspondence be received.

CARRIED

Procedural motion – En Globo

22/188 **RESOLVED:**

On the Motion of Councillors J McKinnon and D Meyer OAM

That the standing orders be varied for the meeting as set out hereunder:

- **Items where the Board Members intend to vote against the recommendation;**
- **Items where the Board Members wish to speak on.**

CARRIED

22/189 **RESOLVED:**

On the Motion of Councillors D Hayes and J McKinnon

That R3, R4, R5, R6, R7, R8, R9, R10, R11, R12, R13, R18, R19, R23, M1 be adopted as recommended in the business paper.

CARRIED

Open Reports

R1 **List of Investments**

22/190 **RESOLVED:**

On the Motion of Councillors G Driscoll and D Hayes

That Council receive and note the report detailing external investments for the months of October and November 2022.

CARRIED

Councillor Pat Bourke joined meeting at 9:52am.

R2 POL 1.23 Investments Policy

22/191 RESOLVED:

On the Motion of Councillors D Meyer OAM and D Hayes

That Council:

- a) Note the proposed changes to POL 1.23 – Investments Policy;
- b) Place the draft POL 1.23 – Investments Policy on public exhibition from 15 December 2022 to 31 January 2023 and invite public submissions on the draft policy; and
- c) Receive a further report following the exhibition and submission period:
 - i. Addressing any submissions made in respect of the proposed POL 1.23 – Investments Policy
 - ii. Proposing the adoption of the Policy unless there are any recommended amendment deemed to be substantial and requiring a further public exhibition period

CARRIED

R3 Code of Conduct Policy and Procedure for Administration of the Code of Conduct

22/192 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a) Note that the Code of Conduct was placed on public exhibition for a period of 28 days with no submissions received, and
- b) Adopts the Code of Conduct Policy 1.01 and the Procedure for Administration of the Code of Conduct.

CARRIED

R4 Internal Reporting (Protected Disclosures) Policy

22/193 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt the Internal Reporting (Protected Disclosures) Policy 1.11

CARRIED

R5 Enterprise Risk Management Policy

22/194 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt the Enterprise Risk Management Policy 1.13

CARRIED

R6 Equal Employment Opportunity Policy

22/195 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt the Riverina Water Equal Opportunity Policy noting there were no public submissions received following public exhibition.

CARRIED

R7 Drinking Water Quality Management Policy

22/196 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt the Drinking Water Quality Management Policy as presented in this report

CARRIED

R8 Rural Subtrack Meters Policy

22/197 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a) Note that the Rural Subtrack Meters policy will be placed on public exhibition from 15 December to 31 January 2023 to invite public submissions on the policy**
- b) Note that a further report will be provided to the February 2023 meeting advising the outcome of the exhibition period and requesting endorsement of the policy by the Board**

CARRIED

R9 Asset and Infrastructure Naming Policy

22/198 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council

- a) Endorse the reviewed Asset and Infrastructure Naming Policy and place it on public exhibition from 15 December 2022 to 31 January 2023 and invite public submissions on the draft policy
- b) Receive a further report following the public exhibition and submission period:
 - a. Addressing any submissions made in respect of the reviewed policy
 - b. Proposing adoption of the policy unless there are any recommended amendments deemed to be substantial and requiring a further review

CARRIED

R10 Records Management Policy Recission

22/199 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council rescind Records Management Policy 1.18 noting that it will instead be replaced by Riverina Water Records Management Guidelines.

CARRIED

R11 Project Management Policy Recission

22/200 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council rescind Project Management Framework Policy 1.25 noting that a new project management approach will be developed during 2023.

CARRIED

R12 Pesticide Use Notification Plan

22/201 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a) Note that the Pesticide Use Notification Plan has been reviewed and will now be placed on public exhibition as required under the Pesticides Regulation 2017
- b) Note that following a period of public exhibition the Pesticide Use Notification Plan will be re-submitted to the Board for endorsement

CARRIED

R13 Code of Conduct Statistical Report to 31 August 2022

22/202 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council note that the Riverina Water Code of Conduct statistical report from 1 September 2021 to 31 August 2022 has been lodged with the Office of Local Government with zero notifications or determinations for that period.

CARRIED

Councillor Pat Bourke left the meeting at 10:07am

R14 Request for sponsorship: Wagga Wagga Takes 2

A motion was moved by Councillors G Driscoll and J McKinnon

That Council that Council:

- a) sponsor the 2023 Wagga Wagga Takes 2 event by way of sponsoring the "Golden Buzzer" award in the amount of \$9,000.
- b) Donate the ten tickets associated with the sponsorship to the Committee of one of the ten charities supported by the event;
- c) Determine which charity will receive the ten tickets.

An AMENDMENT was moved by Councillors D Hayes and J McKinnon

That:

The Council defer consideration of the report to the February 2023 meeting.

The Amendment became the motion

22/203 RESOLVED:

On the Motion of Councillors D Hayes and JM McKinnon

That:

The Council defer consideration of the report to the February 2023 meeting.

CARRIED

Councillor Pat Bourke returned to the meeting at 10:10am

R15 First Nations artwork commission and branding extension

22/204 RESOLVED:

On the Motion of Councillors GD Driscoll and D Hayes

That Council receive and note the report.

CARRIED

R16 Local Water Utility Dividend Consultation Paper

22/205 RESOLVED:

On the Motion of Councillors G Driscoll and D Hayes

That the Board:

- a) Receive and note the report**
- b) Note the consultation and collaboration with other County Councils with a view to submitting feedback on the Consultation Paper.**

CARRIED

R17 One Organisation: The Way Forward

22/206 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council receive and note the report and continue its membership of Riverina Joint Organisation as an Associate Member.

CARRIED

R18 Budget for Electrical Design Work

22/207 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That the Board brings forward \$90,000 from the 2026/27 budget during the Quarterly Budget Review (QBR) in February 2023, for demolition of buildings of little significance. This budget will enable the design of the electrical infrastructure required for ongoing use and repurposing of the original Water Treatment Plant buildings.

CARRIED

R19 Employee participation in Sindhuli Nepal Project Team - Partnering with South Wagga Wagga Rotary

22/208 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That the Board:

- a) Note the report;**
- b) Acknowledge the ongoing partnership with South Wagga Wagga Rotary and the mutual benefits with our employee leadership program participating in suitable aid projects; and**
- c) Support the 2023 participants, Virginia Ricardo and Brenton Pitman in the program as outlined in the report.**

CARRIED

R20 Review of Engineering Structure

22/209 RESOLVED:

On the Motion of Councillors GD Driscoll and J McKinnon

That the Board endorse the attached organisation structure noting the changes to the two Engineering Managers positions.

CARRIED

R21 Works Report covering October 2022

22/210 RESOLVED:

On the Motion of Councillors J McKinnon and D Hayes

That the Works Report covering October 2022 be received and noted.

CARRIED

R22 Works Report covering November 2022

22/211 RESOLVED:

On the Motion of Councillors J McKinnon and D Meyer OAM

That the Works Report covering November 2022 be received and noted.

CARRIED

R23 Council Resolution Sheet

22/212 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That the report detailing the status of the active resolutions of Riverina Water be received.

CARRIED

Committee Minutes

M1 Minutes of Audit, Risk and Improvement Committee held on 24 November 2022

22/213 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council endorses the recommendations contained in the minutes of the Audit, Risk and Improvement Committee meeting held on 24 November 2022.

CARRIED

Closed Council

Pursuant to section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public were present or made representations.

22/214 RESOLVED:

On the Motion of Councillors T Quinn and D Hayes

That the Council now resolve itself into a Closed Council, the time being 10:42am.

CARRIED

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the CEO, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Confidential Reports

CONF-1 Raw Water Pump Tender W291

22/215 RESOLVED:

On the Motion of Councillors G Driscoll and J McKinnon

That the Board:

- a) Decline to accept any of the tenders in accordance with Clause 178 (1)(b) of the Local Government (General) Regulation 2021
- b) Enter negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender in accordance with clause 178, (3)(e) of the Local Government (General) Regulation 2021.
- c) In accordance with Clause 178 (4) (a) of the Local Government (General) Regulation 2021 note that the reason for entering into negotiations is that Riverina Water staff do not believe that inviting fresh tenders will attract further interest in the project.
- d) In the event that negotiations with the party referred to in the report are unsuccessful and in accordance with Clause 167 of the Local Government (General) Regulation 2021 invite fresh tenders.

CARRIED

CONF-2 Update on UGL Cost to Complete Claim

22/216 RESOLVED:

On the Motion of Councillors G Driscoll and T Quinn

That the Board:

Authorise the CEO to commence legal action in relation to recovery of the Costs to Complete claim against UGL Engineering Pty Ltd for outstanding work undertaken in relation to the Wagga Wagga Water Treatment Plant contract.

CARRIED

Mr Andrew Crakanthorp, Mr Joshua Lang, Mr Alex Cornelius and Mrs Wendy Reichelt left the meeting at 11:06am.

CONF-3 Conduct of the Annual Performance Review for Chief Executive Officer

A motion was moved by Councillors D Meyer OAM and J McKinnon

That the Board:

- a) receive and note the report
- b) appoint one of the two companies to undertake the annual review of the CEO for the duration of the CEO's contract which concludes in January 2028.

An amendment was moved by Councillors T Quinn and P Bourke

That:

- a) Council receive and note the report
- b) Call for expression of interests and go to market to see who is available to undertake the annual performance reviews

LOST

Record of voting on the Motion

For the Motion

Cr T Quinn

Against the Motion

Cr P Bourke
Cr T Koschel
Cr D Meyer
Cr D Hayes
Cr G Driscoll
Cr M Henderson
Cr J McKinnon

22/217 RESOLVED:

On the Motion of Councillors D Hayes and P Bourke

That:

- a) Council receive and note the report**
- b) Appoint Local Government Management Solutions to undertake the annual review of the CEO for the duration of the CEO's contract which concludes in January 2028.**

CARRIED

Record of voting on the Motion

For the Motion

Cr P Bourke
Cr T Koschel
Cr T Quinn
Cr D Hayes
Cr M Henderson
Cr J McKinnon

Against the Motion

Cr D Meyer
Cr G Driscoll

Mr Andrew Crakanthorp, Mr Joshua Lang, Mr Alex Cornelius and Mrs Wendy Reichelt joined the meeting at 11:33am.

Reversion to Open Council

22/218 RESOLVED:

On the Motion of Councillors P Bourke and T Quinn

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 11:33am.

CARRIED

Decisions Read Aloud

The Chief Executive Officer and Director Engineering read aloud the decisions of the Council made whilst the meeting was closed to the public.

Councillor Dan Hayes left the meeting at 11:34am

Councillor Dan Hayes returned to the meeting at 11:35am

Councillor Michael Henderson left the meeting at 11:35am

Questions and statements

The following questions and statements were made by those present:

1. Clr Quinn thanked the Board and wished everyone a Merry Christmas
2. Clr Meyer wished everyone a Merry Christmas and Happy New Year, happy to have been on the Board of Riverina Water for as long as he has
3. Clr McKinnon expressed what a terrific year she has had here and has enjoyed working with everyone. Clr McKinnon thanked the CEO for his work and conveyed her best wishes to all for the festive season
4. Clr Hayes expressed how well englobo worked today
5. Clr Driscoll wished everyone a Merry Christmas, happy and safe New Year and expressed she was looking forward to working with everyone in 2023
6. Clr Bourke advised a Councillor for Morundah had enquired regarding a drinking station for the town. He then thanked everyone for a great year and how much he enjoyed working with everyone, the staff are great to work with. Wished everyone a safe and healthy Christmas

Councillor Michael Henderson returned to the meeting at 11:38am

7. Mr Spannagle wished everyone safe travels over Christmas, looking forward to seeing everyone back next year.
8. Mr Crakanthorp enquired with Clr Bourke if he would like Riverina Water to pursue drinking station request for Morundah and advised that each LGA is able to apply for a new drinking station each year that Riverina Water will install.
9. Clr Bourke passed on the concerns around the water pressure in Rand and asked if it can be looked at and investigated

10. Cllr Koschel expressed his pleasure working with the Board this year and enjoyed the discussions taken place and the respect shown.

**This concluded the meeting of the Riverina Water County Council Board
which rose at 11:41am**