



**20 AUGUST 2001**

**Meeting No 1337**

**MINUTES** of an Extraordinary Meeting of the Council of the City of Sydney held in the Finance Committee Room at the Sydney Town Hall, commencing at 5.15pm on 20 August 2001 pursuant to Notice 15/1337 dated 16 August 2001.

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**PRESENT**

The Right Hon The Lord Mayor Councillor Frank Sartor  
(Chairman)

Councillors - Dixie Coulton, Nick Farr-Jones, Kathryn Greiner, Robert Ho, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.15pm those present were:-

The Lord Mayor, Councillors Coulton, Farr-Jones, Greiner, Ho, Marsden and Turnbull.

The Acting General Manager, Deputy General Manager, Director Corporate and Legal Services, Acting Director City Projects and Director Living City Services were also present.

**ITEM 1. POWERS OF ATTORNEY (S000107)**

FILE NO: S000107

DATE: 16/8/01

**MEMORANDUM BY THE GENERAL MANAGER**

To Council:

**Summary**

A Resolution of Council is sought to:

1. revoke existing powers of attorney granted to Murray Douglas, General Manager (with effect from 31 August 2001); and Cliff Haynes, former Deputy General Manager, and
2. grant powers of attorney to John Kass, acting General Manager and Robert Domm, Deputy General Manager.

**Background**

On 29 January 2001, by Resolution of Council, Council appointed the General Manager, Murray Douglas, as an attorney of Council and a formal power of attorney was executed under the seal of Council on 15 February 2001. The Director – Corporate and Legal Services has also been appointed as attorney by a separate Council resolution.

1. Mr Douglas has resigned from Council with effect from 31 August 2001. It is necessary to formally revoke the power of attorney. A formal deed of revocation has been prepared and a copy is set out as Attachment “A”.

2. On 3 April 1995, by Resolution of Council, Council appointed the former Deputy General Manager, Cliff Haynes, as an attorney of Council and a formal power of attorney was executed under the seal of Council on 2 September 1997. As Mr Haynes has left Council, it is necessary to formally revoke the power of attorney. A formal deed of revocation has been prepared and a copy is set out as Attachment "B".
3. Although execution of documents is primarily undertaken by the Director - Corporate and Legal Services, it is advisable to have more than one attorney. Mr John Kass is acting General Manager until the appointment of a new General Manager. Mr Robert Domm has been appointed to the temporary position of Deputy General Manager. It is considered appropriate to appoint Mr Kass and Mr Domm as attorneys. Draft powers of attorney have been prepared and copies are set out as Attachment "C" and Attachment "D" respectively.
4. The power of attorney granted to the Director – Corporate and Legal Services continues to have effect.

RECOMMENDATION:

That arising from consideration of a Memorandum by the General Manager to the Extraordinary meeting of Council on 20 August 2001, on Powers of Attorney, it be resolved that:

- (A) The power of attorney granted to Murray Douglas, former General Manager, dated 15 February 2001 be revoked with effect from 31 August 2001;
- (B) The power of attorney granted to Cliff Haynes, former Deputy General Manager, dated 2 September 1997 be revoked with immediate effect;
- (C) Deeds of revocation of the power of attorney in the form of Attachment "A" and Attachment "B" be executed under the common seal of the Council;
- (D) A power of attorney to execute documents be granted to Mr John Kass, in the form of Attachment "C" to the subject Memorandum by the General Manager;
- (E) A power of attorney to execute documents be granted to Mr Robert Domm, in the form of Attachment "D" to the subject Memorandum by the General Manager;
- (F) The powers of attorney granted to Mr John Kass and Mr Robert Domm be executed under the common seal of Council.

(SGD) JOHN KASS  
Acting General Manager

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Memorandum by the General Manager to the Extraordinary meeting of Council on 20 August 2001, on Powers of Attorney, it be resolved that:

- (A) The power of attorney granted to Murray Douglas, former General Manager, dated 15 February 2001 be revoked with effect from 31 August 2001;
- (B) The power of attorney granted to Cliff Haynes, former Deputy General Manager, dated 2 September 1997 be revoked with immediate effect;
- (C) Deeds of revocation of the power of attorney in the form of Attachment "A" and Attachment "B" be executed under the common seal of the Council;
- (D) A power of attorney to execute documents be granted to Mr John Kass, in the form of Attachment "C" to the subject Memorandum by the General Manager;
- (E) A power of attorney to execute documents be granted to Mr Robert Domm, in the form of Attachment "D" to the subject Memorandum by the General Manager;
- (F) The powers of attorney granted to Mr John Kass and Mr Robert Domm be executed under the common seal of Council.

Amendment moved by Councillor Greiner, seconded by Councillor Farr-Jones -

That the motion be amended by

- (a) the deletion of clause (E);
- (b) the deletion of the words "Mr Robert Domm" from clause (F).

The amendment was lost on the following show of hands -

Ayes (2) - Councillors Farr-Jones and Greiner

Noes (5) - the Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Amendment lost.

The motion was carried on the following show of hands -

Ayes (5) - the Chairman (the Lord Mayor), Councillors Coulton, Ho, Marsden and Turnbull

Noes (2) - Councillors Farr-Jones and Greiner

Motion carried.

Note - At this stage of the meeting, the Chairman (the Lord Mayor) introduced a Minute by the Lord Mayor on Funding of Sydney Festival.

### **ITEM 3. FUNDING OF SYDNEY FESTIVAL**

FILE NO:

DATE: 21/8/01

#### **MINUTE BY THE LORD MAYOR**

##### To Council:

The Sydney Festival has undergone significant growth in recent years. This is reflected in part in its budget, which has grown from a total expenditure for the 1996 Festival of \$7.1M to a budgeted expenditure of \$11.6M for the coming festival.

The City of Sydney's financial contribution was \$750,000 in 1990 and 1991 but reduced to \$600,000 in 1992 as the City experienced financial difficulties. In recent years it has varied between \$650,000 and \$800,000.

At the same time the State's contribution has risen from \$894,000 in 1996 to \$2.0M for the coming Festival.

In order to secure the Government's commitment to a base amount of \$2.0M, and an enhancement in the Channel 9 contribution, it is proposed to increase the City's base contribution to \$800,000 for the next three years, on the understanding that there is little scope for supplementary sums beyond this amount.

I believe this will create greater certainty for the Festival Director as he finalises the program for the coming Festival.

In order to progress this matter I submit the proposal to Council for its approval.

##### RECOMMENDATION:

That arising from the Minute by the Lord Mayor dated 20 August 2001 concerning funding for the Sydney Festival it be resolved that:

- (A) Council approve funding for the Festival at \$800,000 pa for the next three years, on the understanding that there are enhancements in the Government and Channel 9 contribution;
- (B) That the funding for the current year be from the General Contingency or other sources within the Budget framework as may be identified by the Acting General Manager, and that the specific allocation in future years be adjusted accordingly.

(SGD) COUNCILLOR FRANK SARTOR  
Lord Mayor

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Minute by the Lord Mayor to the Extraordinary meeting of Council on 20 August 2001 on Funding of Sydney Festival, it be resolved that -

- (A) Council approve funding for the Festival at \$800,000 pa for the next three years, on the understanding that there are enhancements in the Government and Channel 9 contribution;
- (B) the funding for the current year be from the General Contingency or other sources within the Budget framework as may be identified by the Acting General Manager, and that the specific allocation in future years be adjusted accordingly.

Carried unanimously.

### **Closed meeting**

At 5.30pm the Extraordinary meeting of Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A (2)(d)(ii) of the Local Government Act 1993 to discuss Item 2 on the agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matters and the circumstances of communications.

Item 2 was then dealt with by the Extraordinary meeting of Council while the meeting was closed to the public.

### **ITEM 2. TENDER FOR THE PROVISION OF STREETSWEEEPING SERVICES TO THE ROYAL BOTANIC GARDENS TRUST (S016801)**

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Director Living City Services to the Extraordinary meeting of Council on 20 August 2001 on Tender for the Provision of Streetsweeping Services to the Royal Botanic Gardens Trust, it be resolved that Council approve the submission by Living City Services to participate in the tender for the provision of streetsweeping and allied services to the Royal Botanic Gardens; the final terms to be settled by the Director Living City Services in consultation with the Acting General Manager.

Carried unanimously.

At 5.57pm the meeting concluded.

Chairman of a meeting of the Council of the City  
of Sydney held on 27 August 2001 at which  
meeting the signature herein was subscribed.