

CONFIDENTIAL BUSINESS

2 Council Property - Lease Agreement - Shop 1, 131 Queen St, St Marys

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Jim Aitken OAM

CW2 That:

1. The information contained in the report on Council Property - Lease Agreement - Shop 1, 131 Queen St, St Marys be received.
2. Council approve the proposed new lease agreement under the terms and conditions listed within the report.
3. The Common Seal of the Council of The City of Penrith be placed on all necessary documentation.

3 Conduct Matter - Councillor Kevin Crameri OAM

RECOMMENDED on the MOTION of Councillor Marcus Cornish seconded Councillor Jim Aitken OAM

CW3 That:

1. The information contained in the report on Conduct Matter – Councillor Kevin Crameri OAM be received.
2. Council adopt the recommendation of the final investigation report into the conduct of Councillor Crameri at the Councillor Briefing on 8 March 2021.
3. Under Section 440G of the Local Government Act 1993, Councillor Crameri be formally censured for breach of the Penrith City Council Code of Conduct, the Council being satisfied that, on the balance of probabilities, at the Councillor Briefing on Monday 8 March 2021 Councillor Crameri:
 - a. Breached Clauses 3.1 e), 3.1 g), 3.10 a), 3.10 b), 3.21, 7.6 f) and 7.6 h) of the Penrith City Council Code of Conduct by addressing the Councillor Briefing in an aggressive, disrespectful and/or unprofessional manner by using a raised voice.
 - b. Breached Clauses 3.1 e), 3.1 g), 3.7, 3.10 a), 3.21, 7.6 f) and 7.6 h) of the Penrith City Council Code of Conduct by acting in an aggressive, disrespectful and/or unprofessional manner by throwing papers on the desk at X and X.
 - c. Breached Clauses 3.1 e), 3.1 g), 3.7 b) and 3.10 b) of the Penrith City Council Code of Conduct by using words to the effect of “I proved him wrong” in respect of the presentation made by Barrister, Mr Philip Boncardo.
 - d. Breached Clauses 3.1 e), 3.1 g), 3.7 b) 3.8, 3.9 a), 3.10 a), 3.10 b), 3.21, 7.6 f) and 7.6 h) of the Penrith City Council Code of Conduct by using the Councillor Briefing to bully, intimidate and/or harass Council staff by saying on a number of occasions words to the effect that “our people have not done the right thing.”
 - e. Breached Clauses 3.1 e), 3.1 g), 3.7 b) 3.8, 3.9 a), 3.10 a), 3.10 b), 3.21, 7.6 f) and 7.6 h) of the Penrith City Council Code of Conduct by using the Councillor Briefing to bully, intimidate and/or harass Council staff by making comments to

- suggest that Council staff misled the Courts with false information regarding the health of trees that had been removed by the defendant in the prosecution.
- f. Breached Clauses 9.1, 9.2, 9.10 and 9.11 of the Penrith city Council Code of Conduct by discussed making a Code of Conduct complaint against Council staff in relation to the prosecution, and that this was undertaken in a matter that lacked merit, was designed to bully, intimidate or harass another Council official and was done with an improper purpose.

4 General Manager's Annual Performance Review 2020-21 and Review of Contract

RECOMMENDED on the MOTION of Councillor Ross Fowler OAM seconded Councillor Brian Cartwright

CW4 That:

1. The information contained in the report on General Manager's Annual Performance Review 2020-21 and Review of Contract be received.
2. Council agree to appoint an external independent consultant to review the General Manager's performance at the next review.
3. Council resolve to enter into a new contract of employment with the incumbent General Manager but defer consideration as to the term of that contract commencing on 27 August 2022 until Council's next meeting. Council note that the term of the new contract is to be a least 12 months but not greater than 5 years.
4. Council having considered the General Manager's Total Remuneration Package defer the consideration of the quantum of that package to the August Ordinary Council meeting.