



**FEDERATION
COUNCIL**

Minutes

Thursday, 8 February 2018

Council Chambers, Corowa

Commenced 2:30 pm



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1. MEETING OPENING

[Live Streaming of Council Meetings](#)

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All care will be taken to maintain the privacy of those in attendance, however as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is assumed your consent is given in the event your image is broadcast.

[Acknowledgement of Country](#)

I would like to acknowledge the Traditional Custodians of the land on which we are meeting today, the Bpangerang people, and acknowledge the Aboriginal and Torres Strait Islander people who now reside in this area. I extend that respect to Elders – past and present of the Bpangerang nations.

PRESENT:

The Mayor, Councillor PMJ Bourke (Chairperson), Councillors AC Kennedy, GJ Law, DS Longley, FT Longmire, PI Miegel, BJ Thomas and NW Wales APM.

ALSO PRESENT:

Ms KJ Kay (Director Corporate and Community Services), Mr KC Parker (Director Finance and Organisation Development) and Mr P Gall (Director Infrastructure and Environment).

APOLOGIES:

Mr A Butler (Interim General Manager).

29/18FC **RESOLVED** on the motion of Councillors Wales and Thomas that the apology received from Councillor SM Whitechurch be accepted.

2. NOTIFICATION OF PECUNIARY/CONFLICTS OF INTEREST IN MEETING BUSINESS ITEMS

Nil.

3. MAYORAL MINUTES

The Mayor wished Councillor Wales a Happy Birthday.

Councillor Longmire apologised for his non-business wear.

4. DIRECTOR FINANCE AND ORGANISATION DEVELOPMENT REPORT

4.1 ENGAGEMENT OF RECRUITMENT SERVICES PROVIDER TO ASSIST THE SELECTION AND APPOINTMENT OF A PERMANENT GENERAL MANAGER

Summary

The Local Government Act 1993 (the Act) requires that Council immediately appoint a person to the position of General Manager. The position of General Manager is a senior staff position.

The Office of Local Government has developed guidelines, *Guidelines for the Appointment and Oversight of General Managers* (the Guidelines), to guide councillors through the process of recruiting and appointing general managers. The Guidelines are designed to promote a consistent approach to the recruitment and appointment of general managers across NSW councils and ensure compliance with the Act.

The Guidelines promote the use of an independent person on the General Manager Selection Committee Panel. Given this, the specialised nature of executive recruitment and the critical nature of this decision, this report recommends engagement of a recruitment service provider to manage the recruitment process and provide independent expert advice to Council.

This report outlines proposed changes to the recruitment and appointment process in line with the Guidelines and the requirements of the Act.

Council must ensure that the recruitment of the General Manager is undertaken:

- Using merit selection principles (s349)
- In accordance with Equal Employment Opportunity principles (s349 and s344)
- In an open and transparent manner whilst ensuring appropriate confidentiality is maintained.

Additionally, it is suggested that as only two Councillors are currently not part of the General Manager Recruitment Panel, that Council consider increasing the number of Councillors to be the full Council.

Background

Previous Council Resolutions:

The following is an extract from the Federation Council Extraordinary Council Meeting on 14 November 2017 Council moved:

1. ***THAT Council note the report on the Recruitment of the permanent General Manager and the Division of Local Government Guidelines for the Appointment and oversight of General Managers;***
2. ***THAT Council determine the size and composition of a General Manager Recruitment Committee for the initial shortlisting of applications and first interviews, consisting of the Mayor, Deputy Mayor, two nominated Councillors and one independent member;***
3. ***THAT Council delegate authority to the Mayor to oversee the General Manager Recruitment process, including the determination of final interview candidates as recommended by the General Manager Recruitment Committee;***
4. ***THAT Council note the schedule for recruitment of the new permanent General Manager; and***
5. ***THAT Council schedule an Extra-Ordinary meeting of Council for 1 May 2018 at Federation Council Corowa Council Chamber to consider the Selection Report.***

Amendment to Motion

MOVED on the motion of Councillors Longmire and Whitechurch:

THAT the motion for item 2 be amended to:

- 2. THAT Council determine the size and composition of a General Manager Recruitment Committee for the initial shortlisting of applications and first interviews, consisting of the Mayor, Deputy Mayor, four Councillors, nominated as Councillors Miegel, Longley, Kennedy and Longmire and one independent member;**

185/17FC RESOLVED on the motion of Councillors Law and Longmire:

The amendment to the motion was put to the meeting.

The amendment to the motion was carried.

The amendment became the motion and was again put to the meeting and carried.

The following is an extract from the Federation Council Extraordinary Council Meeting on 19 December 2017
Item 4 Mayoral Minutes

Council is required to appoint a female delegate to the General Manager Recruitment Committee, Cr Law has nominated to be on this committee, and Cr Thomas, the only other female member of Council, has supported this appointment.

224/17 RESOLVED on the motion of Councillors Whitechurch and Kennedy that Cr Gail Law be appointed to the existing General Manager Recruitment Committee

Interim General Manager

Council's Interim General Manager, Adrian Butler, was appointed on 2 December 2017 to direct and manage the business of Federation Council for an interim period during which Council instigates and follows a process of appointing a person to the permanent position of General Manager, Federation Council.

Council's Interim General Manager will not be part of the selection of the Recruitments Services assistance nor for the preparation of the documentation material and General Manager Recruitment Committee Panel processes. However, it is noted that Council will continue to support the Interim General Manager to undertake the role and responsibilities of the General Manager until the commencement of a permanent General Manager.

Report

PART 1 - ENGAGEMENT OF A RECRUITMENT SERVICE PROVIDER

From the Federation Council Extraordinary Council Meeting on 14 November 2017 Section 3.3. Report "General Manager Recruitment":

Council officers will work with the panel to develop a consultant's brief for the engagement of a recruitment agency.

The selection of the recruitment agency must comply with Council's Procurement Policy which requires 3 written quotations for expenditure between \$25,000 and \$150,000. It is suggested that Council advertise through Tenderlink as per Council's normal internal process. This will obtain a broad range of companies submitting quotations.

A recruitment service provider should be engaged to oversee the recruitment process including:

- Preparation of recruitment documentation in consultation with Council,
- Act as the contact person for the position for potential applicants,
- Advertising for the position in accordance with the requirements of the Act,
- Selection of applicants for interview,
- Sit on the selection panel as an independent member,
- Preparation of the selection panel report to the Council, and
- Provide expert advice to Council in relation to the recruitment and appointment process.

Other Considerations:

- Full process of managing permanent General Manager recruitment, including liaising with Mayor and General Manager Recruitment panel to prepare new Position Description and Information Pack,
- Advise the panel on consideration of inclusion of other independent panel members, such as other General Managers, office of local government representative etc,
- Responsible for advertising and first contact for enquiries, before referral to Mayor if required, arrange short listing for first interview with panel consultation,
- Being present at first and second round interviews to facilitate the process. Include as estimates or additional, travel and accommodation costs or rates/estimates,
- Drafting up and assist Council Mayor and Panel with negotiations with preferred candidate, and
- Price separately for the Council consideration, leading the process of establishing the performance management document, and facilitating the interim and six if called for, and first twelve monthly performance appraisal meetings.

Given the expected cost (up to \$100,000) of engaging a provider for this process, Council must seek quotations from multiple providers. A Request for Quotation (RFQ) document for Executive Recruitment Services has been prepared for the approval of Council before advertising to enable commencement of the recruitment process. Quotations received through this process will be assessed by the panel to determine which provider offers the best value for money. This provider will then be engaged.

Recruitment service providers all have significant experience in the recruitment of general managers in NSW Local Government.

Council must appoint a panel to engage in the selection of a recruitment service provider to support the following functions:

- Workshop and agree on the Terms of Engagement for Consultants setting the criteria for engagement of a recruitment service provider,
- Workshop and agree on the selection criteria for engagement of a recruitment service provider,
- Coordinate and consider submissions and shortlisting of potential recruitment service providers,
- Receive presentations from shortlisted potential providers, and
- Report and move selection of successful provider.

The suggested timeframe for the recruitment of a service provider is:

DATE	ACTIVITY	PARTICIPANTS	VENUE & FORUM
20 FEBRUARY 2018	Consider and agree Request for Quote document Consider and agree Terms of Engagement for Consultants Consider and agree Selection Criteria for Engagement	Selection Panel for recruitment of service provider. Non-voting Council Officer	Council Chambers, Corowa Councillor Workshop
22 FEBRUARY 2018	Request for Quote and supporting documents calling for submissions advertised on Tenderlink (or similar)	Non-voting Council Officer	Council Office
1 MARCH 2018	Closing date for submissions		
6 MARCH 2018	Collated submissions and summary presented for consideration. Selection criteria applied Short list selected	Selection Panel for recruitment of service provider. Non-voting Council Officer	Howlong Golf Resort, Meeting Room After Councillor Briefing session
13 MARCH 2018	Presentations from shortlisted	Selection Panel for recruitment of service provider. Non-voting Council Officer	Council Chambers, Corowa Selection Panel meeting
20 MARCH 2018	Report recommendations	Mayor	Council Chambers, Corowa Ordinary Council Meeting
21 MARCH 2018	Offer contract to successful applicant	Mayor	Council Office
28 MARCH 2018	Offer & Acceptance completed Contract signed	Mayor Non-voting Council Officer	Council Office

PART 2 - RECRUITMENT OF PERMANENT GENERAL MANAGER

It is suggested that as only two Councillors are currently not part of the General Manager Recruitment Panel that Council consider increasing the number of Councillors to be the full Council.

Determining the Selection Criteria, Role Requirements and Remuneration

Following engagement of a recruitment service provider, the service provider will be required to facilitate a workshop with Council to discuss Council's strategic direction, structure and culture to determine the selection criteria for the position and to inform the General Manager's position description.

Once the position description is finalised, the selection panel (including the recruitment service provider) will evaluate the position description in terms of salary to reflect the responsibilities of the position. In accordance with the Guidelines, the panel must ensure that the proposed salary range reflects the responsibilities and duties of the position.

The Recruitment and Selection Process

The Guidelines state that Council should delegate the recruitment process to the selection panel. The role of the selection panel is to report back to Council on the selection process and recommend the applicant with the greatest merit (if any) for appointment to the position by the Council.

Following completion of the recruitment process, the Selection Panel is responsible for preparing a report to Council that:

- Outlines the selection process,
- Recommends that applicant with the greatest merit (if any) for appointment, including reasons justifying the recommendation,
- Recommends an eligibility list if appropriate, and
- Recommends that no appointment is made if the outcome of the selection process is that there are no suitable applicants.

This report should be confidential and reported to a closed meeting of Council. Council must by resolution approve the position of General Manager being offered to the successful candidate before that position is actually offered to that candidate.

The report will also seek approval for the proposed remuneration package and for the proposed term of the Contract (a term of 1 year to 5 years noting that the employment contract can then be renewed by agreement without readvertising).

The Offer and Appointment

Following a Council resolution to appoint the successful candidate, the Mayor makes the offer of employment to the successful candidate in accordance with the Standard Contract for the Employment of General Managers as approved by the Chief Executive of the Office of Local Government. The initial offer can be made by telephone but conditions such as the term of the contract and remuneration package must be confirmed in writing.

Appointment of Acting General Manager

In accordance with section 336 of the Local Government Act, Council must immediately appoint a person to the vacant position or appoint a person to act in the vacant position. It is recommended that Council support the Interim General Manager until the commencement of a permanent General Manager.

General Manager Oversight

Council should note that a performance agreement must be signed within three months of the commencement of employment. An independent external facilitator may be involved in this process if Council wishes.

The process timeframes as suggested below is longer than that previously adopted of 1 May 2018. However it is suggested that the new timeframe will allow sufficient time for careful consideration and selection of the permanent General Manager.

Federation Council Extraordinary Council Meeting

8 February 2018

The suggested new timeframe for the recruitment of a Permanent General Manager is:

DATE	ACTIVITY	PARTICIPANTS	VENUE & FORUM
3 APRIL 2018	First meeting with service provider to commence recruitment process including reviewing and developing: Develop position description Salary estimations Information Pack Advertising Selection criteria	Selection Panel for recruitment of General Manager Recruitment Service Provider Information pack provide by Organisational Development	Council Chambers, Urana After Councillor Briefing session
6 APRIL 2018	Service provider final documents	Selection Panel for recruitment of General Manager Recruitment Service Provider	
10 APRIL 2018	Advertise position	Service Provider	
20 APRIL 2018	Close advertising		
1 MAY 2018	Recommendations from shortlisted	Selection Panel for Recruitment of Permanent General Manager. Service Provider	Mulwala Resource Centre After Councillor Briefing session
15 MAY 2018	Interview short listed applicants	Selection Panel for Recruitment of Permanent General Manager. Service Provider	Council Chambers, Corowa Councillor Workshop
18 MAY 2018	Selection Report to Council	Selection Panel for Recruitment of Permanent General Manager. Service Provider	Council Chambers, Corowa Extraordinary Council Meeting
18 MAY 2018	Offer contract to successful applicant	Mayor/Service provider	
25 MAY 2018	Offer & Acceptance completed Contract signed	Mayor/Service provider	
To be determined	Proposed commencement date		
To be determined	Performance agreement to be documented		

Financial Implications

The engagement of a recruitment provider and a permanent General Manager is unbudgeted. Whilst a cost estimate has not been prepared similar recruitment processes at other Councils have cost from \$35,000 to in excess of \$100,000.

Legal Implications

Council must appoint a General Manager in accordance with the Local Government Act 1993 (s334).

Guidelines for the Appointment and Oversight of General Managers are issued under section 23A of the Local Government Act 1993 and must be taken into consideration by council's governing body when exercising the functions related to the recruitment, oversight and performance management of general managers.

Attachments

- 4.1.1 Guidelines for the Appointment and Oversight of General Managers (July 2011)

Part 1 – Engagement of a recruitment service provider

RECOMMENDED:

1. THAT Council note the report on the engagement of recruitment services provider to assist the selection and appointment of a permanent General Manager;
2. THAT Council appoint a panel to engage in the selection of a recruitment service provider being the Mayor, Deputy Mayor and all other elected Councillors and non-voting Council Officer(s) to assist with coordination and administration of the process; and
3. THAT Council note the timeframe recommended for recruitment of a service provider.

Part 1 – Engagement of a recruitment service provider

30/18FC **RESOLVED** on the motion of Councillors Miegel and Kennedy:

1. THAT Council note the report on the engagement of recruitment services provider to assist the selection and appointment of a permanent General Manager;
2. THAT Council appoint a panel to engage in the selection of a recruitment service provider being the Mayor, Deputy Mayor and all other elected Councillors and non-voting Council Officer(s) to assist with coordination and administration of the process; and
3. THAT Council note the timeframe recommended for recruitment of a service provider.

Part 2 – Recruitment of permanent General Manager

RECOMMENDED:

1. THAT Council note the report on the Recruitment of Permanent General Manager;
2. THAT Council appoint the remaining Councillors Wales and Thomas to the General Managers Recruitment Committee; and
3. THAT Council note the timeframe recommended for recruitment of a permanent General Manager.

Part 2 – Recruitment of permanent General Manager

31/18FC **RESOLVED** on the motion of Councillors Miegel and Longley:

1. THAT Council note the report on the Recruitment of Permanent General Manager;
2. THAT Council appoint the remaining Councillors Wales and Thomas to the General Managers Recruitment Committee; and
3. THAT Council note the timeframe recommended for recruitment of a permanent General Manager.

KC PARKER

DIRECTOR FINANCE AND ORGANISATION DEVELOPMENT

5. CLOSURE OF MEETING

The meeting terminated at 2:37 pm.

CONFIRMED: 20 FEBRUARY 2018.

THE MAYOR: _____