



**FEDERATION
COUNCIL**

Minutes

Tuesday, 14 November 2017

Council Chambers, Corowa

Commenced 9.30 am



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1. MEETING OPENING

Live Streaming of Council Meetings

Federation Council wishes to advise members of the public that Council meetings will be recorded and will be available after each meeting on Council's website www.federationcouncil.nsw.gov.au

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 SM Whitechurch.

ALSO PRESENT:

Mr P Gall (Acting General Manager) and Mrs A Greenwood (Communications Officer).

APOLOGIES:

180/17FC **RESOLVED** on the motion of Councillors Miegel and Law that the apology received from Councillor NW Wales APM be accepted.

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

Nil declared.

3. GENERAL MANAGER REPORT

CLOSURE OF MEETING TO MEMBERS OF THE PUBLIC

181/17FC **RESOLVED** on the motion of Councillors Thomas and Whitechurch that Council closes the meeting and goes into committee as a whole in accordance with s10A Part 2 of the NSW Local Government Act 1993 at 9.32 am.

The Gallery left the meeting at 9.32 am.

CLOSED COMMITTEE

3.1 CONFIDENTIAL - HOWLONG COMPOST FACILITY - UPDATE

This agenda item will be held in closed session in accordance with s10A Part 2 of the NSW Local Government Act 1993.

FOR Council's information.

INFORMATION was noted.

Mr P Gall and Mrs A Greenwood left the meeting at 10.10 am.

3.2 CONFIDENTIAL - INTERIM GENERAL MANAGER POSITION

This agenda item will be held in closed session in accordance with s10A Part 2 of the NSW Local Government Act 1993.

ADJOURNMENT OF MEETING

The meeting adjourned for morning tea at 11.30 am.

RESUMPTION OF MEETING

The meeting resumed at 11.40 am.

182/17FC **RESOLVED** on the motion of Councillors Longmire and Kennedy that Federation Council formally appoints Mr Adrian Butler the Interim General Manager of Federation Council to commence on 1 December 2017 till a General Manager is appointed.

183/17FC **RESOLVED** on the motion of Councillors Longmire and Longley

1. THAT Council approach the State Member, Minister for Local Government and the Premier regarding compensation of costs associated with the negotiated outcome on the General Manager position.
2. THAT Council authorises the Mayor and Interim General Manager to write a letter requesting compensation and forward to the State Government, Member, Minister and Premier.

RE-OPENING OF THE MEETING TO MEMBERS OF THE PUBLIC

184/17FC **RESOLVED** on the motion of Councillors Longmire and Longley that Council move to open committee and report business from closed committee at 11.40 am.

OPEN COMMITTEE

Mr P Gall was invited to return to the meeting at 11.40 am.

The Gallery and Mrs A Greenwood were invited to return to the meeting at 11.42 am.

The Chairperson advised the meeting of the resolutions as adopted in confidential.

182/17FC **RESOLVED** on the motion of Councillors Longmire and Kennedy that Federation Council formally appoints Mr Adrian Butler the Interim General Manager of Federation Council to commence on 1 December 2017 till a General Manager is appointed.

183/17FC **RESOLVED** on the motion of Councillors Longmire and Longley:

1. THAT Council approach the State Member, Minister for Local Government and the Premier regarding compensation of costs associated with the negotiated outcome on the General Manager position.
2. THAT Council authorises the Mayor and Interim General Manager to write a letter requesting compensation and forward to the State Government, Member, Minister and Premier.

3.3 GENERAL MANAGER RECRUITMENT

Summary

This report provides a summary of the process required to recruit and appoint a General Manager.

Under the Local Government Act 1993:

Section 336 - Filling of vacancy in position of General Manager

- i. If a vacancy occurs in the position of General Manager, the council must immediately appoint a person under section 334 to the vacant position *or appoint a person to act in the vacant position.*

Section 334 Appointment of General Manager

- (1) A council must appoint a person to be its General Manager. The person must not be a body corporate.

Section 348 Advertising of staff positions

- (1) When it is proposed to make an appointment to a position within the organisation structure of the council, the position must be advertised in a manner sufficient to enable suitably qualified persons to apply for the position.
- (2) If the position is a senior staff position, the requirement of this section is satisfied if the position is advertised at least twice in a daily newspaper circulating throughout the State.
- (3) This section does not apply to:
 - (a) the re-appointment, under a new contract, of a senior staff member, or
 - (b) the appointment of an employee if the term of employment is for:
 - (i) not more than 12 months, or
 - (ii) two or more periods that together are not more than 12 months in any period of 2 years.

The Office of Local Government has issued Guidelines under section 23A of the Local Government Act 1993 For the recruitment of General Managers. The Guideline is attached.

In summary, the Council must appoint a General Manager Recruitment Committee consisting of:

1. The Mayor
2. Deputy Mayor
3. At least 1 other Councillor
4. An independent person (usually the recruitment agency representative)

The Mayor is then responsible for ensuring that:

1. The General Manager position description is current and evaluated in terms of salary to reflect the responsibilities of the position
2. The proposed salary range reflects the responsibilities and duties of the position
3. The position is advertised according to the requirements of the Act
4. Information packages are prepared
5. Applicants selected for interview are notified.

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 Councils 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 Councils normal internal process. This will obtain a broad range of companies submitting quotations.

The suggested timeframe the recruitment project is:

1. Nominate 2 Councillors to join the General Manager Recruitment Committee
- 14 November 2017
2. Develop the recruitment consultants brief (with the IGM and Council Officers)
- 15 November to 1 December 2017
3. Advertise for a recruitment consultant
- 1 December to 19 December 2017
4. Consider submissions for recruitment consultant
- 19 December 2017 to 12 January 2018

5. Appoint recruitment consultant
- 17 January 2018
6. Commence recruitment process, including appoint the recruitment consultants representative to the recruitment panel, develop the General Managers PD, Federation Council information pack and advertising.
- 5 February to 2 March
7. Advertise General Managers position
- 3 March to 23 March 2018
8. Selection process
- 24 March to 20 April 2018
9. Selection Report to Council (Extra-ordinary meeting) for consideration
- 1 May 2018
10. Proposed commencement of General Manager
- 4 June 2018

Whilst the process timeframes as suggested is long, it allows sufficient time for careful consideration and selection of the right recruitment company and then the General Manager.

Strategic Implications

Nil.

Budgetary Implications

The engagement of a recruitment agency is unbudgeted. Once a quotation is accepted Council will need to consider how to fund the recruitment process. 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.

Policy Implications

Nil.

Legislative Implications:

Nil.

Attachments:

3.3.1 - Guidelines for the Appointment & Oversight of General Managers.

RECOMMENDED that Council:

1. 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. 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. 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. Note the schedule for recruitment of the new permanent General Manager; and
5. Schedule an Extra-Ordinary meeting of Council for 1 May 2018 at Federation Council Corowa Council Chamber to consider the Selection Report.

MOVED on the motion of Councillors Miegel and Longmire:

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.

3.4 DELEGATIONS FROM COUNCIL TO GENERAL MANAGER

Summary

Section 377 of the *Local Government Act 1993* authorises certain functions to be delegated from the Council to the General Manager by resolution.

All Council delegations contained in Part 1 (Delegations from Council to General Manager) are subject to the following limitations:

1. The delegated power, authority, duty or function being performed in accordance with Council Policy;
2. The delegated power, authority, duty or function being performed in accordance with the Law;

The delegations of Council will remain in force until they are revoked or amended by a resolution of Council.

The Council notes that the General Manager may delegate his or her powers, authorities, duties and functions at his or her discretion. The General Manager's delegations to Staff will form Part 2 of the Delegations Policy 'Delegations to Staff'.

Note that references to the "General Manager" includes "Acting" and "Interim" General Managers.

Background

Following amalgamation the delegations record (16/21996[v2]) was amended to remove references to the Mayor and Deputy Mayor and include the Administrator. The changes were resolved at the Council meeting held on 19 May 2016 as per the General Managers report. (02/16FC).

Further changes were resolved at the June 2017 Council meeting to incorporate amendments to the Act as advised in Circular No. 16-35 and 17-06 (OLG) relating to the delegation of accepting tenders for services not currently provided by staff as per the Director of Corporate and Community Services report (89/17FC).

Following the council election and appointment of a Mayor and Deputy Mayor, the delegations have been updated to remove references to the Administrator. Refer record 16/21996[v2] attached.

Financial Implications

N/A.

RECOMMENDED the Council adopt the revised Delegations from Council to the General Manager.

186/17FC **RESOLVED** on the motion of Councillors Longmire and Law that the Council defer this item to the Ordinary Council Meeting 21 November 2017.

P GALL
ACTING GENERAL MANAGER

4. CLOSURE OF MEETING

The meeting terminated at 11.52 am.

CONFIRMED: 21 NOVEMBER 2017.

THE MAYOR: _____