



# MINUTES

The Minutes of the Extraordinary Council Meeting held at the Council Chambers, North Sydney at 10:00 AM on Saturday 8 October 2022.



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## **1. Opening Meeting**

### **Statement of ethical obligations**

Councillors are reminded of the oath or affirmation taken upon commencement of office that they will undertake the duties of the office of councillor in the best interests of the people of North Sydney and the North Sydney Council and that they will faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the [Local Government Act 1993](#) or any other Act to the best of their ability and judgment.

Councillors are also reminded of their obligations under the Code of Conduct to disclose and appropriately manage conflicts of interest.

The Mayor, Councillor Baker, in the Chair, and Councillors Beregi, Bourke, Gibson, Lamb, Santer (remote), Spenceley (remote), Mutton and Welch were in attendance at the commencement of the meeting. Councillor Drummond arrived at 10.08am.

The meeting was opened by the Mayor at 10:02 am

Christian Morris from LGNSW was also in attendance

## **2. Acknowledgement of Country**

### **RECOGNITION OF THE CAMMERAYGAL PEOPLE**

We respectfully acknowledge the Traditional Custodians of the land and waters of North Sydney local government area, the Cammeraygal people.

The Acknowledgement of Country was read by Councillor Baker.

## **3. Apologies and applications for leaves of absence or attendance by audio-visual link by councillors**

It was moved by Councillor Beregi and seconded by Councillor Gibson that Council grant permission for the following Councillors to attend remotely for the reasons provided:

- Councillor Spenceley: Travel
- Councillor Santer: Travel
- Councillor Drummond: Other reason provided

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

**Against:** Nil

**Absent:** Councillor Drummond

**309. RESOLVED:**

**THAT** Council grant permission for the following Councillors to attend remotely for the reasons provided:

- Councillor Spenceley: Travel
- Councillor Santer: Travel
- Councillor Drummond: Other reason provided

## **5. Disclosures of Interest**

There were no Disclosures of Interest.

## **8. Mayoral Minutes**

### **6.1. Mayoral Minute - Recruitment & Appointment of General Manager**

#### **Background**

Council resolved at the 27 June 2022 Ordinary Council Meeting the following:

1. *THAT Council notes the information in relation to the appointment of LGNSW Management Solutions to recruit a new General Manager.*
2. *THAT Council establish a Selection Panel consisting of the Mayor, the Deputy Mayor, Councillor Shannon Welch and Councillor Spenceley.*
3. *THAT the Selection Panel undertake interviews with candidates and recommend a short list of candidates to Council.*
4. *THAT the Selection Panel report be considered at an Extraordinary Meeting of Council at which all the shortlisted candidates will be interviewed in closed session by the whole of the governing body (in committee of the whole) prior to Council resolving to appoint a successful candidate to the position of General Manager.*
5. *THAT Council delegates to the Mayor the task of managing the recruitment process pursuant to the s23A Guidelines for the Appointment and Oversight of General Managers.*

## Context

The Office of Local Government (the then Department of Local Government) has issued Guidelines for the Appointment and Oversight of General Managers (Guidelines) under s23A of the *Local Government Act 1993* (the Act) and these guidelines must be taken into consideration by Council when recruiting a Chief Executive Officer. These guidelines are available here: <https://www.olg.nsw.gov.au/wp-content/uploads/Guidelines-for-the-Appointment-and-Oversight-of-General-Managers.pdf>

There are also provisions in the *Local Government Act 1993* (the Act) that apply to recruitment process.

## Selection Process to date

The position of General Manager was advertised in the following websites from 24 June 2022.

### *National*

- Local Government Jobs Directory x 3 weeks (Monday 27 June, 4 & 11 July 2022)

### *Websites*

- [www.CouncilJobs.com.au](http://www.CouncilJobs.com.au) - Friday 24 June 2022 to close
- [www.CareersatCouncil.com.au](http://www.CareersatCouncil.com.au) - Friday 24 June 2022 to close
- [www.lgnsw.org.au/lgms](http://www.lgnsw.org.au/lgms) - Friday 24 June 2022 to close
- [www.seek.com](http://www.seek.com) - Friday 24 June 2022 to close
- [www.lgassist.com.au/new-south-wales-nsw](http://www.lgassist.com.au/new-south-wales-nsw) - Friday 24 June 2022 to close
- LinkedIn – Friday 24 June 2022 to close

The closing date for receipt of applications was 5pm Monday 18 July 2022.

Seventeen applications were received.

LGNSW Recruitment undertook an initial review process of all the applications and identified seven candidates to present to the selection panel.

The selection panel convened on 9 September 2022 and interviewed the short-listed candidates. The Panel then made a recommendation as to which candidates to progress to further interview to be conducted on 8 October 2022 at an Extraordinary Meeting of Council. Three candidates were identified.

It is noted that the selection panel membership remained the same throughout the entire recruitment process. Further, the panel had both male and female representation.

The members of the panel made a request under the Code of Meeting Practice on 23 September 2022 that an Extraordinary Meeting be conducted for the purpose of finalising the recruitment and appointment of the new General Manager.

This further interview as part of the Extraordinary Meeting is to include a presentation. All Councillors will be given an opportunity to ask questions as part of the process.

The task of contacting referees was undertaken prior to the Extraordinary Meeting of Council by Christian Morris of LGNSW. At least two referees were contacted per candidate and asked questions about the candidate relevant to the selection criteria.

In addition, appropriate background checks including a tertiary qualification check have been undertaken.

### **Extraordinary Meeting – 8 October 2022**

The purpose of this Extraordinary Meeting is for Council to finalise the recruitment and appointment of the new General Manager.

It is recommended that Council resolve to move to confidential session for this process in accordance with Section 10A(2)(a) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

*Personnel matters concerning particular individuals (other than councillors)*

Copies of the confidential documentation regarding the candidates have been restricted for distribution to Councillors only. It is recommended that in accordance with section 11(3) of the Local Government Act that Council resolves that this documentation is to be treated as confidential.

It is recommended that Council, once in confidential session, resolve into Committee of the Whole for the purpose of conducting the interviews.

Part 12 of the Code of Meeting Practice at clause 12.1 provides that the Council may resolve itself into a committee to consider any matter before the Council. Clause 12.2 states that all the provisions of the Code of Meeting Practice apply during Committee of the Whole except the provisions limiting the number and duration of speeches.

In accordance with clause 12.3, the Executive Manager Governance will be responsible for reporting to the Council the proceedings of the Committee of the Whole. Any recommendations of the Committee of the Whole will be recording in the Council Minutes in accordance with clause 12.4. The Council is not taken to have adopted the report or recommendations until a motion for adoption has been made and passed.

## Finalising the appointment

It is noted that the Council must by resolution approve the position of the General Manager being offered to the successful candidate before that position is actually offered to the candidate.

In accordance with the Guidelines the Mayor will be delegated the authority to make the offer of employment should the Council resolve to appoint the successful candidate.

Conditions such as the term of the contract and remuneration package are to be offered in accordance with the range approved by the Council and as advised by Christian Morris from LGNSW.

The Standard Contract for the Employment of General Managers as approved by the Chief Executive of the Division of Local Government must be used and is available here: <https://www.olg.nsw.gov.au/wp-content/uploads/Standard-Contract-of-Employment-Senior-Staff-Excluding-General-Managers.pdf>

Only the term and the schedules to the Standard Contract can be individualised.

## Consideration of matter by Committee of the Whole

Following the conduct of the interviews, the Committee of the Whole is expected to make a recommendation to Council in the following terms:

1. THAT the Council accepts the recommendation of the committee of the whole and resolves to appoint the successful candidate to the position of General Manager subject to the negotiation of a contract;
2. THAT if those negotiations prove unsuccessful the Council resolves to appoint the preferred second candidate subject to the negotiation of a contract;
3. THAT the Council resolves to affix the Council seal to the contract in accordance with the Local Government Act 1993.
4. THAT in accordance with section 11(3) of the Local Government Act that Council resolves that documentation provided to Councillors regarding the candidates is to be treated as confidential.

I formally move:

**1.THAT** Council note that this process has been undertaken having given consideration to the Guidelines for the Appointment and Oversight of General Managers issued by the Department of Local Government (now Office of Local Government) July 2011.

**2.THAT** Council resolve to move to confidential session in accordance with Section 10A(2)(a) and (d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

*Personnel matters concerning particular individuals (other than councillors)*

**3.THAT** in accordance with section 11(3) of the Local Government Act that Council resolves that documentation provided to Councillors regarding the candidates is to be treated as confidential.

**4.THAT** it be noted that once in confidential session and in accordance with clause 12.1 of the Code of Meeting Practice (which reflects section 373 of the Local Government Act 1993) that Council will resolve itself into a committee to finalise the recruitment and appointment of a new General Manager.

The Motion was moved by The Mayor.

The Motion was put and **Carried**.

Voting was as follows:

For/Against 9 / 0

**For:** Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

**Against:** Nil

**Absent:** Councillor Drummond

### **310. RESOLVED:**

**1.THAT** Council note that this process has been undertaken having given consideration to the Guidelines for the Appointment and Oversight of General Managers issued by the Department of Local Government (now Office of Local Government) July 2011.

**2.THAT** Council resolve to move to confidential session in accordance with Section 10A(2)(a) and (d)(i) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

*Personnel matters concerning particular individuals (other than councillors)*

**3.THAT** in accordance with section 11(3) of the Local Government Act that Council resolves that documentation provided to Councillors regarding the candidates is to be treated as confidential.

**4.THAT** it be noted that once in confidential session and in accordance with clause 12.1 of the Code of Meeting Practice (which reflects section 373 of the Local Government Act 1993) that Council will resolve itself into a committee to finalise the recruitment and appointment of a new General Manager.

The meeting was then closed to the public and media, at 10.08am.

Once in confidential session of Council and in accordance with clause 12.1 of the Code of Meeting Practice (which reflects section 373 of the Local Government Act 1993) the Council resolved itself into a committee to finalise the recruitment and appointment of a new General Manager.



## **7.1. Reports of Committees – Committee of the whole**

At 2.01pm the Committee resolved to return to the confidential session of Council. At 2.02pm, the Council resolved to return to open session of Council. The resolution of Council in confidential session was duly reported to the open meeting by the Mayor.

### **311. RESOLVED:**

- 1. THAT** Council accepts the unanimous recommendation of the committee of the whole and resolves to appoint the successful candidate to the position of General Manager
- 2. THAT** Council delegates to the Mayor to negotiate, in consultation with LGNSW, the contract with the successful candidate.
- 3. THAT** if negotiations are unsuccessful a full report is provided to Council and Council meets to consider the next steps.
- 4. THAT** the Council resolves to affix the Council seal to the contract in accordance with the Local Government Act 1993.
- 5. THAT** in accordance with section 11(3) of the Local Government Act that Council resolves that documentation provided to Councillors regarding the candidates is to be treated as confidential and that the discussions in Confidential Committee of the whole be treated as confidential in accordance with section 10A(2) of the Local Government Act 1993.

## **13. Confidential Matters**

Nil.

## **14. Closure**

The meeting closed at 2.04pm.