



MIDCOAST
council

Minutes of the ExtraOrdinary Council Meeting

**held at the Council Chambers
Breese Parade, Forster**

**16 January 2018
Reconvened 24 January 2018**

Glenn Handford
General Manager

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Minutes of the ExtraOrdinary Meeting of the MidCoast Council held at the Council Chambers, Breese Parade, Forster on 16 January 2018 commencing at 2.00pm.

The Mayor, Cr David West, opened the meeting at 2.00pm and as there was no quorum present, adjourned the meeting to allow a period of half an hour to obtain a quorum in accordance with Clause C2.(1)(a) of Council's Code of Meeting Practice.

Adjournment

At 2.31pm the Mayor advised that as there was still no quorum, due to the apologies received from seven Councillors, the Meeting was adjourned to Wednesday, 24 January 2018, at 10.00am.

PRESENT

Present: Cr D West (Mayor), Cr K Bell, Cr P Epov and Cr K Smith.

APOLOGIES

Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr J McWilliams, Cr C Pontin and Cr L Roberts.

IN ATTENDANCE

Director Planning & Natural Systems - Lisa Schiff
Director Engineering & Infrastructure - Ron Hartley
Director Community Spaces & Services - Paul De Szell
Director Corporate & Business Systems - Steve Embry

MEETING RECONVENED

The Meeting reconvened on Wednesday, 24 January 2018 in the Council Chambers, Breese Parade, Forster at 10.00am.

PRESENT

Present: Cr D West (Mayor), Cr K Bell, Cr B Christensen, Cr P Epov, Cr T Fowler, Cr K Hutchinson, Cr D Keegan, Cr J McWilliams, Cr C Pontin, Cr L Roberts, Cr K Smith.

IN ATTENDANCE

Director Planning & Natural Systems - Lisa Schiff
Director Engineering & Infrastructure - Ron Hartley
Director Community Spaces & Services - Paul De Szell
Director Corporate & Business Systems - Steve Embry
Director Water Services - Brendan Guiney
Minute Taker - Corporate Support Officer - Lyn Hickey

The following document is the Minutes of the ExtraOrdinary meeting held 16 January 2018 and reconvened on 24 January 2018.

These Minutes are subject to confirmation as to their accuracy at the next available meeting and therefore subject to change.

Please refer to the Minutes of the next available Ordinary meeting.

The Mayor read aloud the following statement:

"The proceedings of this meeting will be recorded by Council to assist in ensuring the accuracy of the minutes of the meeting.

"Persons in the gallery are advised that under the Local Government Act, 1993 a person may not record the proceedings of a meeting of a Council or Committee WITHOUT the authority of the Council or Committee. Record includes tape, video camera and any electronic device capable of recording a speech.

"Local media outlets may be recording the proceedings of the meeting with permission for later broadcast.

"Members of the public addressing Council should refrain from divulging personal information about themselves or other individuals or making defamatory statements.

"It would also be appreciated if mobile phones could be switched off so as to not disrupt the meeting. Thank you."

2BOB Radio recorded the proceedings of the meeting for later broadcast.

The Mayor read allowed the following statement:

"Prior to opening the meeting I would like to make the following statement to address publicity that Council has not followed due process in regards to the resignation of the General Manager. This statement will be recorded in the minutes.

- 1 Today we are re-convening the adjourned Extra Ordinary Council meeting of 16 January.
- 2 The meeting was adjourned as we did not reach a quorum.
- 3 That meeting was requested by two Councillors. Once this request is received I am required to call a meeting within 14 days. That is why the meeting on 16 January was called.
- 4 Once a meeting is called there is no provision in the Local Government Act or regulations for a council meeting to be abandoned or cancelled.
- 5 The meeting must be opened and then adjourned if a quorum is not present within half an hour. This is what transpired on 16 January.
- 6 For clarification it should be noted that Council held discussions at the Strategic Committee meeting on 13 December to determine when Councillors would be available for an Extra Ordinary Council meeting in January.
- 7 Councillors agreed that due to work and other commitments, the earliest available date for a meeting was 24 January.

- 8 When the General Manager verbally resigned on 20 December there was no increased urgency to hold a meeting prior to today. Council has a General Manager as it is still within his period of employment.
- 9 The effective date of the General Manager's resignation is 2 February.
- 10 I would also like to clarify that initially the General Manager had intended to take some leave in January.
- 11 As per his delegations at the time of his verbal resignation, the General Manager advised that Steve Embry would be Acting General Manager during his period of leave.
- 12 When the General Manager and I discussed the handover arrangements it was agreed that the General Manager would continue to work through his period of notice to ensure a smooth transition.
- 13 This is expected practice in the public and private sector, particularly in the context of an organisation in the middle of a complex amalgamation.
- 14 Hence an Acting General Manager was not required for this period.
- 15 I would also like to clarify that the General Manager is employed under the Standard Contract of Employment for General Managers as mandated by the Director General, Office of Local Government in accordance with Section 338(4) of the Local Government Act 1993.
- 16 Under the terms of the contract there is no requirement for the resignation to be reported to Council and no legislative requirement for a formal resolution to accept the resignation.
- 17 Due process has been followed in the handling of the General Manager's resignation, and will continue to be followed as Council delegates the Acting General Manager role and throughout the recruitment and selection process of a new General Manager."

ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS

The Mayor recognised the traditional custodians of the lands contained in the MidCoast Council area - being the Gathang speaking people and paid respect to their heritage and their elders - past and present.

PRAYER

The Mayor read the Local Government prayer.

DECLARATIONS OF PECUNIARY & NON-PECUNIARY CONFLICTS OF INTEREST

Nil.

APOLOGIES

Nil.

ADDRESSES FROM THE PUBLIC GALLERY

Item 1 - Recruitment of a General Manager

Mr David Poole addressed Council in relation to Item 1 Recruitment of a General Manager.

Mr Poole answered questions from Councillors.

CONSIDERATION OF OFFICERS REPORTS:

1. RECRUITMENT OF A GENERAL MANAGER

Report Author Paul Martin, Manager Human Resources

RECOMMENDATION

It is recommended that Council:

1. Approve the process and timeframes for recruitment of a General Manager as outlined in the report.
2. Approve the proposed Request for Quotation (RFQ) for Executive Recruitment Services – MCC General Manager Recruitment for distribution from 29 January as identified in the report.
3. Establish a selection panel (to undertake the RFQ evaluation and recruitment process) consisting of two Councillors (in addition to the Mayor and Deputy Mayor), a qualified person independent of Council (being the recruitment service provider once appointed), and the Manager Human Resources as panel secretariat.
4. Delegate authority to the Mayor to oversee the General Manager Recruitment and Appointment process including the tasks as identified in the Guidelines.
5. Appoint an Acting General Manager to undertake the role and responsibilities of the General Manager from 2 February 2018 until the commencement of a permanent General Manager.

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That Council:

1. Approve the process and timeframes in principal, for recruitment of a General Manager as outlined in the report subject to the selection panel reviewing times frames and processes.
2. Approve the proposed Request for Quotation (RFQ) for Executive Recruitment Services – MCC General Manager Recruitment for distribution from 29 January 2018 as identified in the report. Such quotation must include experience in local government recruitment.
3. Establish a selection panel (to undertake the RFQ evaluation and recruitment process) consisting of the Mayor Cr D West, Deputy Mayor Cr K Smith, Crs T Fowler, K Hutchinson and C Pontin and a qualified person independent of Council (being the recruitment service provider once appointed), and the Manager Human Resources as panel secretariat.
4. Delegate authority to the Mayor to oversee the General Manager Recruitment and Appointment process including the tasks as identified in the Guidelines.

5. Appoint the Director Corporate and Business Systems, Steve Embry, as Acting General Manager to undertake the role and responsibilities of the General Manager from 24 January 2018 until the commencement of a permanent General Manager. Further, in the absence of Steve Embry for a period of 2 days or more, the Director Community Spaces and Services, Paul De Szell, be appointed Acting General Manager.

An Amendment was Moved Cr P Epov/Seconded Cr K Bell

That Council:

1. Note the resignation of Glenn Handford from the position of General Manager.
2. Appoints Steve Embry as Acting General Manager from 24 January 2018 until the commencement of a permanent General Manager.
3. Broadly approves the process and timeframes for recruitment of a General Manager as outlined in the report.
4. Approves the proposed Request for Quotation (RFQ) for Executive Recruitment Services - MCC General Manager Recruitment for extensive national distribution from 29 January 2018.
5. Establish a selection panel (to undertake the RFQ evaluation and recruitment process) consisting of:
 - a) The Mayor and five (5) Councillors
 - b) The Councillors on the panel be elected by ballot
 - c) A qualified person independent of Council (being the representative of recruitment service provider, once appointed), to act as a non-voting adviser to the Panel.
 - d) The Manager Human Resources, if and when required by the Panel, to act as panel secretariat.
6. Delegates authority to the Selection Panel to oversee the General Manager Recruitment and Appointment process including the tasks as identified in the Guidelines.
7. Requires the selection panel to:
 - a) Conduct two stages of interviews.
 - b) Interview a minimum of 5 applicants (on the basis that there are 5 or more applicants) in the first stage.
 - c) Conduct a second round of interviews of the preferred candidates that are short listed.
 - d) Provide an opportunity for all Councillors to attend a meeting with the last two short listed candidates prior to an appointment being made.
8. The General Manager's appointment should not be for a term greater than 3 years.
9. Requires the selection panel, through the Mayor, to provide regular updates on the progress of the recruitment process to all other Councillors at Council Meetings.

The amendment was put to the vote and declared lost.

FOR VOTE - Cr K Bell, Cr P Epov, Cr D Keegan, Cr J McWilliams, Cr C Pontin

AGAINST VOTE - Cr D West, Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr L Roberts and Cr K Smith.

The Motion was put to the vote and declared carried.

(Moved Cr K Bell/Seconded Cr P Epov)

That Council move into Committee of the Whole.

The Motion was put to the vote and declared lost.

1/18 RESOLUTION

(Moved Cr L Roberts/Seconded Cr K Hutchinson)

That Council:

1. Approve the process and timeframes in principal, for recruitment of a General Manager as outlined in the report subject to the selection panel reviewing times frames and processes.
2. Approve the proposed Request for Quotation (RFQ) for Executive Recruitment Services – MCC General Manager Recruitment for distribution from 29 January 2018 as identified in the report. Such quotation must include experience in local government recruitment.
3. Establish a selection panel (to undertake the RFQ evaluation and recruitment process) consisting of the Mayor Cr D West, Deputy Mayor Cr K Smith, Crs T Fowler, K Hutchinson and C Pontin, and a qualified person independent of Council (being the recruitment service provider once appointed), and the Manager Human Resources as panel secretariat.
4. Delegate authority to the Mayor to oversee the General Manager Recruitment and Appointment process including the tasks as identified in the Guidelines.
5. Appoint the Director Corporate and Business Systems, Steve Embry, as Acting General Manager to undertake the role and responsibilities of the General Manager from 24 January 2018 until the commencement of a permanent General Manager. Further, in the absence of Steve Embry for a period of 2 days or more, the Director Community Spaces and Services, Paul De Szell, be appointed Acting General Manager.

FOR VOTE - Cr D West; Cr B Christensen, Cr T Fowler, Cr K Hutchinson, Cr C Pontin, Cr L Roberts, Cr K Smith

AGAINST VOTE - Cr K Bell, Cr P Epov, Cr D Keegan, Cr J McWilliams

This is the last page of the minutes of the ExtraOrdinary Council meeting of MidCoast Council held on 24 January 2018.

There being no further business, the meeting closed at 11.12am.

CHAIRPERSON