



BUSINESS PAPER

EXTRAORDINARY MEETING OF COUNCIL

To be held on

Monday, 26 March 2018
8am

at

Council Chambers, Armidale

Members

Councillor Simon Murray (Mayor)
Councillor Dorothy Robinson (Deputy Mayor)
Councillor Peter Bailey
Councillor Jon Galletly
Councillor Diane Gray
Councillor Libby Martin
Councillor Andrew Murat
Councillor Debra O'Brien
Councillor Margaret O'Connor
Councillor Ian Tiley
Councillor Bradley Widders

AGENDA

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Item: 5.1 **Ref:** AINT/2018/05186
Title: FOR DECISION: Notice of Rescission Motion - Council Meeting 28
February 2018 Item 7.2 - Acceptance of the CEO Resignation and
Appointment of Acting CEO **Container:** ARC16/0001-3
Author: Nathalie Heaton, Service Leader Governance, Risk and Corporate
Planning
Attachments: Nil

MOTION TO RESCIND

That Resolution 4/18 part b) be rescinded which RESOLVED that Council -

That Council:

b) Delegate authority to the Mayor to oversee the CEO Recruitment and Appointment process including the tasks as identified in the Guidelines

Submitted by: Councillors O'Brien, O'Connor and Murat

We, the undersigned Councillors hereby move as follows:

That the decision of 28 February 2018 item 7.2 entitled 'Mayoral Minute – Acceptance of the CEO Resignation and Appointment of Acting CEO' be rescinded and replaced with the following motion:

That following the requirements and procedures outlined in the Office of Local Government's Guidelines for the Appointment and Oversight of General Managers, July 2011 the full governing body of Council delegate the task of recruitment of the new Chief Executive Officer to a selection panel of its choice and approve the recruitment process including as to composition of the panel, number of Councillors on the panel, advisory role of the recruitment agency's representative, selection criteria, so that the final shortlist of candidates can be presented to the full governing body for its final selection of the successful candidate.

Councillors O'Connor, Murat and O'Brien

Management Report

Council's Code of Meeting Practice – Clause 6 – Rescission Motions

Rescission Motions are a complicated area of meeting procedure and it is important to be clear on the process and outcome for the benefit of councillors, staff and the public.

1. There are two instances in which a rescission motion may be moved:

- a) A resolution has been passed at the meeting or at a previous meeting of Council and those moving the Rescission Motion want to change it; or*
- b) At the meeting or a previous meeting a vote was not carried and those moving the Rescission Motion want to put the same (or similar) motion again.*

2. *Notice of a Rescission Motion must be signed by three (3) councillors. The exception is where more than three months have passed since the matter was first resolved. In this case it is not a Rescission Motion but simply a new motion (eg: Notice of Motion).*
3. *Once a Notice to alter or rescind a resolution has been signed by three (3) councillors and given to the Chief Executive Officer, the purported withdrawal of support for the motion by one or more of the signatories to the motion will not invalidate the motion. The Chief Executive Officer remains obliged to include the motion on the Agenda for the next Council meeting (unless the motion is, or the implementation of the motion would be, unlawful).*
4. *If Notice to alter or rescind a motion is given at the same meeting at which the matter was considered, any resolution cannot be acted upon until the Rescission Motion has been dealt with. It effectively puts a stop on action to implement the resolution that is subject of the Rescission Motion.*
5. *If a Rescission Motion is put and lost, a further Rescission Motion in similar terms cannot be put for three (3) months.*
6. *In practical terms, the consideration of a Rescission Motion is in two steps:*
 - *First the Council must determine whether to carry the motion, that is, set aside the original decision. It is not necessary to consider what alternate motion may be put, only whether to rescind the original decision of council.*
 - *The matter is then at large and Council may determine it afresh. Council may make the same decision as was previously rescinded.*
7. *In some instances a Rescission Motion is not appropriate. Care must be taken where action has progressed on a matter or where the outcome has already been communicated to affected parties.*
8. *If notice of motion to rescind a resolution is given by 4.00pm on the second calendar day after the meeting at which the resolution was passed, the resolution must not be carried into effect until the motion of rescission has been dealt with.*

Action Taken

The following action has been taken on the matter:

Mr Chris Rose has been appointed Acting CEO and commenced on Wednesday 21 March 2018.

The Request For Quotation (RFQ) resulted in McArthur Management Services being appointed as the Recruitment Agency.

The Council's delegation to the Mayor to oversee the CEO Recruitment and Appointment process included the task of establishing the selection panel as identified in the Guidelines.

The OLG Guidelines for the Appointment and Oversight of General Managers (July 2011) states that *"the selection panel should consist of **at least** the mayor, the deputy mayor, another councillor and, ideally, a suitably qualified person independent of the council."*

In accordance with the Guidelines, the Mayor has established a selection panel consisting of himself, the Deputy Mayor Councillor Robinson, Councillors Gray and Tiley, Ms Alison McGaffin of Department Premier & Cabinet and Councillor Steve Tom, Mayor of Glen Innes Severn Council. The Mayor has communicated this to all councillors and the third parties.

Item:	6.1	Ref: AINT/2018/05187
Title:	FOR DECISION: Notice of Motion - Chief Executive Officer Recruitment and Appointment Process	Container: ARC16/0001-3
Author:	Nathalie Heaton, Service Leader Governance, Risk and Corporate Planning	
Attachments:	Nil	

Should the Rescission Motion be adopted, we hereby give notice of our intention to move the following motion.

Notice of Motion

That following the requirements and procedures outlined in the Office of Local Government's Guidelines for the Appointment and Oversight of General Managers, July 2011 the full governing body of Council:

- (a) delegate the task of recruitment of the new Chief Executive Officer to a Selection Panel of its choice; and**
- (b) approve the recruitment process, including as to composition of the panel, number of Councillors on the panel, advisory role of the recruitment agency's representative and selection criteria**

so that the final shortlist of candidates can be presented to the full governing body for its final selection of the successful candidate.

Submitted by Councillors O'Connor, Murat and O'Brien on 21 March 2018

We, the undersigned Councillors hereby move as follows:

That the decision of 28 February 2018 item 7.2 entitled 'Mayoral Minute – Acceptance of the CEO Resignation and Appointment of Acting CEO' be rescinded and replaced with the following motion:

That following the requirements and procedures outlined in the Office of Local Government's Guidelines for the Appointment and Oversight of General Managers, July 2011 the full governing body of Council delegate the task of recruitment of the new Chief Executive Officer to a selection panel of its choice and approve the recruitment process including as to composition of the panel, number of Councillors on the panel, advisory role of the recruitment agency's representative selection criteria, so that the final shortlist of candidates can be presented to the full governing body for its final selection of the successful candidate.

Councillors O'Connor, Murat and O'Brien

Management Report

The Notice of Motion can only be considered if the Rescission Motion is adopted.