



AGENDA

Extraordinary Meeting of Council

19 September 2022

**EXTRAORDINARY MEETING OF COUNCIL
TO BE HELD IN THE COUNCIL CHAMBERS, MORUYA**

ON MONDAY 19 SEPTEMBER 2022

COMMENCING AT 10.30AM

AGENDA

(Proceedings of this meeting will be recorded as per Eurobodalla Shire Council's Code of Meeting Practice)

- 1. WELCOME**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. APOLOGIES**
- 4. PRESENTATIONS**
- 5. DECLARATIONS OF INTEREST OF MATTERS ON THE AGENDA**
(Declarations also to be made prior to discussions on each item)
- 6. MAYORAL REPORTS**
MR22/016 Appointment of Interim General Manager 2
- 7. QUESTIONS/URGENT BUSINESS**
- 8. DEALING WITH MATTERS IN CLOSED SESSION3**
- 9. CONFIDENTIAL REPORTS**

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**DR CATHERINE DALE
GENERAL MANAGER**

MR22/016 APPOINTMENT OF INTERIM GENERAL MANAGER

File Ref: S012-T00025

Attachments: 1. Confidential - Appointment of Interim General Manager

EXECUTIVE SUMMARY

The purpose of this report is to appoint an interim General Manager.

In May 2022 Council's General Manager, Dr Catherine Dale, informed Council that she will not seek a contract renewal and will conclude employment on 30 September 2022.

Council recently undertook a recruitment process to appoint a new General Manager. The successful candidate, Mr Warwick Winn, will commence with Council on 7 November 2022.

Council is required to appoint an interim General Manager between 1 October – 6 November 2022.

RECOMMENDATION

THAT:

1. Council appoint the candidate identified in the confidential attachment to this report MR22/016 Appointment of Interim General Manager between 1 October to 6 November 2022 subject to the negotiation of a contract.
2. Council delegates to the Mayor to negotiate the contract with the candidate.

REPORT

In May 2022 Council's General Manager, Dr Catherine Dale, informed Council that she will not seek a contract renewal and will conclude employment on 30 September 2022.

Council recently undertook a recruitment process to appoint a new General Manager. The recruitment process was undertaken in accordance with the *Guidelines for the Appointment and Oversight of General Managers* (the guidelines), issued by the Office of Local Government, pursuant to section 23A of the *Local Government Act 1993*. The successful candidate, Mr Warwick Winn, will commence with Council on 7 November 2022.

Between 1 October – 6 November 2022 Council is required to appoint an interim General Manager.

EUROBODALLA SHIRE COUNCIL

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Do you stand to gain personally at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

CONFLICT OF INTEREST

A conflict of interest is a clash between private interest and public duty. There are two types of conflict: Pecuniary – regulated by the *Local Government Act* and Department of Local Government; and Non-Pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

IDENTIFYING PROBLEMS

- 1st** Do I have private interests affected by a matter I am officially involved in?
- 2nd** Is my official role one of influence or perceived influence over the matter?
- 3rd** Do my private interests conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

CONTACT	PHONE	EMAIL	WEBSITE
Eurobodalla Shire Council Public Officer	4474-1000	council@esc.nsw.gov.au	www.esc.nsw.gov.au
ICAC	8281 5999	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Local Government Department	4428 4100	dlg@dlg.nsw.gov.au	www.dlg.nsw.gov.au
NSW Ombudsman	8286 1000 Toll Free 1800 451 524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

Reports to Committee are presented generally by 'exception' - that is, only those items that do not comply with legislation or policy, or are the subject of objection, are discussed in a report.

Reports address areas of business risk to assist decision making. Those areas include legal, policy, environment, asset, economic, strategic and financial.

Reports may also include key planning or assessment phrases such as:

- Setback* Council's planning controls establish preferred standards of setback (eg 7.5m front; 1m side and rear);
- Envelope* taking into account the slope of a lot, defines the width and height of a building with preferred standard of 8.5m high;
- Footprint* the percentage of a lot taken up by a building on a site plan.