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**ITEM 39 MAYORAL MINUTE - RECRUITMENT OF GENERAL
MANAGER2**

CONFIDENTIAL ITEMS

Clause 240(4) of the Local Government (General) Regulation 2005 requires Council to refer any business to be considered when the meeting is closed to the public in the Ordinary Business Paper prepared for the same meeting. Council will discuss the following items under the terms of the Local Government Act 1993 Section 10A(2), as follows:

ITEM 7 COURT OF APPEAL - LEGAL ADVICE

(g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

ANNEXURE ITEMS

ITEM 39 - MAYORAL MINUTE - RECRUITMENT OF GENERAL MANAGER

REPORT IN BRIEF

Reason For Report	To recommend the commencement of the process of recruitment of a permanent General Manager.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.a - Provide quality administrative support and governance to councillors and residents
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\MAYORAL MINUTES - 825783

RECOMMENDATION

THAT Council:

1. Invite consultants to submit a proposal for the recruitment of the General Manager.
2. Appoint members to a selection panel.

MAYORAL MINUTE

With the announcement that the merger proposal between Orange, Blayney and Cabonne councils will not be proceeding, it would be advisable to commence the recruitment process for a permanent General Manager.

Although formal advice has not yet been received from the Minister for Local Government and council is therefore still technically still in a merger proposal period for which S23A guidelines "council decision making during merger proposal periods" applies, I believe it would be prudent to commence the process as soon as possible.

Further, Section 348(3) of the Local Government Act provides that a person may not act temporarily in a position for two or more periods together that are more than 12 months in any two-year period. Therefore, the current Acting General Manager's ability to act in this role would cease towards the end of June this year.

Guidelines under section 23A of the Local Government Act

Guidelines under section 23A of the Local Government Act "Guidelines for the Appointment and Oversight of General Managers, July 2011" state:

- The council's governing body is responsible for recruitment the general manager.
- The governing body of council should delegate the task of recruitment to a selection panel and approve the recruitment process.
- The selection panel should consist of at least the Mayor, the Deputy Mayor, another council and ideally, a suitably qualified person independent of the council.
- Selection panels must have at least one male and one female member.

Please note that guidelines have been issued under Section 23A of the Local Government Act titled "*Council decision making during merger proposal periods*". Council must consider the guidelines in relation to each decision they make during the proposal period. Although the guidelines indicate that council should not appoint a General Manager during a proposal period, the actions proposed above will enable Council to expedite the appointment of a General Manager once the proposal is formally withdrawn.