



26 July 2022

To All Councillors

Notice is hereby given, in accordance with the provisions of the Local Government Act 1993, that an Extraordinary Meeting of Council will be held in the Council Chambers on Thursday, 28 July 2022 at 6.30pm, for the purposes of transacting the undermentioned business.

AGENDA:

PAGE NO.

- (1) **ACKNOWLEDGEMENT OF TRADITIONAL LAND OWNERS**
- (2) **OPENING PRAYER**
- (3) **RECEIPT OF APOLOGIES**
- (4) **DISCLOSURES OF INTEREST**
 - ‡ PPD14/2022 Disclosures of Interest5
- (5) **NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION**
 - NI5/2022 Notice of Intention ot Deal with Matters in Confidential Session
 - MM13/2022 - Appointment of General Manager6
- (6) **MAYORAL MINUTES**
- (7) **MOTIONS OF URGENCY**
 - MOU7/2022 Motion of Urgency7
- (8) **CORPORATE AND COMMUNITY**
 - CC62/2022 Appointment of Acting General Manager.....8
- (9) **REPORT OF THE CONFIDENTIAL SESSION OF THE EXTRAORDINARY COUNCIL MEETING ON 28 JUL 2022**

MM13/2022 Appointment of General Manager
This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.



Principles for Local Government

Exercise of functions generally

The following general principles apply to the exercise of functions by Councils:

- a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- e) Councils should work co-operatively with other Councils and the State government to achieve desired outcomes for the local community.
- f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- g) Councils should work with others to secure appropriate services for local community needs.
- h) Councils should act fairly, ethically and without bias in the interests of the local community.
- i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

Council's Values

- Integrity
- Accountability
- Respect
- Excellence
- Teamwork

Our Community's Vision

Cessnock will be a cohesive and welcoming community living in an attractive and sustainable rural environment with a diversity of business and employment opportunities supported by accessible infrastructure and services which effectively meet community need.

Cessnock – thriving, attractive and welcoming.

Our Community's Desired Outcomes

- A connected, safe and creative community.
- A sustainable and prosperous economy.
- A sustainable and healthy environment.
- Accessible infrastructure, facilities and services.
- Civic Leadership and effective governance.



Council Code of Conduct

Council adopted its current Code of Conduct on 16 September 2020. This Code provides details of statutory requirements and gives guidance in respect of the way in which pecuniary and conflict of interest issues must be disclosed. Councillors took an oath or affirmation at the commencement of their term of office under s233A of the *Local Government Act 1993* (NSW) and are therefore obligated under Council's Code of Conduct to disclose and appropriately manage their conflicts of interest.

Generally, the Code outlines the following issues:

1. Councillors are under an obligation at law to disclose any interest they may have in any matter before the Council and to refrain from being involved in any consideration or to vote on any such matter
2. Councillors must disclose any interest in any matter noted in the business paper prior to or at the opening of the meeting
3. The nature of the interest shall be included in the notification
4. Councillors shall immediately and during the meeting disclose any interest in respect of any matter arising during the meeting which is not referred to in the business paper
5. All declarations of interest shall be recorded by the General Manager
6. All disclosures of interest shall as far as is practicable be given in writing
7. Any member having a pecuniary or non-pecuniary significant conflict of interest shall leave the meeting and remain absent while the subject of the interest is being considered by Council
8. The meeting shall not discuss any matter in which a Councillor has a pecuniary or non-pecuniary significant conflict of interest while the Councillor is present at the meeting



Notice of Copyright and Disclaimer

In accordance with Council's Code of Meeting Practice, Council Meetings are recorded and the audio later webcast.

The entire chamber including the public gallery is included in the audio recordings and visitors in the gallery who attend Council meetings may have their voice captured and webcast.

By attending a Council meeting you consent to your speech or other personal information being captured, recorded and webcast.

For this reason all those in attendance are advised that any opinions expressed or statements made by individual persons during the course of this meeting are the opinions or statements of those individual persons and are not opinions or statements of Council. Council accepts no liability for any defamatory remarks made during the course of the Council meeting.

The audio recordings of Council Meetings and the official minutes are protected by copyright owned by Council and no part thereof may be copied or recorded or made available to others without the prior written consent of Council.

These recordings are not, and shall not, be taken to be an official record of Council or of any meeting or discussion depicted therein. Only the official minutes constitute an official record of the meeting.

Confidential Meetings will not be webcast. Audio recordings will be archived by Council for no less than 12 months.

Disclosures Of Interest

Report No. PPD14/2022

Corporate and Community Services



SUBJECT: *DISCLOSURES OF INTEREST*

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION

That Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

SUMMARY

The provisions of Chapter 14 of the Local Government Act, 1993 regulate the way in which Councillors and nominated staff of council conduct themselves to ensure that there is no conflict between their private interests and their public trust.

The Act prescribes that where a member of Council (or a Committee of Council) has a direct or indirect financial (pecuniary) interest in a matter to be considered at a meeting of the Council (or Committee), that interest must be disclosed as soon as practicable after the start of the meeting and the reasons for declaring such interest.

As members are aware, the provisions of the Local Government Act restrict any member who has declared a pecuniary interest in any matter from participating in the discussions, voting on that matter, and require that member to vacate the Chamber.

Council's Code of Conduct provides that if members have a non-pecuniary conflict of interest, the nature of the conflict must be disclosed. The Code also provides for a number of ways in which a member may manage non pecuniary conflicts of interest.

ENCLOSURES

There are no enclosures for this report.

Notice of Intention to Deal With Matters in Confidential Session

Report No. NI5/2022

Corporate and Community Services



SUBJECT: *NOTICE OF INTENTION OT DEAL WITH MATTERS IN CONFIDENTIAL SESSION*

MM13/2022 - APPOINTMENT OF GENERAL MANAGER

RESPONSIBLE OFFICER: *Chief Finance Officer - Matthew Plumridge*

RECOMMENDATION that

1. That Council considers in Confidential Session the following matters in accordance with Sections 10A (2) (a) of the *Local Government Act 1993*:

Report MM13/2022 – Appointment of General Manager as the report deals with personnel matters concerning particular individuals.
2. That Council requests the Mayor in accordance with Clause 14.21 of Councils Code of Meeting Practice to report on these matters to the meeting in Open Session following completion of the Confidential Session.

SUMMARY

It is necessary for the Council to adopt a resolution to formalise its intention to deal with certain matters in Confidential Session. The reports are incorporated in the “Confidential” business paper which has been circulated to Councillors.

The Local Government Act, 1993 requires the General Manager to identify those matters listed on the business paper which may be categorised as confidential in terms of Section 10A of the Local Government Act, 1993.

ENCLOSURES

There are no enclosures for this report

Motions of Urgency

Report No. MOU7/2022

Corporate and Community Services



SUBJECT: MOTION OF URGENCY

RESPONSIBLE OFFICER: Chief Finance Officer - Matthew Plumridge

RECOMMENDATION

That Councillors now indicate if there are any matters of urgency which they believe should be conducted at this meeting of Council.

SUMMARY

As per Clause 9.3 of Council's Code of Meeting Practice, business may be considered at a meeting of Council even though due notice of the business has not been given to the Councillors if:

- a) a motion is passed to have the business considered at the meeting, and
- b) the business to be considered is ruled by the chairperson to be of great urgency on the grounds that it requires a decision by Council before the next scheduled ordinary Council meeting.

Only the mover of a motion referred to in clause 9.3(a) can speak to the motion before it is put. A motion of dissent cannot be moved against a ruling by the chairperson under clause 9.3(b)

ENCLOSURES

There are no enclosures for this report

SUBJECT: *APPOINTMENT OF ACTING GENERAL MANAGER*

RESPONSIBLE OFFICER: *Governance and Council Support Coordinator - Teresa Chadwick*
Chief Finance Officer - Matthew Plumridge

SUMMARY

The purpose of this report is to appoint Peter Mickleson to the role of Acting General Manager whilst Robert Maginnity is on annual leave and to reappoint Robert Maginnity to the Acting General Manager role upon his return from leave.

RECOMMENDATION

1. That Council appoint Peter Mickleson temporarily to the position of Acting General Manager from 25 July 2022 to 12 August 2022 whilst Robert Maginnity is on Annual Leave.
2. That Council reappoint Robert Maginnity to the role of Acting General Manager from 15 August 2022 until the commencement of a new General Manager.
3. That should Robert Maginnity be absent for any reason after 12 August 2022 but prior to the appointment of a new General Manager, Council will continue to temporarily appoint Mr Peter Mickleson to the position of Acting General Manager.
4. That Council appoint David Maloney temporarily should Peter Mickleson be absent for any reason during his acting period.

BACKGROUND

At the 16 March 2022 Ordinary Council Meeting the elected Council appointed Robert Maginnity to the role of Acting General Manager.

The Acting General Manager Robert Maginnity is taking a period of annual leave from 25 July 2022 to 12 August 2022. In accordance with s334 and s351(a) of the Local Government Act 1993 (NSW) (**LG Act**) council may by

334 Appointment of general manager

- (1) A council must appoint a person to be its general manager. The person must not be a body corporate.
- (2) The position of general manager is a senior staff position.

351 Temporary appointments

- (1) If a position (including a senior staff position) within the organisation structure of the council is vacant or the holder of such a position is suspended from duty, sick or absent—
 - (a) the council, in the case of the general manager's position, or

Corporate and Community

Report No. CC62/2022

Corporate and Community Services



(b) the general manager, in the case of any other position, may appoint a person to the position temporarily.

REPORT/PROPOSAL

This report seeks Council's approval to appoint Peter Mickleson to the role of Acting General Manager whilst Robert Maginnity is on annual leave and to reappoint Robert Maginnity to the Acting General Manager role upon his return from leave until such time as a new General Manager is appointed.

The report also seeks Council's approval to appoint Peter Mickleson to the role of Acting General Manager for any other circumstances where Mr Maginnity is absent prior to the commencement of a new General Manager.

If circumstances arise where Peter Mickleson is absent it is recommended that David Maloney be appointed to act as Acting General Manger in his absence.

OPTIONS

1. Appoint Peter Mickleson to the Acting General Manager role temporarily.
2. Appoint an alternative person to the Acting General Manager role.

Option 1 is the recommended option.

CONSULTATION

Acting Director Corporate and Community Services (Human Resources Manager)
Mayor
Governance

STRATEGIC LINKS

a. Delivery Program

The appointment of an Acting General Manager is consistent with the community's desired outcome of *Civic Leadership and Effective Governance*.

b. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

NIL

Corporate and Community

Report No. CC62/2022

Corporate and Community Services



b. Financial Implications

NIL

c. Legislative Implications

This appointment is in accordance with s334 and s351(a) of the LG Act.

d. Risk Implications

NIL

e. Environmental Implications

Nil

f. Other Implications

Nil

CONCLUSION

Due to the Acting General Manager taking annual leave Council must appoint another Acting General Manager to fill the role during this period in accordance with s334 and s351(a) of the LG Act.

ENCLOSURES

There are no enclosures for this report