



**BLAND SHIRE COUNCIL**  
*west wyalong*

# **Bland Shire Council**

## **Minutes**

### **Extraordinary Council Meeting**

**15 June 2022**

CONFIRMED



# OUR VISION, MISSION AND VALUES



**ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST**  
**A guiding checklist for Councillors, Officers and Advisory 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?
- Could your possible conflict of interest lead to private gain or loss 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 Office of Local Government and, Non-pecuniary – regulated by Codes of Conduct and policy. ICAC, Ombudsman, Office 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**

1<sup>st</sup> - Do I have private interest affected by a matter I am officially involved in?

2<sup>nd</sup> - Is my official role one of influence or perceived influence over the matter?

3<sup>rd</sup> - 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 Advisory Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Bland Shire Council	6972 2266	<a href="mailto:council@blandshire.nsw.gov.au">council@blandshire.nsw.gov.au</a>	<a href="http://www.blandshire.nsw.gov.au">www.blandshire.nsw.gov.au</a>
ICAC	8281 5999 Toll Free: 1800 463 909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	9286 1000 Toll Free: 1800 451 524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

**15 June 2022 commencing at 4:13PM**

Council advises that an audio recording of the proceedings of this meeting were taken and are publicly available on the website.

## **1.0 OPENING MEETING AND ACKNOWLEDGEMENT OF COUNTRY**

The meeting was opened by the Mayor with the welcome and introduction at 4.13pm.

## **2.0 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

### **2.1 Attendance**

#### **Councillors**

Cr Monica Clark  
Cr Rodney Crowe  
Cr Jill Funnell  
Cr Kerry Keatley  
Cr Liz McGlynn  
Mayor Brian Monaghan  
Cr Roger Moore

#### **Staff**

General Manager – Ray Smith  
Executive Assistant – Julie Sharpe

### **2.2 Apologies**

Cr Bruce Baker  
Cr Tony Lord  
Director Technical Services – Will Marsh  
Director Corporate & Community Services – Alison Balind

#### **Recommendation:**

**01062022 RESOLVED** on the motion of Cr Crowe seconded Cr Funnell that the apologies submitted by Cr Baker, Cr Lord, Mr Marsh and Ms Balind be accepted.

**CARRIED** (Unanimously - Crs Clark, Crowe, Funnell, Keatley, McGlynn, Moore and Monaghan voting for)

## 2.3 Applications for a leave of absence by Councillors

Nil

## 3.0 DISCLOSURES OF INTERESTS

Nil

## 4.0 MAYORAL MINUTE – CONFIDENTIAL - RECRUITMENT AND APPOINTMENT OF A GENERAL MANAGER

## 5.0 ITEM OF URGENT BUSINESS IN ACCORDANCE WITH 9.3 OF THE MODEL CODE OF MEETING PRACTICE – WATER RELIABILITY PROJECT

The matter should be dealt with as a confidential item in accordance with Section 10A (2) of the Local Government Act 1993:

*The matters and information are the following:*

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*

### Recommendation:

**02062022 RESOLVED** on the motion of Cr Crowe seconded Cr Keatley that the following report on the proposed Water Reliability Project be deemed as urgent and therefore dealt with at this meeting.

**CARRIED** (Unanimously - Crs Clark, Crowe, Funnell, Keatley, McGlynn, Moore and Monaghan voting for)

## 6.0 CONFIDENTIAL MATTERS

### Recommendation:

**03062022 RESOLVED** on the motion of Cr Moore seconded Cr Crowe that Council close the Ordinary meeting of Council to discuss confidential business under the provisions of Section 10A(2) of the Local Government Act.

**CARRIED** (Unanimously - Crs Clark, Crowe, Funnell, Keatley, McGlynn, Moore and Monaghan voting for)

The meeting then closed at 4.14pm.

**Recommendation:**

**06062022 RESOLVED** on the motion of Cr Clark seconded Cr Crowe that Council move out of closed Council and into open Council.

**CARRIED** (Unanimously - Crs Clark, Crowe, Funnell, Keatley, McGlynn, Moore and Monaghan voting for)

The meeting then resumed at 4.26pm.

**4.0 Confidential Mayoral Minute – Recruitment and Appointment of a General Manager**

*Local Government Act 1993 (Section 10A (2))*

*The matters and information are the following:*

- (a) personnel matters concerning particular individuals (other than councillors),  
(d) commercial information of a confidential nature that would, if disclosed:  
(i) prejudice the commercial position of the person who supplied it, or*

**Recommendation:**

**04062022 RESOLVED** on the motion of Cr Crowe seconded Cr Moore:

- 1. That the Report on Process and Outcome of the Recruitment Process and the interviews conducted for the position of General Manager of Bland Shire Council be received and noted.**
- 2. That the preferred candidate selected at the interviews on 15 June 2022 and as outlined in the Recruitment Consultant's Process and Outcome Report be offered the position of General Manager of Bland Shire Council, and the Mayor, Cr Monaghan, be authorised to negotiate and finalise the appointment based on the following Terms and Conditions:**
  - a. A five-year term.**
  - b. A Total Remuneration Package of \$270,000.00 (as advertised) comprising salary, a superannuation guarantee contribution of 10.5%, the private use value of the Council motor vehicle at \$18,000.00 and the subsidised rental value of \$16,356.74 per annum of the Council provided house.**

<b>Salary</b>	<b>\$ 215,036.66</b>
<b>House Allowance</b>	<b>\$ 16,356.60</b>
<b>Car</b>	<b>\$ 18,000.00</b>
<b>Superannuation Guarantee Contribution at 10.5% at 1 July 2022</b>	<b>\$ 20,606.74</b>
<b>ANNUAL REMUNERATION</b>	<b>\$ 270,000.00</b>

- c. The Contract of Employment being in accordance with the Standard Contract for General Managers in NSW as required by the Office of Local Government.**

3. That no Public Announcement of the name of the successful candidate be made until such time as the Mayor has received a written acceptance of the offer from the preferred candidate.
4. That it be noted a Performance Agreement will be prepared within two to three months of the General Manager commencing in the role to align the Council and the GM with a core group of agreed objectives.
5. That Council maintain the confidentiality of the documents and considerations in respect of the GM Recruitment Process.

**CARRIED** (Unanimously - Crs Clark, Crowe, Funnell, Keatley, McGlynn, Moore and Monaghan voting for)

**5.0 Item of Urgent Business in Accordance with 9.3 of the Model Code of Meeting Practice – Water Reliability Project**

*Local Government Act 1993 (Section 10A (2))*

*The matters and information are the following:*

*(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,*

**Recommendation:**

**05062022 RESOLVED** on the motion of Cr McGlynn seconded Cr Keatley that:

1. Council commit a further \$0.8M, to be allocated from the Community Facilities Reserve, towards the West Wyalong Water Reliability Project on the basis that Goldenfields Water County Council commit to a \$3M contribution;
2. Any surplus funds be distributed to Bland Shire Council and Goldenfields Water County Council on a pro-rata basis.

**CARRIED** (6/1 – Crs Clark, Crowe, Funnell, Keatley, McGlynn, Moore and Monaghan voting for and Cr Crowe voting against)

**7.0 CONCLUSION OF THE MEETING**

There being no further business the meeting then closed at 4.29pm.

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 Chairperson  
 Mayor Brian Monaghan