



**SNOWY MONARO**  
REGIONAL COUNCIL

# **BUSINESS PAPER**

**PUBLIC EXHIBITION COPY**

**Extraordinary Council Meeting  
29 November 2022**

## **STATEMENT OF ETHICAL OBLIGATIONS**

Councillors are reminded of their oath or affirmation of office made under section 233A of the Local Government Act 1993 and their obligations under the Council's code of conduct to disclose and appropriately manage conflicts of interest.

### **CONFLICTS OF INTEREST**

A conflict of interest arises when the Mayor or Council staff are influenced, or are seen to be influenced, in carrying out their duties by personal interests. Conflicts of interest can be pecuniary or non-pecuniary in nature.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of a financial gain or loss.

A non-pecuniary interest can arise as a result of a private or personal interest, which does not relate to money. Examples include friendship, membership of an association or involvement or interest in an activity.

The Mayor or staff member who considers they may have a conflict of interest should read Council Policy.

The responsibility of determining whether or not the Mayor or Council employee has a pecuniary or non-pecuniary interest in a matter, is the responsibility of that individual. It is not the role of the Mayor or Chief Executive Officer, or another Council employee to determine whether or not a person may have a conflict of interest.

### **COUNCIL CODE OF CONDUCT**

The Council Code of Conduct is a requirement of Section 440 of the Local Government Act 1993, which requires all councils to have a code of conduct to be observed by the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council.

The code of conduct sets out the responsibilities of the Mayor and Council employees attending a Council meeting or a meeting of a committee of Council. The code also sets out how complaints against a Council employee, the Mayor or Chief Executive Officer are to be made.

### **COUNCIL CODE OF MEETING PRACTICE**

The Council Code of Meeting Practice is a requirement of Part 2, Division 1 of the Local Government Act 1993, which requires all councils to have a code of meeting practice. The code of meeting practice is to be observed by the Mayor, members of staff, delegates of the Council and members of the public attending a Council or a meeting of a committee of Council.

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### **Acknowledgement of Country**

Council wishes to show our respect to the First Custodians of this land the Ngarigo, Walgalu, Ngunnawal and Bidhawal people and their Ancestors past and present.

### **Webcasting**

*Council meetings are recorded and live streamed to the internet for public viewing. By entering the Chambers during an open session of Council, you consent to your attendance and participation being recorded and streamed on Council's website [www.snowymonaro.nsw.gov.au](http://www.snowymonaro.nsw.gov.au)*

**EXTRAORDINARY COUNCIL MEETING  
TO BE HELD IN COUNCIL CHAMBERS, 81 COMMISSIONER STREET, COOMA NSW  
2630**

**ON TUESDAY 29 NOVEMBER 2022  
COMMENCING AT 5:00PM**

**BUSINESS PAPER**

- 1. OPENING MEETING**
- 2. ACKNOWLEDGEMENT OF COUNTRY**
- 3. COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL**
  - 3.1 Councillor Request for Attendance via Audio-Visual Link 2
- 4. APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**
- 5. DISCLOSURE OF INTEREST**

(Declarations also to be made prior to discussions on each item)
- 6. NOTICE OF MOTION**
  - 6.1 Notice of Motion to Rescind Resolution 308/22 Item 8.2.1 Financial Sustainability Review 3
  - 6.2 Notice of Motion to Cease Special Rate Variation 5
- 7. CONFIDENTIAL MATTERS**

Nil

3.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK

**3.1 COUNCILLOR REQUEST FOR ATTENDANCE VIA AUDIO-VISUAL LINK**

Record No: I22/853

**EXECUTIVE SUMMARY**

Council adopted procedures for attendance by Councillor's at meetings by audio-visual link at its meeting on 15 April 2021 (Resolution No: 67/21).

Council, consistent with its adopted procedures must consider the following request/s:

<b>Councillor Name</b>	<b>Meeting Date</b>	<b>Reason</b>	<b>Request received within timeframe and reason(s) provided (Y/N)</b>
Tricia Hopkins	29/11/2022	Out of town for work duties	Y

When considering the reasons the Council must be satisfied the requesting Councillor/s will be prevented from attending the meeting in person because of illness, disability or a caring responsibility.

Where a Councillor's request is for reason/s other than the above, the Council must determine if they accept these reasons.

**OFFICER'S RECOMMENDATION**

That Council approve the remote attendance of Tricia Hopkins at the meeting on 29 November 2022, via audio-visual link and accept her reason of out of town for work duties.

**RESPONSIBLE OFFICER:** Chief Executive Officer

**6.1 NOTICE OF MOTION TO RESCIND RESOLUTION 308/22 ITEM 8.2.1  
FINANCIAL SUSTAINABILITY REVIEW**

Record No: I22/854

Responsible Officer: Chief Executive Officer  
Author: Councillor Luke Williamson  
Attachments: 1. Notice of Motion to Rescind a Resolution

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Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 29 November 2022, he will move the following motion.

**MOTION**

We hereby give notice of the following motion of rescission:

That Council resolution number 308/22, item 8.2.1 Financial Sustainability Review passed at the Extraordinary Council meeting held 24 November 2022, be and is hereby rescinded.

**BACKGROUND**

Nil.

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Form | 250.2022.83.1

# Notice of Motion To Rescind a Resolution Executive Office

To the Chief Executive Officer Snowy Monaro Regional Council

### Motion to Rescind Resolution

We hereby give notice of the following motion of rescission.

That the Council resolution relating to the below, is hereby rescinded.

Minute Number TBA Item Number Item 8.2.1, Record No: I22/806

Title Motion to rescind the resolution adopted at item 8.2.1, Record No: I22/806.

Passed at the Council meeting held on 24th November 2022

### Notice of Motion

Should the rescission motion be **adopted**, we give notice that it is our intention to move the following motion in lieu of which due notice is hereby given.

#### Motion Details

That council:

A. Cease all consideration of a Special Rates Variation related to FY 2022/23.

B. Appoint an qualified organisation to independently (i) assess all causes of council's increased expenditure since the merger and make clear observations as to the efficiency of council's business processes across all functions. (ii) identify and assess all options, guided by an assessment of community views, for reducing council's operating expenditure. Such options to include, but not limited to, restructuring, divestiture of non core businesses, discontinuation or suspension of specific services, process level efficiencies, and the orderly de-merger of the Council.

Date 24 November 2022

Name Luke Williamson	Signature 
Name Louise Frolich	Signature 
Name Bob Stewart	Signature 

For further information or assistance on completing this form please contact the Executive Office at [SMRCExecOffice@snowymonaro.nsw.gov.au](mailto:SMRCExecOffice@snowymonaro.nsw.gov.au)

## 6.2 NOTICE OF MOTION TO CEASE SPECIAL RATE VARIATION

Record No: I22/855

Responsible Officer: Chief Executive Officer  
Author: Councillor Luke Williamson  
Attachments: Nil

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Councillor Luke Williamson has given notice that at the Ordinary Meeting of Council on 29 November 2022, he will move the following motion.

### **MOTION**

Should the recession motion be adopted we hereby give notice that it is our intention to move the following motion:

That Council

- A. Cease all consideration of a Special Rate Variation related to FY 2022/23.
- B. Appoint an qualified organisation to independently:
  - (i) Assess all causes of Council's increased expenditure since the merger and make clear observations to the efficiency of council's business processes across all functions.
  - (ii) Identify and assess all options, guided by an assessment of community views, for reducing council's operating expenditure. Such options to include but not limited to; restructuring, divestment of non-core businesses, discontinuation or suspension of specific services, process level efficiencies, and the orderly de-merger of the Council.

### **BACKGROUND**

Nil.

### **CHIEF EXECUTIVE OFFICER'S RESPONSE**

Clause 3.12 of the Council's code of meeting practice requires notices to identify the source of funding. No source of funding has been identified. This clause has not been enforced by the Council in the past. The matter should not be considered until the funding source has been identified.

There is insufficient time to determine the extent of the costs associated with the proposed motion, which calls for an extensive consultancy engagement, or to determine what projects or services are recommended be cut to provide the funding.

### **Giving notice of business to be considered at council meetings**

3.9 A councillor may give notice of any business they wish to be considered by the council at its next ordinary meeting by way of a notice of motion. To be included on the agenda of the

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meeting, the notice of motion must be in writing and must be submitted 10 business days before the meeting is to be held.

- 3.10 A councillor may, in writing to the CEO, request the withdrawal of a notice of motion submitted by them prior to its inclusion in the agenda and business paper for the meeting at which it is to be considered.
- 3.11 If the CEO considers that a notice of motion submitted by a councillor for consideration at an ordinary meeting of the council has legal, strategic, financial or policy implications which should be taken into consideration by the meeting, the CEO may prepare a report in relation to the notice of motion for inclusion with the business papers for the meeting at which the notice of motion is to be considered by the council.
- 3.12 A notice of motion for the expenditure of funds on works and/or services other than those already provided for in the council's current adopted operational plan must identify the source of funding for the expenditure that is the subject of the notice of motion. If the notice of motion does not identify a funding source, the CEO must either:
- a) prepare a report on the availability of funds for implementing the motion if adopted for inclusion in the business papers for the meeting at which the notice of motion is to be considered by the council, or
  - b) by written notice sent to all councillors with the business papers for the meeting for which the notice of motion has been submitted, defer consideration of the matter by the council to such a date specified in the notice, pending the preparation of such a report.
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