

His Worship the Mayor
Councillors
CITY OF MARION



**NOTICE OF
GENERAL COUNCIL MEETING**

Notice is hereby given pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

Tuesday 25 November 2014

Commencing at 7.00 p.m.

In the Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to the Council Chamber is via the main entrance to the Administration building on Sturt Road, Sturt.



Mark Searle
CHIEF EXECUTIVE OFFICER

20 November 2014

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**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 25 NOVEMBER 2014
COMMENCING AT 7.00PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

We would like to begin by acknowledging the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3. DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion Website

4. ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting
held on 28 October 2014 6

6. ADJOURNED ITEMS

Nil

7. DEPUTATIONS

Nil

8. PETITIONS

Nil

9. MATTERS LYING ON THE TABLE

Nil

10. COMMITTEE RECOMMENDATIONS

Nil

11. WORKSHOP / PRESENTATION ITEMS

Nil

12. CORPORATE REPORTS FOR DECISION

Results of 2014 Local Government Elections

GC251114R01 15

Appointment of Date / Time and Place of Council meetings

GC251114R02 46

Appointment of Deputy Mayor

GC251114R03 49

Establishment of CEO Performance Review Committee and Appointment of Members

GC251114R04 52

Re-establishing Strategic Directions Committee and Appointment of Presiding Members

GC251114R05 57

Re-establishing Audit Committee and Appointment of Members

GC251114R06 71

Appointment of Elected Members to the Development Assessment Panel

GC251114R07 85

Elected Member Expense Facilities and Support policy

GC251114R08 88

Persons to Act in absence of Chief Executive Officer

GC251114R09 100

Southern Region Waste Resource Authority - City of Marion Representative

GC251114R10 102

13. CORPORATE REPORTS FOR INFORMATION/NOTING

Finance Report

GC251114R11 115

Strategic Activities Report

GC251114R12 129

MATTERS RAISED BY MEMBERS

14. Questions with Notice

Street Trees	
GC251114Q01	133
City Limits Magazine	
GC251114Q02	134
SAJC Contributions	
GC251114Q03	135
Marion Celebrates	
GC251114Q04	136
Marion Learning Festival	
GC251114Q05	137

15. Motions with Notice

Nil

16. Questions without Notice

17. Motions without Notice

18. CONFIDENTIAL ITEMS

Nil

19. MEETING CLOSURE

Council shall conclude on or before 10.00pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 28 OCTOBER 2014**



PRESENT

Her Worship the Mayor Felicity-ann Lewis

Councillors

Coastal Ward

Cheryl Connor

Mullawirra Ward

Jason Veliskou

Jerome Appleby

Southern Hills

Frank Verrall

Kathleen Allen

Warracowie Ward

Bruce Hull

Carolyn Habib

Warriparinga Ward

Carol Bouwens

Luke Hutchinson

Woodlands Ward

Tim Pfeiffer

Alice Campbell

In Attendance

Mr Mark Searle

Ms Fiona Harvey

Ms Heather Montgomerie

Mr Vincent Mifsud

Ms Kate McKenzie

Ms Jaimie Thwaites

Chief Executive Officer

Acting Director

Director

Director

Manager Governance

Unit Manager Council Support

COMMENCEMENT

The meeting commenced at 7.00pm.

KAURNA ACKNOWLEDGEMENT

We would like to begin by acknowledging the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

MEMBERS DECLARATION OF INTEREST

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

Mr Vincent Mifsud, Director declared a conflict of interest in the item *Limited Club Licence Application – Sheidow Park Cricket Club* (Report Reference: GC281014R07) as he is a member of the club.

CONFIRMATION OF MINUTES

Moved Councillor Bouwens, Seconded Councillor Campbell that the minutes of the General Council meeting held on 14 October 2014 be taken as read and confirmed.

Carried Unanimously

COMMUNICATION - HER WORSHIP THE MAYOR

Report on Mayoral Activities for October 2014

Her Worship the Mayor, Felicity-ann Lewis submitted a report on meetings and functions attended by herself during October 2014.

Moved Councillor Habib, Seconded Councillor Allen that the report by the Mayor be received.

7.10pm Councillor Bouwens left the meeting

7.17pm Councillor Allen left the meeting

7.18pm Councillors Bouwens and Allen re-entered the meeting

Carried Unanimously

COMMUNICATION – DEPUTY MAYOR

Report on Deputy Mayoral Activities for October 2014

Deputy Mayor Tim Pfeiffer submitted a report on meetings and functions attended by himself during October 2014.

Moved Councillor Habib, Seconded Councillor Allen that the report by the Deputy Mayor be received.

Carried Unanimously

COMMUNICATION – ELECTED MEMBERS

Councillor Cheryl Connor
File No: 9.33.3.11

Nil

Councillor Jerome Appleby
File No: 9.33.3.20

Nil

Councillor Jason Veliskou
File No: 9.33.3.17

Nil

Councillor Kathleen Allen
File No: 9.33.3. 26

Nil

Councillor Frank Verrall
File No: 9.33.3.16

Nil

Councillor Carolyn Habib
File No: 9.33.3.23

Nil

Councillor Bruce Hull
File No: 9.33.3.27

Nil

Councillor Carol Bouwens
File No: 9.33.3.3

DATE	EVENT	COMMENT
25. 9.14	Marion Village	
	Clovelly CC meeting	
2.10.14	Mitchell Park SCC	
12.10.14	Dover Dog Club	Presented trophies in capacity of patron
14.10.14	Audit Committee	
30.10.14	Clovelly CC meeting	
3.11.14	SRWRA	

Councillor Luke Hutchinson
File No: 9.33.3.24

Nil

Councillor Alice Campbell
File No: 9.33.3.21

Nil

ADJOURNED ITEMS

Nil

DEPUTATIONS

Nil

PETITIONS

Nil

MATTERS LYING ON THE TABLE

Nil

COMMITTEE RECOMMENDATIONS

Confirmation of the Minutes from the Strategic Directions Committee Meeting held on 7 October 2014
Report Reference: GC281014R01

Moved Councillor Hutchinson, Seconded Councillor Habib that Council receive and adopt the minutes of the Strategic Directions Committee meeting of 7 October 2014 (Appendix 1 to report reference GC281014R01).

Carried Unanimously

Confirmation of the Minutes from the Audit Committee Meeting held on 14 October 2014
Report Reference: GC281014R02

Moved Councillor Campbell, Seconded Councillor Bouwens that Council receive and adopt the minutes of the Audit Committee meeting of 28 October 2014 (Appendix 1 to report reference GC281014R02).

Carried Unanimously

WORKSHOP / PRESENTATION ITEM

Nil

CORPORATE REPORTS FOR DECISION

Audit Committee Report to Council Report Reference: GC281014R03

Moved Councillor Bouwens, Seconded Councillor Verrall that Council note the Audit Committee's Annual Report to Council for 2013/14 provided at Appendix 1 to report reference GC281014R03.

Carried Unanimously

Annual Financial Statements for the year ended 30 June 2014 Report Reference: GC281014R04

Moved Councillor Bouwens, Seconded Councillor Verrall that Council:

1. Adopts the audited Annual Financial Statements for the year ended 30 June 2014 (Appendix 1).
2. Receive the Southern Region Waste Resource Authority (SRWRA) 2013/14 audited Financial Statements (Appendix 4).
3. Receive the Council Solutions Regional Authority 2013/14 audited Annual Financial Statements (Appendix 5).

Carried Unanimously

Investment Performance 2013/14 Report Reference: GC281014R05

Moved Councillor Pfeiffer, Seconded Councillor Campbell that Council:

1. Note the Investment Performance Report 2013/14, where Council earned \$792,841 of interest on its investments at an average rate of return of 3.32%, a favourable outcome compared to the benchmark indicator (average Reserve Bank cash rate) of 2.53%.
2. Wishes to acknowledge the outstanding job of all the staff involved in the Investment Performance.

Carried Unanimously

Corporate Performance Report- 1st Quarter 2014-15: July to September 2014 Report Reference: GC281014R06

Moved Councillor Veliskou, Seconded Councillor Bouwens that Council:

1. Note the Corporate Performance Report – First Quarter 2014-15: July to September 2014, as provided in Appendix 1.

7.39pm Councillor Habib left the meeting

7.42pm Councillor Habib re-entered the meeting

Carried

Limited Club Licence Application – Sheidow Park Cricket Club
Report Reference: GC281014R07

7.46pm Mr Vincent Mifsud left the meeting

Moved Councillor Verrall, Seconded Councillor Allen that:

1. The hours of operation of the premises shall be restricted as follows:
 - 1.1 Tuesday and Thursday – 6:30pm to 8.30pm September through March
 - 1.2 Saturday 12:00pm to 9:00pm September through March
 - 1.3 Sunday 12:00pm to 5:00pm September through March
2. The 'Weeknight Licence Area' shall be in accordance with the area nominated on the Revised Licence Plan provided to Council on 20 October 2014.
3. The 'Game Day Licence Area' shall be in accordance with the area nominated on the Revised Licence Plan provided to Council on 20 October 2014.
4. The premises shall not be used for functions where amplified music is required for entertainment such as parties and receptions.
5. No amplified live music shall be played in any part of the premises.
6. The licensee shall at all times ensure that noise levels are in accord with EPA Guidelines and the Liquor Licensing Regulations.
7. Rubbish and recycling bins shall be provided to ensure all rubbish generated on site is appropriately disposed.

Carried

Councillor Hull called for a division:

Those For: Councillors Pfeiffer, Hutchinson, Habib, Verrall, Allen, Veliskou and Appleby

Those Against: Councillors Campbell, Bouwens, Hull and Connor

Carried

7.50pm Mr Vincent Mifsud re-entered the meeting

Play Spaces at Plympton and Edwardstown Ovals
Report Reference: GC281014R08

This item has been withdrawn.

Annual Report 2013/14
Report Reference: GC281014R09

Moved Councillor Habib, Seconded Councillor Hutchinson that Council:

1. Council adopts the City of Marion Annual Report for the 2013/14 financial year as contained with Appendix 1 to this report subject to the following amendments:
 - a. Councillor Pfeiffer has attended 2 out of 2 Audit Committee meetings.
2. The City of Marion Financial Statements 2013/14 being considered in report GC28104R04 be included within the published version of the City of Marion Annual Report 2013/14
3. The Southern Regional Waste Resources Authority Financial Statements being considered in report GC28104R04 be included within the published version of City of Marion Annual Report 2013/14.
4. The Council Solutions Regional Authority Financial Statements being considered in report GC28104R04 be included within the published version of City of Marion Annual Report 2013/14.
5. Administration distributes copies of the City of Marion Annual Report 2013/14 in accordance with legislative requirements.
6. A summary of the Annual Report 2013/14 will be distributed to households and businesses via City Limits.

Carried Unanimously

2014 LGA Annual General Meeting Agenda
Report Reference: GC281014R10

Moved Councillor Bouwens, Seconded Councillor Allen that Council:

1. Council notes the report “2014 LGA Annual General Meeting Agenda”
2. The City of Marion Delegate for the meetings of the Local Government Association vote in accordance with the recommendations contained in this report.

7.57pm Councillor Hutchinson left the meeting
7.59pm Councillor Hutchinson re-entered the meeting
8.01pm Councillor Veliskou left the meeting
8.04pm Councillor Veliskou re-entered the meeting

Carried

CORPORATE REPORTS FOR INFORMATION NOTING

Finance Report – September 2014
Report Reference: GC281014R11

Moved Councillor Connor, Seconded Councillor Hutchinson that Council receive the report “Finance Report – September 2014”.

Carried

Strategic Activities as at 28 October 2014
Report Reference: GC281014R12

Moved Councillor Habib, Seconded Councillor Allen that the Strategic Activities as at 28 October 2014 undertaken by the CEO and the Directors be noted.

Carried Unanimously

MATTERS RAISED BY MEMBERS

QUESTIONS WITH NOTICE

Nil

MOTIONS WITH NOTICE

Planting of Trees in Median Strips
Report Reference: GC281014M01

Moved Councillor Hull, Seconded Councillor Bouwens that:

1. as the Department of Planning, Transport and Infrastructure (DPTI) has advised that its Operational Instruction 19.8 'Trees in Medians in Urban Environment' should not be altered but that it would consider applications for trees in medians on a case by case basis, Council requests DPTI install street trees on the median of Oaklands, Diagonal and Sturt Roads.
2. the Minister for Transport & Infrastructure, the Minister for the Environment and Members for Elder, Bright, Mitchell, Resilient South Group, Premiers Climate Change Council, Adelaide and Mount Lofty Rangers Natural Resource Management Board and City of Holdfast Bay be advised of our request of DPTI to plant such trees.
3. Council be advised of the progress of the request at the February 2015 General Council meeting.

Carried

Councillor Appleby called for a division:

Those For: Councillors Pfeiffer, Campbell, Hutchinson, Bouwens, Hull, Habib, Allen, Veliskou and Connor

Those Against: Councillors Verrall and Appleby

Carried

QUESTIONS WITHOUT NOTICE

Nil

MOTIONS WITHOUT NOTICE

Acknowledging Retiring Elected Members Reference Number: GC281014M02

Moved Councillor Pfeiffer, Seconded Councillor Campbell that:

1. Council formally thanks the retiring Elected Members for their long and distinguished service
2. Council acknowledges and commends the work of the outgoing Mayor Felicity-ann Lewis for her service to the community in the last 14 years as Mayor.

Carried Unanimously

CONFIDENTIAL ITEMS

Nil

CLOSURE - Meeting Declared Closed at 8.20pm.

CONFIRMED THIS 28 OCTOBER 2014

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CHAIRPERSON

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Director: Kathy Jarrett

Subject: Results of 2014 Local Government Elections

Report Reference: GC251114R01

EXECUTIVE SUMMARY:

Local Government Elections are held every four (4) years to determine the membership of each Council. The elections must be held in accordance with the provisions of the *Local Government (Elections) Act 1999*.

The nomination period opened on Tuesday 2 September 2014 and closed at 12 noon, 16 September 2014. During the nomination period, a total of 31 candidate nominations were received, with elections in each of the six wards and the Mayoral nomination elected uncontested.

Voting in the election concluded at 5pm on Friday 7 November 2014, with the scrutiny and counting of votes conducted on Saturday, 8 November 2014. The conduct of the election was over seen by the Local Deputy Returning Officer, Ms Angela Curtis.

Provisional declarations were made on Saturday 8 November by the Local Deputy Returning Officer. The following candidates were elected for the City of Marion.

No requests for a re-count were received and the final declaration was made by the Returning Officer on Friday, 14 November 2014.

Mayor	Kris Hanna
Coastal Ward	Ian Crossland, Tim Gard
Mullawirra Ward	Jason Veliskou, Jerome Appleby
Southern Hills Ward	Janet Byram, Nick Westwood
Warracowie Ward	Bruce Hull, Nathan Prior
Warriparinga Ward	Raelene Telfer, Luke Hutchinson
Woodlands Ward	Tim Pfeiffer, Nick Kerry

Appendix 1 provides full details of the election results as determined by the State Electoral Commission.

RECOMMENDATIONS (1)

DUE DATES

That Council:

- Notes this report dated 25 November 2014 regarding the election results for the 2014 Local Government Elections.**

25 Nov 2014

SCANNED

Appendix 1

Level 6, 60 Light Square
ADELAIDE SA 5000

TELEPHONE :7424 7417
FAX :7424 7444



14 November 2014

Mr M Searle
Chief Executive Officer
City of Marion
PO Box 21
OAKLANDS PARK SA 5046



Re: Council Elections 2014 - Election Results

In accordance with the Local Government (Elections) Act 1999, I enclose the results for the November 2014 council elections.

The council elections were conducted entirely by post. Voting material comprising ballot paper/s, candidates' profiles, a postal voting guide, ballot paper envelope containing the elector's declaration and reply paid envelope was sent to electors, bodies corporate and groups whose names appeared on the certified voters roll.

Voting closed at 5 pm Friday 7 November 2014 with the scrutiny and count conducted at the Council Chamber, 245 Sturt Road, Sturt.

In accordance with section 50 of the Local Government (Elections) Act 1999, I Paul Morel, Deputy Returning Officer acting on behalf of the Returning Officer, declare the following candidates elected:

Mayor		Vacancies (1)
HANNA, Kris	Unopposed	
Councillor for Mullawirra Ward		Vacancies (2)
VELISKOU, Jason	Elected 1	
APPLEBY, Jerome David	Elected 2	
Councillor for Woodlands Ward		Vacancies (2)
PFEIFFER, Tim	Elected 1	
KERRY, Nick	Elected 2	
Councillor for Warracowie Ward		Vacancies (2)
HULL, Bruce William	Elected 1	
PRIOR, Nathan John	Elected 2	
Councillor for Warriparinga Ward		Vacancies (2)
TELFER, Raelene	Elected 1	
HUTCHINSON, Luke	Elected 2	

Councillor for Coastal Ward

CROSSLAND, Ian
GARD, Tim

Elected 1
Elected 2

Vacancies (2)

Councillor for Southern Hills Ward

BYRAM, Janet
WESTWOOD, Nick

Elected 1
Elected 2

Vacancies (2)

All candidates have been notified in writing of the results of the elections and I enclose a report on the outcome along with copies of the full scrutiny and count details.

Candidates have also been advised that copies of the reports are available upon request to you.

Yours sincerely


Paul Morel

Deputy Returning Officer

SCANNED

Local Government Elections - November 2014 - Results Report

City of Marion

<i>Election</i>	<i>Ballot Papers</i>		<i>Quota</i>		
	<i>Formal</i>	<i>Informal</i>			
<i>Mullawirra Ward</i>	2390	54	797		
<i>4 candidates contesting 2 vacancies</i>					
<i>Candidate</i>		<i>1st Preference Votes</i>	<i>Elected or Excluded</i>	<i>Votes at Conclusion of Election</i>	<i>Count No</i>
APPLEBY, Jerome David		779	Elected 2	Quota	2
VELISKOU, Jason		908	Elected 1	Quota	1
WHENNAN, Irene		467		493	
SIM, Nathan		236		272	

Scrutiny Sheet

Number of formal ballot papers: 2390

Number of informal ballot papers: 54

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	APPLEBY	VELISKOU	WHENNAN	SIM	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2
1	First preferences	779	908 ²	467	236	0	2390	1.000000	2390
2	NAP after VELISKOU On ballot papers at Count 1	393	Elected	220	295	0	908	0.122246	111

City of Marion - Mullawirra Ward

Quota = $\frac{2390}{2+1} + 1 = 797$

Table 2 - Distribution of the Effective Votes

Count	APPLEBY	VELISKOU	WHENNAN	SIM	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
1	779	908	467	236	0	0		
2	779 48	908 - 111	467 26	236 36	0 0	0 1	2390	VELISKOU elected 1 VELISKOU's surplus distributed
	827	797	493	272	0	1	2390	APPLEBY elected 2

Candidate status after count 2 (Election finished)

Elected			Continuing			Excluded		
(Election order)	Count ¹	Votes ¹	(Ballot paper order)	Count ²	Votes ²	(Exclusion order)	Count ¹	Votes ¹
VELISKOU	1	908	WHENNAN	2	493			
APPLEBY	2	827	SIM	2	272			

¹ as at point of election/exclusion² current status

Local Government Elections - November 2014 - Results Report

City of Marion

<i>Election</i>	<i>Ballot Papers</i>		<i>Quota</i>		
	<i>Formal</i>	<i>Informal</i>			
Woodlands Ward	2211	39	738		
<i>5 candidates contesting 2 vacancies</i>					
<i>Candidate</i>		<i>1st Preference Votes</i>	<i>Elected or Excluded</i>	<i>Votes at Conclusion of Election</i>	<i>Count No</i>
KERRY, Nick		703	Elected 2	Quota	2
HOPE, Keith		219		243	
TILBROOK, Chris		361		385	
MOSES, Colin		193	Excluded	193	2
PFEIFFER, Tim		735	Elected 1	Quota	2

Scrutiny Sheet

Number of formal ballot papers: 2211

Number of informal ballot papers: 39

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	KERRY	HOPE	TILBROOK	MOSES	PFEIFFER	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2
1	First preferences	703	219	361	193 ²	735	0	2211	1.000000	2211
2	NAP after MOSES On ballot papers at Count 1	48	24	24	Excluded	97	0	193	1.000000	193

City of Marion - Woodlands Ward

Quota = $\frac{2211}{\frac{---}{2+1}} + 1 = 738$

Table 2 - Distribution of the Effective Votes

Count	KERRY	HOPE	TILBROOK	MOSES	PFEIFFER	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
1	703	219	361	193	735	0	0		
2	703 48	219 24	361 24	193 - 193	735 97	0 0	0 0	2211	MOSES excluded MOSES' votes distributed
	751	243	385	0	832	0	0	2211	PFEIFFER elected 1, KERRY elected 2, MOSES fully excluded

Candidate status after count 2 (Election finished)

Elected			Continuing			Excluded		
(Election order)			(Ballot paper order)			(Exclusion order)		
Count ¹	Votes ¹		Count ²	Votes ²		Count ¹	Votes ¹	
PFEIFFER	2	832	HOPE	2	243	MOSES	2	193
KERRY	2	751	TILBROOK	2	385			

¹ as at point of election/exclusion² current status

Local Government Elections - November 2014 - Results Report

City of Marion

<i>Election</i>	<i>Ballot Papers</i>		<i>Quota</i>		
	<i>Formal</i>	<i>Informal</i>			
Warracowie Ward	2846	47	949		
<i>5 candidates contesting 2 vacancies</i>					
<i>Candidate</i>		<i>1st Preference Votes</i>	<i>Elected or Excluded</i>	<i>Votes at Conclusion of Election</i>	<i>Count No</i>
PRIOR, Nathan John		573	Elected 2	878	8
WELLS, Geoff		578		848	
HULL, Bruce William		1084	Elected 1	Quota	1
SHILLING, Matthew		178	Excluded	188	3
FLOWERDEW, Emma Jane		433	Excluded	555	5

Scrutiny Sheet

Number of formal ballot papers: 2846

Number of informal ballot papers: 47

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	PRIOR	WELLS	HULL	SHILLING	FLOWERDEW	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2
1	First preferences	573	578	1084	178	433	0	2846	1.000000	2846
2	NAP after HULL On ballot papers at Count 1	216	576	Elected	83	209	0	1084	0.124538	135
3	NAP after SHILLING On ballot papers at Count 1	53	20		Excluded	95	10	178	1.000000	178
4	NAP after SHILLING On ballot papers at Count 2	14	22			15	32	83	0.124538	10
5	NAP after FLOWERDEW On ballot papers at Count 1	191	146			Excluded	96	433	1.000000	433
6	NAP after FLOWERDEW On ballot papers at Count 2	46	63				100	209	0.124538	26
7	NAP after FLOWERDEW On ballot papers at Count 3	29	24				42	95	1.000000	95
8	NAP after FLOWERDEW On ballot papers at Count 4	7	8				0	15	0.124538	1

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	PRIOR	WELLS	HULL	SHILLING	FLOWERDEW	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2

City of Marion - Warracowie Ward

2846

Quota = $\frac{2846}{2+1} + 1 = 949$

Table 2 - Distribution of the Effective Votes

Count	PRIOR	WELLS	HULL	SHILLING	FLOWERDEW	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
1	573	578	1084	178	433	0	0		
2	573 26	578 71	1084 - 135	178 10	433 26	0 0	0 2	2846	HULL elected 1 HULL's surplus distributed
3	599 53	649 20	949	188 - 178	459 95	0 10	2 0	2846	SHILLING excluded SHILLING's votes distributed
4	652 1	669 2	949	10 - 10	554 1	10 3	2 3	2846	SHILLING partially excluded SHILLING's votes distributed
5	653 191	671 146	949	0	555 - 433	13 96	5 0	2846	SHILLING fully excluded, FLOWERDEW excluded FLOWERDEW's votes distributed
6	844 5	817 7	949		122 - 26	109 12	5 2	2846	FLOWERDEW partially excluded FLOWERDEW's votes distributed
7	849 29	824 24	949		96 - 95	121 42	7 0	2846	FLOWERDEW partially excluded FLOWERDEW's votes distributed
8	878 0	848 0	949		1 - 1	163 0	7 1	2846	FLOWERDEW partially excluded FLOWERDEW's votes distributed

Table 2 - Distribution of the Effective Votes

Count	PRIOR	WELLS	HULL	SHILLING	FLOWERDEW	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
	878	848	949		0	163	8	2846	PRIOR elected under quota 2, FLOWERDEW fully excluded

Candidate status after count 8 (Election finished)

Elected			Continuing			Excluded		
(Election order)	Count ¹	Votes ¹	(Ballot paper order)	Count ²	Votes ²	(Exclusion order)	Count ¹	Votes ¹
HULL	1	1084	WELLS	8	848	SHILLING	3	188
PRIOR	8	878				FLOWERDEW	5	555

¹ as at point of election/exclusion² current status

Local Government Elections - November 2014 - Results Report

City of Marion

<i>Election</i>	<i>Ballot Papers</i>		<i>Quota</i>		
	<i>Formal</i>	<i>Informal</i>			
Warriparinga Ward	2444	35	815		
<i>6 candidates contesting 2 vacancies</i>					
<i>Candidate</i>		<i>1st Preference Votes</i>	<i>Elected or Excluded</i>	<i>Votes at Conclusion of Election</i>	<i>Count No</i>
TELFER, Raelene		930	Elected 1	Quota	1
SQUIRE, Chris		229		264	
D'LIMA, Jeremy		302		345	
MASTERS, H J (Mick)		131		163	
BAUMANIS, Ansi Michael		126	Excluded	140	3
HUTCHINSON, Luke		726	Elected 2	Quota	3

Scrutiny Sheet

Number of formal ballot papers: 2444

Number of informal ballot papers: 35

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	TELFER	SQUIRE	D'LIMA	MASTERS	BAUMANIS	HUTCHINSON	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2
1	First preferences	² 930	229	302	131	³ 126	726	0	2444	1.000000	2444
2	NAP after TELFER On ballot papers at Count 1	Elected	149	127	76	⁴ 118	460	0	930	0.123655	115
3	NAP after BAUMANIS On ballot papers at Count 1		17	28	23	Excluded	37	21	126	1.000000	126

City of Marion - Warriparinga Ward

$$\begin{array}{rcl} \text{Quota} = & \frac{2444}{2+1} + 1 & = 815 \end{array}$$

Table 2 - Distribution of the Effective Votes

Count	TELFER	SQUIRE	D'LIMA	MASTERS	BAUMANIS	HUTCHINSON	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
1	930	229	302	131	126	726	0	0		
2	930 - 115	229 18	302 15	131 9	126 14	726 56	0 0	0 3	2444	TELFER elected 1 TELFER's surplus distributed
3	815	247 17	317 28	140 23	140 - 126	782 37	0 21	3 0	2444	BAUMANIS excluded (by count-back) BAUMANIS' votes distributed
	815	264	345	163	14	819	21	3	2444	HUTCHINSON elected 2, BAUMANIS partially excluded

Candidate status after count 3 (Election finished)

Elected			Continuing			Excluded		
(Election order)	Count ¹	Votes ¹	(Ballot paper order)	Count ²	Votes ²	(Exclusion order)	Count ¹	Votes ¹
TELFER	1	930	SQUIRE	3	264	BAUMANIS	3	140
HUTCHINSON	3	819	D'LIMA	3	345			
			MASTERS	3	163			

¹ as at point of election/exclusion² current status

Local Government Elections - November 2014 - Results Report

City of Marion

<i>Election</i>	<i>Ballot Papers</i>		<i>Quota</i>		
	<i>Formal</i>	<i>Informal</i>			
Coastal Ward	2669	49	890		
<i>5 candidates contesting 2 vacancies</i>					
<i>Candidate</i>		<i>1st Preference Votes</i>	<i>Elected or Excluded</i>	<i>Votes at Conclusion of Election</i>	<i>Count No</i>
GARD, Tim		605	Elected 2	856	8
MacLEOD, Shad		68	Excluded	72	3
FRY, Andy		526		762	
CROSSLAND, Ian		949	Elected 1	Quota	1
BAYLISS, Joel Baden		521	Excluded	545	5

Scrutiny Sheet

Number of formal ballot papers: 2669

Number of informal ballot papers: 49

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	GARD	MacLEOD	FRY	CROSSLAND	BAYLISS	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2
1	First preferences	605	³ 68	526	² 949	⁵ 521	0	2669	1.000000	2669
2	NAP after CROSSLAND On ballot papers at Count 1	275	⁴ 79	417	Elected	⁶ 178	0	949	0.062170	59
3	NAP after MacLEOD On ballot papers at Count 1	25	Excluded	19		⁷ 13	11	68	1.000000	68
4	NAP after MacLEOD On ballot papers at Count 2	23		13		⁸ 9	34	79	0.062170	4
5	NAP after BAYLISS On ballot papers at Count 1	205		185		Excluded	131	521	1.000000	521
6	NAP after BAYLISS On ballot papers at Count 2	41		50			87	178	0.062170	11
7	NAP after BAYLISS On ballot papers at Count 3	1		4			8	13	1.000000	13
8	NAP after BAYLISS On ballot papers at Count 4	3		4			2	9	0.062170	0

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	GARD	MacLEOD	FRY	CROSSLAND	BAYLISS	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2

City of Marion - Coastal Ward

2669

Quota = $\frac{2669}{2+1} + 1 = 890$

Table 2 - Distribution of the Effective Votes

Count	GARD	MacLEOD	FRY	CROSSLAND	BAYLISS	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
1	605	68	526	949	521	0	0		
2	605	68	526	949	521	0	0	2669	CROSSLAND elected 1
	17	4	25	- 59	11	0	2		CROSSLAND's surplus distributed
3	622	72	551	890	532	0	2	2669	MacLEOD excluded
	25	- 68	19		13	11	0		MacLEOD's votes distributed
4	647	4	570	890	545	11	2	2669	MacLEOD partially excluded
	1	- 4	0		0	2	1		MacLEOD's votes distributed
5	648	0	570	890	545	13	3	2669	MacLEOD fully excluded, BAYLISS excluded
	205		185		- 521	131	0		BAYLISS' votes distributed
6	853		755	890	24	144	3	2669	BAYLISS partially excluded
	2		3		- 11	5	1		BAYLISS' votes distributed
7	855		758	890	13	149	4	2669	BAYLISS partially excluded
	1		4		- 13	8	0		BAYLISS' votes distributed
8	856		762	890	0	157	4	2669	BAYLISS partially excluded
	0		0		0	0	0		BAYLISS' votes distributed

Table 2 - Distribution of the Effective Votes

Count	GARD	MacLEOD	FRY	CROSSLAND	BAYLISS	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
	856		762	890	0	157	4	2669	GARD elected under quota 2, BAYLISS fully excluded

Candidate status after count 8 (Election finished)

Elected (Election order)	Count ¹	Votes ¹	Continuing (Ballot paper order)	Count ²	Votes ²	Excluded (Exclusion order)	Count ¹	Votes ¹
CROSSLAND	1	949	FRY	8	762	MacLEOD	3	72
GARD	8	856				BAYLISS	5	545

¹ as at point of election/exclusion² current status

Local Government Elections - November 2014 - Results Report

City of Marion

<i>Election</i>	<i>Ballot Papers</i>		<i>Quota</i>		
	<i>Formal</i>	<i>Informal</i>			
<i>Southern Hills Ward</i>	1956	31	653		
<i>5 candidates contesting 2 vacancies</i>					
<i>Candidate</i>		<i>1st Preference Votes</i>	<i>Elected or Excluded</i>	<i>Votes at Conclusion of Election</i>	<i>Count No</i>
WESTWOOD, Nick		554	Elected 2	Quota	4
VERRALL, Frank		326		438	
STONE, Eddie		276	Excluded	325	4
BYRAM, Janet		642	Elected 1	Quota	2
MORTON, David Christopher		158	Excluded	158	2

Scrutiny Sheet

Number of formal ballot papers: 1956

Number of informal ballot papers: 31

Table 1 - Counting of Ballot Paper Preferences

Count	Description of Preferences Counted (NAP = Next Available Preference)	WESTWOOD	VERRALL	STONE	BYRAM	MORTON	Ballot Papers Exhausted at Count	Total Ballot Papers Counted	Transfer Value	Votes Transferred to Table 2
1	First preferences	554	326	276	642	158	0	1956	1.000000	1956
2	NAP after MORTON On ballot papers at Count 1	8	26	21	103	Excluded	0	158	1.000000	158
3	NAP after BYRAM On ballot papers at Count 2	216	154	232	Elected		143	745	0.123489	92
4	NAP after STONE On ballot papers at Count 1	151	67	Excluded			58	276	1.000000	276

City of Marion - Southern Hills Ward

1956

Quota = $\frac{1956}{2+1} + 1 = 653$

Table 2 - Distribution of the Effective Votes

Count	WESTWOOD	VERRALL	STONE	BYRAM	MORTON	Votes Exhausted at Count	Fractional Remainder	Total Votes at the End of the count	Remarks
1	554	326	276	642	158	0	0		
2	554 8	326 26	276 21	642 103	158 - 158	0 0	0 0	1956	MORTON excluded MORTON's votes distributed
3	562 26	352 19	297 28	745 - 92	0	0 17	0 2	1956	MORTON fully excluded, BYRAM elected 1 BYRAM's surplus distributed
4	588 151	371 67	325 - 276	653		17 58	2 0	1956	STONE excluded STONE's votes distributed
	739	438	49	653		75	2	1956	WESTWOOD elected 2 , STONE partially excluded

Candidate status after count 4 (Election finished)

Elected			Continuing			Excluded		
(Election order)	Count ¹	Votes ¹	(Ballot paper order)	Count ²	Votes ²	(Exclusion order)	Count ¹	Votes ¹
BYRAM	2	745	VERRALL	4	438	MORTON	2	158
WESTWOOD	4	739				STONE	4	325

¹ as at point of election/exclusion² current status

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Kate McKenzie, Manager Governance
Director: Kathy Jarrett
Subject: Appointment of Date, Time and Place of Council Meetings
Report Reference: GC251114R02

EXECUTIVE SUMMARY:

As an aid to provide open, responsive and accountable government, the *Local Government Act 1999*, requires Council to resolve the times and places at which ordinary meetings of the Council will be held.

The manner in which Council can do this is by the adoption of a Schedule of Meeting dates, which can also be used to relay the dates and times of meetings to the community.

The purpose of this report is therefore to provide a draft Schedule of Meeting dates until December 2015 for Council consideration.

RECOMMENDATIONS (3)

DUE DATE

That Council resolves to:

25 Nov 14

1. **Adopt the following meeting cycle to facilitate open, responsive and accountable government as well as the timely conduct of Council's business:**
 - i. **General Council meeting to be held on Tuesday, 9th December 2014;**
 - ii. **General Council Meeting to be held on Tuesday, 27th January 2015;**
 - iii. **General Council meetings to be held on the 2nd and 4th Tuesday of the month from February 2015 to November 2015:**
 - iv. **General Council meeting to be held Tuesday, 8th December 2015:**
 - v. **General Council meetings will be held in the Chamber, at the City of Marion Administration Centre, 245 Sturt Road, Sturt commencing at 7.00pm.**
2. **Adopts the schedule of meeting dates for 2014/15 provided at Appendix A to the report.**
3. **Publish the Schedule of Meetings for 2014/15 in the Guardian Messenger the week commencing Monday 30th November 2014.**

BACKGROUND:

Following the completion of each election the newly constituted Council must appoint the times and places in accordance with legislative requirements.

Sections 81 and 87 of the *Local Government Act 1999* (the Act) require Council to appoint the times and places for ordinary meetings of Council.

DISCUSSION:

The proposed Schedule of Meetings – 2014/15 provided at **Appendix 1** identifies meeting dates and times from November 2014 to December 2015.

Matters to be noted in considering the Schedule include:

- The schedule complies with the requirements of the Act which provide that there must be at least one ordinary (General) meeting of the Council in each month.
- The proposed meeting dates and times allow Council to meet the objective of providing open, responsive and accountable government.
- The holding of two General Council meetings in each month (excluding December and January) facilitates the conduct of Council business in a timely manner.
- Meetings have not been included for the Strategic Directions Committee, Audit Committee & Development Assessment Panel as these Committees set their own schedule of meetings in accordance with their Terms of Reference.

Financial Implications

Funds have been provided in the 2014/15 budget for the conduct of Council meetings in line with the proposed schedule.

Implementation

The Schedule of Meetings for 2015 will be published in the Guardian Messenger and will be available at the Administration Centre and via Council's website. Details of Council's upcoming meetings will also be placed on the sign at the front of the Administration Centre.

CONCLUSION:

Adoption of the Schedule of Meeting Dates for 2015 ensures compliance with the requirements of the *Local Government Act 1999* and enables Council to relay the dates and times of Council meetings to the community.

Appendix 1

SCHEDULE OF GENERAL COUNCIL MEETINGS – 2015		
All meetings will be held at the City of Marion Administration Centre, 245 Sturt Road, Sturt		
Date	Time (PM)	Meeting
27 January	7:00-10:00	General Council
10 February	7.00-10.00	General Council
24 February	7.00-10:00	General Council
10 March	7.00-10:00	General Council
24 March	7.00-10:00	General Council
14 April	7.00-10:00	General Council
28 April	7.00-10.00	General Council
12 May	7.00-10:00	General Council
26 May	7.00-10:00	General Council
9 June	7.00-10:00	General Council
23 June	7.00-10:00	General Council
14 July	7.00-10:00	General Council
28 July	7.00-10:00	General Council
11 August	7.00-10:00	General Council
25 August	7.00-10:00	General Council
8 September	7.00-10:00	General Council
22 September	7.00-10:00	General Council
13 October	7.00-10:00	General Council
27 October	7.00-10:00	General Council
10 November	7.00-10:00	General Council
24 November	7.00-10:00	General Council
8 December	7.00-10:00	General Council

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Kate McKenzie, Manager Governance
Director: Kathy Jarrett
Subject: Appointment of Deputy Mayor
Report Reference: GC251114R03

REPORT OBJECTIVES:

To provide the newly constituted Council with relevant information and a process to enable the appointment of a Deputy Mayor in accordance with legislative requirements.

EXECUTIVE SUMMARY:

The City of Marion Council is constituted on the basis that the Mayor is “*elected as a representative of the area as a whole*”. Sections 51(3) and (4) of the *Local Government Act 1999* (SA) (the Act) provide that if a council has a Mayor, the council may also resolve to have a Deputy Mayor. Such a position is chosen amongst the council at their discretion for a period of time not exceeding four years.

The position of a Deputy Mayor ensures that there is an Elected Member available to officially represent the Mayor when they are unavailable to conduct their duties. It also provides a significant developmental role for Elected Members and opportunities for strengthened relationship building between the Mayor and Deputy. These opportunities may give rise to a decision for the Council to appoint the Deputy Mayor for a term that allows a number of Elected Members this opportunity.

RECOMMENDATIONS (4)

DUE DATES

That Council:

- | | | |
|---|--------------------------|-----------|
| 1. Appoints Councillor November 2014 until November 2015; | as the Deputy Mayor from | 25 Nov 14 |
| 2. Appoints Councillor November 2015 until November 2016; | as the Deputy Mayor from | 25 Nov 14 |
| 3. Appoints Councillor November 2016 until November 2017; | as the Deputy Mayor from | 25 Nov 14 |
| 4. Appoints Councillor November 2017 until November 2018; | as the Deputy Mayor from | 25 Nov 14 |

BACKGROUND:

The immediate past Council appointed a Deputy Mayor each year, with three Elected Members successfully undertaking the role during the Council's four year term including;

Year	Council Meeting Reference	Deputy Mayor
2010	GC301110R02	Cr Carol Bouwens
2011	GC251011R08	Cr David Speirs
2012	GC231012R15	Cr David Speirs
2013	GC261113R07	Cr Tim Pfeiffer

DISCUSSION:Role

The role of a Deputy Mayor is to support the Mayor in their official capacity and be able to undertake the Mayoral role to preside at Council meetings in the event that the Mayor is absent. Additional duties may involve acting as principal spokesperson, representing Council at civic and ceremonial functions and at key meetings on major projects with State Ministers, Federal Members and major business and community leaders.

Term of Office

Whilst the Act provides that the term of the Deputy Mayor must not exceed 4 years, it is at the discretion of Council to specify the term should Council desire to resolve a term of less than 4 years. For example, Council may resolve to appoint one member as the Deputy Mayor for 4 years, or two members for an equal term of 2 years, or 4 members for an equal term of 12 months each.

The immediate past Council approach was to appoint a Deputy Mayor for a 12 month period, throughout the term. This resulted in three members serving as Deputy Mayor to cover the full term of the Council. This strategy was established to use the "deputy" role as a learning and development opportunity for as many Elected Members as possible.

Process for Appointing a Deputy Mayor

The recommended approach is based on appointing 4 different Deputy Mayors, each for a 12 month period. It is proposed that nominations are sought from interested members at the meeting on 25 November 2014. If 4 nominations are received, the term for each member will be determined at the meeting.

If there are more than 4 nominations, then a secret ballot will be held to ascertain Council's preference for Deputy Mayor. This will occur by preferential voting method. Once 4 members have been determined, the term for each member will be determined at the meeting.

Following this, a resolution would be passed to appoint the Deputy Mayors for the Council term.

Financial Implications

Allowances paid to Elected Members have been set by the Remuneration Tribunal of South Australia (the Tribunal) in accordance with the Act. The Tribunal has reviewed the allowances and has published its report (dated 28 July 2014) on the LGA website.

In its July 2014 report, the Tribunal classified the City of Marion to be a Group 1B Council resulting in the following allowance schedule per annum;

Mayor \$76,000 (four times the Councillor allowance)

Deputy Mayor \$23,750 (one and a quarter times the Councillor allowance)

Councillor \$19,000

Provision has been made in Council's budget for the payment of allowances.

CONCLUSION:

The Act provides that a Deputy Mayor may be chosen amongst the Council. This report facilitates the discussion and potential endorsement of a Deputy Mayor that provides invaluable support and assistance to the Mayor of the City of Marion.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Prepared By: Kathy Jarrett, Director

Subject: Establishment of a Chief Executive Review Committee

Reference No: GC25112014R04

REPORT OBJECTIVE AND EXECUTIVE SUMMARY:

The annual review of the Chief Executive Officer's performance and remuneration is one of the most important functions of Council.

The establishment of a Chief Executive Review Committee can assist Council in undertaking this task (without derogating from the power of Council) in a manner that is beneficial to both Council and the Chief Executive Officer. The establishment of a Chief Executive Review Committee is also a contractual requirement of Council in accordance with the Chief Executive Officer's Employment Agreement.

This report provides information to guide Council's consideration in establishing a Chief Executive Review Committee, including a draft Terms of Reference for the Committee that protects the rights of both Council and the Chief Executive Officer in the conduct of the Chief Executive Officer's annual performance and remuneration reviews.

RECOMMENDATIONS (6):

That Council:

1. **Establishes the Chief Executive Review Committee for the term of the Council to conduct the annual Chief Executive Officer performance and remuneration reviews in accordance with the Terms of Reference as set out in Appendix 1 to this report and the Chief Executive Officer's Employment Agreement.**
2. **Appoints the Mayor and Deputy Mayor to the Chief Executive Review Committee for the term of the Council.**
3. **Appoints Councillor _____ to the Chief Executive Review Committee for the 2014 / 2015 CEO Performance and Remuneration Review.**
4. **Appoints Councillor _____ to the Chief Executive Review Committee for the 2015 / 2016 CEO Performance and Remuneration Review.**
5. **Appoints Councillor _____ to the Chief Executive Review Committee for the 2016 / 2017 CEO Performance and Remuneration Review.**
6. **Appoints Councillor _____ to the Chief Executive Review Committee for the 2017 / 2018 CEO Performance and Remuneration Review.**

BACKGROUND:

Section 41 of the *Local Government Act 1999* (the Act) provides the mechanism by which Council can establish committees to assist in the performance of Council's functions.

The Chief Executive Officer's Employment Agreement requires that the Chief Executive Officer (CEO) will undergo a performance and remuneration review on an annual basis, and that the review will be conducted by the Council's Chief Executive Review Committee.

DISCUSSION:

The requirements of both the Act and the CEO's Employment Agreement provide the parameters within which the Chief Executive Review Committee (the Committee) must be established and operate.

Provided at Appendix 1 is a draft Terms of Reference (ToR) for the Committee that takes into account the requirements of both the Act and obligations for both Council and the CEO contained within the CEO's Employment Agreement.

The Committee does not have any delegated authority. Rather, the Committee's role is to facilitate the review process only utilising the services of an external consultant. When concluded, the Committee refers the outcomes of the review to Council for consideration.

Committee Composition

According to the CEO's Employment Agreement, Council must establish the Committee comprising the Mayor, and two other Councillors, one of whom will be agreed by the CEO.

The immediate past Council established the Committee comprising the Mayor and the Deputy Mayor for the term of the Council, and another Councillor which was rotated on an annual basis. This approach was agreed by the CEO.

To facilitate the Committee's composition for this term of Council, Council may wish to consider adopting the same approach. As per Clause 12.3 of his Employment Agreement, the CEO has indicated his agreement with this approach.

Review Process

Details of the review process and outcomes for previous years together with a copy of the CEO's Employment Agreement will be distributed to Elected Members under separate cover to this report.

A briefing with Members has also been scheduled to discuss in detail the review process and to clarify any questions regarding the Employment Agreement.

CONCLUSION

The annual review of the CEO's performance and remuneration is one of the most important functions of Council. The establishment of a Chief Executive Review Committee will assist Council in undertaking this task (without derogating from the power of Council) in a manner which is appropriate for both Council and the CEO. Furthermore, the establishment of this Committee is an obligation that Council has in accord with the CEO's Employment Agreement.

The draft Terms of Reference for the Chief Executive Review Committee represent a balanced approach that protects the rights of both Council and the CEO in the conduct of the CEO's annual performance and remuneration reviews.

APPENDIX 1

ESTABLISHMENT AND TERMS OF REFERENCE OF THE
CHIEF EXECUTIVE REVIEW COMMITTEE

1. Establishment

Pursuant to Section 41 of the *Local Government Act 1999* the Council establishes a Committee to be known as the Chief Executive Review Committee (“the Committee”).

2. Objectives

The Committee is established for the purpose of facilitating the annual performance and remuneration review of the Chief Executive Officer and reviewing any aspect of the Chief Executive Officer’s Employment Agreement.

3. Membership

Membership of the Committee is in accordance with the requirements of the Chief Executive Officer’s Employment Agreement and will comprise:

- (i) the Mayor;
- (ii) two other Elected Members, one of whom is agreed by the Chief Executive Officer

The Mayor is the presiding member of the Committee.

Membership of the Chief Executive Review Committee continues for the term of Council or as otherwise resolved by Council.

4. Basis of Operation

The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.

For the purposes of Section 41(8) of the *Local Government Act 1999*, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

Committee meetings will take place at the City of Marion Administration Centre as required to undertake the responsibilities identified in these Terms of Reference and otherwise on such dates and at such times as the Presiding Member of the Committee or the Committee by resolution determines.

A quorum for a meeting of the Committee shall be two members of the Committee one of whom must be the Elected Member appointed to the Committee on agreement of the Chief Executive Officer.

In the absence of the Mayor from a meeting, the members present will determine who will preside the meeting.

A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.

Each member present at a Committee meeting must, subject to a provision of the Local Government Act 1999 to the contrary, vote on a question arising for decision at that meeting.

Where the *Local Government Act 1999*, the *Local Government (Procedures at Meetings) Regulations 2000* and these Terms of Reference do not prescribe procedures to be observed in relation to the conduct of a meeting of the Committee, the Committee may determine its own procedures.

Administrative support will be provided to the Committee as required.

5. Terms of Reference

The Committee is charged with undertaking the following functions:

- i. Arranging for the conduct of the Chief Executive Officer's annual performance review on an annual basis within the parameters of the Chief Executive Officer's Employment Agreement.
- ii. Reviewing the Chief Executive Officer's performance criteria within the parameters of the Chief Executive Officer's Employment Agreement.
- iii. Reviewing the Chief Executive Officer's remuneration package within the parameters of the Chief Executive Officer's Employment Agreement.
- iv. Reviewing any aspect of the Chief Executive Officer's Employment Agreement within the parameters of the Chief Executive Officer's Employment Agreement.
- v. Recommending to Council the outcomes of the Chief Executive Officer's annual performance review.
- vi. Recommending to Council the Chief Executive Officer's remuneration package and performance criteria to be applied for the ensuing year.
- vii. Providing feedback to the Chief Executive Officer on outcomes of the performance review, and in conjunction with the Chief Executive Officer, determining appropriate courses of action as required.
- viii. Recommending to Council any changes to the Chief Executive Officer's Employment Agreement.

The Committee will, in agreement with the Chief Executive Officer, engage an external consultant to assist in the discharge of its functions.

The Committee may amend these Terms of Reference where the Committee, in consultation with the Chief Executive Officer, forms the opinion that such

amendments are necessary for the better operation of the Committee in the performance of its functions.

Any changes made to these Terms of Reference can only be made in accord with the requirements of the Chief Executive Officer's Employment Agreement.

Where the Committee is required to act jointly with or to obtain the concurrence of, the Chief Executive Officer in the performance of its functions, both parties will consult in good faith to achieve mutual outcomes.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Elaine Delgado, Strategy

Director: Kathy Jarrett

Subject: Re-establishing the Strategic Directions Committee and Appointment of Members

Report Reference: GC251114R05

EXECUTIVE SUMMARY:

The purpose of this report is to re-establish the Strategic Directions Committee in accordance with Section 101A of the Development Act 1993.

RECOMMENDATIONS (8)

DUE DATE

That Council;

1. Establishes the City of Marion Strategic Directions Committee
2. Adopts the Strategic Directions Committee Terms of Reference, as set out in Appendix 1 of this report;
3. Appoints Councillor _____ as the Presiding Member to the Strategic Directions Committee from November 2014 until November 2015;
4. Appoints Councillor _____ as the Presiding Member to the Strategic Directions Committee from November 2015 until November 2016;
5. Appoints Councillor _____ as the Presiding Member to the Strategic Directions Committee from November 2016 until November 2017;
6. Appoints Councillor _____ as the Presiding Member to the Strategic Directions Committee from November 2017 until November 2018;
7. Appoint the following Independent Members:
 - 1)
 - 2)
 - 3)
 - 4)
8. Sets the sitting fees for the Independent Members of the Strategic Directions Committee at \$1,000 per meeting.

25 Nov 14

BACKGROUND:

The City of Marion's Strategic Directions Committee was established in November 2011 to fulfil the requirements of a strategic planning and development committee under Section 101A of the Development Act 1993 and to add value and improve the formulation of the City of Marion's strategic directions.

The structure of the Committee has comprised all Elected Members and up to four (4) independent members with urban planning, social/community, environmental and economic development expertise and experience.

DISCUSSION:

Strategic Directions Committee Terms of Reference

The Strategic Directions Committee Terms of Reference (**Appendix 1**) has been drafted for Council consideration and adoption (if appropriate). The Terms of Reference are based on the parameters adopted by the immediate past Council. They provide direction and guidance on the Committee's operations, membership, reporting, authority, responsibilities and functions.

Should the Council wish to review the Strategic Directions Committee Terms of Reference the minutes of the last Strategic Directions Committee, summarising the reflections of the previous Committee, are attached (**Appendix 2**) to assist in this process.

Composition

Presiding Member – allowance set by remuneration tribunal (presiding member of Council committee – 1.25 x allowance)

Independent Membership

The inaugural independent members of the Committee were appointed for their mix of skills and experience as follows:

- | | |
|-----------------------|-------------------------------------|
| 1. John Bastian | Economic Development |
| 2. Marty Gauvin | Technology and Economic Development |
| 3. Chris Daniels | Environment |
| 4. Darren Bilsborough | Urban Planning and Urban Design |

Sitting Fees for External Representatives

In order to retain suitably skilled and experienced persons to the Strategic Directions Committee, it is recommended that Council pay a sitting fee. The sitting fee would cover preparation for and attendance at meetings of the Committee. The levels of sitting fees are considered to be appropriate for the calibre of persons sought for the Committee and are recommended at \$1000 per meeting for the independent members.

These fees were established when the Strategic Directions Committee commenced with an induction meeting in 2011 and have not increased since.

Committee Operations

Meetings of the Committee are convened in accordance with Chapter 6, Part 2 of the *Local Government Act 1999* and Part 3 of the *Local Government (Procedures at Meetings) Regulations 2000*. In summary, this has the effect that notice of meetings of the Committee must be given by the Chief Executive in a similar fashion as to Council meetings, but that the procedures to be adopted in the conduct of meetings can be determined by the Committee.

It is recommended that the Committee should meet bi-monthly.

A copy of all agendas and reports will be provided to Elected Members prior to the holding of a Strategic Directions Committee meeting. All minutes of Strategic Directions Committee meetings will be provided as soon as practicable to a General Council meeting for information. Taking this approach will ensure transparency.

Legal / Legislative and Risk Management:

Section 41 of the *Local Government Act 1999* (the LG Act) provides for the establishment of formal committees to assist Council in the performance of its operations, to provide advice to the Council, and/or to exercise, perform or discharge delegated powers, functions or duties.

Section 101A of the *Development Act 1993* (the D Act) requires Councils to have a strategic planning and development policy committee as if it were a committee established under Section 41 of the LG Act.

Section 122 of the *Local Government Act 1999* (the LG Act) requires Councils develop and adopt strategic management plans that identify council's objectives over a period of at least four (4) years.

In accordance with Section 41(12) of the Local Government Act 1999, no civil liability attaches to a member of a committee (whether or not they are member of the Council) for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.

Financial Implications:

Provision has been made in the 2014/2015 budget for costs associated with the formation of the Strategic Directions Committee, including the payment of the recommended sitting fees.

As such, there will be no adverse budget impact if the recommendations contained in this report are accepted.

CONCLUSION:

Re-establishing the City of Marion Strategic Directions Committee as outlined in this report demonstrates best practice governance and compliance with Section 101A of the *Development Act 1993*.

STRATEGIC DIRECTIONS COMMITTEE TERMS OF REFERENCE



1. Establishment of the Strategic Directions Committee

Pursuant to Section 101A of the *Development Act 1993* and Section 41 of the *Local Government Act 1999* the Council establishes a Committee to be known as the Strategic Directions Committee of Council ("the Committee") for the purpose of enquiring into and reporting to the Council in respect of all matters that the Council confers upon it either within these Terms of Reference or by specific resolution.

2. Membership

2.1 Membership of the Committee is:

- 2.1.1 all members, including the Principal Member, of the Council, and
- 2.1.2 up to four (4) external independent members with expertise and experience in areas such as urban planning, social/community, environmental and economic development.

2.2 The role of the Independent Members is to provide expertise and guidance to the Committee.

2.3 The Presiding Member of the Committee shall be appointed by the Council. The Council may appoint a Deputy Presiding Member if desired.

2.4 If Council proposes to remove an independent member from the Committee, it must give written notice to the external representative of its intention to do so and provide that external representative with the opportunity to be heard at a Council meeting, if that external representative so requests.

3. Objectives

The primary purpose of the Committee is to add value and improve the formulation of City of Marion's strategic directions through enquiry into and reporting to the Council in respect of the matters associated with:

- 3.1 providing advice to the Council in relation to the extent to which the Council's strategic planning and development policies accord with the Planning Strategy for South Australia which for the City of Marion is the 30 Year Plan for Greater Adelaide.
- 3.2 assisting the Council in undertaking strategic planning and monitoring directed at achieving:
 - orderly and efficient development within the area of the Council;
 - high levels of integration of transport and land-use planning;

- relevant targets set out in the Planning Strategy within the area of the Council; and
 - the implementation of affordable housing policies set out in the Planning Strategy within the area of the Council.
- 3.3 providing advice to the Council in relation to strategic planning and development policy issues when the Council is preparing:
- a Strategic Directions Report; or
 - a Development Plan Amendment proposal.
- 3.4 advising on the extent to which the Council should participate with other Councils, State and Commonwealth Government in setting public policy objectives.
- 3.5 advising on the extent to which Council should give consideration to regional, State and Commonwealth objectives and strategies that are relevant to the social, economic, physical and environmental management of the Council area.
- 3.6 advising on the extent or levels of service required to be provided by the Council to achieve its long-term objectives.

4 Basis of Operation

- 4.1 The Committee does not have any delegated powers of Council, and all decisions of the Committee will constitute recommendations to Council.
- 4.2 For the purposes of Section 41(8) of the *Local Government Act 1999*, the Council does not impose any reporting and accountability requirements on the basis that all decisions of the Committee constitute recommendations to Council.

Meetings

- 4.4 The Committee shall meet on the first Tuesday of alternating months at 7.00pm, with the exception of January and December each year.
- 4.5 Ordinary meetings of the Committee will be held in the Council Chamber at 245 Sturt Road, Sturt or at such other places as the Council may, from time to time, determine.
- 4.6 A quorum for a meeting of the Committee shall be dividing the total number of members of the Committee for the time being in office by two (2), ignoring any fraction from the division, and adding one (1). A quorum shall therefore be nine (9) Committee Members that include a minimum of seven (7) Elected Members and a minimum of two (2) independent members.
- 4.7 All decisions of the Committee shall be made on the basis of a majority decision. In the absence of the Presiding Member or Deputy Presiding Member (if appointed) from a meeting, the members present will determine who will preside the meeting.
- 4.8 The Committee will consider and determine its own meeting practice, processes and procedures within the parameters of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2000.
- 4.9 Additional meetings shall be convened at the discretion of the Chairperson, or at the written request of Council or any member of the Committee.

Authority

- 4.10 The Committee is authorised to seek any information it requires from any employee of the Council (after advising the CEO) in order to perform its duties
- 4.10 The Committee is authorised, at the Council's expense, (after consultation with the CEO) to obtain outside legal or other professional advice on any matter within its terms of reference

5 Responsibilities / Commitment

Council

- 5.1 Nominate and endorse up to 4 external independent Committee members to add value to and improve the City of Marion's urban and strategic planning
- 5.2 Determine appropriate levels of remuneration to be paid to each independent member of the Committee at a time to be set by Council. The basis will be a set fee per meeting.
- 5.3 Adopt the Terms of Reference of the Committee
- 5.4 Receive and review reports from the Committee
- 5.5 Review the effectiveness of the Committee biannually as a formal review process

Strategic Directions Committee Independent Members

- 5.6 Have a demonstrated professional interest in, and commitment to, the City of Marion
- 5.7 Have no known conflict of interests which may interfere with the member's ability to fulfil the role of a Committee independent panel member or where there may be a possible conflict of interest, this will be declared at the beginning of Committee meetings
- 5.8 Attend, and actively and constructively participate in Committee meetings, and other relevant meetings, unless there are exceptional circumstances
- 5.9 Participate in a periodic review of the Committee and Terms of Reference
- 5.10 Stay informed and prepare thoroughly for meetings – reviewing reports submitted to the Committee
- 5.11 Once per year calendar year, provide a presentation to the Committee on a topic relevant to their expertise and how it relates/impacts on the City of Marion
- 5.12 Maintain confidentiality on all Committee matters at the Committee's discretion

Chief Executive Officer

- 5.13 Ensure appropriate support is provided to the Strategic Directions Committee

January 2015

**MINUTES OF THE STRATEGIC DIRECTIONS COMMITTEE MEETING
HELD AT THE ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 7 OCTOBER 2014**



PRESENT

Elected Members

Councillor Luke Hutchinson (Chair), and Councillors Bouwens, Connor, Habib, Pfeiffer, Veliskou, Verrall

Her Worship the Mayor Felicity-ann Lewis

Strategic Directions Committee Independent Members

Mr John Bastian, Mr Darren Bilsborough, Professor Chris Daniels, Mr Marty Gauvin

In Attendance

Ms Heather Montgomerie	Acting Chief Executive Officer
Ms Fiona Harvey	Acting Director
Ms Abby Dickson	Acting Director
Ms Elaine Delgado	Executive Officer Strategic Directions Committee
Ms Kate McKenzie	Manager Governance

The meeting commenced at 7.00pm without a quorum with discussion on report 6.3.

6 REPORTS

Submission to the Senate Select Committee on Health - Report Reference: SDC071014R6.3

7.07pm Cr Veliskou entered the meeting during discussion.

The Committee provided the following feedback for consideration in preparation of a submission to the Senate Select Committee on Health as follows:

- c. the impact of reduced Commonwealth funding for health promotion, prevention and early intervention*
- Council requires a strong working relationship with its regional Medicare Local to assist in tasks such as identifying areas of need
 - Commonwealth and State government sectors focus primarily on the medical and business aspects of health and the Local Government sector on prevention of ill-health through lifestyle which is the most effective means of reducing health costs
 - There is capacity for the Commonwealth to take a leadership role to maximise people making healthy food choices
 - Effective measures are important to accurately determine the impact of health intervention projects/programs
 - It is important for research findings to enable the measurement of health status at the individual community level as this supports effective interventions

d. the interaction between elements of the health system, including between aged care and health care

- Quantify where possible the impacts of a reduction in Commonwealth health funding
- The timeframe context for the work of the Committee is unclear but reference could be made to the possibility of an increased life expectancy of 10 years over the next 30 years and the potential impacts this will have on the health system
- A health system in the future is likely to be impacted by technological advances that will further assist people to remain independent

Other comments

- Councils provide sport and community facilities that support healthy lifestyles
- Council's Development Plan needs to support ageing in place with opportunities, via policy, for age appropriate housing and access to services

1 OPEN MEETING

7.25pm The Chair welcomed Committee Members and declared the meeting open.

2 KAURNA ACKNOWLEDGEMENT

We would like to begin by acknowledging the Kaurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3 MEMBERS' DECLARATION OF INTEREST

The Chairman asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

No interests were disclosed.

4 CONFIRMATION OF MINUTES

Moved, Mr Gauvin Seconded Cr Verrall that the minutes of the Strategic Directions Committee meeting held on 5 August 2014 be taken as read and confirmed.

Carried unanimously

5 BUSINESS ARISING

Nil.

6 REPORTS

Moved Cr Pfeiffer, Seconded Mr Bilsborough that formal meeting procedures be suspended to allow the Committee's conduct of workshops for agenda items 6.1 and 6.2.

Carried unanimously

South Australian Government's 10 Economic Priorities

Report Reference: SDC071014R6.1

Mr McNish, Economic Development Manager, introduced the workshop on the 10 economic priorities for the South Australian Government. Members' feedback was sought on opportunities these priorities could potentially present for the City of Marion within the context of the Community Plan Towards 2040.

8.10pm Cr Habib entered the meeting.

Feedback from the workshop was as follows:

<i>State Economic Priority</i>	<i>Alignment with Community Plan</i>	<i>Opportunities for Marion</i>	<i>Council's potential contribution</i>
1. Unlocking the full potential of South Australia's resources, energy and renewable assets	<ul style="list-style-type: none"> • Innovative • Prosperous • Liveable 	<ul style="list-style-type: none"> • Renewable Energy / Tonsley • Water Resources • Geographic Information System • Higher Education • Eco – Tourism • Marine / wave energy • Wind Energy • Tonsley • Mining e.g. Drill Core Library • Analysis Industries • Attracting new businesses <ul style="list-style-type: none"> - Infrastructure support - Home based business 	<ul style="list-style-type: none"> • Targets: Water / Solar etc. • Resilient South • Regional Partnerships • School Partnerships • Zoning / Planning <ul style="list-style-type: none"> - Transport • Provide Infrastructure
2. Premium food and wine produced in our clean environment and exported to the world	<ul style="list-style-type: none"> • Innovative • Prosperous • Liveable 	<ul style="list-style-type: none"> • Recognised Biophilic City • Marketing • Support existing business <ul style="list-style-type: none"> – Patrilli's Winery 	<ul style="list-style-type: none"> • Clean Environment • Buy local Campaign • Waste Water recycling • Improve air/water • Urban Farming • Promotion /support
3. A globally recognised leader in health research, ageing and related services and products	<ul style="list-style-type: none"> • Innovative • Liveable • Engaged • Connected • Prosperous 	<ul style="list-style-type: none"> • Do something Innovative • Tonsley 	<ul style="list-style-type: none"> • Keep older members engaged in community <ul style="list-style-type: none"> i.e. unpaid work • Zoning / Planning
4. The Knowledge State – attracting a diverse student body and commercialising our research	<ul style="list-style-type: none"> • Prosperous • Engaged • Liveable • Connected 	<ul style="list-style-type: none"> • TAFE/Flinders University • Schools • Connecting to businesses • Tonsley • Linking universities to Small & Medium Enterprises • Reform planning/Zoning <ul style="list-style-type: none"> - Lobby around improved transport for students to universities from student accommodation 	<ul style="list-style-type: none"> • Zoning / Planning • Diverse needs are met • Advocacy • Commercialisation – with Small & Medium Enterprises in our community with University • Links to local business associations • Incentives – recognition • Promote 'success' • Zoning – Multicultural programs <ul style="list-style-type: none"> – awareness of cultural difference – landlord behaviour i.e. non-exploitative

<i>State Economic Priority</i>	<i>Alignment with Community Plan</i>	<i>Opportunities for Marion</i>	<i>Council's potential contribution</i>
5. South Australia – a growing destination choice for international and domestic travellers	<ul style="list-style-type: none"> • Biophilic • Prosperous 	<ul style="list-style-type: none"> • Coast/Eco/Geological – Tourism • History Centre • Swimming Centre • Warriparinga / Aboriginal Centre – Retail Shopping 	<ul style="list-style-type: none"> • Helping people get to the region • Promotion • Gateway to Fleurieu Peninsula • Partner with SA Tourism • Signage at Public Transport • Advocacy for Public Transport
6. Growth through innovation	<ul style="list-style-type: none"> • Prosperous • Innovative 	<ul style="list-style-type: none"> • Tonsley • Education • Complex Manufacturing • Leadership: Innovation showcase these 	<ul style="list-style-type: none"> • Zoning / Planning • Advocacy
7. South Australia – the best place to do business	<ul style="list-style-type: none"> • Liveable • Prosperous • Biophilic • Innovative • Engaged • Connected 	<ul style="list-style-type: none"> • Keep buying local • High Street potential • Low cost retail/clothes • Transport to work and shop 	<ul style="list-style-type: none"> • Enterprise Hub • Advocacy of Enterprise Groups • Business Advisory Information • Southern Adelaide Economic Development Board • 'Retail Avenue' • Planning / Zoning • Affordable • Provision of infrastructure to attract businesses
8. Adelaide, the heart of the vibrant state	<ul style="list-style-type: none"> • Liveable • Connected • Biophilic 	<ul style="list-style-type: none"> • Tourism • Hubs • Back Office Functions • Large Companies 	<ul style="list-style-type: none"> • Cheaper land prices
9. Promoting South Australia's international connections and engagement	<ul style="list-style-type: none"> • Innovative • Biophilic 	<ul style="list-style-type: none"> • Tonsley • Biophilic • Japanese Garden 	<ul style="list-style-type: none"> • City Sister Relationships
10. South Australia's small businesses have access to capital and global markets	<ul style="list-style-type: none"> • Prosperous • Innovative 	<ul style="list-style-type: none"> • Tonsley 	<ul style="list-style-type: none"> • Advocacy • Planning • Activating State and Federal Investment

Strategic Directions Committee Reflections

Report Reference: SDC071014R6.2

Professor Daniels introduced the workshop and invited Members to provide feedback on the Strategic Directions Committee since its inception in 2012 and its potential future directions.

The following questions were raised and feedback provided.

When the Strategic Directions Committee started, what were Members' pre-conceptions? Did they eventuate? If not, why not?

Elected Members' comments:

- Council did not have a clear vision initially of how the Committee would function but found that Independent Members brought different and valued perspectives on issues to meetings from those of Elected Members
- Expected stronger directions to be determined but found that meetings became forums for sharing ideas which proved to be beneficial
- Initial uncertainty about how the Committee would function with Independent and Elected Members working together but found that effective working relationships enabled each to learn from the other
- Council would capitalise on ideas of value from Independent Members
- The SDC would provide opportunities to access ideas and knowledge from Independent Members that would lead to better strategic outcomes

Independent Members' comments:

- The level of meeting structure was unexpected
- The Committee would embrace creative thinking
- Meeting structures were more formal than expected but a balance between formality and informality/flexibility was achieved
- Independent Members would provide presentations in areas of expertise which proved to be of value in guiding thinking
- Expected Council's elected body to have representation from the business sector
- The need to strategically plan for the long-term future (10-20-30 years) with its measurement challenges was unexpected
- The 30-Year Community Plan was the Committee's greatest achievement

Was the job of setting strategic direction successful?

Elected Member comments:

- Yes, through extension of thought and higher-level thinking but could a better structure ensure maximum value from Independent Members
- Challenges external to the Committee may have impacted on its ability to maximise opportunities
- The Committee initially had a clear purpose but this was not retained in the latter part of its term
- Opportunities for 'free flowing' discussion on ideas was an important component of meetings

Independent Member comments:

- It is important for the Committee to remain focussed over time
- The Committee was most effective when there was a shared understanding of what was to be achieved
- It is important that adherence to a process does not impede Independent Member contributions
- The Committee was most effective when agenda items spanned meetings and Independent Members had time to consider issues and information in more depth
- Time spent in Member workshops, such as that conducted over two days for the development of the Community Plan, were very valuable
- Participation in workshops with community members was of great value in gaining a better direct understanding of community needs and perspectives

Other comments

- SDC could have input/influence in a communications and engagement strategy
- A focus is needed on both strategic directions and financial sustainability
- Terms of engagement for Independent Members could enable impromptu communication opportunities
- Ideas/inspirations from the SDC need to be captured and used
- Tours undertaken between SDC meetings were of value in gaining knowledge and building Member relations
- SDC meetings could be held at different venues across the City of Marion with community members encouraged/invited to attend and participate as discussions with a wider group would generate more ideas

Strengths, Weaknesses, Opportunities, Threats

- Strengths:
 - Honesty
 - Input by external members that changes the dynamic
 - Independent Members were apolitical
 - Respect
 - Levels of expertise/experience from Independent Members
 - Collaboration between Independent and Elected Members
 - Expert vindication of Elected Member ideas
 - Openness
 - Good collaboration between Members and staff
 - Reciprocity
 - Independent Members are now 'champions' for local government
 - The SDC was a good forum to discuss complex multi-faceted issues
 - Quality chairing of meetings
 - Presentations from Independent Members as it gave them an opportunity to share their knowledge and passions
- Weaknesses:
 - There was a capacity for SDC to be more visionary with the benefit it had of Independent Member input
 - Breadth of topics did not enable sufficient focus on a selected number of priority issues
 - More time to consider agenda items would have provided opportunities for more in-depth reflection on topics by Independent Members
 - Capacity for more input into agenda items by Members
 - Capacity for more use of Elected Member expertise
 - Reports did not make reference to triple-bottom-line
- Opportunities:
 - *Relationships and connections*
 - Terms of reference to include access/contact between Elected and Independent Members between meetings to progress issues and discuss ideas
 - Opportunities for Elected and Independent Member social interaction/informal debriefing following SDC meetings
 - Independent Members can be 'alumnus' of Council – 4 champions of the City of Marion

- *Composition and roles*
 - Composition of Members on the SDC – could include all or some Elected Members on a voluntary basis
 - Independent Members chairing or co-chairing SDC meetings
 - Undertake analysis of Elected Member knowledge/skills/experience and recruit Independent Members to fill gaps to meet strategic requirements
 - Independent Members could contribute to agenda setting
- *Focus/ambition*
 - Induction for Elected and Independent Members to include a session on future directions
 - Presentations from Independent Members or other external sources could be used as a discussion topic for the meeting
 - Independent Members be provided with more opportunities to value-add
 - Invite conference presenters with expertise in relevant specialised areas to present to the SDC to further build knowledge and networks
 - Leverage media to promote activities, outcomes, plans of SDC
 - Focus on implementation of strategy rather than governance system/process
 - Outline desired outcomes for SDC at the beginning of the Committee's term
 - Discussion of new opportunities could include financial information
 - Agenda items to span meetings to facilitate a depth of discussion/analysis
- *Support and development*
 - Tenure of SDC to have some overlap with local government electoral terms to support continuity
 - Consider earlier distribution of agendas and meeting frequency which could be on an as-needs basis
 - Provide opportunities for nominated Independent and/or Elected Members to do five minute presentations on agenda items as a lead-in to discussion
 - A revised SDC would benefit from dedicated administrative support that is in addition to the role of Chair

Threats:

- If all Elected Members are not represented on SDC there is potential for disconnection between the work of the SDC and Council
- Loss of positive dynamics between SDC Members
- Loss of balance between 'chaos' and 'structure' which is important for effective functioning of the SDC
- A terms of reference that does not provide clarity for the role of the SDC
- Lack of balance between Independent Member presentations and presentations from external speakers could risk 'buy in' of Independent Member commitment
- Meeting frequency does not enable an overlapping of issues to be discussed across meetings

7 CONFIDENTIAL ITEMS

Nil.

8 ANY OTHER BUSINESS

None.

9 MEETING CLOSURE

The Chair thanked Members for their participation and declared the meeting closed at 9.32pm.

10 NEXT MEETING

In accordance with the Local Government Act 1999 the Council by resolution will:

- S41 – Establish the Strategic Directions Committee
- S87 – Set the dates, time and place for the next meeting of the Strategic Directions Committee will be determined by a Council resolution following the Local Government Election in November 2014.

CONFIRMED

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CHAIRPERSON

/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Kate McKenzie, Manager Governance
Director: Kathy Jarrett
Subject: Re-establishing the Audit Committee and Appointment of Members
Report Reference: GC251114R06

EXECUTIVE SUMMARY:

The legislative requirement for an Audit Committee is outlined within section 126 of the *Local Government Act 1999*. The primary objective of an Audit Committee is to assist Council in optimising its performance in terms of quality, quantity, timeliness and costs.

The purpose of this report is to therefore recommend to Council;

- The re-establishment of the City of Marion Audit Committee within the same parameters adopted by the immediate past Council;
- The confirmation of two (2) independent members of the City of Marion Audit Committee;
- The re-appointment of one (1) independent member to the City of Marion Audit Committee for a period of three years; and
- The appointment of an Elected Member to the City of Marion Audit Committee for a period of 12 months.

RECOMMENDATIONS (10)

DUE DATE

That Council;

1. Establishes the City of Marion Audit Committee;
2. Adopts the Audit Committee Policy and Terms of Reference, as set out in Appendix 2 of this report;
3. Appoints Councillor _____ to the Audit Committee from November 2014 until November 2015;
4. Appoints Councillor _____ to the Audit Committee from November 2015 until November 2016;
5. Appoints Councillor _____ to the Audit Committee from November 2016 until November 2017;
6. Appoints Councillor _____ to the Audit Committee from November 2017 until November 2018;
7. Confirms the appointment of Mr Greg Connor as independent member of the Audit Committee until 28 November 2016;

25 Nov 14

8. **Confirms the appointment of Mr Lew Owens as independent member of the Audit Committee until 28 November 2015;**
9. **Re-appoints Ms Cathy Cooper as independent member of the Audit Committee for a period of 3 years concluding on 28 November 2017; and**
10. **Sets the sitting fees for the Chairman of the Audit Committee at \$1,200 per meeting and the Independent Members of the Audit Committee at \$1,000 per meeting.**

BACKGROUND:

The City of Marion's Audit Committee has been in operation since 2006. The Audit Committee adds value and improves the Council's operations by providing an independent and systematic and disciplined approach to evaluating and improving the effectiveness of risk management, internal control, financial management and governance processes.

The Audit Committee is a formally constituted Committee of Council pursuant to Section 41 of the *Local Government Act 1999* (the Act) and is responsible to Council.

Pursuant to section 126 of the Act, the Council must establish an Audit Committee. The function of an audit committee prescribed by the Act include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council;
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan;
- proposing, and reviewing, the exercise of powers under section 130A of the Act (efficiency and economy reviews);
- liaising with the council's auditor;
- if the council has exempted a subsidiary from the requirement to have an audit committee, the functions that would, apart from the exemption, have been performed by the subsidiary's audit committee;
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

DISCUSSION:

Audit Committee Policy and Terms of Reference

An Audit Committee Policy and Terms of Reference (**Appendix 1**) has been drafted for Council consideration and adoption (if appropriate). The Policy and Terms of Reference are based on the parameters adopted by the immediate past Council. They provide direction and guidance on the Committees operations, membership, reporting, authority, responsibilities and functions.

They have been developed based on;

- Requirements of section 126 of the Act;
- Australian Stock Exchange (ASX) Principles of Good Governance;
- Australian Standard AS8000-2003 Good Governance Principles;
- Audit Committee Effectiveness review completed on a bi-annual basis.

The Council last reviewed and adopted the Audit Committee terms of reference in March 2014.

Composition

Section 126 of the Act proposes that membership of an Audit Committee;

- may include persons who are not members of the council;
- may not include an employee of the council (although an employee may attend a meeting of the committee if appropriate);
- may include, or be comprised of, members of an audit committee for another council; and
- must otherwise be determined in accordance with the requirements of the regulations.

The immediate past Council established a best practice Audit Committee comprising of one (1) Elected Member (who is not the Mayor) and three (3) independent members. Its composition with a majority of independent members was, and continues to be best practice not only within local government Australia wide, but also within public and private corporate environments.

In line with best practice, it is recommended that the composition of the Audit Committee remain the same.

Independent Membership

The current independent members are:

- Mr Greg Connor (Chairperson) – current term expires November 2016
- Mr Lew Owens – current term expires November 2015
- Ms Cathy Copper – current term expires November 2014.

Elected Member Representative

The Elected Member representative plays an important role on the Audit Committee particularly as a conduit of information between Council and the Committee, and the Committee and Council.

The Elected Member representative on the Audit Committee was previously appointed for a term of 12 months. In accordance with the proposed Audit Committee Policy:

- Ideally, the Elected Member representative will have experience in business, legal, audit or financial management / reporting knowledge and experience.
- Appointment of the Elected Member representative will be made by Council for a term of 12 months. Council may resolve to re-appoint an Elected Member representative for consecutive terms.
- No additional allowance will be paid to the Elected Member representative over and above the allowance already received by the Elected Member.

The Policy also identifies that the Mayor, as leader of the Council, should not be the Elected Member representative on the Audit Committee given its role in the independent verification process.

Time commitments associated with membership on the Committee include:

- A minimum of 4 meetings during the year however this is more likely to be 5-6 meetings.

- Meetings have been held in the past during business hours at the Council Administration Centre and usually last for 2 – 3 hours. It may be that the time of holding the committee meetings could be changed to facilitate Elected Member representation on the committee.
- Reading of reports and preparation before meetings would generally equate to 2-3 hours per meeting.

Training in terms of Audit Committee operations can be provided as required.

Sitting Fees for External Representatives

In order to retain suitably skilled and experience persons to the Audit Committee, it is recommended that Council pay a sitting fee. The sitting fee would cover preparation for and attendance at meetings of the Committee. The levels of sitting fees are considered to be appropriate for the calibre of persons sought for the Committee and are:

- \$1200 per meeting for the Chairman; and
- \$1000 per meeting for the independent members.

These fees were established when the Audit Committee commenced in 2006 and have not been increased since.

Committee Operations

Meetings of the Committee are convened in accordance with Chapter 6, Part 2 of the *Local Government Act 1999* and Part 3 of the *Local Government (Procedures at Meetings) Regulations 2000*. In summary, this has the effect that notice of meetings of the Committee must be given by the Chief Executive in a similar fashion as to Council meetings, but that the procedures to be adopted in the conduct of meetings can be determined by the Committee.

It is recommended that the Committee should meet at least four times per year. The Committee will consider its meeting schedule for 2015 at its 16 December 2014 meeting.

The Chief Executive Officer is required to attend all Audit Committee meetings except where the Committee chooses otherwise. Other members of staff may be invited to attend at the discretion of the Committee and provide information as and when required.

A copy of all agenda and reports will be provided to Elected Members prior to the holding of an Audit Committee meeting. Furthermore, any matter requiring a decision of Council will be presented to Council as a separate report to the next meeting of Council together with a recommendation from the Audit Committee. All minutes of Audit Committee meetings will be provided as soon as practicable to a General Council meeting for information. Taking this approach will ensure transparency.

Legal / Legislative and Risk Management:

The proposed Policy and Terms of Reference have been developed following a review of the *Local Government Act 1999*, and also best practice in the areas of risk management and audit.

Sources used in the development of the Policies include the ASX Principles of Good Governance, Best Practice Guidelines – Local Government entity audit committees and internal audit (Victoria), the Australian Institute of Internal Auditors, and the International Standard for risk management – ISO31000.

In accordance with Section 41(12) of the *Local Government Act 1999*, no civil liability attaches to a member of a committee (whether or not they are member of the Council) for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.

Financial Implications:

Provision has been made in the 2014/2015 Governance budget for costs associated with the formation of an Audit Committee, including the payment of the recommended sitting fees.

As such, there will be no adverse budget impact if the recommendations contained in this report are accepted.

CONCLUSION:

Re-establishing the City of Marion Audit Committee as outlined in this report demonstrates best practice governance and compliance with Section 126 of the *Local Government Act 1999*.

Appendix 1 – Section 41 Local Government Act

41—Committees

- (1) A council may establish committees.
- (2) A committee may, according to a determination of the council (and subject to the operation of this Act), be established—
 - (a) to assist the council in the performance of its functions;
Examples—
 - 1 To carry out a project on behalf of the council.
 - 2 To manage or administer property, facilities or activities on behalf of the council.
 - 3 To oversee works on behalf of the council.
 - (b) to inquire into and report to the council on matters within the ambit of the council's responsibilities;
 - (c) to provide advice to the council;
 - (d) to exercise, perform or discharge delegated powers, functions or duties.
- (3) The membership of a committee will be determined by the council and may consist of, or include, persons who are not members of the council.
- (4) The council must appoint a person as the presiding member of a committee, or make provision for the appointment of a presiding member.
- (5) A member of a committee holds office at the pleasure of the council.
- (6) The council may appoint the principal member of the council as an *ex officio* member of a committee (but in such a case the principal member will not be taken to be included in the membership of the committee unless actually present at a meeting of the committee).
- (7) A committee may establish a subcommittee to assist it in a matter.
- (8) A council must, when establishing a committee, determine the reporting and other accountability requirements that are to apply in relation to the committee.
- (9) A committee that is performing a regulatory activity of the council must report to the council on its activities at least quarterly.
- (10) The establishment of a committee does not derogate from the power of the council to act in a matter.
- (11) No act or proceeding of a council committee is invalid by reason of—
 - (a) a vacancy or vacancies in the membership of the committee; or
 - (b) a defect in the election or appointment of a member or members of the committee; or
 - (c) the fact that the election of a member or members of the committee is subsequently declared void by a court of competent jurisdiction.
- (12) No civil liability attaches to a member of a committee for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or committee's powers, functions or duties.
- (13) A liability that would, but for subsection (12), attach to a member of a committee attaches instead to the council.

Appendix 2

AUDIT COMMITTEE POLICY



POLICY STATEMENT

- 1.1 The City of Marion will establish an Audit Committee to operate as an independent and objective advisory Committee to Council.
- 1.2 Section 59 of the *Local Government Act 1999* provides that the role of members of Councils includes a responsibility to keep the council's:
 - Objectives and policies under review to ensure that they are appropriate and effective.
 - Resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery under review.

The primary objective of the Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion' are being used efficiently and effectively. It will assist Council accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes.

- 1.3 As part of Council's governance obligations to the community, Council has constituted the Audit Committee to facilitate:
 - a. Oversight of relevant activities to facilitate achieving the City of Marion's objectives in an efficient and orderly manner.
 - b. Enhancing the credibility and objectivity of internal and external financial reporting.
 - c. Effective management of risk and the protection of Council assets.
 - d. Compliance with laws and regulations as well as use of best practice guidelines.
 - e. The effectiveness of the program evaluation function and maintaining a reliable system of internal control.
 - f. The provision of an effective means of communication between the external auditor, program evaluation service provider, management and Council.
 - g. The City of Marion's ethical development.

BASIS FOR OPERATION

- 2.1 The Audit Committee is a formally constituted Committee of Council pursuant to Section 41 of the *Local Government Act 1999* and is responsible to Council. The Audit Committee does not have any delegations or authority to implement actions in areas over which the Chief Executive Officer has responsibility. The Audit Committee does not have any management functions and is therefore independent of management.

- 2.2 The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to this Policy and the Committee's Terms of Reference in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.
- 2.3 The City of Marion considers that the ability of the Audit Committee to operate in a manner that adds value and also maintain independent judgement is vital. As such, the City of Marion has based this Policy on the ASX Principles of Good Corporate Governance and the Australian Standard AS 8000-2003 Good Governance Principles.

MEMBERSHIP

- 3.1 The Audit Committee will comprise four members – 1 Elected Member (who is not the Mayor) and three external independent representatives. The Elected Member representative may have a proxy appointed by Council.

Elected Member Representative

- 3.2 Ideally, the Elected Member representative will have experience in business, legal, audit or financial management / reporting knowledge and experience.
- 3.3 Appointment of the Elected Member representative will be made by Council on a rotational basis as resolved from time to time. Council may resolve to re-appoint an Elected Member representative for consecutive terms.
- 3.4 No additional allowance will be paid to the Elected Member representative over and above the allowance already received by the Elected Member.
- 3.5 If required, training and development will be sourced and provided to the Elected Member Representative on matters/subjects within the Audit Committee Terms of Reference.

External Representatives

- 3.6 External independent representatives will have senior business, legal, audit knowledge and experience, and be conversant with the local government environment.
- 3.7 At least one external independent representative will have expertise and knowledge in financial management/reporting.
- 3.8 Appointment of external representatives will be made by Council for a term to be determined by Council. To ensure succession planning for the Committee, the terms of appointment should be arranged on a rotational basis and continuity of membership despite changes to Council's elected representatives. Council may resolve to re-appoint an external representative for consecutive terms.
- 3.9 If Council proposes to remove an external representative from the Committee, it must give written notice to the external representative of its intention to do so and provide that external representative with the opportunity to be heard at a Council meeting which is open to the public, if that external representative so requests.
- 3.10 Remuneration will be paid to each external representative of the Committee to be set by Council from time to time. At a minimum, the remuneration paid to external representatives will be reviewed within 12 months from the date of a Council (periodic) election. The basis will be a set fee per meeting, with an additional amount paid to the Chairperson.

Process to Source Appointment of External Representatives

- 3.11 The Council will appoint a Selection Advisory Panel consisting of the Mayor, two Elected Members and the Chief Executive Office to source external representative(s) for the Audit Committee.
- 3.12 This panel will be supported by the Manager Governance.
- 3.13 The process to be followed by the Panel is:
 - Via a select quote process, appoint an Executive Recruitment Firm to manage and co-ordinate the recruitment process.
 - Identification of potential candidates via an executive search rather than general advertisement.
 - Short list candidates for interviews/discussion.
 - Interviews with candidates to determine suitability for membership of Audit Committee.
 - Determine a preferred candidate and confirm their preparedness to be nominated for appointment to the Audit Committee.
 - Make recommendation to Council on preferred candidate.

COMMITTEE OPERATIONS

- 4.1 An Audit Committee Terms of Reference will outline the scope of the Committee's review activities. The Audit Committee Terms of Reference will be subject to Council adoption.
- 4.2 Council or the Chief Executive may refer any matter to the Audit Committee within its Terms of Reference.
- 4.3 The Chairperson of the Committee shall be appointed from the external representatives of the Committee by the Audit Committee. In the absence of the appointed Chairperson from a meeting, the meeting will appoint an acting Chairperson from the external members present.
- 4.4 A quorum shall be two members – 1 Elected Member and 1 independent representative.
- 4.5 The Audit Committee, through the Chief Executive Officer, may seek information or obtain expert advice on matters of concern within the scope of its responsibilities.
- 4.6 The Chief Executive Officer will attend all meetings on an ex-officio basis, except when the Committee chooses otherwise. Other Elected Members or staff may be invited to attend at the discretion of the Committee to advise and provide information when required.
- 4.7 The Audit Committee will review its performance on a bi-annual basis to ensure the continual improvement to its performance.
- 4.8 Representatives of the external auditor will be invited to attend meetings at the discretion of the Committee, but must attend meetings at which there will be consideration of the annual financial report and results of the external audit.
- 4.9 The Audit Committee will meet with both the external auditor and program evaluation service provider without management present at least once a year.
- 4.10 The Manager Governance will provide administrative support to the Committee, and will attend all Committee meetings for this purpose.

Meetings

- 4.11 The Committee shall meet at least quarterly.
- 4.12 The time and place for the conduct of meetings will be determined by the Committee provided that all meetings will be held in a public environment within a City of Marion building.
- 4.13 The Committee will consider and determine its own meeting practice, processes and procedures within the parameters of the Local Government Act 1999 and the Local Government (Procedures at Meetings) Regulations 2000.
- 4.14 An annual schedule of meetings will be developed and agreed to by the Committee members. This schedule of meetings will include at least one joint workshop with the Council and the Audit Committee.
- 4.15 Additional meetings shall be convened at the discretion of the Chairperson, or at the written request of Council or any member of the Committee, program evaluation service provider or external auditor.

Reporting

- 4.16 A copy of all agenda and reports forwarded to the Audit Committee will also be forwarded to Elected Members for information prior to the conduct of the Audit Committee meeting.
- 4.17 The minutes of each Audit Committee Meeting, shall be forwarded (as soon as practicable after the meeting) to a General Council meeting.
- 4.18 Where the Audit Committee makes a recommendation to Council on a matter within the scope of its Terms of Reference, the matter will be listed as a separate agenda item for consideration by Council at the next General Council meeting that is not being held on the same day as the Audit Committee meeting. The Elected Member Representative on the Audit Committee will inform the Council during the Council meeting of the recommendation and any provide any relevant context.
- 4.19 Where the Council makes a decision relevant to the Audit Committees Terms of Reference, the Elected Member Representative will report the decision to the Audit Committee at the next Committee meeting and provide any relevant context.
- 4.20 The Committee shall report annually to the Council summarising the activities of the Committee during the previous year.

Authority

- 4.21 The Committee is authorised to seek any information it requires from any employee of the Council (after advising the CEO) in order to perform its duties.
- 4.22 The Committee is authorised, at the Council's expense, (after consultation with the CEO) to obtain outside legal or other professional advice on any matter within its terms of reference.

RESPONSIBILITIES / COMMITMENT

Council:

- Establish Audit Committee to add value and improve the City of Marion's operations.
- Appoint 1 Elected Member and 3 external representatives as members of the Audit Committee.

- Determine appropriate levels of remuneration to be paid to the external representatives on the Audit Committee
- Adopt the Terms of Reference of the Audit Committee.
- Receive and review reports from the Audit Committee and monitor that effective controls have been implemented.
- Periodically review the effectiveness of the Audit Committee.

Audit Committee:

- Undertake all responsibilities as identified in the Audit Committee Policy and Terms of Reference with respect to financial management, risk management, internal controls, financial reporting and other accountability and governance processes.
- Report to Council outcomes from Audit Committee meetings.
- Make recommendations to Council regarding risk management and audit outcomes.

Elected Member Representative

- Act as a conduit of information between Council and the Committee, and the Committee and Council.
- Raise matters (within the scope of the Audit Committee Terms of Reference) with the Audit Committee, on behalf of Council.
- Provide a verbal report to Council on the key matters and recommendations within the Audit Committee meeting, when the minutes and / or Audit Committee recommendation reports, are presented to Council for adoption.
- Provide a report to the Audit Committee on any Council decisions or discussions that are relevant to the Audit Committee's Terms of Reference.

Chief Executive Officer:

- Ensure appropriate support is provided to the Audit Committee.

REFERENCES

Other Related References:

City of Marion Risk Management Policy (**GC120313R01**)

City of Marion Audit Committee Terms of Reference

Australian Standard AS 8000-2003 Good Governance Principles

Previous Versions

Reference GC281106R05

Reference GC091208R18

Reference GC270911R09

Reference GC110314R02

Adopted by Council: 11 March 2014

AUDIT COMMITTEE TERMS OF REFERENCE



PREAMBLE

Pursuant to sections 41 and 126 of the *Local Government Act 1999* (the Act) the Council has established an Audit Committee.

OBJECTIVES

The primary objective of the Audit Committee is to add value through the provision of advice to ensure that the resources of the City of Marion are used efficiently and effectively. It will assist Council to accomplish its objectives by contributing to a systematic and disciplined approach to evaluating and improving the effectiveness of financial management, risk management, internal controls, and governance processes through the following activities:

1. External Audit

- 1.1 Review and recommend for endorsement by Council the engagement of the City of Marion's external auditor. The review should look to satisfy Council that the provider of external audit services can demonstrate adequate independence from the operations of the City of Marion.
- 1.2 Critically analyse and follow up any external audit report that raises significant issues relating to risk management, accounting, internal controls, financial reporting and other accountability or governance issues. Review management's response to, and actions taken as a result of, issues raised.
- 1.3 Liaise with the City of Marion's external auditor including discussion on:
 - a) The scope and planning of annual audits.
 - b) Any issues arising from audits, including any management letter issued by the auditor and the resolution of such matters.
- 1.4 Recommend to Council, if considered appropriate, that the external auditor, or some other person suitably qualified in the circumstances, examine and report on any matter related to financial management, or the efficiency and economy with which the City of Marion manages or uses its resources to achieve its objectives, that would not otherwise be addressed or included as part of the annual audit (under Div. 4 of Part 3 of Ch. 8 of the Act).

2 Internal Audit and Program Evaluation

- 2.1 Review and recommend for endorsement by Council the engagement of the City of Marion's internal audit and program evaluation service provider. The review should look to satisfy Council that the provider of the services can demonstrate adequate independence from the operations of the City of Marion.

- 2.2 Review, and provide information relevant to, the scope of the internal audit and program evaluation program, including whether the program systematically addresses:
- Internal controls over significant risk, including non-financial management control systems.
 - Internal controls over revenue, expenditure, assets and liability processes.
 - The efficiency, effectiveness and economy of significant Council programs and activities.
 - Compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements,
 - Whether employees have sufficient competencies (facilitated by up to date training) to enable them to fulfil their roles.
 - A review of the City of Marion's strategic management plans and annual business plans to ensure appropriate allocation of resources necessary to achieve the objectives of the plans.
- 2.3 Critically analyse and follow up any internal audit or program evaluation report that raises significant issues and review management's response to, and actions taken as a result of issues raised.
- 2.4 Review the appropriateness of special assignments undertaken by the internal audit and program evaluation service provider at the request of the Chief Executive.
- 2.5 Review the level of resources allocated to program evaluation and the scope of its services and authority.
- 2.6 Facilitate liaison between the internal audit/program evaluation provider, and external auditor to promote compatibility, to the extent appropriate, between their programs.

3. Service Reviews

- 3.1 Review and provide advice on service reviews, and in particular:
- a) the scope of the review before it is commenced
 - b) input into the questions to be asked and the data to be collected and analysed
 - c) comment on all draft service review reports before the final report is presented to Council.

4. Financial Reporting and Prudential Requirements

- 4.1 Review Council's annual financial statements to ensure that they present fairly the state of affairs of the City of Marion, including focus on:
- Accounting policies and practices and any changes to them.
 - The process used in making significant accounting estimates.
 - Significant adjustments to the financial report (if any) arising from the audit process.
 - Compliance with accounting standards and other reporting requirements.
 - Significant variances from prior years.

- 4.2 Provide comment on the assumptions underpinning Council's Strategic Management Plans (Strategic Plan, Annual Business Plan, Budget and Long Term Financial Plan), the consistency between plans, and the adequacy of Council's plans in the context of maintaining financial sustainability.
- 4.3 Recommend adoption of the annual financial statements to Council. Review any significant changes that may arise subsequent to any such recommendation but before the financial report is signed.
- 4.4 Review the recommendations of business cases developed by Management in association with significant activities or major projects. Such reviews should have regard to the requirements of Section 48 of the *Local Government Act 1999* which relates to prudential requirements for certain activities.

5. Internal Controls and Risk Management Systems

- 5.1 Review the City of Marion's annual Risk Profile and monitor the risk exposure of Council. Review risk management processes and management information systems.
- 5.2 Review the adequacy of the accounting, internal control, reporting and other resource and financial management systems and practices of the City of Marion on a regular basis.

6. Other

- 6.1 Where Council has exempted a subsidiary from the requirement to have an audit committee, undertake the functions that would have been performed by the subsidiary's audit committee.
- 6.2 Monitor ethical standards and conflicts of interest by determining whether the systems of control are adequate.
- 6.3 Address issues brought to the attention of the Committee, including responding to requests from Council or the Chief Executive for advice that are within the parameters of this Terms of Reference.
- 6.4 Make recommendations to the Council to amend these Terms of Reference if the Committee forms the opinion that such amendments are necessary to improve its performance.
- 6.5 Review the Committee's performance on a bi-annual basis using performance indicators developed for that purpose.

REFERENCES:

City of Marion Risk Management Policy
City of Marion Audit Committee Policy

Previous Versions:

Reference GC281106R05, GC091208R18, Reference GC270911R09,

Adopted by Council: 11 March 2014

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: David Melhuish - Senior Policy Planner

Director: Kathy Jarrett

Subject: Development Assessment Panel (DAP) – Appointment of Elected Members to the Development Assessment Panel from 1 December 2014.

Report Reference: GC251114R07

REPORT OBJECTIVE & EXECUTIVE SUMMARY:

The purpose of this report is to seek Council approval for the appointment of Elected Members to the City of Marion Development Assessment Panel.

RECOMMENDATIONS (5)

That:

1. Council appoints Councillor, Councillor, and Councillor to the Development Assessment Panel for a term commencing on 1 December 2014 and concluding on 1 December 2015. Dec 14
2. Council appoints Councillor, Councillor, and Councillor to the Development Assessment Panel for a term commencing on 2 December 2015 and concluding on 1 December 2016. Dec 14
3. Council appoints Councillor, Councillor, and Councillor to the Development Assessment Panel for a term commencing on 2 December 2016 and concluding on 1 December 2017. Dec 14
4. Council appoints Councillor, Councillor, and Councillor to the Development Assessment Panel for a term commencing on 2 December 2017 and concluding at the end of the current Council term. Dec 14
5. A notification be placed in the “Messenger” newspaper advising of the appointments of Elected Members to the Panel. Dec 14

DISCUSSION:

The terms of the three Elected Member positions on Council's Development Assessment Panel (DAP/Panel) concluded in November 2014 and new Members require appointing to those positions.

Those Elected Members wishing to nominate for appointment to the Panel in the first year of the current term of Council will be invited to attend a DAP workshop where an overview will be provided about previously assessed development applications, the DAP Charter and the operations of the Panel. Members will also be introduced to the Independent Members on the Panel. In addition to the above, high level information about the Planning System will be provided to all Elected Members at the Forum on 2 December 2014. The DAP workshop is scheduled to be held on Wednesday 3 December 2014 prior to the first Development Assessment Panel Meeting on 10 December 2014.

Membership of the Panel during a Council term provides the opportunity for Elected Members to gain a greater understanding of the operations of the Development Act, 1993 and the City of Marion Development Plan. Members who have previous experience on a DAP are in many cases empowered with a greater depth of knowledge in planning related matters which can assist constituents with planning concerns and issues.

Membership of the Panel also provides Elected Members with a greater understanding of development trends within the Council area and the policy gaps within the Development Plan, positioning them to drive the Council's Development Plan policy framework agenda.

Appointment to the Panel is for a maximum period of two years, however, Council may wish to consider rotation of Elected Members on an annual basis to enable most Elected Members with an opportunity to be a member of the DAP during their term on Council.

In the event that there is insufficient Elected Members interest in a position on the Panel, members of Council's administration (with suitable expertise) may be appointed to the Panel, pursuant to Section 56A(3)(c) of the Development Act, 1993. Should this course of action be required, such staff must not be staff directly involved in the assessment of applications under this Act.

Pursuant to Section 56A(3)(d) of the Development Act, 1993, at least one member of the Panel must be a woman and at least one member of the Panel must be a man. The Independent Members currently provide the necessary gender mix such that nothing precludes the appointment of any Elected Member to the Panel, regardless of gender.

Should more than three Elected Members nominate for the available positions in any one year, a ballot process will need to be undertaken. If this occurs, assistance can be provided at the meeting in facilitating this process.

The terms of the four independent members of the Panel are currently staggered, with two members (Rebecca Thomas and Jenny Newman) due to expire on 28 May 2015 and two members (Wendy Bell and Phil Smith) due to expire on 28 May 2016. This situation will ensure some continuity on the Panel should Elected Members with no previous experience be appointed.

Pursuant to Section 56A(5) of the Development Act, 1993, a Council must within 14 days of appointing a person as a member of a DAP, give notice of the appointment by publishing the names and term of appointment in a newspaper circulating in the area of the Council.

Sitting Fees

The sitting fees for members of the Development Assessment Panel were last reviewed by Council at its meeting on 22 April 2014. The review incorporated an extensive comparison with other Councils. The endorsed fees for attendance at any given DAP meeting were as follows:

- Presiding Member \$500
- Other Independent Members \$400
- Elected Members \$200

As the review was less than a year ago the sitting fees are considered appropriate at this time.

INTERNAL ANALYSIS:

Financial Implications:

The current 2014/15 budget provides for the operation of the DAP including the provision of Elected Member and Independent Member sitting fees.

CONCLUSION:

The terms of the Elected Members on the Development Assessment Panel expired with the election of a new Council.

This report seeks the appointment of Elected Members to the Development Assessment Panel with a recommendation that Council appoint all Elected Members positions to the Panel for the duration of the entire term of the current Council.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Kate McKenzie, Manager Governance

Director: Kathy Jarrett

Subject: Elected Member Expense, Benefit, Support & Facilities Policies

Report Reference: GC251114R08

EXECUTIVE SUMMARY:

Elected Members should not be out-of-pocket as a result of performing and discharging their official functions and duties.

Section 77 of the *Local Government Act 1999* (the Act) provides that a member of a council is entitled to receive from the council reimbursement of prescribed expenses incurred in performing or discharging official functions and duties.

The Act also enables Council to develop a policy which details which of those additional expenses, specified within Regulation 6 of the *Local Government (Members Allowances and Benefits) Regulations 2010*, it wishes to reimburse to Elected Members.

A Policy adopted under these provisions lapses at a general election of the Council.

To ensure that members have the necessary support to undertake their roles, the purpose of this report is to present a draft Elected Members Expenses, Benefits, Support and Facilities Policy to Council for adoption in accordance with Section 77(1)(b) of the Act.

RECOMMENDATIONS (1)

DUE DATES

That Council:

25 Nov 2014

1. **Adopts the Elected Members Expense, Benefits, Support and Facilities Policy as provided in Appendix 1 with the following amendments:**
 - .
 - .
 - .

BACKGROUND:

The *Local Government Act 1999* (the Act) and the *Local Government (Members Allowances and Benefits) Regulations 2010* (the Regulations) provides for the payment of Elected Member allowances, the reimbursement of expenses and the provision of facilities and support incurred or utilised in performing or discharging official functions and duties.

Allowances

Pursuant to section 76 of the Act, a member of Council is entitled to an allowance determined by the Remuneration Tribunal. The Remuneration Tribunal reviews and sets the allowance every 4 years. This was last reviewed in 2014 and the Tribunal's determination of 28 July 2014 provides for the following allowances with respect to the City of Marion:

Category	Payment
Councillors	\$19,000
Mayor	\$76,000
Deputy Mayor or Presiding Member of a Council Committee (inclusive of Councillor payment)	\$23,750

The allowance is currently paid 3 months in advance, which is in accordance with the requirements of the Regulations.

The allowance must be indexed on the first, second and third anniversary of the local government election.

Expenses

Section 77(1)(a) of the Act, via Regulation 5 of the Regulations prescribes the kinds of expenses for which a member of the Council will receive reimbursement.

Section 77(1)(b) of the Act also enables Council to develop a policy that details which of those additional expenses, specified within Regulation 6 of the Regulations, it wishes to reimburse to Elected Members.

Facilities and Support

In addition, Section 78 of the Act enables Council to provide, at its discretion, facilities and other forms of support to Elected Members to assist them in the performance or discharging of their official functions and duties. These facilities and services must be made available to Elected Members on a uniform basis other than those specifically provided to the Mayor.

DISCUSSION:

Provided at Appendix 1 is a draft Elected Member Expenses, Benefits, Support and Facilities Policy for consideration. It has been drafted to reflect the *Local Government (Members Allowances and Benefits) Regulations 2010*.

As a starting point, the Policy is similar to that adopted by the previous Council. It has been updated insofar as contemporary practices and technology. It is presented to ensure the new Council has sufficient support to undertake its role. It is proposed that discussion be held during the meeting to identify any specific amendments that this Council may wish to adopt, including whether any further cycle of review may be scheduled within this term of Council.

The proposed Policy details those expenses Council is required to reimburse under Section 77(1)(a) and Regulation 5 of the *Local Government (Members Allowances and Benefits) Regulations 2010*. Such expenses include:

- Travel expenses incurred in traveling to and from a prescribed meeting if the journey is an eligible journey and the journey is by the shortest or most practicable route. The Regulation states that travel expenses will only be reimbursed for the component of the journey within the Council Area.
- Expenses for the care of a child or a dependent of the Member requiring full-time care actually and necessarily incurred by an Elected Member as a consequence of their attendance at a prescribed meeting.

An “*eligible journey*” is defined under the Regulations to mean “a journey (in either direction) between the principal place of residence, or a place of work, of a member of the council, and the place of a prescribed meeting “

A “*prescribed meeting*” is defined under the Regulations to mean “a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.”

Other expenses which can be approved by Council, in accordance with Section 77(1)(b) of the Act and Regulation 6 of the *Local Government (Members Allowances and Benefits) Regulations 2010* via a policy, comprise:

- Travel expenses in relation to a member’s attendance at a function or activity on the business of the Council other than travel to prescribed meetings,
- Travel expenses in respect of an eligible journey outside the Council area,
- Phone, facsimile and other telecommunication device costs attributed to the business of Council.
- Child and dependent care expenses incurred by a member as a consequence of the member’s attendance at a function or activity on the business of the Council other than prescribed meetings
- expenses associated with the attendance at conferences, training, seminars etc directly or closely related to the performance or discharge of the roles or duties of the member.

The Elected Members Expenses, Benefits, Support and Facilities Policy includes those expenses defined in Regulation 6 of the *Local Government (Members Allowances and Benefits) Regulations 2010*, detailed above, which Council may wish to consider for reimbursement (Appendix 1).

Following adoption, the Elected Members Expenses, Benefits, Support and Facilities Policy will be available to the general public via Council’s website and the Administration Centre.

Financial Implications

Any changes to the rate of reimbursement will be managed within Council’s current budget allocation.

CONCLUSION:

The Elected Members Expenses, Benefits, Support and Facilities Policy clarifies those expenses, incurred by Elected Members, which must be or can be reimbursed and ensures compliance with the provisions of the *Local Government Act 1999* and the *Local Government (Members Allowances and Benefits) Regulations 2010*.

1. POLICY STATEMENT

Elected Members should not be out-of-pocket as a result of performing and discharging their official functions and duties.

The City of Marion will ensure that the reimbursement of expenses is accountable, transparent and in accordance with the Local Government Act 1999 (the Act) and the Local Government (Members Allowances & Benefits) Regulations 2010 (the Regulations).

This policy summarises the provisions of the Act and the Regulations in respect to Elected Member expenses and support and specifies the types of expenses to be reimbursed without specific approval of Council, and the process for Elected Members to obtain reimbursement of those expenses. In determining this policy Council took into consideration the overall support provided to Elected Members pursuant to Sections 76, 77 and 78 of the Act.

2. REIMBURSEMENTS

Section 77(1)(a) of the Act provides that all Elected Members are entitled to receive reimbursement for expenses of the kind prescribed in performing or discharging official functions and duties.

Regulation 5 prescribes as expenses that will be reimbursed:

- 2.1 travelling expenses actually and necessarily incurred by the member in travelling to and from a prescribed meeting if the journey is an eligible journey and the journey is by the shortest or most practicable route to the extent that the journey is within the Council Area;
- 2.2 expenses for the care of a child of the member, or a dependant of the member requiring full-time care, actually and necessarily incurred by an Elected Member as a consequence of their attendance at a prescribed meeting.

In addition, section 77(1)(b) of the Act provides that Council may approve the reimbursement of certain prescribed expenses incurred by Elected Members either on an individual basis or under a policy adopted by Council.

Regulation 6 sets out the types of expenses that may be reimbursed under Section 77(1)(b) :

- 2.3 phone, fax or other telecommunication device costs attributed to the business of Council;
- 2.4 travel expenses in relation to a member's attendance at a function or activity on the business of the Council other than travel to prescribed meetings;
- 2.5 travel expenses in respect of an eligible journey outside the Council area;
- 2.6 expenses for the care of a child of the member, or a dependant requiring full time care, incurred by a member as a consequence of the member's attendance at a function or activity on the business of the Council other than prescribed meetings;

2.7 expenses associated with the attendance at conferences, training, seminars or other similar activity directly or closely related to the performance or discharge of the roles or duties of the member.

Section 77(1)(b) of the Act enables Council to establish a policy to determine which of these expenses incurred by a member in performing or discharging official functions and duties may be reimbursed.

3. MANDATORY REIMBURSEMENTS

3.1 Travel

Elected Members are entitled to receive reimbursement for travelling costs within the area of Council. Reimbursement is restricted to 'eligible journeys' (as defined in Regulation 3) by the shortest or most practicable route and to the part of the journey within the Council area, ie; any travelling outside the Council area in order to attend prescribed meetings is provided by this policy under 'Additional Reimbursement and Support'.

Where an Elected Member travels by private motor vehicle, the rate of reimbursement is as prescribed in section 28.25 of the Income Tax Assessment Act 1997. Travel by taxi, bus or other means of public transport is reimbursed on the basis of expenses 'actually and necessarily incurred', but it is still limited to 'eligible journeys' by the shortest or most practicable route and to the part of the journey that is within the Council area.

3.2 Dependant Care

In addition to any allowance paid under Section 76 of the Act, Elected Members are entitled to receive reimbursement of expenses for child and dependant care in accordance with Regulation 5 of the Regulations as follows:

Expenses may be reimbursed for the care of:

- A child of the member, or
- A dependant of the member requiring full time care

actually and necessarily incurred by the member as a consequence of the member's attendance at a "prescribed meeting".

Child/dependant care expenses are not reimbursed if the care is provided by a relative of the Member who ordinarily resides with the Member.

4. POLICY FOR THE PURPOSES OF ADDITIONAL REIMBURSEMENT OF EXPENSES APPROVED BY THE COUNCIL PUSUANT TO SECTION 7(1)(b) OF THE ACT

Pursuant to Section 77(1)(b) of the Act and Regulation 6 of the Regulations, Council approves the reimbursement of expenses for Elected Members as described below:

4.1 Travelling expenses

In addition to eligible journeys (as defined in Regulation 3) Elected Members are entitled to receive reimbursement for expenses actually and necessarily incurred in travelling to a:

- “prescribed meeting” as it relates to that component outside the Council area, up to a maximum of \$50 or 100km per return journey;
- “function or activity on the business of Council”. The following conditions apply to these expenses travel both within and outside the Council area must be incurred by the Elected Member as a consequence of attendance at a function or activity on the business of the Council. A 'function' or activity of Council means:
 - official Council functions including Mayoral/ Chairperson receptions, opening ceremonies, dinners, citizenship ceremonies and official visits, etc;
 - inspection of sites within the Council area which relate to Council or Committee agenda items;
 - attendance at meetings of community groups and organisations as a Council appointed delegate (but not to attend meetings of community groups or organisations when fulfilling the role of local representative, as the Elected Members allowances provides for this).

Reimbursement is restricted to the shortest or most practicable route.

4.2 Air Travel

- travel by air, approved by the Council, will be economy class for domestic travel and business class for international travel. Travel may be at a higher class where appropriate, for instance if travelling with a party also travelling business or first class.

4.3 Child and Dependant Care

- Expenses incurred for the care of a child of the Elected Member or a dependant of the Member requiring full time care as a consequence of the Elected Member's attendance at a “function or activity on the business of Council” except where that care is provided by a relative who ordinarily resides with the member.

4.4 Conferences/Seminars/Training

- Expenses incurred by the Member as a consequence of the Elected Member's attendance at a conference, seminar, training course or other similar activity that is directly or closely related to the

performance or discharge of the roles or duties of the Member. Expenses will only be reimbursed for attendance at conferences, seminars, etc which have been approved under Council's 'Professional Development - Elected Members' Policy. The following types of expenses will be reimbursed:

- airfares
- registration fees
- accommodation
- meals
- taxi fares
- car parking
- incidentals (up to a daily maximum of \$20/day)

4.5 Communication devices

- Each Elected Member will be entitled to a Smart phone.
- Elected Members may choose to bring their own device and will be reimbursement for expenses incurred in the use of a mobile phone to a maximum of \$30 per month.

5. FACILITIES AND SUPPORT

Pursuant to Section 78 of the Act, Council has resolved to make available to Elected Members the following facilities and support to assist them in performing or discharging their official functions and duties:

5.1 Insurance

Section 80 of the Act requires that Council insure its members. Elected Members are covered under the following Council insurance policies on a 24 hour basis, while discharging their duties including attendance at meetings of external bodies as Council's representative:

- Personal Accident Insurance
Elected Members are provided with benefits should they sustain bodily injury whilst engaged in any activity directly or indirectly connected with or on behalf of Council.
- Public/Professional Indemnity
Indemnifies Members of Council but only in connection with their role as Members of Council.
- Personal Effects Property Cover
Provides cover for damage to property and personal effects whilst Elected Members are engaged on Council business.
- Corporate Travel

Covers Members and their partners/spouses whilst engaged in or on any activity directly or indirectly connected with or on behalf of the City of Marion, including whilst travelling to and/or from such activity for personal accident including death as well as baggage and public liability.

5.2 Elected Members' Room

Members will be provided with an Elected Members' Room. The standard of accommodation and expenditure on furnishings, furniture and fit-out are to be approved by the Council.

A computer compatible with Council's computer systems will be made available in the Elected Members' room for their use. Computer and software training will be provided by the Council based on the training needs of Elected Members.

Maintenance, telephone line rental costs and charges for telephones in the Elected Members' Room will be paid for by the Council. For all private STD and private IDD calls made on Council phones, the cost of the call will be reimbursed to Council by the member.

5.3 Meals and Refreshments

A meal and drinks will be provided where appropriate while attending Council meetings, Council Committee meetings, briefings and workshops.

The refrigerator in the Elected Members' Room will contain non-alcoholic drinks for the reasonable use of Members, their guests and visitors.

5.4 Information Technology Resources

Unless otherwise requested, all Elected Members will be issued with a tablet device for the purposes of Council business including but not limited to accessing corporate email, calendar and downloading minutes and agendas.

In recognising that communication with the community and administration can be by varied means, an Elected Member may choose an additional IT resource (if required) to support their role and working environment as follows:

- A personal desktop computer or laptop
- Security connection capability to the City of Marion environment via VM view
- A printer and cartridges for printers
- Modem
- Paper for printers
- Office automation software
- Ongoing support and training
- Corporate approved applications ie Lotus Notes, Microsoft Office
- Internet Connection (if not already existing)

or

- Reimbursement of up to \$40 per month for internet connection and usage

The Information Technology resources provided to Elected Members are to be used for the purposes of undertaking their roles as Elected Members for the City of Marion and the type and models will be determined by the Manager Governance, in consultation with the Manager Information Communication and Technology to ensure consistency in equipment. The City of Marion will support all City of Marion issued equipment.

Any personal use by an Elected Member of the Information Technology resources will be recorded and reimbursed to Council.

5.5 Home Telephone

Unless requested otherwise, a Council land line will be provided to each Elected Member and diverted to their mobile number of choice. This provides ratepayers with a landline to contact Elected Members on.

Call expenses incurred in the use of an Elected Member's private telephone on the business of Council will be reimbursed by Council. Line rental will not be reimbursed where a council mobile phone has been provided.

An Elected Member must certify that a claim for telephone expenses relates to the business of Council.

5.6 Room Use

The Elected Members' Room is available 24 hours a day for the use of Elected Members, their guests and visitors.

All conference rooms in the Council offices can be booked if available by Elected Members for meetings, interviews and other functions.

5.7 Stationery & Books

Elected Members will be supplied with:

- up to 50 Christmas cards, as approved by the Mayor, and envelopes of standard size each year and postage.
- Individual electronic Elected Members' letterhead will be supplied. The electronic letterhead will not incorporate the City Of Marion logo.
- Business cards.
- Envelopes and postage facilities for Council business only.

5.8 Building Access and Parking

Each Elected member will receive a security card allowing 24 hour access to the Elected Members' Room in the Administration Centre.

Each Elected Member is entitled to use the designated parking spaces which are accessible on a 24 hour

basis on the eastern side of the Administration Centre.

5.9 Name Badge

Each Member will receive one (1) standard City of Marion name badge.

5.10 Mayoral Support

In addition to the above, the following facilities and support are available to the Mayor:

- Mobile telephone / PDA device
- Office space
- Administrative support in accordance with Council's budget.
- Mayoral letterhead

The Council will also provide the Mayor with:

- a motor vehicle with an overall rating of 4 stars or greater according to the Australian Government Green Vehicle Guide up to the value of the top of the range Mitsubishi Outlander vehicle for the Mayor's full private and business use, such that the Mayor and their immediate family shall be entitled to use the vehicle for private use as well as Council purposes and Council shall pay all maintenance and operating expenses.

5.11 Claims for Reimbursement

• Travel Expenses

Elected Members are required to provide details of kilometres travelled and/or evidence of expenses incurred to support all reimbursements claimed and procedures have been established to support this. Details are not required of expenses paid out of the Elected Member's allowance.

• Dependant Care Expenses

Child care/dependant care expenses actually and necessarily incurred will be reimbursed.

Receipts must be attached to the request for reimbursement which detail the date of service, duration of service, cost of service, name and address of child care provider and (if available) the ABN of the service provider.

All claims for reimbursement must be submitted to the Manager Governance on the forms provided for this purpose.

5.12 Register of Allowances and Benefits

Pursuant to Section 79 of the Act, the Chief Executive Officer will maintain a record of:

- the annual allowances paid to Elected Members under Section 76 of the Act;
- any expenses reimbursed to a Member under Section 77(1)(b) of the Act; and
- any other benefits paid or provided to a Member, with the exception of reimbursements paid under

Section 77(1)(a) of the Act.

5.13 Provisions of facilities and support

These facilities and services are made available on the following basis:

- they are necessary or expedient for the Member to perform or discharge his/her official functions or duties.
- the facilities remain the property of Council and will not be used for a purpose unrelated to official functions and duties unless the use has been approved by Council and the Member has agreed to reimburse Council for any cost associated with that use.
- All Council provided equipment remains the property of Council including personal computers, printers etc and must be returned to Council on resignation from office or non-re-election with the exception of Council supplied briefcase and filing cabinets.

5.14 Return of Equipment

Where a person ceases to be an Elected Member, information technology/communication equipment issued by the City of Marion will be returned to the Manager Governance within two weeks of the person's cessation date. In addition, as soon as practicable following the person ceasing to be an Elected Member, the Manager Governance will arrange for the:

- discontinuation of City of Marion network access
- disconnection of fixed telephone lines and internet service provision provided by the City of Marion
- return of building security access key

5.15 Policy Review

This policy will lapse at the next General Election.

5.16 Availability of this Policy

This policy will be available for inspection at Council's principle office during ordinary business hours. Copies will be provided to interested parties upon request at no charge. The policy will also be made available on Council's website.

6. DEFINITIONS

The Act- The Local Government Act 1999

Regulation - Refers to the stated regulation of the Local Government (Members Allowances & Benefits) Regulations 2010.

Eligible Journey means "a journey (in either direction) between the principal place of residence, or a place of work, of a member of a council, and the place of a prescribed meeting" (Regulation 3)

Prescribed Meeting means “a meeting of the council or council committee, or an informal gathering, discussion, workshop, briefing, training course or similar activity which is directly or closely related to the performance or discharge of the roles or duties of the member.” (Regulation 3)

7. REFERENCES:

Local Government Act 1999 (Sections 4, 76, 77, 78, 79, 80)

Local Government (Members Allowances & Benefits) Regulations 2010

Income Tax Assessment Act 1997 (Section 28.25)

Professional Development - Elected Members Policy

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Jaimie Thwaites, Unit Manager Council Support

Director: Kathy Jarrett

Subject: Persons to Act In The Absence Of Chief Executive Officer

Report Reference: GC251114R09

EXECUTIVE SUMMARY AND OBJECTIVES:

The *Local Government Act 1999* (the Act) provides for the Chief Executive Officer to appoint a deputy CEO or a person to act in their absence. The Act requires that this is done in consultation with the Council.

As part of the suite of reports provided to the first Council meeting in a new term, the purpose of this report is to consult with and seek Council's endorsement of suitable persons to act in the absence of the Chief Executive Officer (CEO) in accordance with legislative provisions.

RECOMMENDATIONS (1)

That Council:

1. Supports the approach of staff occupying the position of 'Director' to act in the absence of the Chief Executive Officer.

25 Nov 14

DISCUSSION:

Section 99 of the Act details of the functions of a CEO. In summary, the role of CEO requires that the policies and lawful decisions of the council are implemented in a timely and efficient manner and the day-to-day operations and affairs of the council are undertaken appropriately.

Section 102 of the Act provides:

"In the absence of the chief executive officer, the following provisions apply:

- a) if there is a deputy to the chief executive officer—the deputy must act in the office of the chief executive officer;*
- b) if there is no deputy or the deputy is absent—a suitable person appointed by the chief executive officer after consultation with the council must act in the office;*
- c) if a person is not appointed under paragraph (b)—a suitable person must be appointed by the principal member of the council to act in the office (after taking into account the organisational structure of the council);*
- d) if a person is not appointed under paragraph (c)—a suitable person must be appointed by any three or more members of the council to act in the office (after taking into account the organisational structure of the council)."*

In recent years, the CEO has determined not to have a deputy instead, appointing a Director to act in their absence.

CONCLUSION:

Based on the legislative requirements, it is the continued desire of the CEO to enact section 102(b) and appoint a suitable person, in consultation with the Council, to act in the role of CEO when the CEO is absent.

The CEO can be defined as absent when;

- either on leave (sick, annual or long service); or
- a specific role/function requires that the CEO be physically present and they cannot (i.e. interstate on business).

To ensure efficiency in the process of appointing someone to act in their absence and the requirement to consult with Council, it is proposed that staff occupying the position of Director to be endorsed by Council to act in the absence of the Chief Executive Officer:

Each of the positions of Director are occupied by senior executives within the organisation and have been appointed based on their requisite skills, knowledge and experience to fulfil the role of a Director and act as the CEO.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: Kate McKenzie, Manager Governance
Director: Kathy Jarrett
Subject: SRWRA City of Marion Board Representatives
Report Reference: GC251114R10

REPORT OBJECTIVES:

To appoint suitable person(s) to represent the City of Marion on the Board of the Southern Region Waste Resource Authority (the Authority).

EXECUTIVE SUMMARY:

The Authority is a regional subsidiary jointly established in 1998 by the Cities of Onkaparinga, Holdfast Bay and Marion under Section 43 of the *Local Government Act 1999* (the Act). The Authority provides and operates services for the management of waste by/on behalf of the constituent Councils and has the power to enter into contracts, purchase, lease or otherwise acquire equipment, land or interest in land in accordance with its Charter (Appendix 1).

The Authority is governed by a Board of seven Directors comprising of representatives from each of the constituent Councils together with an independent Chair. It also has an audit committee. Following the November 2014 Local Government Elections, it is necessary to review and reappoint the City of Marion's representation on the Board of the Authority due to such positions expiring to coincide with the term of the previous Council.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|---|-------------|
| 1. Appoints _____ as Council's representative on the Board of the Southern Region Waste Authority. | 25 Nov 2014 |
| 2. Appoints _____ as Council's representative on the Board of the Southern Region Waste Authority. | 25 Nov 2014 |
| 3. Appoints _____ as Deputy for a term consistent with the provisions of the Southern Region Waste Authority Charter (currently 4 years). | 25 Nov 2014 |

BACKGROUND

The Authority is managed by a Board of seven members, comprised of two representatives nominated from each constituent Council (clause 2.2.1.1 of Charter) with the seventh member of the Board an independent Chair (Mr Mark Booth). The Authority's Charter provides that Board members appointed by the constituent Councils are appointed for a term not exceeding four years (clause 2.2.2 of Charter) coinciding with the conduct of Local Government Elections however, at the expiration of their term of office, a Board member is eligible for re-appointment if re-elected (clause 2.2.2 and clause 2.2.4.3 of Charter).

The Authority's Charter also provides that the constituent Councils may also appoint a specific Deputy for each Board member (clause 2.2.3 of Charter) **or** Councils may also appoint a non-specific Deputy and a second non-specific Deputy (clause 2.2.3 of Charter).

The terms "specific Deputy and non-specific Deputy" essentially operate as proxy positions whom, in the absence of the relevant Council's representative Board Member, are deemed to be Board Members for that time, exercising all of the rights and privileges (including being subject to all of the obligations and liabilities) of a Board Member. Such appointments provide an opportunity for training and development for Elected Members and for renewal of the Authority Board.

The Authority also has an Audit Committee in accordance with Schedule 2, clause 30 of the Act. Membership is determined and approved by the constituent Councils. Mr Greg Connor (Chairman, and independent member of the City of Marion's Audit Committee) is the City of Marion's standing representative having been appointed on the 12 November 2013 for a period of two years.

DISCUSSION:

Functions of the Board

The Board has the authority and responsibility to manage the business affairs of the Authority in accordance with its legislative requirements. Functions of the Board therefore include;

- Formulating strategic and business plans and strategies to improve the business of the Authority
- Provide professional input to policy direction
- Monitoring the performance of the Executive Officer of the Authority
- Ensuring that a code of ethical behaviour and integrity is established and implemented
- Exercising due care, diligence and skill of a prudent business professional in contributing to Board meetings
- Ensure all information regarding the Board is accurate and furnished to the constituent councils accurately
- Ensure the constituent councils are advised of any material financial developments that affect the authority as soon as practical.

Membership

With the conduct of the Local Government Elections, the term for each of Council's representatives on the Board has now concluded. As such, it is necessary to resolve appropriate re-appointments and in this regard the following is highlighted to assist Council's deliberations:

- The City of Marion's immediate past representatives were:
 - Councillor Carol Bouwens contributing significant experience in waste management after many years being involved with the Authority.
 - Mr Vincent Mifsud (Director) contributing very high level governance and financial management skills and experience to the operations of the Board.
 - Councillor Cheryl Connor (Deputy Representative).
- The Board generally meets on the first Monday of each month. Meetings commence at or after 5.00pm and generally last for 2-3 hours. Additional meetings are also held on a regular basis for planning purposes. In addition to time spent by Members attending Board meetings, approximately 4-6 hours per month are required for meeting preparation.
- The Authority is a significant operating entity with an annual income over \$11 million and an operating surplus of over \$1.28 million (as at 30 June 2014).
- In considering Board nominations, a balance between continuity and renewal is beneficial if possible.
- No fees are paid to Council representatives on the Board of the Authority. As such, there are no financial implications associated with Council's appointment.
- The next meeting of the Board is scheduled (but not confirmed) to take place on 1 December 2014.

Appointment of City of Marion Representatives

There are a number of options available to Council regarding appointments to SRWRA.

Option 1 – 2 Elected Members

Option 2 – 1 Elected Member and 1 Senior Staff Member

Option 3 – 2 Senior Staff Members

On the basis of past experience, Option 2 is recommended to ensure a balance of skills and representation is maintained on the Board. It is further recommended that a deputy be appointed, drawn either from Council or from Administration. Alternatively, 2 deputies may be appointed. If Council wishes to appoint a suitably experienced person as a Deputy from Administration, the Manager Environmental Sustainability would be available to undertake this role.

CONCLUSION:

With the expiration of the previous Board Members' term of office, it is necessary that the Council appoint suitable persons as Board Members for a term not exceeding the term of the Council (November 2018).

LOCAL GOVERNMENT ACT 1999

The Constituent Councils of the Southern Region Waste Resource Authority, a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999, have resolved to amend the Charter. The amended Charter is as follows:

SOUTHERN REGION WASTE RESOURCE AUTHORITY REGIONAL SUBSIDIARY*Charter—2011***1. INTRODUCTION****1.1 Name**

The name of the subsidiary is Southern Region Waste Resource Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

1.2.1 'absolute majority' means a majority of the whole number of the Board members or of the Constituent Councils as the case may be;

1.2.2 'Constituent Councils' means the Councils identified at Clause 1.3 of this Charter;

1.2.3 'Gazette' means the *South Australian Government Gazette*;

1.2.4 'net assets' means total assets (current and non-current) less total liabilities (current and non-current) as reported in the annual audited financial statements of the Authority together with the net present value of the projected future cash inflows net of cash outflows of the remaining useable airspace over the SRWRA Landfill Operation as licensed by the Environment Protection Authority;

1.2.5 'simple majority' means a majority of those present and entitled to vote;

1.2.6 'SRWRA Landfill Operation' means that land which is held by the Authority under certificates of title volume 5822, folio 967; volume 5822, folio 966; volume 5822, folio 965; volume 5299, folio 719; volume 5299, folio 720; volume 5479, folio 871 and volume 5696, folio 771;

1.2.7 'waste' means any or all waste as approved under the Environment Protection Act licence held by the Authority or its contractor.

1.3 Establishment

The Authority is a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999 by the:

1.3.1 City of Marion;

1.3.2 City of Onkaparinga; and

1.3.3 City of Holdfast Bay.

1.4 Local Government Act 1999

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

1.5 Objects and Purposes

1.5.1 The Authority is established to:

1.5.1.1 provide and operate services at a place or places for the management of waste by or on behalf of the Constituent Councils and/or any other approved Councils;

1.5.1.2 undertake anything relevant (including educational programmes and processes) to the management of waste;

1.5.1.3 provide a forum for discussion and/or research for the ongoing improvement of management of waste;

1.5.1.4 undertake management of waste on behalf of the Constituent Councils on a competitive basis;

1.5.1.5 fulfil, on behalf of the Constituent Councils, any ongoing obligation in relation to rehabilitation and monitoring of waste management facilities under its control;

1.5.1.6 develop or facilitate activities or enterprises that result in a beneficial use of waste;

1.5.1.7 be financially self sufficient;

1.5.1.8 develop or facilitate activities or enterprises that result in a beneficial use of the landfill site or infrastructure; and

1.5.1.9 have regard in the performance of its functions to sustainable, environmentally efficient practices with regard to waste management

1.5.2 The Authority must in the performance of its role and functions and in all of its plans, policies, and activities operate in a sustainable manner by giving due weight to economic, social and environmental considerations.

1.6 Powers and Functions of the Authority

The powers and functions of the Authority are to be exercised in the performance of the Authority's Objects and Purposes. The Authority shall have those powers and functions delegated to it by the Constituent Councils from time to time which include but are not limited to:

1.6.1 accumulation of surplus funds for investment purposes;

1.6.2 investment of any of the funds of the Authority in any investment authorised by the Trustee Act 1936, or with the Local Government Finance Authority provided that:

- 1.6.2.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.6.2.2 the Authority must avoid investments that are speculative or hazardous in nature;
 - 1.6.3 distribution of all or any surplus funds and/or making payment of a dividend to the Constituent Councils provided that such distribution or payment will be made to the Constituent Councils in the proportions of their equitable interest in the Authority in accordance with Clause 5.1 of this Charter;
 - 1.6.4 setting aside a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
 - 1.6.5 borrowing money and/or to incurring expenditure in accordance with Clause 1.7 of this Charter;
 - 1.6.6 opening and operating bank accounts;
 - 1.6.7 entering into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any personal property or interests therein;
 - 1.6.8 purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any real property or interests therein, provided that it shall be a condition precedent, that in any such transaction where the Authority will incur a singular or a total liability of \$500 000 or more that the prior written approval of two-thirds of the Constituent Councils is obtained;
 - 1.6.9 employing, engaging or dismissing the Executive Officer of the Authority;
 - 1.6.10 employing, engaging or retaining professional advisers to the Authority;
 - 1.6.11 charging whatever fees the Authority considers appropriate for services rendered to any person, body or Council;
 - 1.6.12 determining the types of waste which shall be received and the method of collection treatment, recycling and disposal of that waste;
 - 1.6.13 undertaking all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste;
 - 1.6.14 pursuing the concept of co-operative regionalism in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible
 - 1.6.15 cause all waste collected by the Authority to be treated, recycled and disposed of in a sanitary and environmentally acceptable way;
 - 1.6.16 providing a forum for the discussion and consideration of topics related to the Constituent Councils' obligations and responsibilities in respect of waste;
 - 1.6.17 adopting and using a trading name provided that the Authority shall first register the trading name with the Office of Consumer and Business Affairs in accordance with the requirements of the Business Names Act 1996;
 - 1.6.18 to commence legal proceedings provided that any legal proceedings seeking urgent relief be the subject of an urgent report to the Constituent Councils by the Executive Officer;
 - 1.6.19 without limiting the Authority's powers and functions, to make submissions to and negotiate with the Federal Government, State Government and other sources of grant funding in relation to the provision and receipt of funding for the Authority; and
 - 1.6.20 anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers and, functions.
- 1.7 Borrowings and Expenditure**
- 1.7.1 The Authority has the power to incur expenditure and/or to borrow money:
 - (a) in accordance with the approved budget of the Authority; or
 - (b) for the purposes of unbudgeted expenditure in accordance with (c) and (d) below; or
 - (c) pursuant to the provisions of subclauses 1.6.8 and 1.7.4 of this Charter; or
 - (d) with the prior approval of two-thirds of the Constituent Councils for amounts which do not exceed 25% of the value of the net assets of the Authority and with the prior approval of all the Constituent Councils for other amounts, which approval must be evidenced by formal resolution of the Councils, or
 - (e) otherwise for genuine emergency or hardship as provided for in the Act.
 - 1.7.2 For the purpose of exercising the powers at Clause 1.7.1 of this Charter the Authority may borrow money from the Local Government Finance Authority or from a registered bank or financial institution within Australia.
 - 1.7.3 For the purposes of Clause 1.7.2 but subject to Clause 1.7.4 of this Charter borrowings of the Authority:
 - (a) must not be used for the purpose of funding operational costs; and
 - (b) where the borrowings are undertaken with the prior approval of the Constituent Councils, must be drawn down within a period of 24 months from the date of approval.
 - 1.7.4 The Authority may operate an overdraft facility or facilities as required provided that the overdrawn balance must not exceed \$100 000 in total without the prior approval of two-thirds of the Constituent Councils.
- 1.8 Delegation by the Authority**
- The Authority may by resolution delegate to the Executive Officer of the Authority any of its powers or functions under this Charter but may not delegate:
- 1.8.1 the power to impose charges;
 - 1.8.2 the power to enter into transactions in excess of \$50 000;
 - 1.8.3 the power to borrow money or obtain any other form of financial accommodation;

- 1.8.4 the power to approve expenditure of money on the works, services or operations of the Authority not set out in a budget approved by the Authority or where required by this Charter approved by the Constituent Councils;
 - 1.8.5 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;
 - 1.8.6 the power to adopt or revise a budget or any financial estimates and reports; and
 - 1.8.7 the power to make any application or recommendation to the Minister.
- A delegation is revocable at will and does not prevent the Board from acting in a matter.

1.9 National Competition Policy

The Authority does not undertake any commercial activities which constitute a significant business activity of the Authority and to which the principles of competitive neutrality must be applied.

2. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by a Board of Management (referred to as 'the Board' in this Charter) which shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

2.1 Functions of the Board

- 2.1.1 The formulation of strategic plans and strategies aimed at improving the business of the Authority.
- 2.1.2 To provide professional input and policy direction to the Authority.
- 2.1.3 Monitoring, overseeing and measuring the performance of the Executive Officer of the Authority.
- 2.1.4 Ensuring that a code of ethical behaviour and integrity is established and implemented in all business dealing of the Authority.
- 2.1.5 Assisting in the development of business plans.
- 2.1.6 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 2.1.7 Observe all plans, targets, structures, systems and practices required or applied to the Authority by the Constituent Councils.
- 2.1.8 Ensure that all information furnished to a Constituent Council is accurate.
- 2.1.9 Ensure that the Constituent Councils are advised, as soon as practicable, of any material development that affects the financial or operating capacity of the Authority or gives rise to the expectation that the Authority may not be able to meet its debts as and when they fall due.

2.2 Membership of the Board

- 2.2.1 The Board shall consist of seven members appointed as follows:
 - 2.2.1.1 two persons appointed by each Constituent Council;
 - 2.2.1.2 one person appointed jointly by the Constituent Councils who is not a member or officer of a Constituent Council but who, in the opinion of the Constituent Councils, has expertise in waste management and/or business.
This person will be chosen from a list of persons circulated to the Constituent Councils and appointed by a panel comprising the Chief Executive Officer (or nominee) and one other person from each Constituent Council.
- 2.2.2 With the exception of the person appointed pursuant to subclause 2.2.1.2, a Board Member shall, subject to this Charter, be appointed for a term not exceeding the term of the Constituent Council and specified in the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.
- 2.2.3 The Constituent Councils may appoint either a specific Deputy for each Board Member appointed pursuant to subclause 2.2.1.1 or, as an alternative, may appoint one non specific Deputy for both such Board Members and a second Deputy to that Deputy. In the absence of a Board Member the specific Deputy or the non specific Deputy will be deemed to be the Board Member for that time or, where a non specific Deputy and second Deputy have been appointed and both Board Members are absent then both Deputies will be deemed to be the Board Members for that time, exercising all of the rights and privileges and being subject to all of the obligations and liabilities of the Board Member(s) during the absence of the Board Member(s).
- 2.2.4 The office of a Board Member will become vacant upon:
 - 2.2.4.1 the death of the Board Member; or
 - 2.2.4.2 the Council providing written notice of termination to the Board Member and the Board; or
 - 2.2.4.3 if the Board Member is an elected member of a Constituent Council upon ceasing to be an elected member; or
 - 2.2.4.4 if the Board Member is an officer of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her; or
 - 2.2.4.5 upon the Board Member providing his/her resignation in writing to one or more of the Constituent Councils; or
 - 2.2.4.6 upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board; or
 - 2.2.4.7 upon the Board Member becoming a bankrupt or applying for the benefit of a law for the relief of insolvent debtors; or

- 2.2.4.8 if the Board Member has been appointed pursuant to subclause 2.2.1.1, upon the Constituent Council withdrawing from the Authority.
- 2.2.5 The Board may by a two-thirds majority vote of the Board Members present (excluding the Board Member subject to this subclause 2.2.5) make a recommendation to the relevant Constituent Council requesting the Constituent Council to terminate the appointment of a Board Member that it has appointed under subclause 2.2.1.1 or to all of the Constituent Councils to terminate the appointment of the Board Member appointed under subclause 2.2.1.2 for:
- 2.2.5.1 any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
- 2.2.5.2 serious neglect of duty in attending to his/her responsibilities as a Board Member;
- 2.2.5.3 breach of fiduciary duty to the Authority or the Constituent Council(s);
- 2.2.5.4 breach of the duty of confidentiality to the Authority and/or the Constituent Council(s);
- 2.2.5.5 breach of the conflict of interest provisions; or
- 2.2.5.6 any other behaviour which may discredit the Authority.
- 2.2.6 A Board Member may be removed from office as a Board Member prior to the expiration of a term of appointment only in accordance with the following:
- 2.2.6.1 a Board Member appointed by a Constituent Council pursuant to subclause 2.2.1.1, by resolution of the Constituent Council which originally appointed the Board Member; and
- 2.2.6.2 the Board Member appointed jointly by the Constituent Councils pursuant to subclause 2.2.1.2 by a joint resolution being a resolution passed by each of the Constituent Councils.
- 2.2.7 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment. The person appointed to the Board to fill a casual vacancy will be appointed for the balance of the term of the original appointment.
- 2.2.8 The Board Member appointed pursuant to subclause 2.2.1.2 shall be eligible for such allowance from the funds of the Authority as the Board shall determine from time to time.
- 2.3 Propriety of Members of the Board**
- 2.3.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a Council.
(See Chapter 5, Part 4, Division 3 of the Act for conflict of interest provisions)
- 2.3.2 The Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.3 The Independent Chair be required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 2.3.4 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.
- 2.4 Chair of the Board**
- 2.4.1 The Chair of the Board shall be the person appointed pursuant to subclause 2.2.1.2, who shall hold office for a term of three years, unless he/she resigns or is removed from office pursuant to subclause 2.2.5 or is otherwise no longer eligible to act as a Board Member.
- 2.4.2 The Chair is eligible for re-appointment at the expiration of the term of office.
- 2.4.3 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that persons term, the Board shall elect from amongst the other Board Members a new Chair who shall hold office until a further appointment is made pursuant to subclause 2.2.1.2 whereupon the person so appointed will hold office for the duration of the original appointment.
- 2.4.4 The Board may choose a person appointed pursuant to subclause 2.2.1.1 to be the Deputy Chair of the Board for a term determined by the Board.
- 2.4.5 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent from a meeting the Board Members present shall appoint a person from amongst them, who shall preside for that meeting or until the Chair or the Deputy Chair is present.
- 2.5 Meetings of the Board**
- 2.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of all meetings of the Board.
- 2.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Executive Officer of the Authority from time to time. There shall be at least six ordinary meeting of the Board held in each financial year. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all of the Board Members present at the meeting which determines the issue.
- 2.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.

- 2.5.4 For the purposes of this subclause, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 2.5.5 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 2.5.6 Notice of ordinary meetings of the Board must be given by the Executive Officer to each Board Member not less than three clear days prior to the holding of the meeting.
- 2.5.7 Notice of any meeting of the Board must:
- (a) be in writing; and
 - (b) set out the date, time and place of the meeting; and
 - (c) be signed by the Executive Officer; and
 - (d) contain, or be accompanied by, the agenda for the meeting; and
 - (e) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- All documents or reports delivered to Board Members in accordance with this subclause are confidential unless indicated otherwise.
- 2.5.8 The Executive Officer must maintain a record of all notices of meetings given under subclause 2.5.7 to Board Members.
- 2.5.9 Notice under subclause 2.5.7 may be given to a Board Member:
- (a) personally; or
 - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
 - (c) by leaving the notice for a Board Member appointed under subclause 2.2.1.1 at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or
 - (d) by a means authorised in writing by the Board Member as being an available means of giving notice.
- 2.5.10 A notice that is not given in accordance with subclause 2.5.9 will be taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with the subclause and takes action that the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the Board Member's attention.
- 2.5.11 Any Constituent Council or Board Member may by delivering a written request to the Executive Officer of the Authority require a special meeting of the Board to be held. The request will only be valid if it is accompanied by the agenda for the special meeting. On receipt of the request the Executive Officer shall send a notice of the special meeting to all Board Members at least 24 hours prior to the commencement of the special meeting. Such notice shall comply with subclauses 2.5.7 and 2.5.9 of this Charter.
- 2.5.12 The quorum for any meeting of the Board is a simple majority of the number of members in office.
- 2.5.13 Every Board Member, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of votes have a casting vote.
- 2.5.14 All matters will be decided by a simple majority of votes of the Board Members present except where this Charter provides otherwise. In the event of an equality of votes the matter will lapse.
- 2.5.15 Subject to subclause 2.3.1, all Board Members present at a meeting shall vote.
- 2.5.16 Any meeting of the Board may be adjourned from time to time and from place to place.
- 2.5.17 Subject to Clause 2.6 and to the absolute discretion of the Board to conduct any meeting or part of any meeting in public, meetings of the Board will not be conducted in a place open to the public.
- 2.5.18 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board.
- 2.5.19 If the Executive Officer is excluded from attendance at a meeting of the Board, the person presiding at the meeting shall cause the minutes to be kept.
- 2.5.20 Each Board Member must be supplied with a copy of all minutes of the proceedings of a meeting within five days of the meeting.
- 2.5.21 All documents presented to, received at or derived from a Board Meeting, including but not limited to:
- minutes of a Board Meeting;
 - reports to the Board received at a meeting of the Board; and
 - recommendations presented to the Board in writing and adopted by resolution of the Board.

will remain confidential and not available for public inspection unless the Board otherwise resolves.

2.5.22 Prior to the conclusion of each meeting of the Board, the Board must identify which agenda items considered by the Board at that meeting will be the subject of an information report to the Constituent Councils.

2.5.23 Subject to this Charter and to any direction of the Constituent Councils the Board may determine its own procedures.

2.6 Annual General Meeting

2.6.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.

2.6.2 In addition to the requirements of subclause 2.5.6 of this Charter, notice of the Annual General Meeting will also be given by:

- (a) placing a copy of the notice and agenda on public display at the principal office of the Authority and of each Constituent Council;
- (b) by giving notice in newspapers which circulate in the areas of the Constituent Councils;
- (c) in such other manner as the Executive Officer considers appropriate taking into account:
 - (i) the characteristics of the community and area of the Constituent Councils; and
 - (ii) the best ways to bring notice of the Annual General Meeting to the attention of the public; and
 - (iii) such other matters as the Executive Officer thinks fit.

2.6.3 The notice and agenda must be placed on public display at least 14 clear days before the Annual General Meeting and must be available to the public:

- (a) for inspection, without charge;
- (b) by way of a copy, upon payment of a fee fixed by the Authority, and must be kept on public display until the completion of the Annual General Meeting.

2.6.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.

2.6.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Authority over the immediately preceding financial year and shall include the following:

- (a) Chair's report;
- (b) Executive Officer's report;
- (c) the annual budget for the ensuing financial year;
- (d) the audited financial statements for the previous financial year;
- (e) any other general business determined by the Board to be considered at the Annual General Meeting.

2.6.6 The minutes of the Annual General Meeting must, in addition to the requirements of subclause 2.5.20 be available to the public within five days of the Meeting for inspection or by provision of a copy upon payment of a fee fixed by the Board.

3. STAFFING ISSUES

3.1 The Board must appoint an Executive Officer of the Authority to manage the business of the Board on terms agreed between the Executive Officer and the Board. The Executive Officer may be a natural person or a body corporate.

3.2 The Executive Officer shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.

3.3 In the absence of the Executive Officer for any period exceeding two weeks a suitable person to act in the position of Executive Officer of the Authority must be appointed by the Board.

3.4 The Board shall delegate responsibility for the day to day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.

3.5 The functions of the Executive Officer shall be specified in the terms and conditions of appointment and shall include but are not limited to:

- 3.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
- 3.5.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
- 3.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;
- 3.5.4 appointing, managing, suspending and dismissing other employees of the Authority;
- 3.5.5 determining the conditions of employment of employees of the Authority, within budgetary constraints set by the Board;
- 3.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
- 3.5.7 ensuring that the Authority is at all times complying with Schedule 2 to the Act and all other relevant statutory obligations;
- 3.5.8 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
- 3.5.9 ensuring that the assets and resources of the Authority are properly managed and maintained;

- 3.5.10 ensuring that records required under the Act or any other legislation are properly kept and maintained;
- 3.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Board;
- 3.5.12 achieving financial outcomes in accordance with adopted plans and budgets of the Authority;
- 3.5.13 inviting any person to attend at a meeting of the Board to act in an advisory capacity; and
- 3.5.14 providing reports to the Constituent Councils in accordance with subclause 2.5.22.
- 3.6 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 3.7 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 3.8 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 3.9 The Executive Officer and any other officer declared by the Board to be subject to this provision is required to comply with Division 2 of Part 4 of Chapter 7 (Register of Interests) of the Act. Section 118 (Inspection of Register) of the Act and Section 119 (Restrictions on disclosure) of the Act will apply.

4. MANAGEMENT

4.1 Financial Management

- 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
- 4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
- 4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 4.1.4 All cheques must be signed by two persons authorised by resolution of the Board.
- 4.1.5 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior written approval of the Auditor.

The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.

4.2 Audit

- 4.2.1 The Authority shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 2011, on terms and conditions set by the Board.
- 4.2.2 The Auditor will have the same powers and responsibilities as set out in the Local Government Act 1999, in relation to a Council.
- 4.2.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.
- 4.2.4 The books of account and financial statements shall be audited at least once per year.
- 4.2.5 The Authority is required to establish an audit committee.

4.3 Business Plan

The Authority shall:

- 4.3.1 prepare a three year Business Plan linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period; and
 - 4.3.2 review the Business Plan annually; and
 - 4.3.3 consult with the Constituent Councils prior to adopting or amending the Business Plan.
- (See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)*

4.4 Annual Budget

- 4.4.1 The Authority shall, after 31 May but before the end of June in each financial year, prepare and adopt an annual budget for the ensuing financial year in accordance with the Local Government Act 1999.
- 4.4.2 The proposed annual budget must be referred to Constituent Councils at the same time as the Executive Officer submits it to the Board Members.
- 4.4.3 A Constituent Council may comment in writing to the Executive Officer on the budget at least three business days before the meeting at which it will be considered by the Board or, alternatively, may comment through its Board Member at the meeting of the Board.
- 4.4.4 The Authority must provide a copy of its annual budget to the Constituent Councils within five business days after adoption by the Board.
- 4.4.5 Reports summarising the financial position and performance of the Authority against the annual budget shall be prepared and presented to the Board every three calendar months and copies provided to the Constituent Councils within five days of the Board meeting to which they have been presented.

(See Clause 25, Part 2, Schedule 2 to the Act and Regulations 7, 8 and 9 to the Local Government (Financial Management) Regulations 2011 for the contents of the budget)

4.5 Reporting

- 4.5.1 The Authority must submit to the Constituent Councils by 30 September in each year in respect of the immediately preceding financial year, a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.
- 4.5.2 The Board shall present a balance sheet and full financial report to the Constituent Councils at the end of each financial year.
- 4.5.3 The Board shall present audited financial statements to the Constituent Councils in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.

5. MISCELLANEOUS**5.1 Equitable Interest**

- 5.1.1 Subject to subclause 5.1.2 the equitable interest of the Constituent Councils in the Authority is agreed as follows:
 - (a) City of Holdfast Bay: 15%.
 - (b) City of Marion: 30%.
 - (c) City of Onkaparinga: 55%.
- 5.1.2 The equitable interest of the Constituent Councils in the Authority as set out at subclause 5.1.1 may be varied by agreement of the Constituent Councils and will be varied where a new Constituent Council or Councils is admitted pursuant to Clause 5.3.

5.2 Withdrawal

- 5.2.1 A Constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Local Government Act and this Charter.
- 5.2.2 A Constituent Council which intends to withdraw from the Authority shall give to the Board and the other Constituent Councils written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of 24 months notice expiring on 30 June of the relevant financial year.
- 5.2.3 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of the financial year in which such withdrawal occurs.
- 5.2.4 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after such withdrawal in respect of any act or omission by the Authority prior to such withdrawal.
- 5.2.5 Payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the financial year following 30 June of the year in which the withdrawal occurs unless there is common agreement of alternative payment arrangements by the Constituent Councils.

5.3 New Members

Subject to the provisions of the Act, this Charter may be amended by the unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership.

5.4 Insurance and Superannuation Requirements

- 5.4.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.
- 5.4.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 5.4.3 If the Authority employs any person it shall register with the Local Government Superannuation Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.

5.5 Winding Up and Statutory Guarantee

- 5.5.1 The Authority may be wound up by unanimous resolution of the Constituent Councils and with the consent of the Minister.
- 5.5.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or become the responsibility of the Constituent Councils in the proportions of their equitable interest in the Authority in accordance with Clause 5.1.
- 5.5.3 If there are insufficient funds to pay all expenses due by the Authority on winding up (or at any other time there are unfunded liabilities which the Authority cannot meet), a call shall be made upon all of the Constituent Councils in proportion to their equity share for the purpose of satisfying their statutory guarantee of the liabilities of the Authority.

5.6 Direction by Constituent Councils

- 5.6.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 5.6.2 Provided that all of the Constituent Councils have first agreed as to the action to be taken, the Constituent Councils may direct and control the Authority.

- 5.6.3 For the purpose of this Clause, any decision of the Constituent Councils under subclause 5.6.1 and/or direction given or control exercised by the Constituent Councils must be given in writing to the Executive Officer of the Authority.
- 5.7 **Review of Charter**
- 5.7.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.
- 5.7.2 This Charter may be amended by unanimous agreement expressed by resolution of the Constituent Councils.
- 5.7.3 The Executive Officer must ensure that the amended Charter is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.
- 5.8 **Disputes Between Constituent Councils**
- 5.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 5.8.2 Where the Constituent Councils are unable to resolve a matter within 28 days of the matter being presented to them, the matter will be referred for arbitration by the President (or his/her nominee) of the Institute of Arbitration.
- 5.8.3 Notwithstanding subclause 5.8.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
- 5.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.
- 5.9 **Committees**
- 5.9.1 The Board may establish a committee comprised of any persons for the purpose of enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee.
- 5.9.2 The Board may establish a committee comprised only of Board Members for the purpose of exercising, performing or discharging delegated powers, functions or duties.
- 5.9.3 A member of a committee established under this Clause holds office at the pleasure of the Board.
- 5.9.4 The Chair of the Board is an *ex-officio* a member of any committee established by the Board.
- 5.10 **Common Seal**
- 5.10.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Members or where authority has been conferred by instrument executed under the common seal of the Authority, by the Chair of the Board and the Executive Officer.
- 5.10.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.
- 5.10.3 The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.
- 5.10.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.
- 5.11 **Circumstances Not Provided For**
- If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Board has the power to consider the circumstance and determine the action to be taken.

NICK BROWN, Executive Officer

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Originating Officer: David Harman, Financial Accountant
Director: Vincent Mifsud
Subject: Finance Report – October 2014
Report Reference: GC251114R11

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at October 2014. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. Financial information regarding Major Projects will also be summarised in the quarterly Major Project reports. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole Of Life Cost is greater than \$4 million dollars (including grant assisted projects).
- Has a project life of more than 12 months.

According to the above criteria, the Cove Civic Centre and the City Services Redevelopment projects qualify and are included in Section 2 of this report.

RECOMMENDATIONS (1)

DUE DATES

That Council:

1. Receive the report “Finance Report – October 2014”.

25 November 2014

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance.

DISCUSSION:

Appendix 1 contains a financial report to identify Council's performance against budget utilising a "Funding Statement". It provides a review against all of the elements contained within an Income Statement and Statement of Financial Position that are adopted as part of the Annual Budget Report.

The following reports are included:

(1) Major Projects

Section 48 approved Projects

- (a) Cove Civic Centre (CCC)
- (b) City Services Redevelopment

(2) Funding Statement – Actual versus Budget (Appendix 1)

(1) Major Projects**(a) Cove Civic Centre**

	2014/15 Actual + Committ YTD 31/10/2014	2014/15 Budget	Project Cost At Completion
Income			
Federal Budget Grant 2011-12 Contribution			3,400,000
Total Income			3,400,000
Expenditure			
Operating	-	-	-
Capital Construction	(990,295)	(8,836,212)	(13,400,000)
Total Expenditure	(990,295)	(8,836,212)	(13,400,000)
Project Result Surplus/(Deficit)	(990,295)	(8,836,212)	(10,000,000)

The net deficit forecast will be funded in the following manner:

Funded By :	\$
(Over Project Life)	
Fixed Term Loan	10,000,000
	10,000,000

Construction of the Cove Civic Centre was originally forecast to commence in 2010/11 and is now included in the current Long Term Financial Plan to take place over the 2013/14 and 2014/15 financial years. On the 14 February 2012 (GC140212R02) Council resolved to support a design-led approach to provide greater certainty regarding design and project costs.

The Federal Budget announcement on the 8 May 2012 advised that the Government would provide \$3.4 million which was received in June 2012 as a contribution to the Cove Civic Centre. At the 13 November 2012 Council Meeting, a Section 48 Prudential report (GC131112R01) was considered and adopted by Council.

Operating costs from the existing Hallett Cove Library will be transferred and additional net annual operating costs beyond 2013/14 will be required for this Community Facility. This is now incorporated in the current Long Term Financial Plan as outlined in the Section 48 Prudential Report.

(b) City Services Redevelopment

	2014/15 Actual + Committ YTD 31/10/2014	2014/15 Budget	Project Cost At Completion
Income			
Total Income			-
Expenditure			
Operating	-	-	-
Capital Construction	(162,872)	(7,836,623)	(14,332,000)
Total Expenditure	(162,872)	(7,836,623)	(14,332,000)
Project Result Surplus/(Deficit)	(162,872)	(7,836,623)	(14,332,000)

The net deficit forecast will be funded in the following manner:

Funded By :	\$
(Over Project Life)	
Operating Revenue	1,732,000
Fixed Term Loan	12,600,000
	14,332,000

The City Services Redevelopment design work commenced in 2011/12, with tendering for the project commencing in March 2014. Following the completion of the tender process, Council have unanimously approved the awarding of the construction contract for the redevelopment to Badge Constructions, with work expected to be completed late 2015 (SGC190814F01).

On the 11 February 2014 (GC110214R04) Council approved the change in allocated funding for this project of up to \$14.332m.

On the 25 March 2014 (GC250314R001) Council approved loan funding of up to \$12.6m to be taken out for this project. Council has also agreed that it will consider a report on the timing and methodology for disposal of any surplus land following completion of the project.

INTERNAL ANALYSIS

Financial Implications:

This report is an information report only and has no direct financial implications.

CONCLUSION:

The main monthly reporting focus is to report the “Actual versus Budget” position to enable regular monitoring of Council’s financial performance. Major Projects require regular reporting and monitoring by Council to ensure prudent financial management is maintained.

Appendix 1 : Funding Statement & Graphs – Actual versus Budget.

(2) Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within an Income Statement and Balance Sheet that are adopted as part of the Annual Budget Report. It details Council's:

Income Statement - The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to maintaining a Category 3 Financial Sustainability rating, on average over each five year period, which for 2014/15 means a targeted operating surplus of between \$0 and \$3.274m.

Comment: Council has a net surplus result of \$3.129m before capital revenues, against a year end forecast from Budget of \$1.932m surplus.

Capital Budget - The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The year to date actual to budget position reveals that 20.8% of the full year financial Capital Budget has been spent or committed. The actual progress to date of Capital Expenditure programs is detailed in the attached graphs.

Loans - The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: New borrowings of \$10.465m for Cove Civic Centre and for the City Services Redevelopment, are included in the 2014/15 budget as part of Council's Major Projects. Principal repayments of \$1.417m mean that the overall loan liability balance is due to increase by \$9.048m.

Reserves & Cash - Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Major movements in Net Transfers from Reserve of \$15.776m include the following:

Transfers from Reserve

Grants & Carryovers Reserve	\$ 15,669k
Asset Sustainability Reserve	\$ 140k

Transfers to Reserve

Open Space Development Contribution and Interest	(\$ 33k)
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A net cash deficit of \$2.276m is forecast to occur in 2014/15 which relates to uncompleted projects retimed and fully funded from 2013/14.

Funding Statement

As At 31 October 2014

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	Operating Revenue						
67,051	Rates	22,866	23,372	(506)	U	67,051	A
1,803	Statutory Charges	741	864	(123)	U	1,803	B
1,717	User Charges	391	470	(79)	U	1,717	
5,667	Operating Grants & Subsidies	1,921	1,512	409	F	5,667	C
560	Investment Income	229	140	89	F	560	
910	Reimbursements	176	311	(135)	U	910	D
399	Other	421	119	302	F	399	E
246	Net gain - SRWRA	30	-	30	F	246	
78,353		26,775	26,788	(13)	U	78,353	
	Operating Expenses						
32,777	Employee Costs	8,804	10,917	2,113	F	32,777	F
16,293	Contractual Services	6,504	5,603	(901)	U	17,967	G
5,086	Materials	1,468	1,743	275	F	5,136	H
770	Finance Charges	(31)	(31)	-	-	770	
12,958	Depreciation	4,360	4,305	(55)	U	12,958	
6,726	Other	2,541	2,611	70	F	6,813	
74,610		23,646	25,148	1,502	F	76,421	
3,743	Operating Surplus/(Deficit) before Capital Revenues	3,129	1,640	1,489	F	1,932	
	Capital Revenue						
657	Capital Grants & Subsidies	629	657	(28)	U	657	
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	97	-	97	F	-	
2,157		726	657	69	F	2,157	
5,900	Net Surplus/(Deficit) resulting from operations	3,855	2,297	1,558	F	4,089	
12,958	add Depreciation	4,360	4,305	(55)		12,958	
(246)	less Share of Profit SRWRA (excluding dividend)	-	-	-		(246)	
18,612	Funding available for Capital Investment	8,215	6,602	(1,613)	F	16,801	
	Capital						
13,914	less Capital Expenditure - Renewal	5,649	4,748	(901)	U	19,745	I
14,516	less Capital Expenditure - New	3,159	7,793	4,634	F	22,656	J
1,500	less Capital - contributed assets	-	-	-	U	1,500	
(11,318)	Net Overall lending/(borrowing)	(593)	(5,939)	5,346	F	(27,100)	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
Funded by;						
Loans						
12,628	Loan Principal Receipts (Net)	-	-	-	-	10,465
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	-
1,417	less Loan Principal Repayments	146	146	-	-	1,417
11,211	Loan Funding (Net)	(146)	(146)	-	-	9,048
Movement in level of cash, investments and accruals						
-	Cash Surplus/(Deficit) funding requirements	15,070	9,721	5,349		(2,276)
107	less Reserves (Net)	15,809	15,806	3		15,776
(107)	Cash/Investments/Accruals Funding	(739)	(6,085)	5,346		(18,052)
11,318	Funding Transactions	593	5,939	(5,346)	F	27,100 K

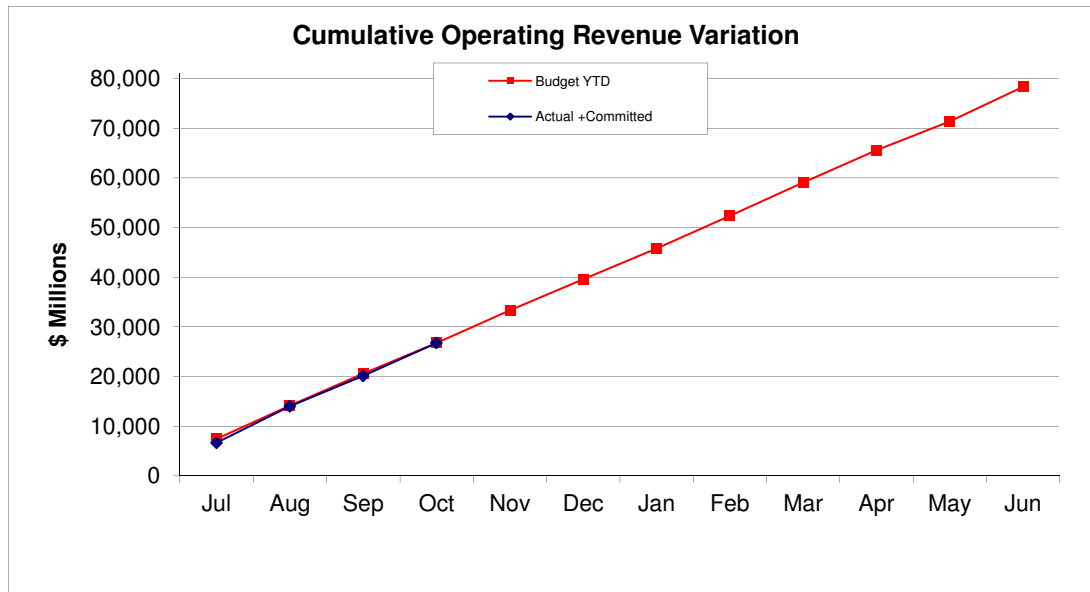
Variation Notes

A	Rates	Unfavourable \$506k	Reflects budget timing variances in relation to rate rebates that are applied at the start of the year which will be adjusted as part of the first budget review.
B	Statutory Charges	Unfavourable \$123k	Predominantly relates to lower than expected revenue in the first quarter from parking fines.
C	Operating Grants & Subsidies	Favourable \$409k	Predominantly relates to quarterly HACC grant payment timing vs budget (\$372k) which will be adjusted as part of the first budget review.
D	Reimbursements	Unfavourable \$135k	Relates to a number of variances none of which is individually significant.
E	Other Revenue	Favourable \$302k	Relates to contributions received from Cove Sports, Mitchell Park Sports and Edwardstown Sporting Club to be used for Council approved capital works.
F	Employee Costs	Favourable \$2,113k	Predominantly reflects budget timing variances arising from the way pay weeks fall and the existence of some temporary vacant positions resulting from the implementation of Council's Vacancy Management Policy. These items will be adjusted as part of the first budget review.
G	Contractual Services	Unfavourable \$901k	Predominantly reflects monthly budget timing variations relating to annual maintenance agreements (\$396k), and cleaning (\$457k).
H	Materials	Favourable \$275k	Predominantly reflects budget timing variations in regards to water charges (\$87k), electricity (\$74k).
I	Capital Expenditure (Renewal)	Unfavourable \$901k	Predominantly reflects budget timing variations in regards to Road Reseals.
J	Capital Expenditure (New)	Favourable \$4,634k	Predominantly reflects budget timing variations in regards to the Cove Civic Centre (\$3,710k), drainage construction (\$270k), Railway Terrace Streetscape (\$205k), City Services Redevelopment (\$191k), and Footpath construction (\$167k).
K	Funding Transactions	Favourable \$5,346k	The increase in cash/investments/accruals funding is attributable to the corresponding net overall lending/(borrowing) position.

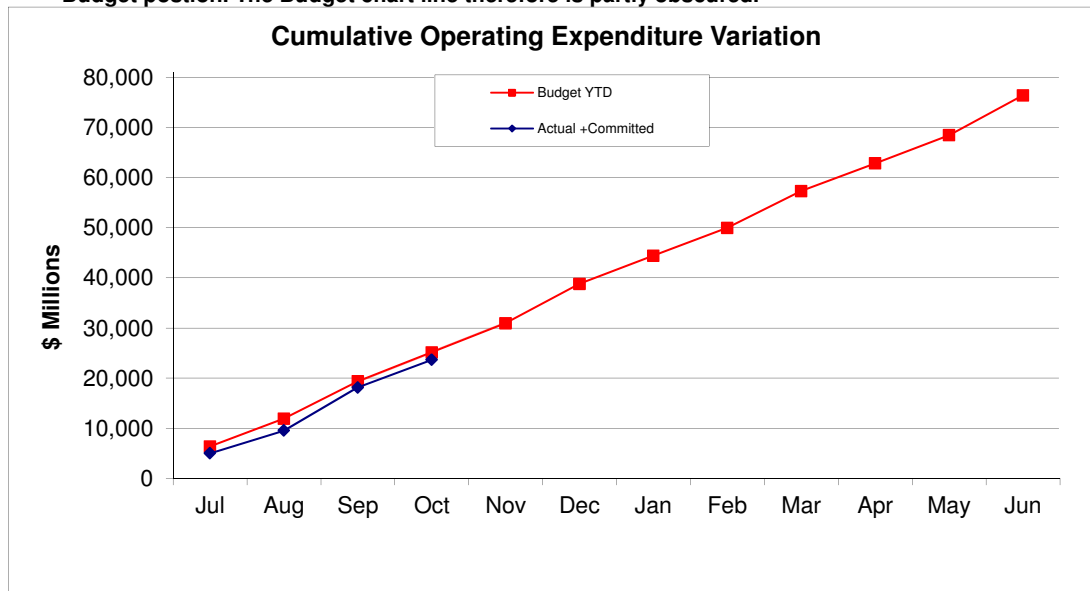
The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

Note: The progress to date of Capital Expenditure programs (New and Renewal) is detailed in the attached graphs, noting that where no budget exists in the initial months this is primarily due to certain types of capital works that cannot be carried out during periods of inclement weather.

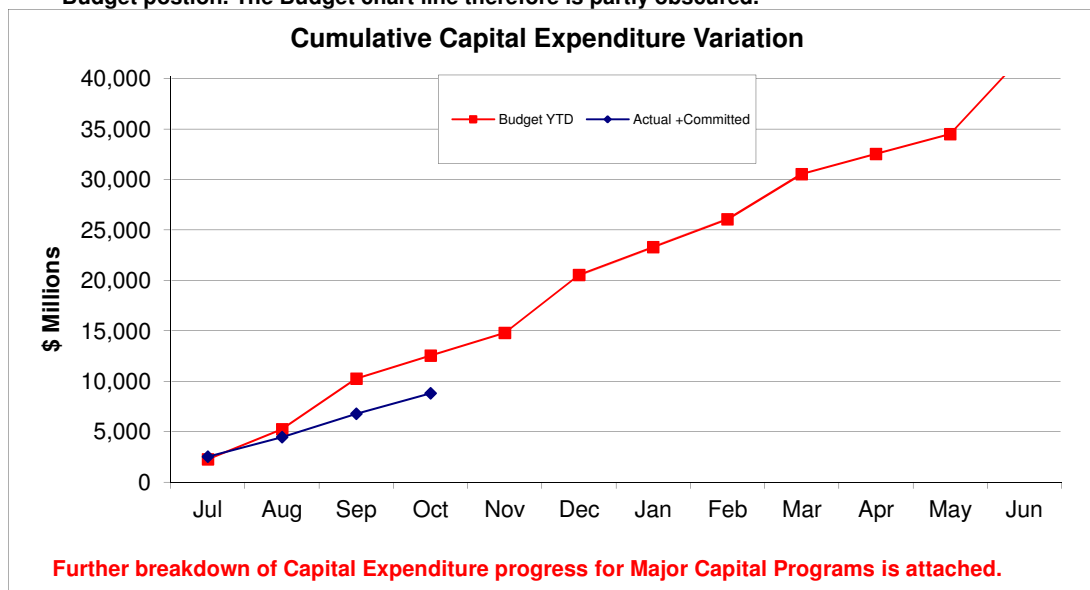
Funding Statement Cumulative Position - 2014/15

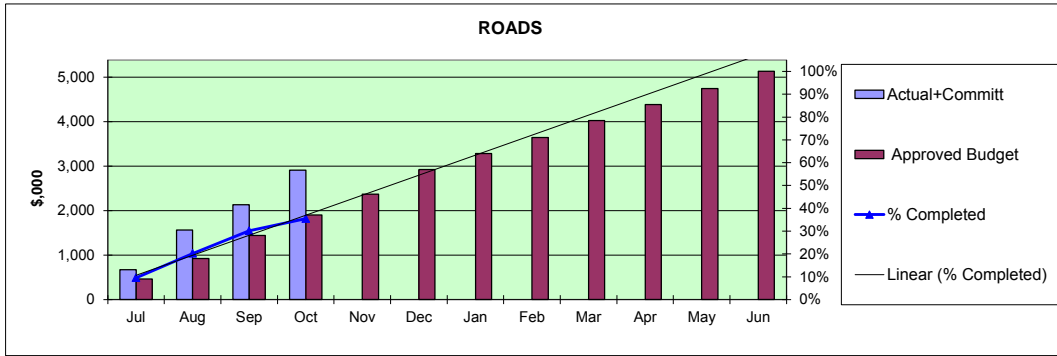


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

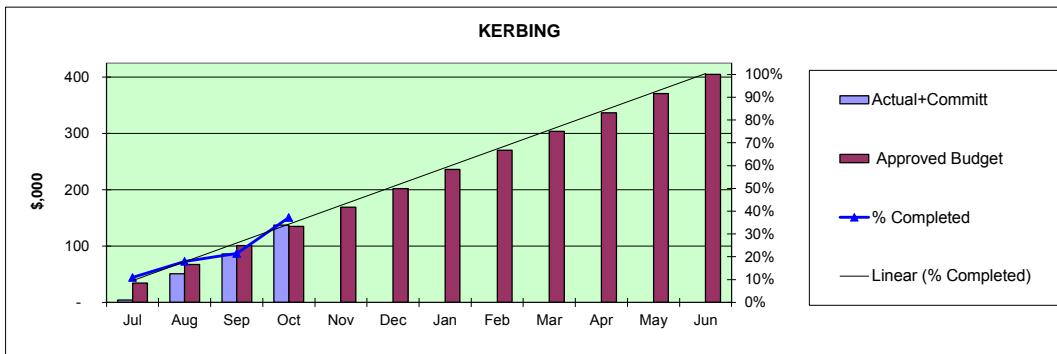


Note - The Year to Date Actual + Committed position result is accurately aligned to the Year to Date Budget position. The Budget chart line therefore is partly obscured.

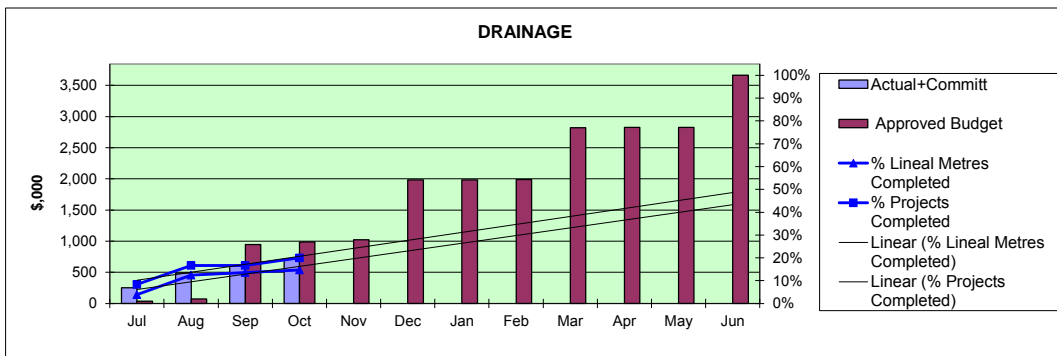




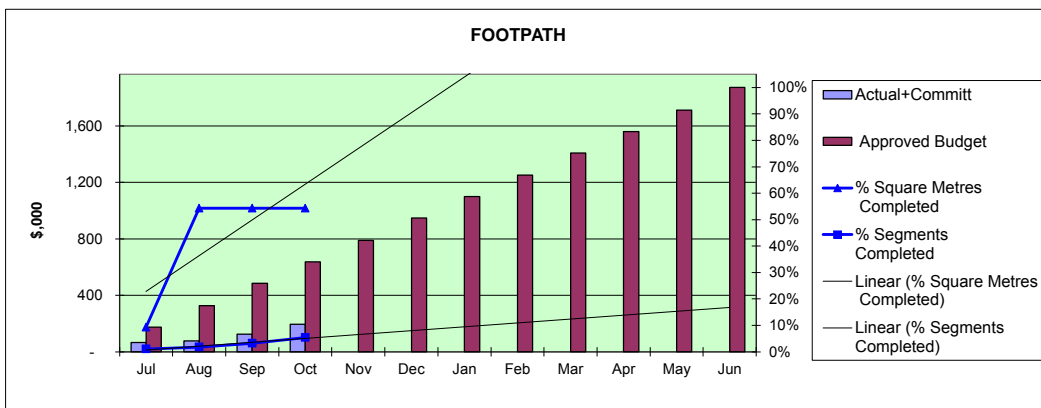
• Road seal program in progress, 35% completed.



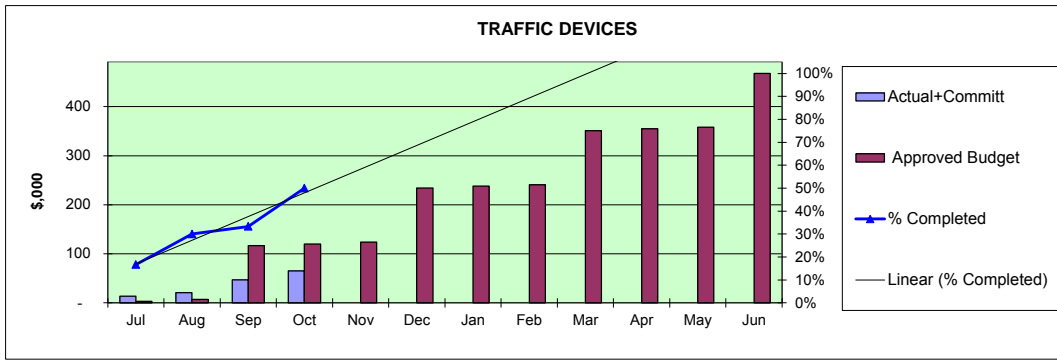
• Kerb program in progress, 37% completed.



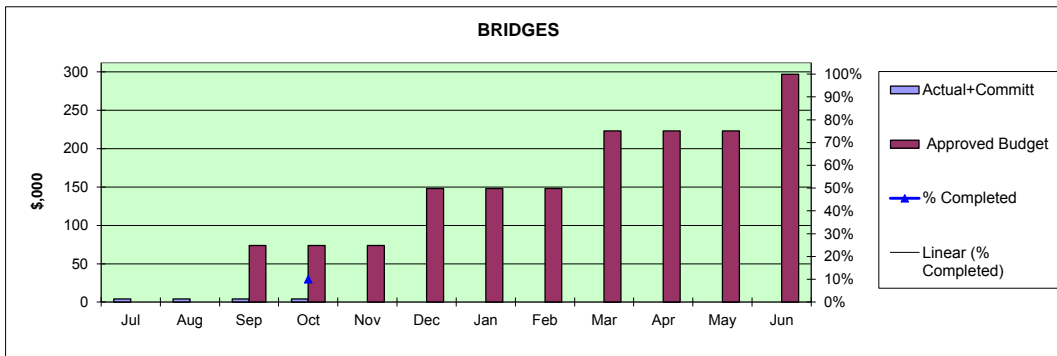
• Ramrod Ave drain, Ragamuffin Ave, Coolah Ave box drain, Graham Road SEP in progress.
• Waterfall Creek retention structures completed.



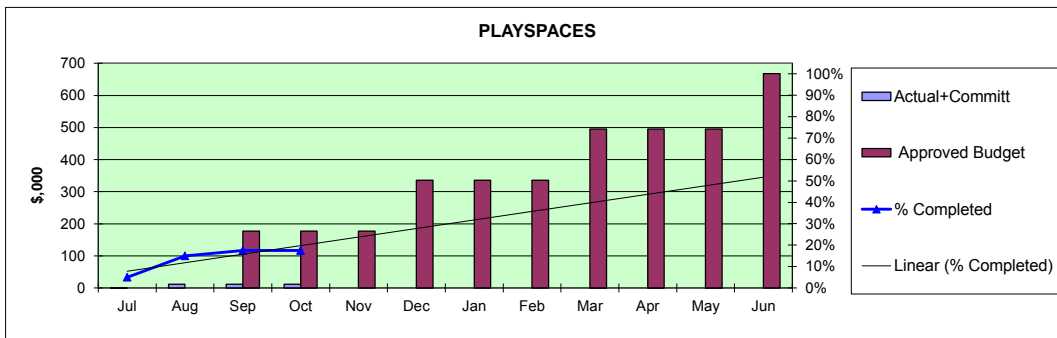
• Footpath construction in progress, 54% completed.
• Proactive works in progress, 5% completed.



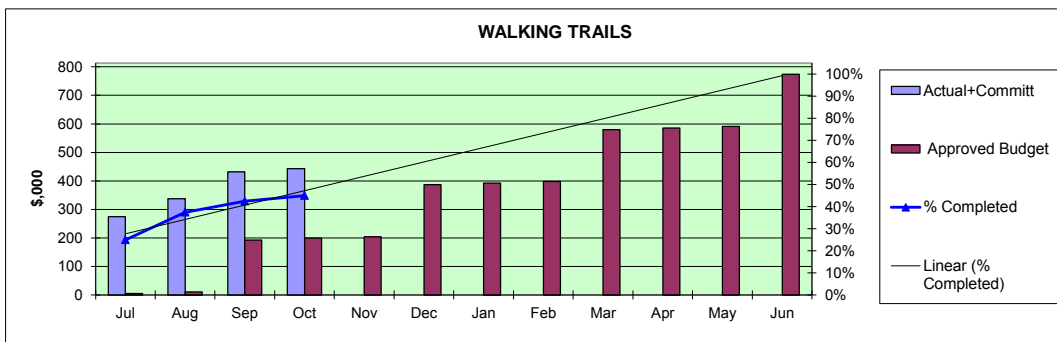
- Traffic Devices program 50% completed.
- Trott Grove parking bay, Towers Tce parking bay, Quailo Ave parking bay completed.
- Nottingham Tce parking bay, Hazel Street Park and Ride and Railway Tce Greenway in progress.



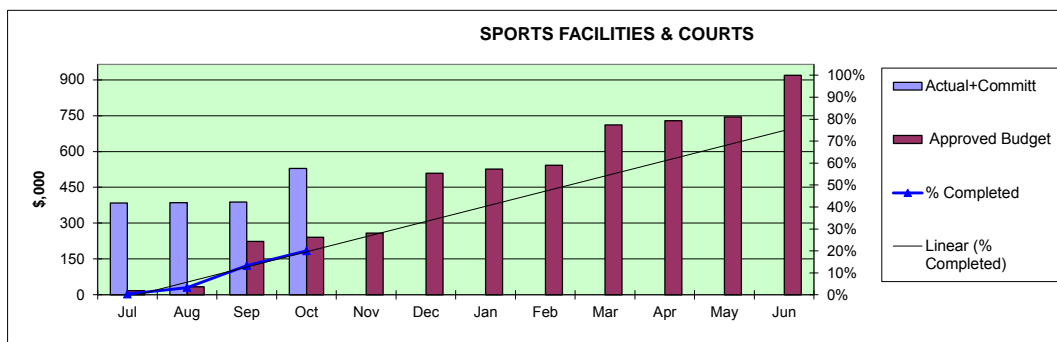
- Construction of Gannett Court bridge contract awarded, works will commence in November.



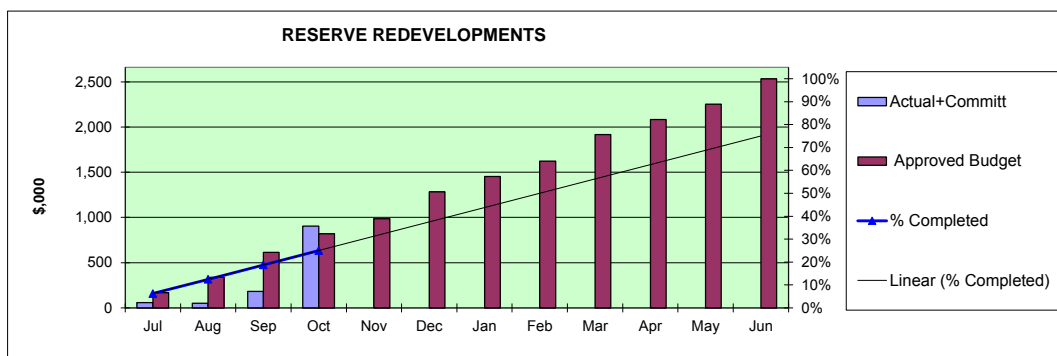
- Playspace program 18% completed.
- Plympton Oval upgrade and Edwardstown Oval upgrade consultation complete.
- York Street Reserve completed.



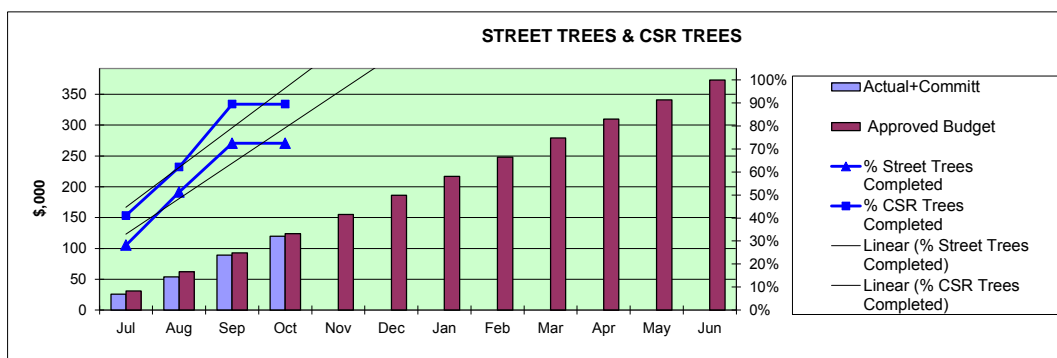
- Walking Trail program 45% completed.
- Sturt Linear Park Stage 1 completed.
- Sturt Linear Park Stage 2 and Linear Park (Barramundi) in progress.



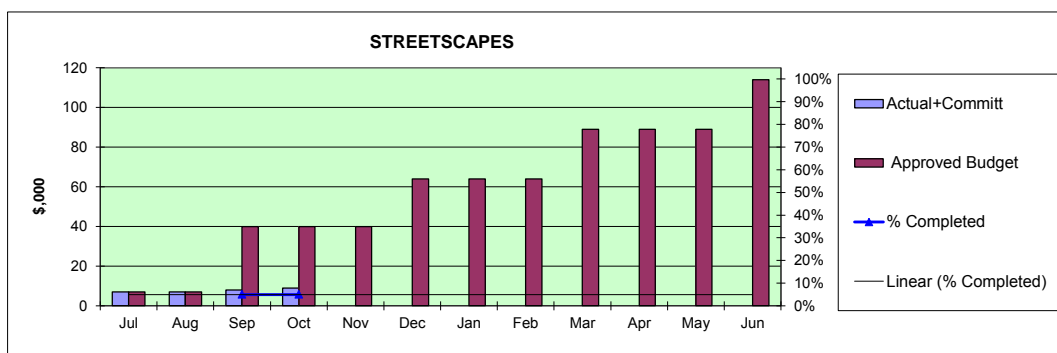
- Sports Facilities & Courts Program 20% completed.
- Mitchell Park Oval, lighting completed fitness equipment design in progress.
- Edwardstown Multipurpose Courts consultation completed, concept design in progress.
- Cove Sports tender for changerooms and light towers completed.



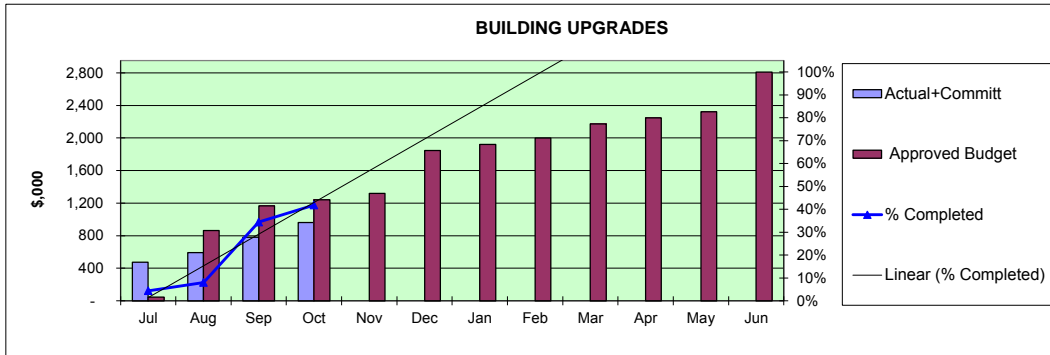
- Reserve Redevelopments program 25% completed.
- Oaklands Recreation Plaza tender awarded - construction commenced, 5% complete.
- Hallett Cove Beach Stage 1 tender awarded, works to commence in November.
- Oaklands Reserve Inclusive Playspace concept and Jervois Street Reserve designs commenced.



- CSR Tree Planting Program 89% completed.
- Street Tree Planting Program 72% completed.
- Planting program will recommence in April / May 2015 depending on weather.



- Streetscape program civil construction / open space planning in progress.
- Works expected to commence early 2015.



- Building Upgrade program 42% completed.

Completed

- Marion Golf Park asbestos removal.
- Outdoor Pool pipework replacement, tiling and water slide.
- DDA Clovelly Park Tennis Club.
- DDA Southbank Tennis Club.
- Glandore Community Centre Clark building lighting.
- Edwardstown Rotary Club carpark.

In Progress

- Marion Golf Park water tank.
- Glandore Community Buildings Fitzjames windows, Slade carpet and Malwa airconditioning.
- Cooinda veranda, painting and doors.
- Outdoor Pool sign replacement.
- Tjilbruke Gateway renewal.
- Abbeyfield House switchboard upgrade.
- MCC security system and cameras.
- Plympton Sports firewall.
- Hallet Cove Sports Club DDA upgrade.
- Seacombe Heights Tennis Club retaining wall.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Director: Mark Searle, Chief Executive Officer
Heather Montgomerie
Kathy Jarrett
Vincent Mifsud

Subject: Strategic Activities as at 25 November 2014

Report Reference: GC251114R12

REPORT OBJECTIVES:



The six themes of the City of Marion's Community Plan are all interconnected, contributing to wellbeing.

The themes represent the shared values and aspirations of our community, and guide how our city develops in line with the Community's Vision.

With this as our guide, Council's decisions and actions are all aligned to ensure they support these aspirations.

The purpose of this report is to provide an update on strategic activities undertaken by the CEO and Directors during the month that progress our leadership in contributing to the wellbeing of our City.

A copy of the Council resolutions progress report has also been updated and is available on the Elected Member Extranet and as a hard copy in the Elected Member's room.

RECOMMENDATIONS (1)

That the Strategic Activities as at 25 November 2014 undertaken by the CEO and the Directors be noted.

DUE DATES

25 November 2014

Chief Executive Officer – Mark Searle

29 October 2014	Office of Recreation and Sport, Meeting of CEO's and Officers for Southern Metro Councils to develop a regional approach to recreation provision.	Attended
30 October 2014	Meeting with Charles Landry regarding Creative Bureaucracies Project	Attended
30 October 2014	Meeting with Program Leader – High Performance Framework, Office for the Public Sector, Department of the Premier and Cabinet to discuss the establishment of the Australian Organisational Excellence Foundation	Attended
30 October 2014	Local Government Managers Australia SA Annual General Meeting	Attended as Board Member
30 October 2014	Local Government Association Networking Dinner & Service Awards	Attended
31 October 2014	Local Government Association Annual General Meeting with Keynote Speaker, Charles Landry, reflecting on global issues and issues facing the state. The topic: 'Creating your own destiny'	Attended
4 November 2014	Filming of Oaklands Wetland for Adelaide & Mount Lofty Ranges Natural Resources Management Board	Attended
5 November 2014	Australian Organisational Excellence Foundation - Review of external assessment for the 2014 Awards	Member on Panel of Review
6 November 2014	NSW Local Government Association Human Resource Conference – presentation – “Leading Excellence – Are we good enough to want to get better?”	Keynote Speaker
7 November 2014	Meeting with State Coordinator General; Jim Hallion and staff to discuss the role of the State Coordinator General and developments currently under consideration	Attended
10 November 2014	Meeting with Local Government Association to discuss the Creative Bureaucracies Project	Attended
11 November 2014	Living Kurna Cultural Centre - Hand over of artefacts found during construction of the Oaklands Wetland	Attended
11 November 2014	Meeting with Matt Williams MP; Federal Member for Hindmarsh to discuss the National Stronger Regions Fund and opportunities in Marion	Attended
12 November 2014	Tonsley Strategy Meeting	Attended
13 November 2014	Australian Local Government Leadership Summit 2014 – “Effective Leadership at all levels”	Keynote Speaker
13 November 2014	Australian Organisational Excellence Foundation State Presidents Meeting	Attended as SA President

13 November 2014	Australian Organisational Excellence Foundation Awards Presentation with keynote speaker: Ziggy Switkowski	Attended
18 November 2014	Meeting with representatives from the Local Government Association – Local Government Risk Schemes to receive 3 cheques totalling \$139,974 as a special distribution due to the Schemes' exceptional performance	Attended
19 November 2014	Citizenship Ceremony	Attended
20 November 2014	Adelaide & Mount Lofty Ranges Natural Resources Management Board - Willunga Basin Sub-regional Workshop	Attended as Board Member

Director – Heather Montgomerie

31 October 2014	LGA event - Keynote Speaker, Charles Landry. Reflecting on global issues and issues facing the state. The topic: 'Creating your own destiny'	Attended
12 November 2014	Marion City Services Depot Redevelopment (MCSDR), Project Control Group (PCG) and Thinc	Attended regular meeting
12 November 2014	Tonsley Strategy meeting	Attended regular meeting
25 November 2014	Workplace flexibility – 'Creating a Productive Workforce' conference	Attended

Acting Director – Fiona Harvey

30 October 2014	Creative Bureaucracies	Meeting with Charles Landry
31 October 2014	LGA event - Keynote Speaker, Mr Charles Landry. Reflecting on global issues and issues facing the state. The topic: 'Creating your own destiny'	Attended
31 October 2014	LGA AGM	Attended

Director – Kathy Jarrett

28 October – 7 November 2014	Annual Leave	
6 November 2014	Metropolitan Seaside Councils Committee	Attended
10 November 2014	Creative Bureaucracies	Meeting with LGA
12 November 2014	Tonsley Strategy meeting	Attended
14 November 2014	Southern Zone Emergency Management Committee	Met with SES Rep
19 November 2014	Citizenship Ceremony	Attended
20 November 2014	Southern Zone Emergency Management Committee	Chaired meeting with representatives from SAFECOM, SES, SAPOL and the Cities of Mitcham, Onkaparinga and Holdfast Bay.

21 November 2014	Biophilic Urbanisation	Met with representative from Queensland University of Technology
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Director – Vincent Mifsud

31 October 2014	LGA event - Keynote Speaker, Mr Charles Landry. Reflecting on global issues and issues facing the state. The topic: 'Creating your own destiny'	Attended
3 November 2014	Quarterly SRWRA Board Meeting	Attended
7 November 2014	Meeting with representatives from BDO	Attended
11 November 2014	Weekly meeting with State Government representatives to discuss Clovelly Park and Mitchell Park	Attended
12 November 2014	Tonsley Strategy meeting	Attended
25 November 2014	Meeting with Environmental Protection Agency Board Sub-Committee	Meeting to discuss the work of the committee and obtain feedback from City of Marion

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Question Received from: Councillor Hutchinson

Subject: Street Trees

Ref No: GC251114Q01

QUESTION:

- How many street trees were planted in the 2013-2014 financial year?
- How many watering trucks does council own?
- How many times does an individual tree get watered from planting, until council watering ceases?

COMMENTS:

Anthony Harris, Acting Unit Manager, Open Space.

1475 Street Trees were planted during the 2013/2014 financial year.

Council owns two Water Trucks.

Watering of street trees generally takes place between October and May each year. New plantings are generally watered at two week intervals over a period of two years, however this may vary according to seasonal conditions.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Question Received from: Councillor Hutchinson

Subject: City Limits Magazine

Ref No: GC251114Q02

QUESTION:

What is the itemised cost of printing AND the distribution of the City Limits magazine over the past 4 issues?

COMMENTS:

Craig Clarke, Unit Manager Communications

City Limits is produced three times a year and is used to update the community on news from the City of Marion and views of Elected Members in a regular column. It also profiles community groups and businesses.

Each edition is delivered to 43,000 homes and businesses throughout the city and to other stakeholders. It is also available digitally on the City of Marion's website.

The following table outlines the production, printing and distribution costs for the past four editions:

Issue	Production	Printing	Distribution	Total
October 2014	\$14,500	\$16,860 [^]	\$4,538	\$35,898
April 2014	\$14,500	\$16,970 [^]	\$4,652	\$36,122
December 2013	\$14,500	\$19,116	\$7,038 [#]	\$40,654
August 2013	\$14,500	\$19,083	\$4,632	\$38,215

[^] Price of printing represents the cheaper cost of purchasing stock.

[#] Price of distribution includes the cost of inserting the waste calendar into the magazine

The City Limits Magazine has been produced, printed and delivered in accordance with the current budget allocation.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Question Received from: Councillor Hutchinson

Subject: SAJC Contributions

Ref No: GC251114Q03

QUESTION:

What is the City of Marion's financial and in-kind contributions to the SAJC over the past 4 years, both in terms of sponsorship for the Marion Race Day and in relation to any other matter?

COMMENTS:

Ray Barnwell, Finance Manager

The SAJC is the largest venue in Marion, enabling it to support training and events for the City of Marion. I am advised the only booking with the SAJC in 2015 is for the annual volunteer dinner in May. The following table outlines the payments over the past four years:

	Volunteer events	Marion Race Day sponsorship	Staff training	End of year function	Making Marion	Community women's lunch	Other	Total
2014	16,088	8000	19,547	0			1206	44,841
2013		8000	10,159	25,248			14,263	57,670
2012		14,000^	11,252	27,531	13,250		18,693	84,726
2011	10,882	5000	20,407	22,378		10,123	596	69,386
Total excluding GST	26,970	35,000	61,365	75,157	13,250	10,123	34,758	256,623

^Two payments were made in the same calendar year for separate Marion Race Day.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 NOVEMBER 2014**

Question Received from: Councillor Hutchinson

Subject: Marion Celebrates

Ref No: GC251114Q04

QUESTION:

What is the budget for the Marion Celebrates event in 2015?

COMMENTS:

Dagmar Morello, Acting Manager Libraries and Cultural Development

The operating budget for Marion Celebrates in 2014/15 is \$45,000. Marion Celebrates is held once every second year. Planning and Implementation is well underway for the next event being held on Sunday, 29th March 2015.

**CITY OF MARION
GENERAL COUNCIL MEETING
25 November 2014**

Question Received from: Councillor Hutchinson
Subject: Marion Learning Festival
Ref No: GC251114Q05

QUESTION:

What was the budget for the Marion Learning Festival held in 2014?
And what is the staff time associated with each event in dollars?

COMMENTS:

Margi Whitfield, Manager Community Participation

The operating budget for the 2014 Marion Learning Festival was \$41,150 and the estimated cost of staff time is approximately \$6,500. The Marion Learning Festival is held annually.

The 2014 festival was held on 29th August 2014 to 1st September 2014. The actual costs were \$28,400. The balance of \$12,750 will be applied to the 2015 Festival, with planning commencing this financial year.