



## **AGENDA**

### **FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON**

**18 JULY 2022 AT CONCLUSION OF FINANCE AND CORPORATE SERVICES  
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB, 34  
CHURCH STREET, SALISBURY**

#### **MEMBERS**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

#### **REQUIRED STAFF**

Chief Executive Officer, Mr J Harry  
General Manager Business Excellence, Mr C Mansueto  
Manager Governance, Mr R Deco  
Team Leader Council Governance, Ms J O'Keefe-Craig

#### **APOLOGIES**

#### **LEAVE OF ABSENCE**

#### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 20 June 2022.

---

## **REPORTS**

### *Administration*

|       |  |   |
|-------|--|---|
| 3.0.1 | Future Reports for the Governance and Compliance Committee ..... | 9 |
|-------|--|---|

### *For Decision*

|       |   |    |
|-------|---|----|
| 3.1.1 | Nominations Sought for Local Government Association President .....                         | 11 |
| 3.1.2 | Nominations Sought for the Greater Adelaide Regional Organisation of Councils (GAROC) ..... | 23 |

## **QUESTIONS ON NOTICE**

*There are no Questions on Notice*

## **MOTION ON NOTICE**

*There are no Motions on Notice*

## **OTHER BUSINESS**

*(Questions Without Notice, Motions Without Notice, CEO Update)*

## **CLOSE**



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN  
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,  
34 CHURCH STREET, SALISBURY ON**

**20 JUNE 2022**

**MEMBERS PRESENT**

Cr J Woodman (Chairman)  
Mayor G Aldridge (ex officio)  
Cr B Brug (*via Teams VC*)  
Cr A Duncan  
Cr K Grenfell  
Cr D Proleta  
Cr S Reardon (Deputy Chairman)  
Cr G Reynolds

**OBSERVERS** Nil

**STAFF**

General Manager Business Excellence, Mr C Mansueto  
Manager Environmental Health & Community Compliance,  
Mr J Darzanos  
Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 7:08pm.

The Chairman welcomed the members, public and staff to the meeting.

**APOLOGIES**

Nil.

**LEAVE OF ABSENCE**

Nil.

## PRESENTATION OF MINUTES

Moved Cr S Reardon  
Seconded Cr K Grenfell

The Minutes of the Governance and Compliance Committee Meeting held on 16 May 2022, be taken as read and confirmed.

**CARRIED**

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Governance and Compliance Committee**

Moved Cr G Reynolds  
Seconded Cr S Reardon

That Council:

1. Notes the report.

**CARRIED**

*Cr K Grenfell left the meeting at 7:11 pm and did not return.*

### *For Decision*

#### **3.1.1 2022 Local Government Association Annual General Meeting - proposed Items of Business**

Moved Cr G Reynolds  
Seconded Cr D Proleta

That Council:

1. Notes the report.

**CARRIED**

#### **3.1.2 By-Laws Review 2022**

Moved Mayor G Aldridge  
Seconded Cr S Reardon

That Council:

1. Makes the following By-Laws in exercise of the powers contained in the *Local Government Act 1999*, as presented in Attachments 4 through to 9 to this report (Governance and Compliance Committee 20/06/2022, Item No. 3.1.2) and as listed below, in the presence of at least two thirds of its members and by absolute majority supporting vote:
  - a. Permits and Penalties By-Law 2022 - By-Law No.1 of 2022.

- 
- b. Moveable Signs By-Law 2022 - By-Law No. 2 of 2022.
    - c. Roads By-Law 2022 - By-Law No.3 of 2022.
    - d. Local Government Land By-Law 2022 - By-Law No.4 of 2022.
    - e. Dogs By-Law 2022 - By-Law No.5 of 2022.
    - f. Waste Management By-Law 2022 - By-Law No. 6 of 2022.
  2. Notes that, in making the By-Laws, it has considered and had regard to:
    - a. the submission from the Dog and Cat Management Board in respect of the Dogs By-Law 2022;
    - b. the fact that no submissions were received from members of the public in relation to the By-Laws;
    - c. the National Competition Policy Reports prepared in respect of each of the By-Laws; and
    - d. the Certificates of Validity provided by the Council's legal practitioner in respect of each of the By-Laws.
  3. Authorises the Chief Executive Officer (or Delegate) undertaking the necessary administrative requirements associated with the making of the By-Laws, including:
    - a. The signing the By-Laws, as made by Council.
    - b. Publishing copies of the By-Laws in the Government Gazette.
    - c. Publishing a notice of the making of the By-Laws in a newspaper circulating in the Council's area.
    - d. Delivering the By-Laws, the Reports to the Legislative Review Committee and other associated necessary documentation to the Legislative Review Committee within six Parliamentary sitting days of the By-Laws being made.
  4. Notes that a further report will be prepared and presented to Council regarding the setting of expiation fees and the making of delegations under the By-Laws, prior to the By-Laws commencement date.

**CARRIED**  
**Unanimously**

## *For Information*

### **3.2.1 Community Compliance Resources**

Moved Cr A Duncan  
Seconded Mayor G Aldridge

#### That Council:

1. Notes that Council's Community Compliance Services team will:
  - a. focus existing resources on higher risk activities over the next 12 - 24 months.
  - b. increase educational programs to encourage voluntary compliance in the area of school parking and dog registrations.
2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community.

**CARRIED**  
**Unanimously**

### **3.2.2 Summary Report for Attendance at Training and Development Activity - Leading Public Sector Change Initiatives**

Moved Cr S Reardon  
Seconded Cr G Reynolds

#### That Council:

1. Notes the summary report from Cr Henningsen for her online attendance at the 'Leading Public Sector Change Initiatives and Managing Negative Public Sentiments' seminar held on 9 – 11 March 2022.

**CARRIED**

## **QUESTIONS ON NOTICE**

*There were no Questions On Notice.*

## **MOTIONS ON NOTICE**

*There were no Motions on Notice.*

## **OTHER BUSINESS (Questions Without Notice, Motions Without Notice, CEO Update)**

*There were no Other Business Items.*

## ORDER TO EXCLUDE THE PUBLIC

### 3.4.1 Audit and Risk Committee Membership - Appointment of Independent Members

Moved Cr G Reynolds  
Seconded Mayor G Aldridge

Pursuant to section 83(5) of the *Local Government Act 1999* the Chief Executive Officer has indicated that, if Council so determines, this matter may be considered in confidence under Part 3 of the *Local Government Act 1999* on grounds that:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the principle that the meeting should be conducted in a place open to the public has been outweighed in relation to this matter because:*
  - *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
  - *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*

*On that basis the public's interest is best served by not disclosing the **Audit and Risk Committee Membership - Appointment of Independent Members** item and discussion at this point in time.*
3. *Pursuant to Section 90(2) of the Local Government Act 1999 it is recommended the Council orders that all members of the public, except staff of the City of Salisbury on duty in attendance, be excluded from attendance at the meeting for this Agenda Item.*

**CARRIED**

The meeting moved into confidence at 7:19pm.

The meeting moved out of confidence and closed at 7:22pm.

CHAIRMAN.....

DATE.....





|                        |  |
|------------------------|--|
| <b>ITEM</b>            | 3.0.1  |
|                        | <b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>   |
| <b>DATE</b>            | 18 July 2022   |
| <b>HEADING</b>         | Future Reports for the Governance and Compliance Committee   |
| <b>AUTHOR</b>          | Hayley Berrisford, PA to General Manager Business Excellence,<br>Business Excellence   |
| <b>CITY PLAN LINKS</b> | 4.2 We deliver quality outcomes that meet the needs of our<br>community  |
| <b>SUMMARY</b>         | This item details reports to be presented to the Governance and<br>Compliance Committee as a result of a previous Council resolution.<br>If reports have been deferred to a subsequent month, this will be<br>indicated, along with a reason for the deferral. |

**RECOMMENDATION**That Council:

1. Notes the report.

**ATTACHMENTS**

There are no attachments to this report.

**1. BACKGROUND**

- 1.1 Historically, a list of resolutions requiring a future report to Council has been presented to each committee for noting.

**2. CONSULTATION / COMMUNICATION****2.1 Internal**

- 2.1.1 Report authors and General Managers.

**2.2 External**

- 2.2.1 Nil.

### 3. REPORT

- 3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

| Meeting Item        | - Heading and Resolution  | Officer       |
|---------------------|---|---------------|
| 27/06/2022<br>3.2.1 | <b>Community Compliance Resources</b><br>2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community.<br><b>Due:</b> November 2023 | John Darzanos |

### 4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented to Council for noting.

|                        |  |
|------------------------|--|
| <b>ITEM</b>            | 3.1.1  |
|                        | <b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>   |
| <b>DATE</b>            | 18 July 2022   |
| <b>HEADING</b>         | Nominations Sought for Local Government Association President  |
| <b>AUTHOR</b>          | Michelle Woods, Projects Officer Governance, CEO and Governance  |
| <b>CITY PLAN LINKS</b> | 4.4 We plan effectively to address community needs and identify new opportunities  |
| <b>SUMMARY</b>         | The Local Government Association (LGA) has called for nominations for the position of President to commence from the conclusion of the 2022 Annual General Meeting (AGM) and to remain in office until the conclusion of the 2024 AGM. |

**RECOMMENDATION**That Council:

1. Approves \_\_\_\_\_ from (*insert name of Council*) being nominated for the position of Local Government Association President.

**ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. LGA President Fact Sheet
2. LGA President Position Description

**1. BACKGROUND**

- 1.1 The Local Government Association (LGA) has called for nominations for the position of LGA President to commence from the conclusion of the 2022 LGA Annual General Meeting (AGM) and to remain in office until the conclusion of the 2024 LGA AGM.
- 1.2 For this election, nominations are sought from a Council that is part of the South Australian Regional Organisation of Councils (SAROC).
- 1.3 Nominations must be received by **no later than 5:00pm Friday 19 August 2022.**

**2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Nil.
- 2.2 External
  - 2.2.1 Nil.

### 3. REPORT

- 3.1 The LGA Constitution specifies that the office of President must be occupied on a rotational basis between a council member from a council in the South Australian Regional Organisation of Councils (SAROC) and a council member from a council in the Greater Adelaide Regional Organisation of Councils (GAROC).
- 3.2 For this election, nominations are for council members within SAROC.
- 3.3 To be eligible for nomination, a person must be a council member and be a current member of the SAROC Committee and have been in that role for at least 1 year.
- 3.4 An eligible candidate needs to be nominated by a member council but does not need to be nominated by their own council. Please refer to the attached Fact Sheet and Position Description for further information on eligibility and role responsibilities.
- 3.5 Nominations must be received by the LGA no later than **5:00pm Friday 19 August 2022**.
- 3.6 Key (indicative) timings and relevant LGA Constitution provisions are outlined in the table below.

| Indicative Timing | Headline                          | LGA Constitution Provision   |
|-------------------|-----------------------------------|--|
|                   | Office of President               | Position of President – rotated between SAROC and GAROC (Clause 28.6)<br>Current President is SAROC.   |
|                   | Returning Officer                 | Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 29.1).  |
| 18 July 2022      | Nominations Called                | CEO to write to members calling for nomination for position of President (Clause 28.2) at least 3 months before AGM.   |
| 19 August 2022    | Nominations Close                 | Nominations must be received by the CEO no later than 5pm on the day specified for the close of nominations, being 19 August 2022 (Clause 28.7).   |
|                   | Nominations equal to vacancies    | If only 1 nomination is received for President, the Chief Executive shall declare such person duly elected (Clause 29.3). If the number of persons nominated for the office of President exceeds 1 person then an election must be held (Clause 29.4). |
| 5 September 2022  | Ballot papers prepared and posted | CEO shall deliver ballot papers to each member at least 6 weeks before AGM (Clause 29.5.1) (last date 15 Sept).  |
| 17 October 2022   | Voting closes                     | The CEO as returning officer will determine when voting closes, being 17 October 2022.   |

|                 |                             |  |
|-----------------|-----------------------------|--|
| 18 October 2022 | Counting of votes           | The CEO shall nominate the date, time and place for the counting of votes (Clause 29.5.6). |
| 28 October 2022 | Final declaration of result | CEO shall declare the candidate with the most votes elected at the AGM (Clause 29.5.8).    |
| 28 October 2022 | President takes office      | President takes office at the conclusion of the AGM (Clause 30.1).                         |

3.7 The following members of SAROC are eligible to be nominated (subject to their willingness to stand) for election to the position of President:

- Mayor Brent BENBOW (Port Augusta City Council – Spencer Gulf Cities Region)
- Mayor Peter HUNT (Berri Barmera Council – Murraylands & Riverland Region)
- Mayor Moira JENKINS (City of Victor Harbor – Southern & Hills Region)
- Mayor Peter MATTEY OAM (Regional Council of Goyder – Legatus Region)
- Mayor Clare McLAUGHLIN (Whyalla City Council – Spencer Gulf Cities Region)
- Mayor Bill O'BRIEN (Light Regional Council – Legatus Region)
- Mayor Keith PARKES (Alexandrina Council – Southern & Hills Region)
- Mayor Caroline PHILLIPS (District Council of Karoonda East Murray – Murraylands & Riverland Region)
- Mayor Richard SAGE (District Council of Grant – Limestone Coast Region)
- Mayor Erika VICKERY OAM (Naracoorte Lucindale Council – Limestone Coast Region)

#### **Timing of the LGA Election (as advised by the LGA)**

3.8 *The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.*

3.9 *It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.*

- 3.10 *Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.*

#### **Caretaker Period (as advised by the LGA)**

- 3.11 *The timeframe for conducting the LGA Elections, as set out in the LGA's Constitution, will extend into the caretaker period for the 2022 general council elections. Whilst nominations for the LGA election process will have closed, Councils will be required to cast their vote for President and GAROC/SAROC members during the caretaker period.*
- 3.12 *During the caretaker period, councils are unable to make "designated decisions" as defined under the Local Government (Elections) Act 1999. These include decisions relating to the employment or termination of a council CEO and entering in a contract the value of which exceeds \$100,000 or 1% of the Council's revenue from rates in the preceding year (with limited exceptions). In addition, council resources must not be used for the advantage of a particular candidate or group of candidates during the election period.*
- 3.13 *Caretaker guidance provided to councils also encourages avoiding scheduling significant decisions (including major policy decisions) for consideration during an election period. These can include spending unbudgeted monies, conducting unplanned public consultation, endorsing a new policy, disposing of council land, approving grants and progressing any matter that has been identified as an election issue.*
- 3.14 *Councils are required to have a Caretaker Policy which may also impose other constraints during the caretaker period.*
- 3.15 *Having regard to the definition of a 'designated decision' and other matters councils should not determine during a caretaker period, it is not evident that the election of LGA President, SAROC and GAROC members is prohibited.*
- 3.16 *There are no Caretaker Policy provisions preventing Council deciding on this issue.*

#### **Access to Members Information (as advised by the LGA)**

- 3.17 *Nominees may access the contact details of councils and elected members from the LGA database to assist in communicating with the sector during the election campaign. This information will be available upon request.*

## **4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to determine if a nomination is to be made for LGA President.
- 4.2 It should be noted that Council is not obliged to submit a nomination.

Page intentionally left blank





## LGA President Election Fact Sheet

### 1. Who can nominate a person?

All LGA member councils (Members) are entitled to nominate an eligible person to the office of President.

### 2. Who can be nominated?

To be eligible for nomination as a candidate in the 2022 President Election, a person must be a Council Member, and must be a current member of the SAROC Committee who has undertaken that role for a period of not less than 1 year.

### 3. How is a nomination made?

A person is nominated by resolution of a Member. The LGA President Nomination Form must be signed by both the candidate indicating their willingness to stand for election and by the Chief Executive of the nominating Member and must be received by the LGA CEO no later than 5:00pm on Friday 19 August 2022.






### 4. What is the election process?

If only one eligible person is nominated, the CEO will declare such person duly elected. If the number of eligible persons nominated exceeds one person, then an election will be held. The CEO is the Returning Officer for any election for the office of President. The CEO will notify all Members of the nominated candidates and will conduct the election as follows (timings are indicative only):

1. The CEO will deliver ballot papers to each Member at least six weeks prior to the Annual General Meeting (no later than 15 September).
2. The ballot papers will list the candidates for election, specify the date of closure of the election as 17 October 2022, and be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer".
3. Each Member then determines by resolution the candidate it wishes to vote for and mark the ballot paper accordingly and place it in a sealed envelope for delivery to the CEO.
4. The CEO will nominate the date, time, and place for the counting of votes and will invite each candidate and a person nominated as the candidate's scrutineer to be present.
5. At the counting of the votes the CEO will produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes.
6. The candidate with the most votes will be deemed elected and the CEO will declare the candidate elected at the Annual General Meeting.
7. If candidates receive the same number of votes, the CEO will draw lots at the counting of the votes and the lot drawn will be the candidate elected.



## LGA President Position Description

| LGA President  |  |
|--|--|
| Position Title:  | LGA President  |
| Position Status:   | Elected for two year term  |
| Reporting Arrangements:  | This position reports to the LGA Board of Directors  |
| Location:  | Local Government House, 148 Frome Street, Adelaide   |
| Special Conditions:  | Some intra/interstate travel with overnight stays is required. Out of hours work required. |
| LGA Values and Behaviours  |  |
| <div><div><div>Our Values</div><div>Our Individual Behaviour</div><div>Our Organisational Behaviour</div></div><div><div><div><div><div>V</div><div>Value and Respect</div><div></div></div><div><p>I am considerate of others' priorities and workloads.</p><p>I communicate with respect and am approachable, professional and polite.</p><p>We engage with, and have confidence and trust in the ability and judgement of all of our staff.</p><p>We provide regular, honest and constructive feedback.</p></div></div><div><div><div>O</div><div>Optimism</div><div></div></div><div><p>I always look for the positive opportunity, even when challenged.</p><p>We recognise the importance of a positive work/life balance.</p><p>We recognise the best qualities in our staff and harness all abilities.</p></div></div><div><div><div>I</div><div>Integrity</div><div></div></div><div><p>I uphold the values of the LGA and adhere to my workplace responsibilities.</p><p>We are consistent in decision making and are honest when dealing with staff and stakeholders.</p></div></div><div><div><div>C</div><div>Connectivity</div><div></div></div><div><p>I welcome opportunities to engage with others and build positive working relationships.</p><p>We provide a safe, supportive and informative workplace with clear and regular communication.</p><p>We commit to removing barriers that impact on effective work practices.</p></div></div><div><div><div>E</div><div>Excellence</div><div></div></div><div><p>I am a leader and role model through my actions and behaviour.</p><p>I value everyone equally.</p><p>I am a driver of constructive change.</p><p>We empower, support and encourage our staff.</p><p>We lead toward clear and inspiring goals and vision.</p></div></div></div></div></div> |  |

| Position  |
|---|
| <p>The Board of Directors is the governing entity of the LGA.</p> <p>The Board of Directors consists of:</p> <ul style="list-style-type: none"> <li>the President;</li> <li>the Immediate Past President;</li> <li>the chairperson of SAROC and the chairperson of GAROC; and</li> <li>6 additional persons (each of which must be a Council Member) with relevant business and governance experience elected in equal proportions from the Council Members of SAROC (3 persons) and the Council Members of GAROC (3 persons).</li> </ul> <p>Each Director must:</p> <ul style="list-style-type: none"> <li>undertake his or her role as a Director honestly and act with reasonable care and diligence in the performance and discharge of functions and duties;</li> <li>not make improper use of information acquired by virtue of his or her position as a Director to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA;</li> <li>not make improper use of his or her position as a Director to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the LGA; and</li> <li>not act in any matter where the Director has a conflict of interest (provided that an interest shared in common with all or a substantial proportion of the Directors will not be an interest giving rise to a conflict of interest).</li> </ul>   |
| Functions, Duties and Powers  |
| <p>1. Chair and lead the LGA Board of Directors who have the following roles, functions and duties:</p> <ul style="list-style-type: none"> <li>The role of the Board of Directors is to oversee corporate governance of the LGA and provide strategic direction and leadership. The Directors do not represent SAROC, GAROC or a specific Member or Members.</li> <li>The functions of the Board of Directors include: <ul style="list-style-type: none"> <li>appointing a Chief Executive and superintending his or her performance;</li> <li>holding the Chief Executive accountable for the performance of the LGA Office;</li> <li>advocating for the LGA, the Members and the local government community;</li> <li>superintending the activities of the LGA;</li> <li>determining matters which may be placed on the agenda of a General Meeting; and</li> <li>undertaking such other functions as may be provided for, or envisioned by, this Constitution.</li> </ul> </li> <li>The Board of Directors must ensure that: <ul style="list-style-type: none"> <li>the LGA acts in accordance with applicable laws and the Constitution;</li> <li>the LGA acts ethically and with integrity, respecting diversity and striving for gender balance participation in all activities;</li> <li>the activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained;</li> <li>subject to any overriding fiduciary or other duty to maintain confidentiality, the affairs of the LGA are undertaken in an open and transparent manner; and</li> <li>the LGA performs to its business plan and achieves or better the financial outcomes projected in its budget.</li> </ul> </li> </ul> |

## 2. The President shall:

- preside at all General Meetings and meetings of the Board of Directors, but in his or her absence a member of the Board of Directors chosen by the Board of Directors shall preside at the meeting.
- act as the principal spokesperson of the LGA.
- exercise other functions of the LGA as the LGA Board of Directors determines.
- represent the LGA to government, stakeholders and events.

**The key responsibilities of the LGA President**

The President acts as an important link between the Board and the organisation's management via the CEO. The President is responsible for leadership of the Board including:

- Facilitating proper information flow to the Board.
- Facilitating the effective functioning of the Board including managing the conduct, frequency and length of Board meetings.
- Communicating the views of the Board, in conjunction with the CEO, to the LGA's members, State and Federal Government, broader stakeholders and to the public.
- Facilitating open and constructive communications amongst Board members and encouraging their contribution to Board deliberations.
- Overseeing and facilitating Board, committee and Board member evaluation reviews and succession planning.
- Liaising and interfacing with the CEO as the primary contact between the Board and management.
- Liaising with and counselling, as appropriate, board members.

Inside the boardroom the President is responsible for the following:

- Acting as an important link between the Board and management but without necessarily preventing direct access of fellow directors.
- Establishing and maintaining an effective working relationship with the CEO.
- Setting the tone for the Board, including the establishment of a common purpose.
- Chairing Board meetings efficiently and shaping the agenda in relation to goals, strategy, budget and executive performance.
- Obtaining appropriate information to present to the Board.
- Encouraging contributions by all Board members and seeking consensus when making decisions.
- Motivating Board members and where appropriate dealing with underperformance.
- Overseeing the process for appraising the Board as a whole.
- Overseeing negotiations for the CEO's employment and evaluating the CEO's performance.
- Planning for CEO succession.
- Assisting with the selection of Board and Committee members.



### Eligibility Criteria

As per clause 28 of the LGA Constitution:

- To be eligible for nomination as a candidate for the position of President, a person must be a Council Member.
- To be eligible for the position of President, a person must also be a current member of SAROC or GAROC who has undertaken that role for a period of not less than 1 year.
- The eligibility for office of President shall rotate each term between a person who is a Council Member of a Member within Regional Groupings of Members in SAROC and a Council Member of a Member within Regional Groupings of Members in GAROC.
- A nomination of a person for the office of President shall be by resolution of a Member and must be received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations. A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

### Performance/Accountability

The Board of Directors will conduct an annual performance review to assess its performance as a Board and in meeting the LGA's objectives and strategies. This may include a review of individual Directors including the President.

### Remuneration

The remuneration of the President is outlined in the LGA policy – GP02 Board and Committee Member Allowances and Expenses (ECM 83590).

|                        |   |
|------------------------|---|
| <b>ITEM</b>            | 3.1.2   |
|                        | <b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>  |
| <b>DATE</b>            | 18 July 2022  |
| <b>HEADING</b>         | Nominations Sought for the Greater Adelaide Regional Organisation of Councils (GAROC)   |
| <b>AUTHOR</b>          | Michelle Woods, Projects Officer Governance, CEO and Governance   |
| <b>CITY PLAN LINKS</b> | 4.4 We plan effectively to address community needs and identify new opportunities   |
| <b>SUMMARY</b>         | The Local Government Association (LGA) has called for nominations to fill the two (2) positions allocated to each Regional Grouping of councils on the Greater Adelaide Regional Organisation of Councils (GAROC) to commence office from the conclusion of the 2022 LGA Annual General Meeting (AGM) and to remain in office until the conclusion of the 2024 AGM. |

## **RECOMMENDATION**

### That Council:

1. Approves \_\_\_\_\_ from (*insert name of Council*) being nominated as a member of the Greater Adelaide Regional Organisation of Councils (GAROC), representing the North Region.

## **ATTACHMENTS**

This document should be read in conjunction with the following attachments:

1. GAROC Regional Groupings
2. GAROC Terms of Reference Extract

### **1. BACKGROUND**

- 1.1 On 4 July 2022, the Chief Executive Officer of the LGA, Clinton Jury, wrote to the Chief Executive Officer inviting nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on GAROC) to commence office from the conclusion of the 2022 LGA Annual General Meeting and to remain in office until the conclusion of the 2024 Annual General Meeting.
- 1.2 Nominations must be lodged at the LGA **no later than 5:00pm Friday 19 August 2022.**

### **2. CONSULTATION / COMMUNICATION**

- 2.1 Internal
  - 2.1.1 Nil.
- 2.2 External

2.2.1 Nil.

### 3. REPORT

- 3.1 The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region.
- 3.2 The terms of the current members of GAROC expire at the 2022 LGA Annual General Meeting (AGM).
- 3.3 This includes the City of Salisbury's Mayor Gillian Aldridge who is currently a member of GAROC representing the Northern region, alongside Mayor Karen Redman from the Town of Gawler.
- 3.4 The LGA is currently calling for nominations to fill the two (2) positions allocated to each Regional Grouping of Councils on GAROC (eight positions in total) to commence office from the conclusion of the 2022 LGA AGM and to remain in office until the conclusion of the 2024 AGM.
- 3.5 Nominations must be received by the LGA no later than **5:00pm Friday 19 August 2022**. Late nominations will not be accepted.
- 3.6 At the 2019 LGA AGM, members endorsed the establishment of four (4) GAROC Regional Groupings to take effect from the 2020 GAROC elections, with membership of GAROC to comprise two eligible members elected by a majority vote of the councils within each Regional Grouping, provided that each person elected for that Regional Grouping is from a different council.
- 3.7 Additionally, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.
- 3.8 As a Member council in the Metropolitan North Regional Grouping, the LGA is inviting one (1) nomination from the City of Salisbury for a position on the North Regional Grouping of GAROC.
- 3.9 A list of the GAROC Regional Groupings is attached to this report.
- 3.10 A nomination may only be made by resolution of the Council. The nomination form must be signed by the candidate nominated to indicate their willingness to stand for election. The nomination form must be accompanied by a candidate information sheet.
- 3.11 Each Member of the GAROC Regional Grouping may nominate a candidate for membership of GAROC, provided that:
  - (a) a person nominated as a member of GAROC must be a representative of a member on the relevant Regional Grouping of Members; and
  - (b) only a Council Member can be nominated to GAROC.

#### Voting

- 3.12 The GAROC Terms of Reference (TOR) (extract attached) outlines the process as to how an election will occur.
- 3.13 The Returning Officer (LGA CEO) is required to conduct a ballot if the number of nominations for each GAROC Regional Grouping exceeds the number of positions required.



- 3.14 If a ballot is required, the distribution of ballot papers to councils will include any information provided on the candidate information sheet.
- 3.15 Key (indicative) timings and GAROC Terms of Reference provisions are outlined in the following table:

| Indicative Timing | Headline                          | GAROC Terms of Reference Provision   |
|-------------------|-----------------------------------|--|
|                   | Returning Officer                 | Returning Officer for all LGA electoral matters is the Chief Executive Officer (Clause 4.4.1).   |
| 18 July 2022      | Nominations Called                | CEO to write to members of GAROC Regional Groupings calling for nomination for position of members of GAROC at least 3 months before AGM (Clause 4.3.2)  |
| 19 August 2022    | Nominations Close                 | Nominations must be received by the CEO no later than 5pm on the day specified for the close of nomination, being 19 August 2022 (Clause 4.3.4).   |
|                   | Nominations equal to vacancies    | If the number of nominations received equals the number of vacant positions for the Regional Grouping each candidate is elected and takes office at the conclusion of the AGM (Clause 4.4.3)   |
| 5 September 2022  | Ballot papers prepared and posted | In the event of an election being required the CEO shall deliver ballot papers to each member of the relevant Regional Grouping at least 6 weeks before AGM GAROC (Clause 4.4.5(a))            |
| 17 October 2022   | Voting closes                     | The CEO shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present (Clause 4.4.5(f)) |
| 18 October 2022   | Counting of votes                 | The CEO shall nominate the date, time and place for the counting of votes (Clause 4.4.5(f))  |
| 28 October 2022   | Final declaration of result       | CEO shall declare the candidate with the most votes elected at the AGM (Clause 4.4.5(h))   |
| 28 October 2022   | Takes office                      | GAROC members take office at the conclusion of the AGM (Clause 4.5)  |
| 28 October 2022   | Voting for Board Members          | GAROC should meet at the conclusion of the AGM to elect 3 of its members (plus its Chair) to the Board of Directors (Clause 6.4.1 and 6.4.2) who's term of office commences after the AGM.     |

**Timing of the LGA Election (as advised by the LGA)**

- 3.16 *The LGA Constitution provides for the election of LGA President, SAROC and GAROC members, and the LGA Board to take effect from the LGA's AGM, every other year. This enables the outgoing President to deliver their annual report and finance statements for the preceding year, before handing over to the incoming President.*
- 3.17 *It is acknowledged that because of the timing of the AGM, the election of LGA Board and President, and the four yearly cycle of local government general elections; that there is the potential for the President and/or a Board member(s) to not be re-elected in their respective council and thus causing a casual vacancy. It is also noted that if the election of LGA office holders was held, say three to six months after the local government elections to coincide with the LGA's OGM there is still the possibility that a current member of the Board may not be re-elected at the November local government elections, resulting in a casual vacancy to be filled prior to the OGM.*
- 3.18 *Thus, there is no ideal time to hold elections for office bearers for the LGA when the end of term coincides with the general council elections. However, the general view is that it is preferable for a new Board and President to take office at the AGM and as soon as possible around a general council election to ensure the Board and President can maximise their contribution during the two-year term, rather than be put in a holding pattern until a new Board is elected following council elections.*

**LGA Board Appointments (as advised by the LGA)**

- 3.19 *Under the LGA Constitution and the GAROC TOR, once members are elected to GAROC, these members will then elect a Chair and three GAROC members to form the LGA Board of Directors. These GAROC LGA Board Directors will be accompanied by their equivalent from SAROC, as well as the President and Immediate Past President, to form the ten (10) member LGA Board of Directors.*

**4. CONCLUSION / PROPOSAL**

- 4.1 Council is asked to determine if a nomination is to be made for the Greater Adelaide Regional Organisation of Councils (GAROC) to represent the Northern Region of Councils (Gawler, Playford, Salisbury and Tea Tree Gully).
- 4.2 It should be noted that Council is not obliged to submit a nomination.

## Greater Adelaide Regional Organisation of Councils (GAROC)

### Regional Groupings

| GAROC Regional Grouping | Members  |
|-------------------------|--|
| <b>Adelaide</b>         | Adelaide City  |
| <b>North</b>            | Gawler<br>Playford<br>Salisbury<br>Tea Tree Gully  |
| <b>West</b>             | Charles Sturt<br>Holdfast Bay<br>Port Adelaide Enfield<br>West Torrens   |
| <b>South</b>            | Marion<br>Mitcham<br>Onkaparinga   |
| <b>East</b>             | Adelaide Hills<br>Burnside<br>Campbelltown<br>Norwood Payneham & St Peters<br>Prospect<br>Unley<br>Walkerville |



## Extract – GAROC Terms of Reference

### Clause 4 – GAROC

#### 4.1. Role

The role of GAROC is regional advocacy, policy initiation and review, leadership, engagement and capacity building in the GAROC Region.

#### 4.2. Membership

- 4.2.1. Each Regional Grouping of Members listed in the schedule to these Terms of Reference will elect in accordance with clause 4.3 and 4.4 from the Members of the Regional Grouping of Members, 2 Council Members of Members in the Regional Grouping of Members as members of GAROC provided that each person elected is from a different Member.
- 4.2.2. In addition to the members of GAROC elected in accordance with clause 4.2.1, the Lord Mayor of the City of Adelaide will be a standing member of GAROC.

#### 4.3. Nominations for election to GAROC

- 4.3.1. The members of GAROC will be elected biennially.
- 4.3.2. In the year in which GAROC members will be elected, and at least 3 months before the Annual General Meeting, the Chief Executive shall write to all Members of the GAROC Regional Grouping as listed in the schedule calling for nominations for the membership of GAROC.
- 4.3.3. Each Member of the GAROC Regional Grouping may nominate a candidate for membership of GAROC, provided that:
  - (a) a person nominated as a member of GAROC must be a representative of a member on the relevant Regional Grouping of Members; and
  - (b) only a Council Member can be nominated to GAROC.
- 4.3.4. A nomination of a person as a member of GAROC must be by resolution of the Member received by the Chief Executive not later than 5 pm on the day specified for the closure of nominations (Close of Nominations). A nomination must be signed by the candidate indicating his or her willingness to stand for election and be in the form determined by the Chief Executive.

#### 4.4. Election to GAROC

- 4.4.1. The Chief Executive shall be the returning officer for any election of members to GAROC.
- 4.4.2. After the Close of Nominations, the Chief Executive will notify Members of each Regional Grouping of Members of the candidates for membership of GAROC nominated by the Regional Grouping of Members.
- 4.4.3. If the only nominations received from a Regional Grouping of Members by the Close of Nominations match the membership positions described in clause 4.2.1, then the Chief Executive will declare those persons duly elected to those membership positions.
- 4.4.4. If the number of persons nominated by the Close of Nominations by a Regional Grouping of Members exceeds the number of membership positions described in

- clause 4.2.1, then an election for the purpose of clause 4.2.1 must be held in accordance with this clause.
- 4.4.5. In the event of an election being required, the Chief Executive shall conduct the election as follows:
- (a) at least six weeks before the Annual General Meeting, the Chief Executive shall deliver ballot papers to each Member of the Regional Grouping of Members;
  - (b) the ballot papers shall:
    - (i) list the candidates for election;
    - (ii) specify the day of closure of the election;
    - (iii) be accompanied by an envelope marked "Ballot Paper" and a second envelope marked "Returning Officer";
  - (c) each Member shall determine by resolution the candidate or candidates (as relevant) it wishes to elect;
  - (d) the chair of the meeting for that Member shall mark the ballot paper with an "X" next to the candidate or candidates (as relevant) that the Member wishes elected and seal the ballot paper in the envelope marked "Ballot Paper" inside the envelope marked "Returning Officer". Before sealing the second envelope the chair must indicate the Member's name on the inside flap of the envelope. The envelope may then be sealed and delivered to the Returning Officer;
  - (e) on receipt of the envelopes the Chief Executive must:
    - (i) open the outer envelope addressed to the "Returning Officer" and record the name of the Member which appears on the inside flap of the envelope on the roll of Member's eligible to vote; and
    - (ii) place the envelope marked "Ballot Paper" unopened into the ballot box;
  - (f) the Chief Executive shall nominate the date, time and place for the counting of votes and shall invite each candidate and a person nominated as the candidate's scrutineer to be present;
  - (g) at the counting of the votes the Chief Executive shall produce unopened envelopes marked "Ballot Paper" and if satisfied that all votes are valid, count the number of votes received by each candidate;
  - (h) in respect of an election for the purposes of clause 4.2.1, the 2 candidates from a Regional Grouping of Members with the most votes shall be deemed elected in respect of that Regional Grouping of Members and the Chief Executive shall declare the candidates elected at the Annual General Meeting; and
  - (i) in the case of candidates for membership positions described in clause 4.2.1 from a Regional Grouping of Members receiving the same number of votes, the Chief Executive shall draw lots at the counting of the votes to determine which candidate is elected.
- 4.4.6. The Chief Executive may, in his or her discretion, appoint a deputy returning officer and delegate any of his or her powers, functions or duties to that person who shall act accordingly.
- 4.4.7. The Chief Executive may, in his or her discretion, delegate any of his or her powers, functions or duties to an Executive Officer of a Regional Grouping of Members who shall act accordingly for the conduct of elections for the purpose of clause 4.2.1 in respect of the Regional Grouping of Members relevant to that Executive Officer.