

CITY OF HOLDFAST BAY

Minutes of the First Ordinary Meeting of the 6th City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on Tuesday 23 November 2010 at 7:00pm.

PRESENT

His Worship the Mayor	A K Rollond
Councillor	R M Bouchée
Councillor	R A Clancy
Councillor	P W Dixon
Councillor	K M Donaldson
Councillor	L R Fisk
Councillor	J D Huckstepp
Councillor	S C Lonie
Councillor	T D Looker
Councillor	S Patterson
Councillor	R C Patton
Councillor	A P Roe
Councillor	L J Yates
Chief Executive Officer	J P Lynch
General Manager City Assets	S G Hodge
Acting General Manager City Services	P E Aukett
General Manager Corporate Services	I S Walker

1. Time and Place of the First Council Meeting

Pursuant to Section 81(4) of the *Local Government Act 1999* the Chief Executive Officer, Mr Justin Lynch, has determined that the time and place for the first ordinary meeting after the general election will take place at 7:00pm on Tuesday 23 November 2010 in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg.

2. Opening

The Chief Executive Officer, Mr J Lynch commenced proceedings at 7:00pm and lead Elected Members into the Chamber in procession.

3. Declaration of Results

The Chief Executive Officer, Mr J Lynch read the declaration of the results of the election.

4. Declaration of Office

Section 60 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (General Regulations) 1999* prescribe the declaration to be made before a Justice of the Peace or a person authorised under the *Oaths Act 1936*.

The form of the declaration is the same for all Members including the Mayor.

The Chief Executive Officer called on Mr Steve Kelton JP, to witness the declarations.

His Worship the Mayor, Dr Ken Rollond made his declaration of Office, following which all Members of Council made their declarations, in turn, before Mr Steve Kelton JP.

His Worship the Mayor, Dr Ken Rollond assumed the Chair of the Meeting.

Undertaking made by members of a council before assuming office

I having been elected or appointed to the office of a member of the City of Holdfast Bay do hereby undertake to discharge my duties conscientiously and to the best of my abilities.

5. Congratulatory Message by His Worship the Mayor, Dr Ken Rollond and Welcome to Guests

His Worship the Mayor, Dr Ken Rollond congratulated the members of the 6th City of Holdfast Bay on their election, and acknowledged the contribution made by the previous Council to the City of Holdfast Bay and welcomed members of the gallery to the meeting.

6. Kaurna Acknowledgement

We acknowledge Kaurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kaurna People today.

7. Apologies

7.1	Apologies Received	Nil
7.2	Absent	Nil

8. Confirmation of Minutes

C231110/001

Councillor Looker moved and Councillor Huckstepp seconded that the minutes of the Ordinary Meeting of Council held on 9 November 2010 be taken as read and confirmed.

CARRIED

9. Method of Voting for Appointments to positions

It is necessary that Council agree the method to be used in the event of there being more than one nomination for any of the appointments to be made at this meeting and at the conclusion of the selection process to move a motion making the appointment.

The Local Government Association's *Guidelines for Choosing a Chairperson* recommends that the appointment be made by resolution of Council, with an election process determined by Council. Councillors can choose to conduct

a secret ballot to select the nominee with Councillors casting a preferential vote. Council may also choose to select the nominee by a show of hands.

C231110/002

Councillor Looker moved and Councillor Fisk seconded that in the event there being more than one nomination for a position the ballot will be conducted by a secret ballot.

CARRIED

10. Register of Interest Provisions (Section 72(1) Local Government Act 1999)

Division 2 of Part 4 of Chapter 5 of the *Local Government Act 1999* requires Elected Members to submit to the Chief Executive Officer, returns for a Register of Interests.

Section 72(1) of the Act allows for the provisions of Division 2 to be extended to members of a Council committee if the council so resolves.

In the interest of good governance it is proposed that the requirement to complete register of interest returns be extended to all members of council committees including members who are not Elected Members.

C231110/003

Councillor Clancy moved and Councillor Lonie seconded that pursuant to Section 72 (1) of the Local Government Act 1999, Chapter 5 Part 4 Division 2 (Register of Interests) extends all members of Council Committees including Elected Members.

CARRIED

11. Reports by Officers

11.1 Appointment of Deputy Mayor (Report No: 501/10)

Under Section 51 of the Local Government Act 1999 the Council may appoint a Deputy Mayor for a term not exceeding four years.

Council has previously made appointments of Deputy Mayor for a term of one year. It is Council's prerogative to choose another term.

The Deputy Mayor may act in the absence of the Mayor, in the office of Mayor.

C231110/004

Councillor Looker moved and Councillor Huckstepp seconded that Councillor Clancy be appointed Deputy Mayor for a one year period.

CARRIED

11.2 Council and Committee Structure (Report No: 502/10)

Council's decision making structure was reviewed in early 2010, with the objectives of providing greater focus on Council's strategic objectives, improving efficiency and transparency, reducing duplication and improving the community's understanding of and ability to provide input into, Council's decisions.

A trial was conducted of a new structure from June to October 2010 and the previous Council has recommended to the incoming Council to continue to

hold Council meetings twice a month and to continue to have three standing committees meeting separately to Council with delegated authority to make decisions. The new Council is not bound by the decision of the previous council and can determine the meeting schedule of Council and Committees.

There is an opportunity for Council to reconsider the meeting structure. The Local Government Act 1999 requires Council to hold at least one meeting per month. Given the steep learning curve of new Elected Members, Council may like to consider meeting once a month for the first year and using the free evening to provide extra time for members to discuss upcoming agenda items and to provide additional time for training opportunities.

Meeting schedules can be reviewed and amended at any time by the Council.

C231110/005

Councillor Lonie moved and Councillor Huckstepp seconded

- 1. That Council continue to meet once in the month of December 2010 on the 14th and once in the month of January 2011 on the 18th.**
- 2. That Council as from February 2011, Council meets twice per month, on the second and fourth Tuesdays of the month and that Council form three standing committees:**
 - Community and Visitors;**
 - Assets and Environment; and**
 - Strategy and Planning Committee,**

under Section 41 of the Local Government Act, and operate in accordance with Part 2 “Meetings of councils and key committees” of the Local Government (Proceedings at Meetings) Regulations 2000.

CARRIED

11.3 Elected Member Entitlements (Report No: 503/10)

Following a general election Council is required to consider its Elected Member Entitlements Policy on the reimbursement of discretionary expenses and determine facilities and support for members, as the previous policy lapses at the general election.

In accordance with Section 77(2) of the *Local Government Act 1999* this policy lapsed at the General Election held 12 November 2010 and is required to be reconsidered and adopted by this Council.

C231110/006

Councillor Looker moved and Councillor Clancy seconded:

- 1. That the Elected Members Entitlements Policy, presented at Attachment 1 to Report 503/10 be adopted.**
- 2. That the telephone reimbursement/mobile phone call limit be set at \$10.00 per month in accordance with Council’s mobile phone contract.**
- 3. That the internet reimbursement be set at \$50.00 per month.**
- 4. That the reimbursement for using own hardware, in lieu of Council supplied equipment, be set at \$250.00 per annum**

CARRIED

11.4 Management Committees

(The following committees operate as Management Committees to the Council or the Standing Committees and are, in the main, concerned with the advancement of a single project or issue.)

11.4.1 Appointments to the Alwyndor Management Committee (Report No: 504/10)

Alwyndor Aged Care is owned by the City of Holdfast Bay and provides a wide range of care, support and accommodation services for older people.

The Alwyndor Management Committee was established by Council to manage the affairs of Alwyndor Aged Care Facility. Council has endorsed the Committee's Terms of Reference and given the Committee delegated authority to manage the business of Alwyndor Aged Care Facility.

Council appoints the members to the Alwyndor Management Committee.

C231110/007

Councillor Bouchee moved and Councillor Fisk seconded :

- 1. That Council endorses the Terms of Reference for the Alwyndor Management Committee as presented at Attachment 1 to Report No: 504/10.**
- 2. That Council hereby notes its delegations, effective from 13 April 2010 to the Alwyndor Management Committee, presented at Attachment 2 to Report No: 504/10;**
- 3. That Council appoints Councillor Clancy and Councillor Lonie to the Alwyndor Management Committee.**
- 4. Notes the independent members on the Alwyndor Management Committee who have continuing tenure.**

CARRIED

11.4.2 Appointments to the Jetty Road Mainstreet Management Committee (Report No: 505/10)

The Jetty Road Mainstreet Management Committee is established by Council with the aim of supporting the precinct to flourish and expand, to strengthen partnerships between businesses, the council and local community.

Council appoints all members to the Jetty Road Mainstreet Management Committee.

C231110/008

Councillor Dixon moved and Councillor Roe seconded:

- 1. That Council endorses the Terms of Reference for the Jetty Road Mainstreet Management Committee as presented at Attachment 1 to Report No: 505/10**
- 2. That Council hereby revokes its previous delegations, effective from 23 November 2010 to the Jetty Road Mainstreet Management Committee of those powers and functions under the Local Government Act 1999.**
- 3. That Council in exercise of the power contained in Section 44 of the**

Local Government Act 1999, the powers and functions under the *Local Government Act 1999* contained in the proposed Instrument of Delegation (annexed to the Report 505/10 and entitled Instrument of Delegation under the Local Government Act 1999 and presented at Attachment 2 to Report 505/10) are, subject to the conditions, limitations and provisos contained therein, hereby delegated this 23rd day of November 2010 to the Jetty Road Mainstreet Management Committee, (a committee established by the Council pursuant to Section 41 of the *Local Government Act 1999*) to take effect from 24 November 2010 and such powers and functions may be further delegated by the Jetty Road Mainstreet Management Committee to the person occupying the position of Manager Business and Visitor Marketing and anyone who may, from time to time, be appointed to act in that position.

- 4. That Council appoints the Mayor and Councillor Patton to the Jetty Road Mainstreet Management Committee.**

CARRIED

11.5 Regional Subsidiaries

- 11.5.1 Appointments to the Southern Region Waste Resource Authority (Report No: 506/10)

Southern Region Waste Resource Authority (SRWRA) is a regional subsidiary established by the Cities of Onkaparinga, Marion and Holdfast Bay (the "constituent councils"), pursuant to Section 43 of the Local Government Act, 1999.

Under its charter, SRWRA is responsible for providing and operating waste management services on behalf of the constituent councils and ensuring that a long term waste management strategy exists in the southern region of Adelaide.

Council in the past has appointed two members – an Elected Member and a General Manager along with a deputy member to SRWRA. Council is not bound to do this and can resolve to appoint two Elected Members to this regional subsidiary.

C231110/009

Councillor Bouchee moved and Councillor Dixon seconded:

- 1. That Council appoints Councillor Huckstepp to the Southern Region Waste Resource Authority.**
- 2. That Council appoints Councillor Yates as the Deputy Member to the Southern Region Waste Resource Authority**
- 3. That Council appoints the General Manager Corporate Services, Mr Ian Walker to the Southern Region Waste Resource Authority**

CARRIED

- 11.5.2 Appointments to the Western Region Waste Management Authority (Report No: 507/10)

The Western Region Waste Management Authority (WRWMA) is a regional subsidiary under Section 43 the Local Government Act 1999 by the Constituent Councils (Cities of Charles Sturt, West Torrens, Port Adelaide Enfield and Holdfast Bay).

Western Region Waste Resource Authority was established to:

- Manage the joint interests of the Constituent Councils in relation to the Garden Island landfill site;
- Undertake all manner of things relating to and incidental to the management function of the Authority;
- Provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the Constituent Councils in respect of the Garden Island landfill site.

Council appoints one member to the Western Region Waste Resource Authority.

C231110/010

Councillor Huckstepp moved and Councillor Yates seconded that Council appoints Councillor Bouchee to the Western Region Waste Resource Authority.

CARRIED

11.6 Council Advisory Committees

11.6.1 Appointments to the Audit Committee (Report No: 508/10)

The Audit Committee is established under Section 41 of the *Local Government Act 1999*, and Section 126 of the *Local Government Act 1999* defines the functions of the Audit Committee to include:

- reviewing annual financial statements to ensure that they present fairly the state of affairs of the council; and
- proposing, and providing information relevant to, a review of the council's strategic management plans or annual business plan; and
- proposing, and reviewing, the exercise of powers under section 130 A; and
- 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; and
- liaising with the council's auditor; and
- reviewing the adequacy of the accounting, internal control, reporting and other financial management systems and practices of the council on a regular basis.

Council appoints all members to the Audit Committee, two of which are Elected Members.

C231110/011

Councillor Clancy moved and Councillor Huckstepp seconded:

- 1. That Council endorses the Terms of Reference for the Audit Committee;**
- 2. That Council appoints Councillor Roe and Councillor Looker to the Audit Committee for a period of one year.**

CARRIED

11.6.2 Appointments to the Executive Committee (Report No: 509/10)

The Executive Committee of Council was established to manage Elected Member Code of Conduct complaints and the Chief Executive Officer's Employment Contract.

C231110/012

Councillor Clancy moved and Councillor Bouchee seconded:

- 1. That Council endorses the Terms of Reference for the Executive Committee;**
- 2. That Council appoints to the Executive Committee:**
 - The Mayor**
 - Deputy Mayor, Councillor Clancy**
 - Councillor Donaldson - Brighton Ward**
 - Councillor Fisk - Glenelg Ward**
 - Councillor Huckstepp - Seacliff Ward**
 - Councillor Patterson - Somerton Ward****for a one year term.**

CARRIED

11.7 Appointments to the Development Assessment Panel (Report No: 510/10)

The current term for Elected Members serving on the City of Holdfast Bay Development Assessment Panel (the Panel) expired on 14 November 2010 following the Local Government Election. The term for Independent Members serving on Council's Panel is set to expire on 31 December 2010 in accordance with a previous resolution of Council. It is therefore recommended that Council appoint three Elected Members to the Panel and that a working group comprising these three Elected Members, which is facilitated by the Manager Development Services, be established to make recommendation to Council on four suitably qualified people to serve as Independent Members on the Panel, one being the Presiding Member.

C231110/013

Councillor Bouchee moved and Councillor Lonie seconded:

- 1. That Councillors Clancy, Huckstepp and Looker be appointed to serve as Council Members of the City of Holdfast Bay Development Assessment Panel in accordance with the Code of Conduct and Terms of Reference for the Panel for the period commencing 1 December 2010 and ending 31 November 2011.**
- 2. That the Council Members appointed to the Development Assessment Panel (being Councillors Clancy, Huckstepp and Looker) comprise a working group to review all registrations of interest received for Independent Membership to the City of Holdfast Bay Development Assessment Panel and make recommendation to Council on four (4) suitably qualified people to serve as Independent Members on the Panel, one being the Presiding Member. The Manager Development Services shall facilitate the process.**
- 3. That in accordance with the Development Act, 1993 the following criteria be used in the selection of the Independent Members of the City of Holdfast Bay Development Assessment Panel:**
 - 3.1 Reasonable knowledge of the operation and requirements of the Development Act 1993.**

- 3.2 Appropriate qualifications or experience in a field that is relevant to the activities of the Panel, such as urban planning, urban design, planning or environmental law, architecture (building, heritage or landscape), building, engineering (civil or traffic), social geography or social history, environmental management or science (in particular in coastal issues).**
- 3.3 Minimal potential as a result of employment, business, financial or personal interests for issues of conflict of interest to arise in the role of an independent member on the Panel.**

CARRIED

12. Urgent Business – Subject to the Leave of the Meeting

12.1 Agenda Length – 14 December 2010 Council Meeting

Councillor Bouchée asked a question regarding the length of the December Council Meeting Agenda.

The Chief Executive Officer, Mr J Lynch provided a response.

13. Items in Confidence Nil

14. Closure

The Meeting closed at 7:42pm.

CONFIRMED Tuesday 14 December 2010

MAYOR