

**ADELAIDE HILLS COUNCIL
ORDINARY COUNCIL MEETING
Tuesday, 19 January 2016
CONFIDENTIAL AGENDA BUSINESS ITEM**

Item: 19.1

Originating Officer: Lachlan Miller, Director Strategy & Development

Responsible Director: Lachlan Miller, Director Strategy & Development

Subject: Appointment of Gawler River Floodplain Management Authority Chairperson

For: Decision

1. **Appointment of Gawler River Floodplain Management Authority Chairperson – Exclusion of the Public**
 - a) **That under the provisions of section 90(2) of the *Local Government Act 1999* an order is made that the public be excluded from the meeting, with the exception of:**
 - CEO, Andrew Aitken
 - Director Engineering & Assets, Deb Richardson
 - Acting Director Strategy & Development, Lachlan Miller
 - Director Corporate Services, Terry Crackett
 - Director Community & Customer Service, David Waters
 - Acting Manager Governance & Risk, Andrea Sargent
 - Minute Secretary, Pam Williams

in order to consider Agenda Item 17.1, Appointment of Gawler River Floodplain Management Authority Chairperson, in confidence.
 - b) **The Council is satisfied that it is necessary that the public, with the exception of Council staff in attendance as specified in (a) above, be excluded to enable Council to consider the report at the meeting on the following grounds:**
 - c) **Section 90(3) (a) of the Local Government Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).**
 - d) **Accordingly, on this basis the principle that meetings of the Council should be conducted in a place open to the public has been outweighed by the need to keep the information and discussion confidential.**

2. Appointment of Gawler River Floodplain Management Authority Chairperson – Confidential Item

SUMMARY

In March 2015 the charter of the Gawler River Floodplain Management Authority (GRFMA) was revised following approval from each of the Constituent Councils. One of the key changes was the manner in how the chairperson is selected and appointed.

The Board has undertaken a selection process for the position of independent chairperson and is recommending Mr Ian Baldwin for appointment to this position for a two (2) year term.

The Charter requires that the recommendation for appointment is supported by the absolute majority of the Constituent Councils.

RECOMMENDATION

Council resolves:

1. That the report be received and noted.
 2. To endorse the recommendation of the Gawler River Floodplain Management Authority Board for the appointment of Mr Ian Baldwin for a two (2) year term effective from the 18 February 2016 Board meeting.
 3. **Appointment of Gawler River Floodplain Management Authority Chairperson – Period of Confidentiality**
That having considered at Agenda Item 17.1 in confidence under sections 90(2) and 90(3)(a) of the Local Government Act 1999, that an order be made under the provisions of sections 91(7) and (9) of the Local Government Act 1999 that the report, related attachments and the minutes of Council and the discussion and considerations of the subject matter be retained in confidence until the appointment of the Gawler River Floodplain Management Authority Chairperson has been confirmed but not longer than six months from the date of this resolution.
 4. Pursuant to section 91(9) (a) of the Local Government Act 1999, that Council delegates the duty to conduct an annual review of the confidentiality order to the Chief Executive Officer, or his sub-delegate.
 5. Pursuant to section 91(9)(c) of the Local Government Act 1999, that Council delegates the power to revoke the confidentiality order to the Chief Executive Officer, or his sub-delegate.
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1. GOVERNANCE

➤ Strategic Management Plan/Council Policy

Goal 4 A Recognised Leading Performer

Key Issue 4.1 Leadership

Key Action 4.1.4 Meet legislative, regulatory and good governance responsibilities and obligations

➤ Legal Implications

The GRFMA is established pursuant to Section 43 and Schedule 2 of the *Local Government Act 1999*.

Clause 4.3.1 of the Charter states that the Board will comprise:

One independent person who is not an officer, employee or elected member of a Constituent Council appointed by absolute majority of the Constituent Councils as the Chairperson for a term of two years and who has expertise in one or more of the following areas:

- a) *Environmental management*
- b) *Corporate financial management*
- c) *General management*
- d) *Public sector governance*

➤ Risk Management Implications

Appointing a well-qualified independent chairperson following a robust selection process will assist in managing the risk of :

Poor governance practices occurring which lead to a loss of stakeholder (i.e. customer and regulator) confidence and/or legislative breaches.

Inherent Risk	Residual Risk	Target Risk
Extreme (5C)	Medium (3D)	Medium (3D)

There are many controls that assist in mitigating this risk and the appointment of the recommended chairperson to the GRFMA will not materially reduce the Residual Risk rating.

➤ Financial and Resource Implications

There are no direct financial implications to Adelaide Hills Council regarding the appointment of the chairperson.

The chairperson will be remunerated by GRFMA at the rate of \$400/meeting with a maximum payment of \$5,000 p.a. This is consistent with the approved GRFMA budget and similar to the payment structures of other s41 and s43 presiding members.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Environmental Implications**

Not applicable.

➤ **Engagement/Consultation with Committee, Regional Subsidiary, Advisory Group and Community**

The recommendations from the GRFMA Board Selection panel were discussed at the Board's 9 December 2015 meeting.

2. BACKGROUND

The Gawler River Floodplain Management Authority (GRFMA) was formed in 2002 and is a Regional Subsidiary established pursuant to Section 43 and Schedule 2 of the Local Government Act 1999.

The Constituent Councils are the Adelaide Hills Council, The Barossa Council, Town of Gawler, Light Regional Council, District Council of Mallala and the City of Playford.

At its 24 November 2015 meeting, Council appointed Cr Herrmann and Director Strategy & Development, Lachlan Miller, as the Council's GRFMA Board members.

Lachlan Miller attended the 9 December 2015 GRFMA Board meeting and received the verbal and written reports from the Selection Panel.

The Board considered the Selection Panel's recommendations and resolved to recommend to the Constituent Councils that appointment of Ian Baldwin as independent chairperson. A letter from the GRFMA Executive Officer advising the Board's recommendation is at **Appendix 1**.

Ian Baldwin is a former Director Development and Environmental Services with Barossa Council, a former President of the Australian Institute of Environmental Health in addition to sitting on a number of boards, including the GRFMA Board since 2008.

3. ANALYSIS

Ian Baldwin has considerable experience in public sector board roles and specifically knowledge and experience of the functions of the GRFMA.

The Selection Panel ranked Ian as the preferred candidate in a strong field of applicants.

Under the GRFMA Charter, an absolute majority of Constituent Councils is required to appoint the chairperson which equates to four of the six members.

4. OPTIONS

The Council has the following options:

1. To determine to endorse the recommendation of the GRFMA Board to appoint Ian Baldwin as independent chairperson (Recommended); or
2. To determine not to endorse the recommendation of the GRFMA Board to appoint Ian Baldwin as independent chairperson (Not Recommended)

If Council elects for Option 2, the GRFMA Board will be informed of the decision and if more than one other Constituent Council determines also to not support the Board's recommendation, the current chairperson appointment process will need to be recommenced.

5. APPENDIX

- (1) Letter from GRFMA Executive Officer – 21 December 2015

Appendix 1

*Letter from GRFMA Executive Officer – 21 December
2015*

GAWLER RIVER FLOODPLAIN MANAGEMENT AUTHORITY

Adelaide Hills Council
The Barossa Council
Town of Gawler
Light Regional Council
District Council of Mallala
City of Playford

Address: 3/58 Charles Street, Unley, South Australia, 5061
Mobile: 0413 174 222
Email: deangollan@hotmail.com
Web Site: www.gawler.sa.gov.au/grfma

21 December 2015

CONFIDENTIAL

Mr. A. Aitken
Chief Executive Officer
Adelaide Hills Council
PO Box 44
Woodside SA 5244

Dear Andrew,

I write to advise that, according to the Gawler River Floodplain Management Authority's Charter, the Board has advertised and interviewed candidates for the position of Independent Chairperson.

The process has now been undertaken per the Charter and the Board recommends the appointment of Mr Ian Baldwin as Chairperson for the term of two (2) years, with the option to recall other named suitable candidates in the event the preferred does not work out within the probation period. A sitting fee of \$400 per meeting with a maximum payment of \$5,000 per annum has been set. (This aligns with the amount set within the approved current budget). This will cover the Chairperson presiding at up to eight (8) Board Meetings per year and one or two Technical Assessment Panel meetings per year.

The recommended applicant met the criteria having had experience in environmental management, corporate finance management, general management and public sector governance. Ian Baldwin's Curriculum Vitae is available for perusal upon request.

The Gawler River Floodplain Management Authority now requires the endorsement of this recommendation for this appointment from its Constituent Councils to take effect at the next Board Meeting scheduled for 18 February 2016.

Would you kindly make arrangements for this recommendation to be put to your Council at your earliest convenience and notify me of your decision.

Many thanks in anticipation of your cooperation.

Yours sincerely



Dean Gollan
EXECUTIVE OFFICER