

CONFIDENTIAL ITEMS 2003 – JUNE 2020

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
144	20 January 2020	Appointment of Independent Members, Payment of An Annual Fee and Appointment of a Council Member to the Regional Sports Hub Board	<p>1. Pursuant to Section 90(3)(a) Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except (Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects, Wastewater/Recycled Water, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, Risk and Governance Officer and the Minute Secretary) be excluded from attendance at the meeting for Agenda Item 18.1 Appointment of Independent Members, Payment of an annual fee and appointment of a Council Member to the Regional Sports Hub Board</p> <p>The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Regional Sports Hub Board in that their identity and details included in their resumes will be discussed.</p> <p>The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details relating to personal information of people who expressed an interest in membership of the Board will be</p>	Report attachments and minutes be retained in confidence until all appointees have accepted their position and unsuccessful applicants have been notified or such lesser period as may be determined by the Chief Executive Officer.	The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Regional Sports Hub Board in that their identity and details included in their resumes will be discussed.	Retained in confidence until all appointees have accepted their position and unsuccessful applicants have been notified or such lesser period as may be determined by the Chief Executive Officer.		Within 12 months	<i>Report, attachment and Minutes released on website 12 June 2020</i>

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			discussed. Section 91(7) Order		because the disclosure of details relating to personal information of people who expressed an interest in membership of the Board will be discussed.				
			7. Pursuant to Section 91(7) That having considered Agenda Item 18.1 Appointment of Independent Members, payment of an Annual Fee and Appointment of a Council Member to the Regional Sports Hub Board in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report attachments and minutes be retained in confidence until all appointees have accepted their position and unsuccessful applicants have been notified or such lesser period as may be determined by the Chief Executive Officer.						

18. CONFIDENTIAL REPORTS

- 18.1** **REPORT TITLE:** **APPOINTMENT OF INDEPENDENT MEMBERS,
PAYMENT OF AN ANNUAL FEE AND
APPOINTMENT OF A COUNCIL MEMBER TO THE
REGIONAL SPORTS HUB BOARD**
- DATE OF MEETING:** **20 JANUARY 2020**
- FILE NUMBER:** **DOC/19/162563**
- ATTACHMENTS:** **1- DOC/20/3609 PROCESS AND FLOWCHART FOR
APPOINTING INDEPENDENT MEMBERS
2. – DOC/20/4281 - SELECTION CRITERIA USED
3 – DOC/19/164762 – PROCESS FOR COUNCIL
MEMBER APPOINTMENT**
- Key Contact** **Ros McDougall, Risk and Governance Officer
Greg Parker, General Manager, Community Services**
- Manager/Sponsor** **Brian Clancey, Deputy Chief Executive
Officer/General Manager Governance, Strategic
Project, Wastewater/Recycled Water**

Mount Barker 2035 – District Strategic Plan:

Community Wellbeing

CW 5: Recreation and Physical Activity Development

CW5.2: Provide facilities and space that encourages physical activity

Annual Business Plan:

Nil

Purpose:

To appoint independent members to the Regional Sports Hub Board and
To determine an annual payment for independent members.
To appoint a Council Member to the Regional Sports Hub Board.

Summary – Key Issues:

- The Nomination Panel appointed by Council has recommended the appointment of independent members to the Regional Sports Hub Board.
- Payments to the independent members of the Board are recommended.
- Council will need to appoint one (1) Council Member to the Board

Recommendation:**1. Pursuant to Section 90(3)(a)**

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except (Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects, Wastewater/Recycled Water, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, Risk and Governance Officer and the Minute Secretary) be excluded from attendance at the meeting for Agenda Item 18.1 Appointment of

Independent Members, Payment of an annual fee and appointment of a Council Member to the Regional Sports Hub Board

The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Regional Sports Hub Board in that their identity and details included in their resumes will be discussed.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details relating to personal information of people who expressed an interest in membership of the Board will be discussed.

2. That Council use the nomination process in Attachment 1 to appoint independent members to the Regional Sports Hub Board.
3. That Council appoint the following independent members to the Regional Sports Hub Board:
 - Iain Evans (if chosen – to also be Chairperson) or Jamie Briggs
 - Paul Brown (to be Chairperson if Jamie Briggs is chosen as a Board Member) until 1 February 2023; and
 - Peter Scargill
 - Jane Russountil 1 February 2022.
4. Authorise the CEO to negotiate annual fees (for the remainder of 2019/20 and 2020/21) for the 4 independent Board positions up to a total of \$20,000 per annum to allow for flexibility in securing the preferred candidates.
5. That Council use the nomination process in Attachment 3 to appoint a Council Member to the Regional Sports Hub Board.
6. That Council appoint:
 - Councillor as a Member of the Regional Sports Hub Board until the end of the Council term;

Section 91(7) Order

7. Pursuant to Section 91(7)
That having considered Agenda Item 18.1 Appointment of Independent Members, payment of an Annual Fee and Appointment of a Council Member to the Regional Sports Hub Board in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report attachments and minutes be retained in confidence until all appointees have accepted their position and unsuccessful applicants have been notified or such lesser period as may be determined by the Chief Executive Officer.
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Background:

1. At the 2 September 2019 meeting Council approved Terms of Reference for the Regional Sports Hub (RSH) Board and Sub-Committee and appointed a 3 person panel to undertake the process of recruiting the 4 independent Board members of the RSH Board.
2. Members of the Nomination Panel were Mayor Ferguson, Greg Parker with Brian Cunningham as the independent person.
3. Members of the Nomination Panel met with the Risk and Governance Officer on 22 November 2019 to finalise the recruitment strategy and interview process.
4. Advertisements for expressions of interest for 4 independent members of the Regional Sports Hub Board appeared on Council's website with a post to Facebook, Australian Institute of Company Directors, Linked In and The Courier.

Discussion:

5. Twenty three (23) applications were received. Names of all applicants are available from the Risk and Governance Officer on request.
6. The Nomination Panel met on 13th December 2019 and used weighted selection criteria (refer Attachment 2) and determined that seven (7) applicants would be interviewed.
7. The interviews occurred on 17th and 18th December 2019 with the following applicants (listed in no particular order):
 - Jane Russo
 - Iain Evans
 - Peter Brass
 - Paul Brown
 - Peter Scargill
 - Nadia Moffatt
 - Jamie BriggsCVs for those interviewed are available from the Risk and Governance Officer on request.
8. The Council is seeking a mix of skills and the Nomination Panel recommend the following candidates to be appointed to the Board:
 - Jane Russo – (strengths in marketing, sports/leisure)
 - Paul Brown - (strengths in Board experience; tourism/events/marketing)
 - Peter Scargill (strengths in finance)
9. The final member of the Board Panel Member was a more difficult decision due to the skills and experience of each of the candidates and is provided for Council's decision:
 - Iain Evans (strengths in government experience; Chair of Boards; political connections)
 - Jamie Briggs (strengths in government experience; Chair of Boards; political connections)

10. As per the approved Terms of Reference for the RSH Board the Chairperson and one independent board member will be appointed for 3 years while the other will be appointed for 2 years – these are reflected in the recommendations.

Chairperson

11. The decision of Chairperson will depend on which person is chosen as the final Board Member.
12. If Iain Evans is chosen by Council then the Panel recommend that he be the Chairperson.
13. If Jamie Briggs is chosen by Council he has indicated he does not wish to be Chairperson and the Panel have recommended Paul Brown, in this circumstance, to be Chairperson.
14. Attachment 1 outlines the recommended process to appoint the 'final' independent member and determination of Chairperson. A flow chart is also provided outlining each possible outcome.

Independent Board Member Payment

15. In recognition of the skills and experience provided by the Independent Board Members and the work that is anticipated to be undertaken by independent Board Members outside of meetings, an annual payment rather than a sitting fee is recommended.
16. The RSH Board is a Committee of Council and is the only Committee of Council that has delegated authority so a payment commensurate with that responsibility is necessary.
17. It is recommended that Council authorise the CEO to negotiate annual fees (for the remainder of 2019/20 and 2020/21) for the 4 independent Board positions up to a total of \$20,000 per annum to allow for flexibility in securing the preferred candidates.

Council Member Appointments

18. The RSH **Board** Terms of Reference requires one (1) Council Member to be appointed by Council.
19. When the RSH Board require the RSH Sub-Committee a report will be provided to Council to nominate two Council Members:
 - as a Member of the Sub-Committee; and
 - as a Proxy Member of the Sub-Committee
 -
20. Attachment 3 provides the nomination processes for the appointment of a Council Member to the RSH Board
21. There is no remuneration for a Council Member on this Board. This is consistent with the Remuneration Tribunal determinations which proposes a payment for the position of a Chairperson only of a Committee (if occupied by a Council Member).

22. The first Board meeting is anticipated to be in late February early March. Meetings are expected to be bi-monthly in the first 12 months.

23. The appointment of a Council Member to the Board will expire at the conclusion of the term of Council.

Community Engagement:

Informing only	Following advice to the successful and unsuccessful applicants for the RSH Board, information will be placed on Council's website.
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Policy:

N/A

Long Term Financial Plan:

The Regional Sports Hub was included in the previously adopted Long Term Financial Plan. A revised Long Term Financial Plan will be developed in Quarter 3 2019/20 to include the latest version of the Regional Sports Hub business case and incorporate these board fees.

Budget:

A budget allocation of \$12,000 was agreed at the Council Meeting on 2 September 2019 for inclusion in Budget Review 1 for the provision of recruitment costs and initial sitting fees. Minor additional costs will be funded from Council's overall budget.

Board sitting fees within the current business case for 2020/21 are \$10k (predicated on 3 not 4 independent Board Members). Any additional costs will be included in the 2020/21 budget.

Statutory/Legal:

The Regional Sports Hub Board Terms of Reference were adopted by Council 2 September 2019 and were developed in accordance with Section 41 of the Local Government Act 1999.

The RSH Board is a Committee of Council and does not derogate from the power of council to act in a matter.

Pursuant to the Local Government Act the Committee (RSH Board) is to establish the Sub-Committee.

Staff Resource Requirements:

The Risk and Governance Officer has assisted the Independent Board Members Nomination Panel.

Environmental:

N/A

Social:

N/A

Risk Assessment:

There is a risk that given the passage of time a person recommended for appointment may have had a change in circumstances.

Asset Management:

N/A

Conclusion:

To progress the governance and management of the Regional Sports Hub appointments need to be made to the Board and board payments determined.

Previous Decisions By/Information Reports to Council

Meeting Date	2 September 2019	HPRM Reference	DOC/19/101322
Title	Regional Sports Hub Board and Sub-Committee Terms of Reference and Independent Board Members Nomination Panel		
Purpose	To seek approval of the Terms of Reference for the Regional Sports Hub Board and Sub-Committee. To appoint members to the Independent Board Members Nomination Panel.		

Previous Decisions By/Information Reports to Council

Meeting Date	1 April 2019	HPRM Reference	DOC/19/4289
Title	MOUNT BARKER REGIONAL SPORTS HUB OPERATIONS / GOVERNANCE MODEL AND BUSINESS STRATEGY		
Purpose	To seek Council endorsement of the Mount Barker Regional Sports Hub operating and governance model (part 1) (attachments 1 and 2) and the business strategy (part 2) (attachment 3) to enable preparation for operations to proceed.		

Attachment 1 to Item 18.1

Attachment 1**Process and flowchart to appoint the 'final' independent member to the RSH Board**

The Council is required to confirm if they want the final independent member of the RSH Board to be:

- Iain Evans; or
- Jamie Briggs

All members in the Chamber including the Presiding Member shall be eligible to vote via the secret ballot as this is not a motion, it is to gauge the preferred 'final' independent member.

Step 1**1. Secret Ballot**

Each Council Member in the Chamber including the Mayor will complete their voting slip to include the name of their preferred 'final' independent member out of Iain Evans and Jamie Briggs.

2. These will be collected and counted by a Council Officer present and an additional Council Officer acting as scrutineer.
3. The counting will be first past the post, majority vote.

Step 2

4. The Presiding Member will announce the result of the secret ballot process.

Step 3

5. If the result is that Iain Evans is successful then the motion will reflect that he is to be the Chairperson.
6. If the result is that Jamie Briggs is successful then the motion will reflect that Paul Brown is to be the Chairperson.

If there is a tied vote the following process will occur:

Tied Vote

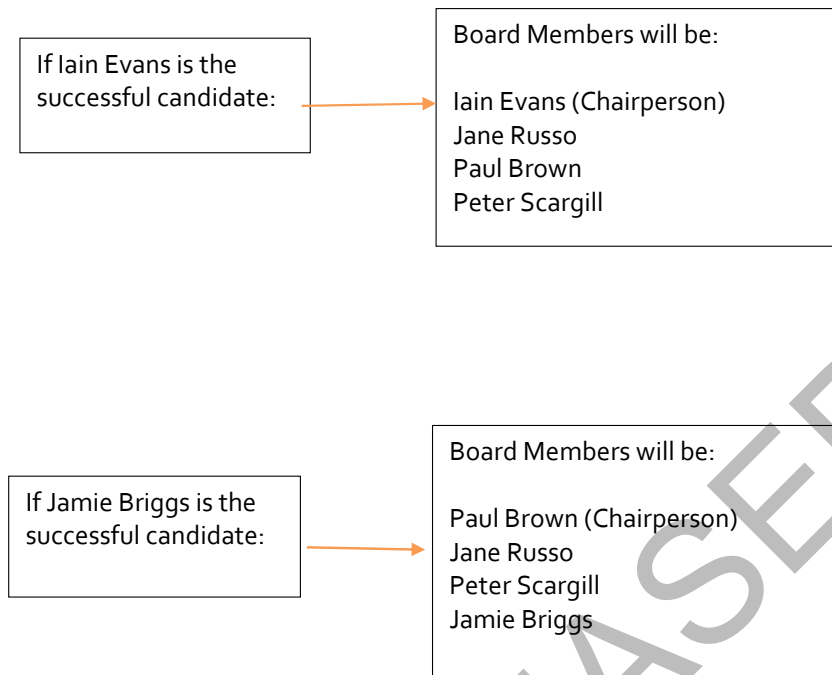
8. If the result is a tied vote, the result will be decided by the scrutineer placing the two names in a box.
9. The first name drawn out by the Presiding Member will be the person who is **eliminated** (as per Council's Code of Practice for Meeting Procedures).

Step 4

10. Following Step 3 the Presiding Member will call for a motion and resolution to reflect the result of Step 3.

Council Members will not be able to see the ballot papers after the vote is completed and the ballot papers will be destroyed by the scrutineers.

Flowchart showing possible outcomes of the secret ballot to select either Iain Evans or Jamie Briggs:



Attachment 2 to Item 18.1

**Selection Criteria
RSH Independent Board Members**

- Australian Institute of Company Directors qualifications
- commercial experience
- local/state government experience
- business connections
- financial expertise
- sports/leisure facility experience
- contract management
- master planning
- marketing/community events
- community disability/public health
- previous Chairperson experience

RELEASED

Attachment 3 to Item 18.1

Attachment 3

Process to appoint 1 Council Member to the RSH Board

Background

1. Council Members should consider whether they have a conflict of interest when nominating and whether they should participate in the vote.
2. If Council Members wish to nominate but will be absent from the meeting they may notify the Chief Executive Officer or the Executive Assistant to the CEO and Mayor via email or letter of their desire to nominate;

Step 1.

3. The Presiding Member will separately call for nominations for one (1) Board Member of the Regional Sports Hub. Nominations do not require a seconder.

Step 2

4. If there is more than one nomination:
 - the Presiding Member will allow up to 2 minutes each for those members nominated to explain why they are the most appropriate nominee
 - the vote will then be via secret ballot.
5. All members in the Chamber including the Presiding Member shall be eligible to vote via the secret ballot as this is not a motion, it is to gauge the preferred Council Member.

Step 3

6. Secret Ballot
Each Council Member in the Chamber including the Mayor will complete their voting slip to include the name of their preferred Council Member i.e. one name only is to be written on the voting slip. These will be collected and counted by a Council Officer present and an additional Council Officer acting as scrutineer.
7. The counting will be first past the post, majority vote.

Step 4

8. The Mayor will announce the result of the secret ballot process.

Step 5- Motion – the Presiding Member will call for the following Motion to formalise the ballot process.

9. Appoint as a Member of the Regional Sports Hub Board until the conclusion of the term of Council.
10. Council Members will not be able to see the ballot papers after the vote is completed and the ballot papers will be destroyed by the scrutineers.

If there is a tied vote the following processes will occur:

11. Tied Vote

If there is a tie for the most votes **but** there are also votes for other nominees, Council will undertake a further process (using the same voting option) with this then being restricted only to the two (or more) tied nominees who received the most votes i.e. the other nominees are now excluded.

12. If the subsequent result is a tied vote between candidates **and** no other candidates received any votes, the result will be decided by the scrutineer placing the Council Member names in a box.

13. The first name drawn out by the Presiding Member will be the Council Member who **is eliminated** (as per Council's Code of Practice for Meeting Procedures) until there is only one name remaining.

14. This will be followed by a motion and resolution as above in step 5

RELEASED

18. CONFIDENTIAL REPORTS

- 18.1 REPORT TITLE: APPOINTMENT OF INDEPENDENT MEMBERS, PAYMENT OF AN ANNUAL FEE AND APPOINTMENT OF A COUNCIL MEMBER TO THE REGIONAL SPORTS HUB BOARD**
- DATE OF MEETING: 20 JANUARY 2020**
- FILE NUMBER: DOC/19/162563**
- ATTACHMENTS: 1- DOC/20/3609 PROCESS AND FLOWCHART FOR APPOINTING INDEPENDENT MEMBERS
2. - DOC/20/4281 - SELECTION CRITERIA USED
3 - DOC/19/164762 - PROCESS FOR COUNCIL MEMBER APPOINTMENT**

Moved Councillor Leach that:

1. Pursuant to Section 90(3)(a)

Pursuant to Section 90(2) of the Local Government Act 1999 the Council orders that all members of the public except (Chief Executive Officer, Deputy Chief Executive Officer/General Manager Governance, Strategic Projects, Wastewater/Recycled Water, Chief Financial Officer, General Manager Planning and Development, General Manager Community Services, General Manager Infrastructure, Risk and Governance Officer, Brian Cunningham (Consultant) and the Minute Secretary) be excluded from attendance at the meeting for Agenda Item 18.1 Appointment of Independent Members, Payment of an Annual Fee and Appointment of a Council Member to the Regional Sports Hub Board

The Council is satisfied that pursuant to Section 90(3)(a) of the 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 people who expressed an interest in membership of the Regional Sports Hub Board in that their identity and details included in their resumes will be discussed.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the disclosure of details relating to personal information of people who expressed an interest in membership of the Board will be discussed.

Seconded Councillor Jones

CARRIED
OM20200120.13

Moved Councillor Morrison:

2. That Council use the nomination process in Attachment 1 to appoint independent members to the Regional Sports Hub Board.

Seconded Councillor Westwood

CARRIED
OM20200120.14

Moved Councillor Bailey:

3. That Council appoint the following independent members to the Regional Sports Hub Board:

- Iain Evans (Chairperson)
- Paul Brown
until 1 February 2023; and
- Peter Scargill
- Jane Russo
until 1 February 2022.

Seconded Councillor Morrison

CARRIED
OM20200120.15

Moved Councillor Westwood

4. Authorise the CEO to negotiate annual fees (for the remainder of 2019/20 and 2020/21) for the 4 independent Board positions up to a total of \$20,000 per annum to allow for flexibility in securing the preferred candidates.

Seconded Councillor Jones

CARRIED
OM20200120.16

Moved Councillor Westwood:

5. That Council use the nomination process in Attachment 3 to appoint a Council Member to the Regional Sports Hub Board.

Seconded Councillor Orr

CARRIED
OM20200120.17

Moved Councillor Westwood:

6. That Council appoint:
 - Councillor Jones as a Member of the Regional Sports Hub Board until the end of the Council term;

Seconded Councillor Morrison

CARRIED
OM20200120.18

Moved Councillor Bailey that:

Section 91(7) Order

7. **Pursuant to Section 91(7)**

That having considered Agenda Item 18.1 Appointment of Independent Members, payment of an Annual Fee and Appointment of a Council Member to the Regional Sports Hub Board in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7) of the Act orders that the report attachments and minutes be retained in confidence until all appointees have accepted their position and unsuccessful applicants have been notified or such lesser period as may be determined by the Chief Executive Officer.

Seconded Councillor Minett

CARRIED
OM20200120.19

MEETING DECLARED CLOSED AT 8.17 PM


MAYOR

3.2.20
DATE