

ATTACHMENT TO AGENDA ITEM

Ordinary Meeting

17 September 2013

Agenda Item 5.6	Shepparton Show Me Committee - Instrument of Delegation and Guidelines	
Attachment 1	Gudelines Applying to the Instrument of Delegation to the Shepparton Show Me Committee	129

**GUIDELINES – COMMITTEE DELEGATIONS
SHEPPARTON SHOW ME COMMITTEE****GUIDELINES – COMMITTEE DELEGATIONS****INTRODUCTION****1 APPLICATION OF GUIDELINES AND DATE EFFECTIVE**

The delegation to the Shepparton Show Me Committee must be exercised in accordance with these Guidelines. These Guidelines were authorised by resolution of the Council on 17 September 2013 and have effect from 17 September 2013.

2 DEFINITIONS:

In these Guidelines, the following terms have the meanings indicated:

- 2.1 “Act” means the *Local Government Act 1989*;
- 2.2 “Committee” means the Shepparton Show Me Committee established by the Council under section 86 of the Act;
- 2.3 “Council” means the Greater Shepparton City Council; and
- 2.4 “Program” means the authorised activities undertaken by the Shepparton Show Me Committee.

COMMITTEE STRUCTURE**3 POLICY, RULES AND PROCEDURES**

In furtherance of its power and functions, the Committee must:

- 3.1 make procedures and rules;
- 3.2 in making any procedures, rules and conditions of use, act consistently with the objectives of the Committee stated in the Instrument of Delegation, these Guidelines and any policies of the Council;
- 3.3 report any breaches of rules, conditions of use and local laws, which cannot appropriately be dealt with by the Committee, to the Council;
- 3.4 require all users of the program to abide by any conditions of use or rules made by the Committee which are applicable to the program;
- 3.5 require all users of the program to abide by any conditions of use, rules or local law made by the Council which are applicable to the program.
- 3.6 Within 12 months of each General Election, carry out a review of the Shepparton Show Me Committee’s requirements in accordance with section 86 of the *Local Government Act 1989*.

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The Committee must:

- 4.1 not carry out or authorise any capital works, extensions or additions which materially alter any buildings or surrounds associated with the program outside those approved within the marketing strategy without prior approval from the Council; and
- 4.2 make recommendations to the Council on the development of future capital works and the provision of future facilities and amenities to the program.

5 GOVERNANCE AND GOOD MANAGEMENT PRACTICE

The Committee has the authority to seek advice, assistance and expertise as is necessary for the proper and efficient management of the Committee within the constraints of its budget and delegation, including the ability to invite persons to the meetings of the Committee as observers or advisers.

6 REPORTING

The Committee must:

- 6.1 provide a written report to the Council on its operation on an annual basis (which shall be deemed to be the annual report) by the end of September each year;
- 6.2 develop a 5 year marketing strategy;
- 6.3 develop a comprehensive marketing plan each year and present to Council for approval before 30 April each year;
- 6.4 document any business/funding agreements between the Shepparton Show Me Committee and any other parties and ensure such documents are transparent, reviewed and maintained;
- 6.5 Establish, maintain and present at each general meeting a register of all sponsorship submissions, including applications approved and applications declined;
- 6.6 convene or cause to be convened such meetings, forums, seminars or other activities as may be deemed of value by the Committee to meet or assist in meeting its objectives;
- 6.7 ensure compliance with all Acts, regulations and other legal requirements;
- 6.8 not commit, or permit to be committed, any act which will render the operation of any of the Council's insurance policies invalid;
- 6.9 publicise, promote and communicate its initiatives and the evaluation of such initiatives to the community of Greater Shepparton.

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- 7.1 The Committee must ensure the effective financial control of the program, including the submission of an annual budget to Council for consideration and approval by 30 April each year (for each financial year beginning on 1 July and ending the following 30 June). This annual budget must include anticipated funds carried forward as at 30 June.
- 7.2 The Committee must submit a quarterly report to the Council demonstrating that all campaigns and sponsorship allocations during the previous quarter have success measurements clearly defined prior to allocation and assessed upon completion, including all minutes of meetings from the previous quarter.
- 7.3 The Committee must consider financial reports developed by the Council in conjunction with the treasurer, detailing Shepparton Show Me's financial position at each general meeting.
- 7.4 The Secretary/Treasurer of the Committee must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the annual general meeting of the Committee.
- 7.5 The Committee may enter into contracts, leases or rental agreements on behalf of the Council associated with the Committee's annual marketing plan with the consent of Council and subject to any requirements of the Act. Specific contracts shall not exceed \$100,000 on individual contracts without Council consent and must conform with Council's Procurement Policy.
- 7.6 The Committee shall have the power to, on behalf of the Council, raise funds, solicit and receive donations and secure government grants, in accordance with the objectives of the Committee, policies of Council and the budget, subject to the consent of the Council.
- 7.7 The Committee shall have the power to, on behalf of the Council, hold or sponsor functions/events, stalls or fundraising means, within the constraints of the budget, to enhance the objectives of the Committee, subject to the consent of the Council Officers.
- 7.8 The Committee must ensure that all accounting functions of the Committee conform to the requirements of Australian Accounting Standards, the *Local Government Act 1989* and Council policies.
- 7.9 The Committee must ensure that all revenue and expenditure is accounted for using the Council's financial management system.

8 COMMITTEE MEMBERSHIP

- 8.1 The Committee shall comprise of the following:
 - 8.1.1 between 6 and 9 members representative of the Shepparton business community
 - 8.1.2 two councillors

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- 8.1.3 one member of Council's Executive, and
- 8.1.4 three non-voting members being the Council officers holding the positions of:
 - (a) Manager Marketing and Communications,
 - (b) Manager Arts, Events and Tourism, and
 - (c) Manager Investment Attraction (non-voting members).
- 8.2 On appointment, the Chairperson is required to undertake appropriate training relating to the meeting procedures outlined in this document and other Council policies.
- 8.3 Business Community Members will be appointed for a period of two years (but may be removed by the Council at any time). Nominations will take place each year, with 50 per cent of the Committee positions eligible for nomination every twelve months. A member of the Committee shall be eligible for re-appointment at the expiration of his or her period of office.
- 8.4 The Committee may co-opt as many additional members as it sees fit, but:
 - 8.3.1 no such co-option will take effect until the Council has passed a resolution appointing the co-opted person as a member of the Committee; and
 - 8.3.2 no such co-opted members shall have any voting rights at Committee meetings;
- 8.5 The Council will call for registrations of interest from the community by way of a notice in the public notice section of a local newspaper before appointing business community representatives to the Committee;
- 8.6 Notwithstanding anything else contained herein, a Committee member who is absent from three consecutive committee meetings without notification and approval by the Committee shall cease to be a member of the Committee.

9 MEETINGS

9.1 Annual General Meeting

- 9.1.1 The Committee shall hold an annual general meeting in the first quarter of the financial year on a date fixed by the Chairperson. The business of the Annual General Meeting shall be:
 - (a) to receive the annual report;
 - (b) to receive a report on the programme of activities proposed for the following year;
 - (c) to receive and adopt the annual financial statement; and
 - (d) to elect office bearers to the positions of Deputy Chairperson, Secretary, Treasurer and other positions determined by the Committee as being necessary for the efficient functioning of the Committee.

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9.1.2 The Committee shall give notice of the annual general meeting by way of a notice in the public notice section of the local newspaper circulating in the area.

9.2 General Meetings

The Committee shall hold at least ten general meetings during the year on such dates as determined by resolution of the Committee.

The Committee may, by resolution at an Ordinary meeting or Special meeting, determine or alter the day, time and place of any meeting.

9.3 Special Meetings

The Chairperson may call a special meeting on his or her own initiative and must call a special meeting forthwith upon receiving from any three members of the Committee a written request that such a meeting be so called. The notice of the meeting by the Chairperson and the request by the three Committee members shall contain a statement of the purpose of the meeting.

The meeting must be held on such date and at such time as fixed by the Chairperson, provided that, in cases where the Chairperson calls a meeting in response to a request, the meeting shall be held within 21 days of the Chairperson receiving such request.

The Chairperson shall arrange for reasonable notice of the meeting to be given to all Committee members. No other business shall be transacted at that meeting except that specified in the notice unless, all Committee members are present and unanimously agree to deal with any other matter.

9.4 Special (Emergency) Meetings

In the case of an emergency, the Chairperson or, in his absence, the Deputy Chairperson, may call or postpone a meeting of the Council without the necessity to comply with clause 9.5.3 provided reasonable attempts are made to notify every Councillor.

The circumstances which prevented the Committee from complying with clause 9.5.3 must be recorded in the minutes of any Special (Emergency) Meeting.

9.5 Notice of Meeting

9.5.1 The Committee shall provide at least seven days public notice before the holding of any:

- (a) Ordinary Meeting
- (b) Special Meeting

9.5.2 The Committee shall give such public notice as is practicable before the holding of any Special (Emergency) Meeting.

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- 9.5.3 The Secretary shall ensure that the notice of meeting is served on every member incorporating or accompanied by an agenda of the business to be dealt with:
- (a) For an Ordinary or a Special Meeting, at least two business days before the meeting; and
 - (b) For a Special (Emergency) Meeting at least 24 hours before the meeting.
- 9.5.4 The notice on agenda for any meeting shall be sent by post, email, facsimile or otherwise delivered to each member and must state:
- (a) The date, time and place of the meeting;
 - (b) The business to be dealt with at the meeting; and
- 9.5.5 Once the notice on agenda for any meeting has been distributed, the agenda may only be amended by a resolution of the Committee.

10 MEETING PROCEDURES

- 10.1 The Committee is not required to comply with the requirements of Local Law No. 2 – Processes of Municipal Government (Meetings and Common Seal).
- 10.2 The quorum at any Committee meeting shall be a majority of voting members of the Committee.
- 10.3 Attendance at Committee meetings may be in person or via telephone conferencing.
- 10.4 The Chairperson shall take the chair at all meetings at which he or she is present. In the Chairperson's absence, the Vice Chairperson will chair the meeting. In the event of the absence of both the Chairperson and the Deputy Chairperson, the members present may appoint one of their fellow members to chair the meeting. Appointment of an Acting Chairperson must be way of resolution of the Committee with a mover and seconder and a formal vote.
- 10.5 The Chairperson must not accept any motion or amendment which is:
- 10.5.1 defamatory;
 - 10.5.2 objectionable in language or nature;
 - 10.5.3 vague or unclear in intention;
 - 10.5.4 outside the powers of the Committee;
 - 10.5.5 irrelevant to the item of business on the agenda and has not been admitted under Any Other Business;
 - 10.5.6 Purports to be an amendment but is not.
- 10.6 The wording of a motion before the Chairperson may be modified, with the approval of the mover and seconder and the leave of the Committee. Such modification will be

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be treated as an amendment to the motion and the modified motion will be recorded in the Minutes of the meeting as the motion put by the Chairperson.

- 10.7 Before any motion is put to the vote, it may be withdrawn with leave of the Committee.
- 10.8 Any member or person who addresses the meeting shall direct all remarks through the Chairperson.
- 10.9 A motion before a meeting of the Committee is to be determined as follows:
 - 10.9.1 a quorum must be present at the meeting;
 - 10.9.2 the motion is moved and seconded;
 - 10.9.3 each member of the Committee who is entitled to vote is entitled to one vote;
 - 10.9.4 unless otherwise prohibited by the Act, each member of the Committee entitled to vote and present, must vote;
 - 10.9.5 unless the procedures of the Committee otherwise provide, voting must be by show of hands;
 - 10.9.6 the motion is determined by a majority of the vote; and
 - 10.9.7 if there is an equality of votes, the Chairperson has a second vote. The Chairperson does not have to exercise the casting vote in the same manner as he or she exercised their personal vote.
- 10.10 Minutes shall be kept of the proceedings at all meetings. After confirmation of the minutes, they must be signed and certified by the chairperson of the meeting at which they are confirmed. Copies of minutes must be forwarded to Council within fourteen days of a meeting. Those meetings must record:
 - 10.9.1 The date, place, time and nature of the meeting;
 - 10.9.2 The names of members and whether they are present, an apology on leave of absence or absent;
 - 10.9.3 the declaration of any conflict of interest made by a member including the classification of the interest under the Act and the nature of the interest declared;
 - 10.9.4 the declaration of any conflict of interest made by a Council officer or contractor who has provided advice to the Committee in relation to a matter being considered at the meeting, including the classification of the interest under the Act and the nature of the interest declared;
 - 10.9.5 any application by a member to be exempted from voting on a matter due to conflict personal interests, including reasons supporting the application;
 - 10.9.6 Arrivals and departures (including temporary departures) of members during the course of the meeting;

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- 10.9.7 each motion and amendment moved, along with the mover and seconder of each motion and amendment;
- 10.9.8 the outcomes of every motion or amendment, including motions and amendments that lapse for the want of a seconder;
- 10.9.9 details of any failure to achieve or maintain a quorum;
- 10.9.10 the time and reason for any adjournment of the meeting, including any adjournment as a result of a failure to gain or maintain a quorum;
- 10.9.11 the closure of the meeting to the public and the reasons for the closure;
- 10.9.12 the names of Council officers formally in attendance (not including officers who are merely attending as members of the public gallery);
- 10.9.13 the names of any persons or groups formally in attendance;
- 10.9.14 the time at which the meeting was closed; and
- 10.9.15 any other matter which the Chairperson thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.
- 10.11 Each member of the Committee must comply with the Act with respect to any conflict of interest of the member.
 - 10.11.1 At any meeting of the Committee, members must declare all conflicts of interest:
 - (a) at the beginning of a committee meeting (except where the conflict of interest relates to a matter which will be considered by a Committee meeting closed to the public in accordance with the Act), and
 - (b) immediately prior to consideration of the matter which gives rise to the conflict of interest whether or not a declaration has been made under clause 10.10.1(a).
 - 10.11.2 Where any member has made a declaration in accordance with clause 10.10.1(a), the Chair should pause after announcing any matter in relation to which a declaration has been made, to allow a declaration to be made in accordance with clause 10.10.1(b), prior to consideration of the matter
 - 10.11.3 A failure by the Chairperson to apply clause 10.10.2 does not remove any obligation on an individual member to make a declaration in accordance with the Act.
- 10.12 Any meeting or special meeting of the Committee must be open to members of the public, subject to clause 10.13.
- 10.13 The Committee may resolve that a meeting be closed to members of the public if the meeting is discussing any of the following:
 - 10.7.1 personnel matters;

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- 10.7.2 the personal hardship of any resident or ratepayer;
 - 10.7.3 industrial matters;
 - 10.7.4 contractual matters;
 - 10.7.5 proposed developments;
 - 10.7.6 legal advice;
 - 10.7.7 matters affecting the security of Council property;
 - 10.7.8 any other matters which the Committee considers would prejudice the Council or any person;
 - 10.7.9 a resolution to close the meeting to members of the public.
- 10.14 If the Committee resolves to close a meeting to the public, the reason must be recorded in the minutes of the meeting.
- 10.15 Any decision of the Committee which the Committee does not have delegated power to implement, cannot be implemented until approved by the Council.
- 10.16 The Chairperson (or other persons authorised by the Chairperson) may record on suitable video or audio recording equipment all the proceedings of a Council Meeting. Any recording will be made only for administrative purposes to ensure accuracy of the minutes. No person must operate photographic, audio or video recording equipment or any other recording device at any Committee meeting without first obtaining the consent of the Chairperson. Such consent may at any time during the course of such meeting be revoked by the Chairperson.
- 10.17 In the event of any unresolved dispute arising, the matter shall be submitted to the Council in writing and any decision made thereon by the Council shall be final.
- 10.18 The Committee may form sub-committees from among its members for the purpose of recommending on matters, provided that no decision may be acted upon until adopted by the full Committee.
- Sub-committees shall only be established by resolution of the Committee and shall only carry out those functions stated in such resolution.

11 OFFICE BEARERS

- 11.1 As the last item of business at an annual general meeting, the Committee shall elect the following office bearers:
- 11.1.1 Vice Chairperson;
 - 11.1.2 Secretary;
The secretary will have responsibility for taking and preparing minutes of committee meetings and assisting Council staff in the vetting of applications for funding.
 - 11.1.3 Treasurer.

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The treasurer will have responsibility for recommending to Council payment of accounts, development of the annual budget and preparing monthly and annual financial reports for consideration by the Committee. The treasurer will have no direct access to or control of funds, such responsibility remaining with Council.

- 11.2 Office bearers shall hold office until -
- 11.2.1 the next annual general meeting;
 - 11.2.2 they resign their office; or
 - 11.2.3 they cease to be a member of the Committee -
- whichever first occurs.

12 TERMS OF REVIEW

At the end of the first twelve months of its appointment, the Committee will have the opportunity to review its Instrument of Delegation and these Guidelines and discuss any potential amendments.