

COMMITTEE TERMS OF REFERENCE: Executive Committee

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1. Establishment and Appointment

The Barunga West Executive Committee is a formally appointed committee of the Barunga West Council, pursuant to Section 41 of the *Local Government Act 1999 (SA)* (the Act).

The Committee will continue past the life of the current Council thereby making it a 'standing committee'.

This Committee may be wound up at any time by resolution of Council.

2. Objectives / Purpose of the Committee

Subject to compliance with all legislation, policies, plans and procedures of the Council, the function the Committee is to assist the Council to:

- Undertake Chief Executive Officer Performance Appraisal's
- Enquire into and report to the Council any matters at an executive level of importance.

The Barunga West Executive Committee will report to Council and provide appropriate recommendations on matters relevant to its Terms of Reference to facilitate informed decision making and ensure Council is operating effectively and efficiently to deliver public value.

3. Delegated Powers / Authority

Pursuant to Section 44 of the *Local Government Act 1999*, the Committee does not enjoy the delegation of any powers, functions and duties of the Council. All decisions of the Committee will, therefore, constitute only recommendations to the Council.

The Mayor and the Barunga West Council CEO are the only people permitted to speak to the media on behalf of the Committee. Members of the Committee are not to speak to the media in their capacity as Committee Members.

4. Membership

Members of the Executive Committee are appointed by Council in accordance with Section 41(3) of the Act and these Terms of Reference. The Committee shall consist of six (6) members:

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- Mayor
- Deputy Mayor
- Two (2) Elected Member representatives
- Chief Executive Officer
- Council's Human Resources Officer

Appointment

The Elected Member representatives shall be appointed by Council at a duly convened Council Meeting by nomination and majority vote process.

Term

Membership of the Committee is for the term of the Committee unless a member resigns or is otherwise incapable of continuing as a member or is removed from office by the Council (including electoral changes).

5. Allowances / Sitting Fees

No additional allowances will be paid to the Elected Member representatives over and above the allowance already received by the elected member in accordance with the *Local Government (Members Allowances and Benefits) Regulations 2010*.

6. Committee Meetings

Frequency

The Executive Committee shall meet on an as required basis at an appropriate time and place determined by the Committee.

Agendas and Minutes

The Chief Executive Officer, and other Barunga West Council employees may attend any meeting as observers or be responsible for preparing papers for the Committee.

The agenda and minutes of Committee meetings will be made available to the public, subject to any items discussed in confidence under Section 90 of the *Local Government Act 1999* (the Act) and subsequently retained in confidence under Section 91 of the Act.

In accordance with Section 91(3) of the Act, minutes of the Committee meetings shall be circulated within five ordinary days after a meeting to all members of the Committee and to all Council Members and will (as appropriate) be available to the public.

Notice and Access to Meetings

In accordance with the principles of open, transparent and informed decision making, committee meetings must be conducted in a place open to the public. All meetings (Unless conducted via electronic means) will be held in the Port Broughton Council Chambers at 11 Bay Street, Port Broughton.

Notice of the meetings of the Committee will be given in accordance with Sections 87 and 88 of the Act. Accordingly, notice will be given:

- a) to Members of the Committee by email or as otherwise agreed by the Committee as being an available means of giving notice, at least three (3) clear days before the date of the meeting; and
- b) made publicly available as soon as practicable after the time that notice of the meeting is given to Members by causing a copy of the notice and agenda to be displayed at the Port Broughton Council office and on the Council's website.

Members of the public are able to attend all meetings of the Committee, unless prohibited by resolution of the Committee under the confidentiality provisions of Section 90 of the Act.

Quorum

A quorum for a meeting of the Panel will be three (4) members, including at least one (1) Elected Member, and no business can be transacted at a meeting of the Panel unless a quorum is present.

A Quorum must be present within 30 minutes of the scheduled start time for the meeting to proceed. A duly convened meeting of the Panel at which quorum is present shall be competent to exercise all or any of the authorities, powers and discretions vested in or exercisable by the Panel.

Presiding Member

The Chief Executive Officer will appoint a chairperson from the Members to oversee and facilitate the conduct of meeting in accordance with the *Local Government Act 1999 (SA)*, the *Local Government (procedures at Meeting) Regulations 2013* and these Terms of Reference.

Where the Presiding Member is unable to attend a meeting, one of the remaining Elected Members shall chair the meeting.

Meeting Conduct

Meetings of the Committee will be conducted in accordance with the Act, Part 2 of the *Local Government (Procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee.

Insofar as the Act, the *Local Government (procedures at Meetings) Regulations 2013*, these Terms of Reference and any Code of Practice for Meeting Procedures adopted by the Council and applicable to the Committee do not specify a procedure to be observed in relation to the conduct of a meeting of the Committee, then the Committee may determine its own procedure.

In accordance with and subject to, the Act and the *Local Government (Procedures at meetings) regulations 2013* all meetings of the Committee shall be open to the public unless the Committee has resolved to exclude the public from a meeting or part of a meeting pursuant to the Act.

The Chief Executive and Council's Legal Advisor may be present at any meeting in an advisory capacity.

The Committee may invite various parties to attend its meetings. These parties may include members of senior management or other officers as appropriate. When the Committee is considering a report, the manager / officer responsible for the area under review will be given the opportunity to discuss the report with the Committee.

Committee members are responsible for declaring a conflict of interest, whether general or Material. In all cases where a conflict of interest exists, or may be reasonably perceived to exist, the chairperson will rule on whether the member, having disclosed the interest:

- may participate in the discussion;
- may remain in the meeting room but not participate in the discussion; or
- should leave the room and be excluded from any consideration.

Minutes

Minutes of a meeting of the Committee will be distributed to all Committee members as soon as practicable after the meeting pursuant to S.91(3) of *the Act*. Minutes will be reviewed by the chairperson before they are circulated and endorsed by the Committee via circular resolution, then confirmed at the following meeting.

The minutes, excluding any parts that the Committee considers confidential, will be made available to the Management team after each meeting.

Where the Committee makes a recommendation to Council on a matter within the scope of these Terms of Reference, the matter will be listed either as part of a summary report with attachments (if necessary) or as a separate agenda item for Council's consideration.

Reporting

All decisions of the Committee will be referred to the Council as recommendations of the Committee. The reporting of the decisions of the Committee in this manner will satisfy the requirements of S.41(8).

Pursuant to S. 41(9) of the Act, the Executive Committee will report at least quarterly to Council where a meeting has taken place.

7. Accountability

The Committee will ensure that an assessment of its performance and charter is conducted at least once every two years, to ensure that it continues to be focused, effective, and provides a quality service to the Council.

8. Member Conduct

Committee members have a responsibility to treat all information with appropriate confidentiality. This includes matters tabled or discussed at the Committee meetings, as well as any additional issues that are raised outside meetings.

9. Review History

These Terms of Reference will be subject to review by the Council on a two (2) year basis. Or as determined by Council.

Responsible Work Area	Chief Executive Officer
Responsible Officer	Chief Executive Officer
Date/s Adopted	V1: DRAFT March 2023
Date of next review	March 2025
Skytrust Reference	TBC
Records Reference	TBC