

## BERRI IMPROVEMENT COMMITTEE

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### 1. Name

- 1.1. Pursuant to section 41(1) of the Local Government Act 1999, the Berri Barmera Council (Council) resolved on 27 November 2018 to establish a committee to be known as **Berri Improvement Committee** (the Committee).

### 2. Functions of the Committee

- 2.1 The Committee has the following functions:
  - 2.1.1 a forum for key community stakeholders with interests specific to the improvement of Berri
  - 2.1.2 capture, communicate and develop ideas and initiatives that enable community members, groups and Council to progress, beautify and advance Berri
  - 2.1.3 provide timely and appropriate information and encouragement on member projects and initiatives that enable opportunities for collaboration, support and participation
  - 2.1.4 provide advice to Council regarding the use and development of public open spaces, walking / bike trails and similar
  - 2.1.5 to plan longer term programs for the benefit of Berri and its community
  - 2.1.6 the geographical extent as is outlined in Figure 1.

### 3 Membership

- 3.1 The members of the Committee shall be appointed or removed by resolution of Council and will consist of no less than 7 and no more than 16 persons, comprising up to 4 Elected Members and up to 12 members of the community with relevant skills, experience, qualifications or participation in key groups in advancing the responsibilities of the Committee.
- 3.2 The Mayor is an ex officio member of the Committee.
- 3.3 Term of membership will expire at each periodic Council Election (or at cessation of the committee upon a decision of Council).
- 3.4 The Presiding Member shall be an Elected Member as recommended by the committee but appointed by Council.
- 3.5 Only members of the Committee are entitled to vote in committee meetings. Unless otherwise required by the Act not to vote, each member must vote on every matter that is before the Committee for decision.
- 3.6 Council staff may attend any meeting as directed by the Chief Executive Officer for the provision of advice or the conduct of administrative functions, but are not entitled to vote.

### 4 Quorum

- 4.1 A quorum shall consist of six members.

### 5 Members liability

- 5.1 No civil Liability shall attach to a member of the Committee for an honest act or omission in the exercise performance or discharge or purported exercise, performance or discharge of the members or committee's functions or duties. A liability that would but for the foregoing attach to a member of a committee, attaches instead to the Council.
- 5.2 Any liability or risk management issues must be communicated within the Council.

### 6 Conflict of interest

- 6.1 The provisions of sections 73, 74, 75, 75A and 75B the Local Government Act 1999 will apply to all members of the Committee.

## **7 Register of interest**

- 7.1 The provisions of section 68 of the Local Government Act 1999 will not apply to members of the Committee.
- 7.2 Pursuant to Section 72(1) of the Local Government Act 1999, the register of interest provisions as described in the Division 2, "Register of Interest" do not apply to the committee members.

## **8 Proceedings the committee meetings**

- 8.1 The Committee shall be subject to the provisions of the Local Government (Procedures at Meetings) Regulations 2000, Part 2.
- 8.2 The Committee shall meet every **two months**, or otherwise as required, and the purpose and outcomes of the Committee be reviewed in the Fourth Quarter of 2020 to determine the ongoing need for the Committee.
- 8.3 A notice of meeting and agenda shall be provided to each committee member at least 3 clear days before each meeting.
- 8.4 Special Meetings may be held at any time, at the request of the Presiding Member of the Committee or at least five members of the Committee.
- 8.5 All resolutions of the Committee shall act as recommendations to Council, subject to the Committee being granted delegated authority to act according to Council policy and procedures in designated matters, or where Council has previously approved a course of action.
- 8.6 A question arising for decision at a meeting of the Committee will be decided by a majority of the votes cast by the members present at the meeting and entitled to vote on the question.
- 8.7 All members of the Committee who are present at a meeting shall have a deliberative vote.
- 8.8 The Presiding Member shall also have a casting vote if required.
- 8.9 In accordance with the principles of open, transparent and informed decision making, Committee meetings must be conducted in a place open to the public. The agenda and minutes of Committee meetings are also required to be made available to the public, subject to any items that are discussed in confidence under Section 90 of the Local Government Act 1999 and subsequently retained as confidential under Section 91 of the Act.

## **9 Duties of the Presiding Officer**

- 9.1 The duties of the Presiding Officer of the committee are:
  - a) to preside at meetings of the committee
  - b) preserve order at meetings so that the business may be conducted in due form and with propriety
  - c) upon confirmation of the minutes, sign them in the presence of the meeting
  - d) responsibility to the Council for the proper observance of these Terms of Reference
  - e) if requested, to provide advice to the Responsible Officer between committee meetings on the implementation of the decisions of the committee
  - f) to act as the principal spokesperson of the committee
  - g) to exercise other functions of the committee as the Council determines

## **10 General Duties of Members of the Committee**

- 10.1 Members are expected to:
  - a) act honestly and within the law at all times
  - b) act in good faith and not for improper or ulterior motives
  - c) act in a reasonable, just and non discriminatory manner
  - d) undertake their role with reasonable care and diligence
  - e) conduct their ongoing relationship with fellow Council members, Council employees and the public with respect, courtesy and sensitivity

- f) use information in a careful and prudent manner.

## **11 Casual Vacancies**

- 11.1 The position of member on the committee becomes vacant if the member:
  - a) resigns by notice in writing to the Presiding Officer of the committee; or
  - b) is removed from office by the Council on the grounds that he or she has been absent without leave of the Committee from three or more consecutive meetings, the first of which having been held three months or more before the last; or
  - c) is removed by the Council at its sole discretion; or
  - d) is declared a bankrupt or applies for the benefit of the law for the relief of insolvent debtors; or
  - e) is convicted of an indictable offence punishable by imprisonment
- 11.2 The Committee shall forthwith inform the Council if any member forfeits their seat in such a manner.
- 11.3 In respect of disqualification by reason of absence for three months or more, the member forfeiting their seat under these circumstances shall however be eligible for re-election to the committee of which they were a member.
- 11.4 If a casual vacancy occurs on the committee, the Chief Executive Officer shall determine the process to fill that vacancy.
- 11.5 In the event that four (4) positions become vacant concurrently for whatever reason, the Committee must immediately suspend the performance of its duties and obligations conferred by this Term of Reference and forthwith inform the Chief Executive Officer of the Council, who shall give consideration to the cause of the casual vacancies and seek determination from Council.

## **12 Reporting & accountability**

- 12.1 Administrative support will be provided by Council through direction of Chief Executive Officer. Council will provide a Responsible Officer by direction of Chief Executive Officer.
- 12.2 A copy of the agenda and minutes of every meeting shall be provided to the Chief Executive Officer for inclusion in the agenda of the next Council meeting, provided for public display and on Council's website
- 12.3 Where a particular matter requires a specific resolution or the attention of the Council, the minutes will adequately reflect a recommendation to be considered by Council.
- 12.4 The committee is accountable to the Berri Barmera Council in all things.

## **13 Disputes**

- 13.1 Should a dispute arise over any matter, the matter shall be handled in accordance with the Council's grievance procedures, however the decision of the Council will be final.
- 13.2 The Council is committed to transparent decision making processes and to providing access to a fair and objective procedure for the hearing of review of decisions. Grievances may arise as a result of dissatisfaction with a decision about a policy, procedure, service or fee.

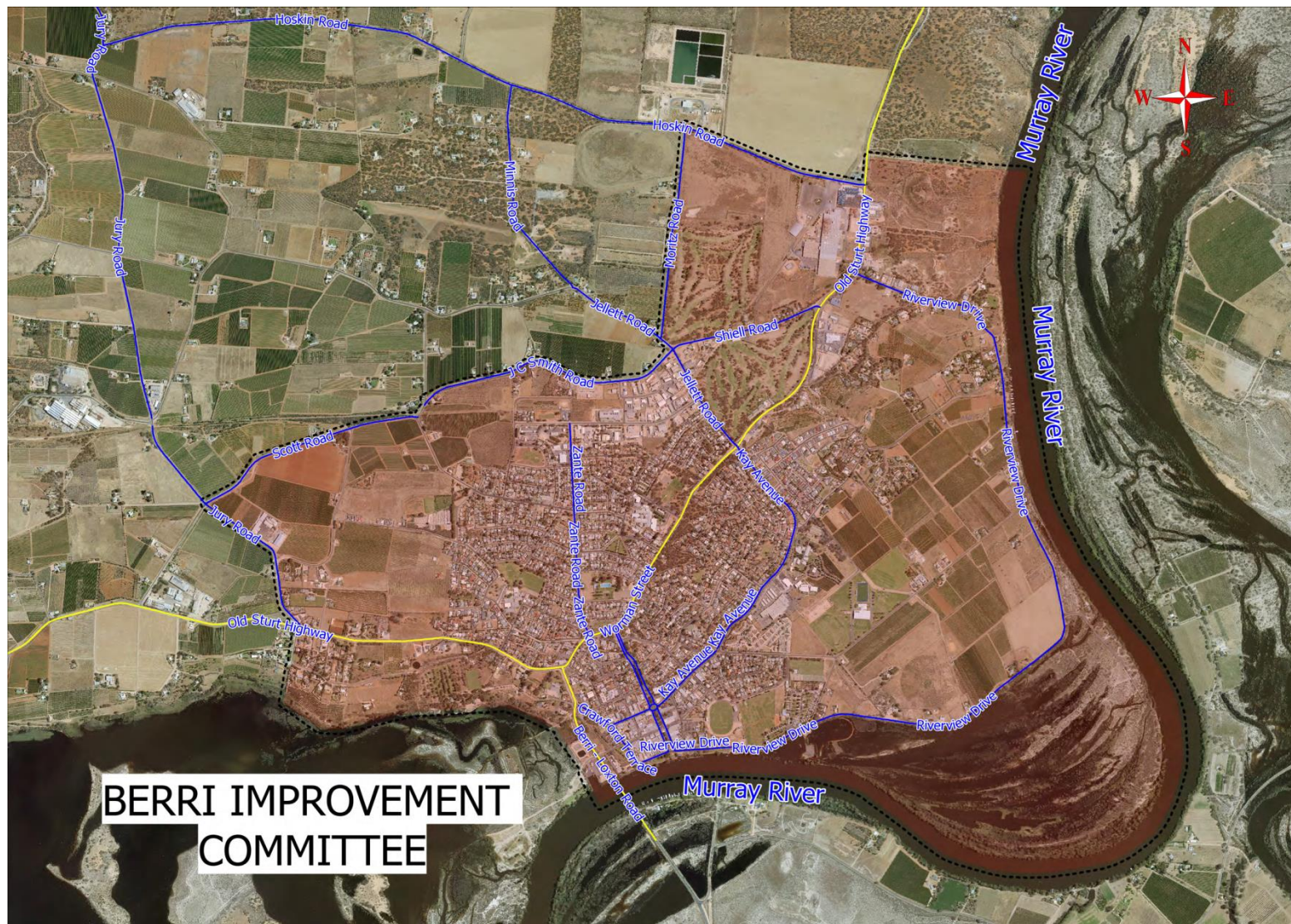
## **14 Review and amendment to terms of reference**

- 14.1 Council may at any time amend or alter these terms of reference by resolution of Council. The committee shall at least biennially, review these Terms of Reference to ensure that they properly reflect the role and function of the committee.

## **15. Cessation of the committee**

- 15.1 The Committee shall be dissolved upon a decision of Council.

Figure 1: Geographical extent of the Berri Improvement Committee



<b>Committee History</b>	<b>Date</b>	<b>Motion</b>
Establishment of the Berri Beautification Committee and adoption of Terms of Reference	Council Meeting: 28 April 2009	1858/09
Appointment of Chairperson	Council Meeting: 27 January 2015	4010/15
Terms of Reference amendment	Council Meeting: 26 July 2016	4463/16
Terms of Reference amendment	Council Meeting: 27 November 2018	5136/18
Appointment of presiding member and community members	22 January 2019	5193/19
Terms of Reference amendment	26 March 2019	5247/19