

COUNCIL POLICY

Council Policy Title:	Committees of Management of Drainage Systems
Council Policy ref. no:	15.1
Responsible Department:	Infrastructure and Services
Date of adoption/review:	23 October 2013

1. INTRODUCTION

The Committee of Management (“the Committee”) is acting on behalf of the Council of the Colac Otway shire, and in the best interests of local landowners and other users of the Drainage System for which the Committee members have accepted responsibility **provided that** the Committee remains subject to the direction of the Council and to the legal constraints under which Council operates.

2. OBJECTIVES

The objectives of this policy is to ensure that guidelines are in place to assist Council and S86 Committees of Management of Drainage Systems in the operation of the various committees and to meet legislative requirements.

3. POWERS

Any action taken by the Committee, in accordance with these Rules and Conditions of Appointment and conforming to any further restrictions, limitations, and conditions imposed by the Council, shall for all purposes be deemed to be the act of the Council itself.

4. PROTECTION

Provided that the Committee acts in accordance with the policy and delegations, it shall be covered under Council’s Public Liability Insurance policy.

5. TERM OF OFFICE

Committee members are appointed for three years unless otherwise by resolution of Council.

6. NOMINATIONS

When a Committee is due for re-appointment the Chief Executive Officer shall call publicly for nominations of persons for appointment. The notice shall be advertised in the local press by Council.

7. APPOINTMENT

At the first practical opportunity the Council may appoint the persons nominated as the Committee. Where the number of nominations exceeds the number of places on the Committee, Council will hold a postal ballot of land owners in the area considered to receive special benefits from the Scheme and contributing to the special charge levy. These appointments will be recorded in the Council Meeting Minutes.

8. COMMITTEE SIZE

The Committee is to consist of no fewer than four (4) members.

9. QUORUM

At all meetings of the Committee a quorum shall be at least 50% of all members or three people, whichever is greater.

10. VOTING

A question before the Committee meeting shall be determined as follows:

- (a) Each committee member present is entitled to one vote and must vote unless otherwise prohibited;
- (b) Voting shall be by a show of hands;
- (c) The question is determined by a majority of the votes;
- (d) In the event of a tied vote the chairperson shall have a second and casting vote to determine the matter.

11. CONFLICT OF INTEREST

Note: The following only applies when the Committee is considering making a contract or financial agreement and a committee member (or someone belonging to his/her immediate family) has a direct financial involvement in the contract or agreement (i.e. stands to gain or lose financially).

If this is the case the member concerned is required to:

- (i) If present at the meeting, disclose the fact that they have a conflict of interest immediately before the matter is considered at the meeting.
- (ii) Leave the room while any discussion or any vote is taken in relation to the matter.
- (iii) Remain outside the room or other area out of view or hearing of the meeting.

- (iv) The member may return to the room after consideration and all voting on the matter.
- (v) If not intending to be at the meeting which the matter is discussed, inform the Chairperson of their conflict of interest before that meeting is held.

12. COMMITTEE MEETINGS

- (a) The Committee shall meet at least once in every calendar year at such time and place as the Committee may determine. The Committee shall determine for itself, and observe, such usual and proper meeting procedure as is required.
- (b) The Chairperson of the Committee must provide reasonable notice to the public of each meeting. This may be done via media, local newsletters, noticeboards or other mechanisms as appropriate
- (c) Council will arrange and advertise a meeting for re-election of the Committee of Management which is to be held every three years.

13. OFFICERS OF THE COMMITTEE

At the public meeting called to nominate persons for appointment to the Committee, those present shall specify nominees for the offices of Chairperson, Secretary, Treasurer and such other office bearers as may be considered necessary.

The Offices of the Secretary and Treasurer may be combined.

A list of committee members is to be provided to Council after appointment of committee members. Changes to office bearers or other changes to committee (Schedule 1).

14. CHAIRPERSON

The Chairperson shall chair all meetings of the Committee and direct Committee meetings according to such usual meeting procedure as the Committee has determined for itself. In the Chairperson's absence the Committee shall appoint an acting Chairperson from among those Committee members present at that Committee meeting.

15. SECRETARY

The Secretary shall:

- (1) As soon as practical after the first meeting write to the Council listing the names of those persons nominated for appointment as Office Bearers.
- (2) Provide a similar notification of changes to Committee membership.
- (3) Provide Council with three month's notice that the term of the office of the Committee is due to expire.
- (4) Keep appropriate written records of the proceedings of the Committee.
- (5) Attend to any further correspondence relating to the Committee.
- (6) Notify Committee members of meetings.

16. TREASURER

The Treasurer shall keep accurate and up to date records of the financial affairs of the Committee including an audited annual statement, a copy of which shall be sent to the Chief Executive Officer before October 31 each year.

17. FINANCIAL YEAR

The Financial Year of the Committee shall run from July 1 in one year to June 30 in the following year.

18. CHEQUES

All cheques, drafts, bill of exchange, promissory notes and other negotiable instruments shall be signed by two members of the Committee. One of the signatories shall be the Treasurer unless otherwise resolved at a Committee meeting.

19. RESIGNATION

Persons wishing to resign as Officers or members of the Committee shall give notice in writing to the Committee Secretary.

20. CASUAL VACANCIES

If, during the term of office the numbers of Committee members falls below three, the Committee shall have the power to co-opt interested persons with the required qualifications to fill any vacancy.

If an Officer's position becomes vacant, the Committee shall elect from among its number a person to fill that vacancy for the remainder of the Committee's term of office.

21. LIMITS OF POWER

(i) The power to:

- (a) approve expenditure within a Budget established by the Committee and within the limits of the Special Charge income raised by Council.
- (b) undertake required maintenance of the drainage system.
- (c) operate the drainage system within the limits of licences held or delegations provided by other authorities.
- (d) employ such persons or contractors as it sees fit for the maintenance and upkeep of the system.
- (e) maintain the drain in line with the *Catchment and Land Protection Act* 1994.

(ii) Incurring the expenditure of an amount not exceeding \$6,000 for any single item.

- (iii) Any power which may in future be prescribed as for the use of the Council only (under the Regulations attached to the *Local Government Act 1989*).

Note: the rate or charge referred to above is Council's power to set a rate or charge on the land.

22. COUNCIL PREROGATIVE

Notwithstanding any of the above, Council may at any time appoint or remove members of the Committee.

23. IMPLEMENTATION AND REVIEW

This policy will be implemented by the General Manager Infrastructure and Services and is subject to periodic review.

ADOPTED/AMENDMENT OF POLICY

Policy Review Date	Reason for Amendment
27 June 2007	Adopted by Council
28 October 2009	Review
23 October 2013	Review

Schedule 1



S86 COMMITTEE MEMBERSHIP REGISTER

All S86 Special Committees are elected for a term of three years (unless identified as a shorter term). Under Council Policy, Council must be informed of the date members are elected and the names of those elected members. Please provide the information needed to fulfil these requirements.

Name of Committee.....

Date committee members elected

Please list names of elected members and their positions on the committee

Name	Position on Committee

Contact person details:

Name

Address.....

Phone

I President of this Special Committee hereby verify the information provided above is correct.

Signed

Date

The personal information requested on this form is being collected for Council records. The personal information will be used solely by Council for that primary purpose or directly related purposes. The applicant understands that the personal information provided is for the Council records re S86 Committees and that he or she may apply to Council for access to and/or amendment of the information. Should you need to change or access your personal details or require further information about Council's Privacy Policy, contact our Privacy Officer on 5232 9400.