

17.1 NAWMA BOARD REPRESENTATION

Contact Person: Ms Tina Hudson

Why is this matter confidential?

Subject to an order pursuant to Section 90 (3) (a) of the Local Government Act 1999, this matter is confidential because the attached Expressions of Interest provide personal details.

A. COUNCIL/COMMITTEE TO MOVE MOTION TO GO INTO CONFIDENCE

No action – this motion passed in the open section.

B. THE BUSINESS MATTER

17.1 NAWMA BOARD REPRESENTATION

Responsible Executive Manager : Ms Tina Hudson

Report Author : Ms Kaarina Sarac

Delegated Authority : Matters which cannot be delegated to a Committee or Staff.

Attachments :
1. Expression of Interest - Cr Halls
2. Expression of Interest - Ms Mitson

PURPOSE

To appoint representatives to the Northern Adelaide Waste Management Authority (NAWMA) Board.

STAFF RECOMMENDATION

1. The CEO, Mr Sam Green be appointed as a NAWMA Board Member to 31 May 2023.
2. The following people be appointed as NAWMA Deputy Board Members:
 - Janey Mitson, Senior Manager Assets & Delivery for a term of two years.
 - Cr Shirley Halls until the next Local Government general election in November 2022.

EXECUTIVE SUMMARY

As a part owner of the Northern Adelaide Waste Management Authority (NAWMA) Council appoints three of the nine NAWMA Board Members for up to 2 year terms. There is also an Independent Chairperson who is appointed by all three Councils. Further to this, Council are able to appoint up to three Deputy Members.

Council has an upcoming Board Member vacancy, when Mr Sam Green's term expires on 30 June 2021. Council does not currently have Deputy Board Members appointed. This report recommends Deputy Member appointment(s) to ensure representation through the impending Local Government elections in November 2022.

1. BACKGROUND

On 28 May 2019, Council resolved:

Council appoint Mr Sam Green to be a member on the NAWMA Board until 30 June 2021.

On 24 November 2020, Council resolved:

Cr Marsh be appointed as a NAWMA Board Member for a duration of 12 months.

On 23 February 2021, Council resolved:

1. *Cr Kerrison be appointed as a NAWMA Board Member from 1 March 2021 until the next Local Government general election in November 2022; and*
2. *The CEO to undertake an Expression of Interest process to seek Deputy Board Member(s) to ensure Board functioning over the Local Government elections, and for a recommendation to be brought to Council for consideration and subsequent appointment.*

This report addresses the impending vacancy on the expiry of Mr Green's term on the Board, and finalises the Expression of Interest process to seek Deputy Board Member(s).

2. RELEVANCE TO STRATEGIC PLAN

This report relates to Community Theme 5: Using Money Wisely. As part owner of NAWMA, Council has an interest and responsibility for ensuring adequate functioning of the Board.

3. PUBLIC CONSULTATION

There is no requirement for public consultation on the appointment of NAWMA Board Members.

4. DISCUSSION

- 4.1 As of 30 June 2021, Mr Sam Green's appointment to the Board expires resulting in a vacancy. In addition, Council has recognised a risk associated with a lack of Deputy Members and called for an Expression of Interest process to be undertaken to seek interest from staff and Council Members. Council is able to appoint up to three Deputy Members, to support the three full member roles that are appointed by Council.
- 4.2 The Board represents the interests of NAWMA as a business entity and is responsible for fulfilling the needs of its Constituent Councils and other clients through the provision of waste management services, as specified in service level agreements and other contracts.
- 4.3 While appointed by Constituent Councils, members of the Board have a primary focus on the business affairs of NAWMA and are not necessarily representing Council's views on the Board.

4.4 The NAWMA Charter does not specify how the appointments from each Council should occur, or from where those Members may be chosen, except for a requirement for the CEOs of each Constituent Council to liaise with the Chair of the Board regarding suitable skills and experience, such as:

- waste industry;
- marketing;
- public relations;
- finance;
- legal;
- governance;
- business; and/or
- the local community.

4.5 An expression of interest for Deputy Board Members was called, with two submissions received. The first is from Cr Shirley Halls (Attachment 1) who has previously served as both a Deputy and Board Member. The second is from Ms Janey Mitson (Attachment 2), who is part of the administration as the Senior Manager Assets & Delivery.

4.6 Mr Sam Green has expressed an interest in continuing to serve on the NAWMA Board while it navigates significant challenges and considerations with the impending closure of the Uleybury Balefill site in 2027. He has served on the Board for a number of years and provides continuity and expertise.

5. OPTIONS

Recommendation

1. The CEO, Mr Sam Green be appointed as a NAWMA Board Member to 31 May 2023.
2. The following people be appointed as NAWMA Deputy Board Members:
 - Janey Mitson, Senior Manager Assets & Delivery for a term of two years.
 - Cr Shirley Halls until the next Local Government general election in November 2022.

Option 2

1. _____ be appointed as a NAWMA Board Member to 31 May 2023.
2. _____ ; _____ be appointed as a NAWMA Deputy Board Member(s) for a term of _____ ; _____.
3. If required, the private ballot process outlined in the Code of Practice for Council and Committee Meetings – Section 6.16 will be utilised to elect a NAWMA Board Member and NAWMA Board Deputy Member(s), with the results of the ballot becoming the outcome.

6. ANALYSIS OF OPTIONS

6.1 Recommendation Analysis

6.1.1 Analysis & Implications of the Recommendation

Option 1 will ensure that Council continues to have full representation on the NAWMA Board through three active members. Mr Green has extensive experience with NAWMA and provides stability and knowledge to the Board. This option also ensures that at least one Deputy Member is in place to support the Board if one of the three members is unavailable.

As Council Member appointments are recommended to expire at the Local Government General Election, this option provides the opportunity to appoint a staff member to one of the Deputy roles.

The direct appointment of Deputy and Full Board Members from the Chamber can occur at the discretion of Council. It should be noted that Board Members are to act in the interest of NAWMA while undertaking their duties, regardless of the Council by which they are appointed to the Board.

6.1.2 Financial Implications

There are no financial implications of Option 1 as Council Members and staff are not entitled to sitting fees under the NAWMA Charter.

6.2 Option 2 Analysis

6.2.1 Analysis & Implications of Option 2

Option 2 provides Council the opportunity to consider alternative nominations for the vacancy that will occur at the expiry of Mr Green's term, along with considering up to two Deputy Board Members.

As Council Member appointments expire at the Local Government General Election, this option provides the opportunity to appoint a staff member to one of the available roles to ensure continuity over the election period.

6.2.2 Financial Implications

There are no financial implications of Option 2 as Council Members and staff are not entitled to sitting fees under the NAWMA Charter.

C. COUNCIL/COMMITTEE TO DECIDE HOW LONG ITEM 17.1 IS TO BE KEPT IN CONFIDENCE

Purpose

To resolve how long agenda item 17.1 is to be kept confidential.

STAFF RECOMMENDATION

Pursuant to Section 91(7) of the *Local Government Act 1999*, the Council orders that the following aspects of Item 17.1 be kept confidential in accordance with Council's reasons to deal with this item in confidence pursuant to Section 90 (3) (a) of *the Local Government Act 1999*:

- Attachment(s) for Item 17.1

This order shall operate until the next scheduled annual review of confidential items by Council at which time this order will be reviewed and determined in accordance with Section 91(9)(a) of the *Local Government Act 1999*.