

TERMS OF REFERENCE

Finance and Governance Committee

The Finance and Governance Committee is established by the Council pursuant to Section 23 of the Local Government Act 1993, to assist the Council in carrying out its functions.

1. Membership

1.1. ~~Membership of the Committee is in accordance with the resolution passed by the Council at its meeting on 22 January 2018, being seven (7) Aldermen. The current members of both the Finance and the Governance Committees will form the new committee, until the next quadrennial local government election to be held in October 2018.~~ Membership of the Committee is in accordance with the resolution passed by the Council at its meeting on 9 November 2009, being five (5) Aldermen.

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1.2. ~~These terms of reference are valid until the next quadrennial local government election. Where a resignation may be accepted by the Council, or an Alderman may be removed by resolution of the Council, the Council will appoint an Alderman to fill the vacant position. Following each quadrennial election, Aldermen are appointed to the Committee by the Council. A mid-term review of the Committee membership and Terms of Reference will be undertaken in November 2016. Where a resignation may be accepted by the Council or an Alderman may be removed by resolution of the Council, the Council will appoint an Alderman to fill the vacant position.~~

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1.3. In the event of a vacancy occurring at a meeting, the Committee may co-opt another Alderman who is not a committee member to fill the vacancy pursuant to Section 23 (2) of the *Local Government Act 1993*, Regulation 10 (4) of the *Local Government (Meeting Procedures) Regulations 2015* and in accordance with Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”.

2. Appointment of Chairmen

2.1. ~~In accordance with the resolution passed by the Council at its meeting on 22 January 2018, the Finance and Governance Committee will be co-chaired by the sitting Chairmen of the Finance Committee and the Governance Committee, with each Chairman to be responsible for matters relating to finance and governance, respectively. This arrangement will continue until the next~~

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~~quadrennial local government election in October 2018.~~ [In accordance with the Regulation 10 \(3\) \(a\) of the *Local Government \(Meeting Procedures\) Regulations 2015*, and Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”, the election of the chairman of each of the Council’s committees is reserved to the Council.](#)

2.2. Where an appointed chairman may be absent from a Council committee meeting, the provisions of Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines” and Regulation 10 (4) of the *Local Government (Meeting Procedures) Regulations 2015*, apply to appointing the chairman for the meeting.

3. Quorum

3.1 A quorum is a simple majority obtained by the attendance of a majority of the membership of the Committee.

3.2 In accordance with Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”, an Alderman who is not a member of a committee, who is in attendance at a Council committee meeting, will be an ex-officio member of that committee for that meeting for the purpose of establishing and maintaining a quorum at that meeting.

4. Conduct of Meetings

4.1 Meetings are conducted in accordance with the Provisions of the *Local Government Act 1993*, *Local Government (Meeting Procedures) Regulations 2015* and Council Policy “Council and Council Committees – Meetings: Procedures and Guidelines”.

5. Frequency and Location of Meetings

5.1 Meetings of the Committee are conducted monthly in the Lady Osborne Room at the Town Hall on those dates as adopted by the Council as part of its annual [schedule of meetings](#).

5.2 Both ordinary and special meetings are advertised in The Mercury newspaper, in accordance with Regulation 7 of the *Local Government (Meeting Procedures) Regulations 2015*.

5.3 Meetings are open to the public, except when the meeting is closed pursuant to Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*.

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6. Committee Functions

Finance

- 6.1 To consider and make recommendations to the Council in respect to the following matters:
- (i) Long Term Financial Planning.
 - (ii) Corporate Property Management.
 - (iii) Review of the financial arrangements and impact of any strategic property management decisions taken by the appropriate Council Committee.
 - (iv) Financial Services including:
 - (a) annual plans;
 - (b) annual carry forwards;
 - (c) quarterly budget review
 - (v) Parking Operations including:
 - (a) on and off street parking; and
 - (b) parking enforcement.
 - (vi) Write off of debts.
 - (vii) Insurance.

Governance

- 6.2 To consider and make recommendations to the Council in respect to the following matters:
- (i) Matters pertaining to organisational development and policy issues including:
 - (a) annual review of the Council Policy Manual and Delegations Register; and
 - (b) consideration of the proposed meeting schedule for Council and Council Committees.
 - (ii) Matters which are the subject of consideration between the Council, other local government entities or the State or Federal governments.

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- (iii) Matters relating to support to Aldermen and Council's governance framework.

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- (iv) Corporate Services
- (v) Customer services.
- (vi) Consideration of matters not falling within the terms of reference of other Council committees.

6.3 Functions primarily within the responsibility of the committee pertaining to:

- (i) Asset management;
- (ii) Fees and charges;
- (iii) Financial Planning, performance and budget;
- (iv) Projects;
- (v) Rating;
- (vi) Investment Management;
- (vii) Debt Management;
- (viii) Community consultation;
- (ix) Grants;
- (x) Management of property under the functional auspice of the committee including buying, selling, acquiring and leasing of land or buildings and the ongoing use and maintenance of land and buildings;
- (xi) Receiving/considering reports from special committees, sub-committees or other groups; other than the Risk and Audit Panel;
- (xii) Legislation, by-laws or new documents; and
- (xiii) Tenders and contracts in accordance with Council delegation.

Note:

The Council, at its meeting held on 27 August 2012, acknowledged that an Alderman may call in any delegated matter, including development applications, before the matter is determined under delegated authority by either a Council committee or a Council officer, provided there is sufficient statutory time to do so.

7. Committee Delegations

- 7.1 As provided under delegated authority from the Council pursuant to Section 22 of the *Local Government Act 1993*, to determine issues relating to the following matters:
- (i) the power to expend monies on Council's behalf as Delegation Classification 2 items in the Council's Annual Plan;
 - (ii) determination of matters falling within the Committee's Terms of Reference, for which a Council officer has been delegated authority, where such officer chooses not to exercise such authority;
 - (iii) remission of rates in accordance with Section 129 of the *Local Government Act 1993* and Council Policy No. 4-04-07;
 - (iv) leases:
 - (a) to approve the renewal of existing leases; and
 - (b) re-leasing previously leased property.
 - (v) interim assessments – to approve the issue of interim assessments pursuant to section 50 of the *Valuation of Land Act 2001*;
 - (vi) writing off debts of amounts in excess of \$5,000, and up to \$10,000 in accordance with section 76 (1) and (2) of the *Local Government Act 1993*;
 - (vii) determining applications for advertising rights in car parks and setting conditions and rental;
 - (viii) the full payment or rollover (in full or part) of existing interest only loans, on maturity.
 - (x) to determine requests for review of decisions made by the Manager Parking Operations, in accordance with Council Policy No. 4-03-02, in respect to applications from voluntary organisations for parking meter or off-street parking concessions.
 - (xi) Receiving reports from Council representatives on external bodies and other bodies as determined by Council.

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8. Review of Terms of Reference

8.1 The Terms of Reference for Council committees are reviewed following each quadrennial election, and mid-term into the four year period of office of the Council.

9. View ([Agendas and minutes for the Committee.](#))

10. Last Updated: ~~5 February~~ [12 November](#) 2018