

4.2 EASTERN REGION ALLIANCE (ERA) WATER – APPOINTMENT OF INDEPENDENT CHAIRPERSON

REPORT AUTHOR:	General Manager, Governance & Civic Affairs
GENERAL MANAGER:	Chief Executive Officer
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FILE REFERENCE:	qA59892
ATTACHMENTS:	Nil

PURPOSE OF REPORT

The purpose of this report is to seek the Council's endorsement to re-appoint Mr Geoff Tate as the Independent Chairperson of the Board of ERA Water (the Board).

BACKGROUND

As Elected Members are aware, ERA Water is a Regional Subsidiary, which has been established under Section 43 of the *Local Government Act 1999*. The Constituent Councils (ie the owners of ERA Water) are the Cities of Burnside, Norwood Payneham & St Peters and Town of Walkerville.

At its meeting held on 21 July 2021, the Council considered a report regarding the appointment of the Independent Chairperson, for a two (2) year term and resolved the following:

That the Council endorses the appointment of Mr Jeff Tate as the Independent Chairperson of ERA Water for a two (2) year period, commencing from the date of the last decision made in this respect by the Constituent Councils.

Mr Tate's term as Independent Chairperson is due to conclude on 23 July 2023.

Pursuant to Clause 3.4.3 of the ERA Water Charter, the Chief Executive Officers of the three (3) Constituent Councils, are required to provide a recommendation to the Constituent Councils regarding the appointment of the Independent Chairperson, including the fee to be paid and other terms and conditions to attach to the appointment.

Prior to determining whether to undertake a process to recruit a new Independent Chairperson, Mr Tate was asked whether he was interested in continuing as the Chairperson for a further term of two (2) years.

Mr Tate has advised of his willingness to be re-appointed for a further two (2) year term.

On this basis, at its meeting held on 18 May 2023, the Board resolved that:

1. *The Board notes that the Chair's term ends in July 2023, and requests that the Constituent Council CEOs initiate the process of appointing the Chairperson.*
2. *The Board recommends to the Constituent Council CEOs that the current Chair be reappointed.*

At its meeting held on 13 June 2023, the City of Burnside endorsed the Board of ERA Water's recommendation to re-appoint Mr Tate to the position of Chairperson for a further two (2) year term.

At its meeting held on 26 June 2023, the Town of Walkerville endorsed the Board of ERA Water's recommendation to re-appoint Mr Tate to the position of Chairperson for a further two (2) year term.

FINANCIAL AND BUDGET IMPLICATIONS

The sitting fee for the Independent Chairperson is paid by ERA Water.

The existing sitting fee is \$12,252. However, in recognition that the sitting fee has not been reviewed or increased since July 2021, the Chief Executive Officers have recommended that the sitting fee be increased to \$13,000.

At its meeting held on 13 June 2023, the City of Burnside endorsed the recommendation to increase the sitting fee to \$13,000 per year.

The Town of Walkerville, at its meeting held on 26 June 2023, also endorsed the recommendation to increase the sitting fee to \$13,000 per year.

RISK MANAGEMENT

Pursuant to ERA Water Charter, the Constituent Councils must appoint an Independent Chairperson to the ERA Water Board. As such, the re-appointment of Mr Tate would satisfy the requirement of Clause 3.4 of the Charter.

CONSULTATION

- **Elected Members**
Cr Grant Piggott is the Council appointee to the Board of ERA Water and he is aware of this matter.
- **Community**
Not Applicable.
- **Staff**
Not Applicable.
- **Other Agencies**
Not Applicable.

DISCUSSION

The current Board of ERA Water comprises four (4) Members including the Independent Chairperson.

Cr Grant Piggott is this Council's appointee to the Board.

ERA Water is a significant undertaking by the Constituent Councils and as such, it requires an Independent Chairperson who understands the water industry and can 'steer' the Authority to meet the objectives of the Project.

The Chief Executive Officers of the Constituent Councils are of the view that Mr Tate is a committed and dedicated Chairperson. He understands the water industry, the details of the ERA Water Project and its challenges and has worked diligently and assiduously since his appointment, often going '*above and beyond*' the duties of an Independent Chairperson.

As such, Mr Tate's re-appointment for an additional term of two (2) years is considered appropriate and in the best interests of ensuring the success of ERA Water. In short, ERA Water requires stability at the Board level and Mr Tate's re-appointment will provide confidence to the Constituent Councils.

OPTIONS

Essentially, the Council has two (2) options in respect to this matter. The Council can either re-appoint Mr Tate as the Independent Chairperson for an additional two (2) year term or it can resolve to undertake a recruitment process to select and appoint a new Independent Chairperson.

For the reasons contained in this report, it is recommended that Mr Tate be re-appointed for an additional two (2) year term.

CONCLUSION

Nil

COMMENTS

Nil

RECOMMENDATION 1

That pursuant to Section 90(2) and (3) of the *Local Government Act 1999* the Council orders that the public, with the exception of the Council staff present, be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

RECOMMENDATION 2

1. That the re-appointment of Mr Jeff Tate as Independent Chairperson of ERA Water for an additional term of two (2) years be endorsed.
2. *The sitting fee paid to the Board of ERA Water Chairperson, paid in arrears in equal monthly instalments is increased from \$12,252 pa (excluding GST) to \$13,000 pa (excluding GST), which incorporates all work associated with the role, including attendance at all meetings as required.*

RECOMMENDATION 3

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the announcement in respect to the position of Independent Chairperson of the Eastern Region Alliance (ERA) Water Board is made.

Cr Sims moved:

That pursuant to Section 90(2) and (3) of the Local Government Act 1999 the Council orders that the public, with the exception of the Council staff present [Chief Executive Officer, General Manager, Governance & Civic Affairs, General Manager, Urban Planning & Environment, Manager, Governance & Legal and Executive Assistant, Governance & Civic Affairs], be excluded from the meeting on the basis that the Council will receive, discuss and consider:

- (a) information, the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);*

and the Council is satisfied that, the principle that the meeting should be conducted in a place open to the public, has been outweighed by the need to keep the receipt/discussion/consideration of the information confidential.

Seconded by C Piggott and carried unanimously.

Cr Piggott moved:

- 1. That the re-appointment of Mr Jeff Tate as Independent Chairperson of ERA Water for an additional term of two (2) years be endorsed.*
- 2. The sitting fee paid to the Board of ERA Water Chairperson, paid in arrears in equal monthly instalments is increased from \$12,252 pa (excluding GST) to \$13,000 pa (excluding GST), which incorporates all work associated with the role, including attendance at all meetings as required.*

Seconded by Cr Robinson and carried unanimously.

Cr Duke moved:

Under Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the minutes be kept confidential until the announcement in respect to the position of Independent Chairperson of the Eastern Region Alliance (ERA) Water Board is made.

Seconded by Cr Robinson and carried unanimously.