

COMMUNITY IMPACT SPECIAL COMMITTEE

TERMS OF REFERENCE

1. BACKGROUND

- 1.1 By this Terms of Reference document, the Ballarat City Council (**Council**) establishes the Community Impact Special Committee (**Committee**) pursuant to section 86 of the *Local Government Act 1989 (LGA)*. The Committee is established through the combination of the Community Development Grant, Community Events Grant, Council Community Fund, Community Development Organisation Support Grant and Positive Ageing Small Grants committees.
- 1.2 The Committee has the powers, duties and functions of Council as set out in these Terms of Reference and the Instrument of Delegation. These Terms of Reference set out the structure and basis on which the Committee can make decisions for and on behalf of Council.
- 1.3 These Terms of Reference are authorised by a resolution (R391/17) of Council passed on 25 October 2017.

2. PURPOSE

The Committee is established for the purpose of:

- 2.1 The disbursement of funds to target community need and implement structure and probity around the management of funds Council provides to the community in the form of grants;
- 2.2 To clarify the purpose and process and strengthen the governance of the evaluation and allocation of these funds;
- 2.3 Protecting Council and Councillors' integrity by ensuring appropriate levels of segregation exist between Council, Councillors and recipients of grants; and
- 2.4 To ensure the needs of the community are met.
- 2.5 The total funds allocated for disbursement by the Committee is approved in the Council Budget each year.

3. OBJECTIVES

The objectives of the Committee are to:

- 3.1 Maximise the community impact of funding by achieving sustained and meaningful community outcomes;
- 3.2 Recommend to Council the development and implementation of funding programs to meet evidenced community needs. This will include both major funding and responsive forms of small funding opportunities to immediately assist the community;

- 3.3 Effectively manage and disburse funds on behalf of Council in accordance with the Committee's delegated powers, duties and functions and within established funding programs;
- 3.4 Examine and optimise opportunities to combine Council funding with other forms of government funding and also funding and programs of other agencies and organisations;
- 3.5 Work to identify and establish community connections that sustain long term outcomes;
- 3.6 Provide an effective means of communication between the community and Council;
- 3.7 Review the existing funds streams and make recommendations to Council on possible modifications or innovations;
- 3.8 Ensure there is small grant funding easily accessible by community organisations in need.

4. ROLES AND RESPONSIBILITY

The role of the Committee is:

- 4.1 Exercise Council's powers and carry out Council's duties and functions, in accordance with these Terms of Reference and as permitted by the Instrument of Delegation;
- 4.2 Evaluating and disbursing public funds to the community;
- 4.3 Establishing an evaluation framework and/or policy for the assessment of all applications to Council for grants;
- 4.4 Evaluating variation requests over \$500.00 of funding allocations to grant recipients when requested;
- 4.5 Protecting Council and Councillors' integrity by ensuring appropriate levels of segregation exist between Council, Councillors and recipients of grants, such as ensuring that funding processes are managed at arm's length;
- 4.6 Engaging community expertise in the planning and development of funding programs;
- 4.7 Identifying opportunities to connect funding across the community to achieve greater community benefits;
- 4.8 Promoting the efficiency, effectiveness and economy of significant Council funding programs and recognising that the funds the Committee has delegated authority to distribute are Council funds;
- 4.9 Operating within the financial parameters approved by the Council in its annual budget;
- 4.10 Ensuring regular and flexible meeting arrangements to meet critical funding needs;

- 4.11 So far as possible, ensuring all funds are allocated and disbursed each year (as funding is not carried over each year);
- 4.12 Ensuring all funds are allocated and disbursed on activities that are for the benefit of Council's residents and Municipal District.

5. DELEGATION OF POWERS, DUTIES AND FUNCTIONS

- 5.1 In order to fulfil and carry out its purposes and objectives Council delegates to the Committee, pursuant to section 86(3) of the LGA, the powers, duties and functions set out in the Instrument of Delegation passed at Council on 23 August 2017 (R280/17) and attached to these Terms of Reference.
- 5.2 The powers, duties and functions of Council conferred on the Committee by these Terms of Reference and Instrument of Delegation must be exercised in accordance with any guidelines or policies that Council may from time to time adopt.
- 5.3 Committee members are at all times expected to act in accordance with their responsibilities set out in Division 1A of Part 4 of the LGA.

6. MEMBERSHIP

The Committee will consist of **Seven (7)** members comprising:

- 6.1 Four (4) external representatives:
 - 6.1.1 one (1) Representative from United Way or The Ballarat Foundation;
 - 6.1.2 three (3) Community Representatives;
- 6.2 Three (3) Councillors through the Community Development Portfolio.
- 6.3 Council Officers to assist and advise the Committee when necessary:
 - 6.3.1 Director Community Development;
 - 6.3.2 Executive Manager Engaged Communities;
 - 6.3.3 A single representative from Finance;
 - 6.3.4 An administration officer; and
 - 6.3.5 Other Council Officers as requested by the Committee.
- 6.4 The tenure of committee members shall be at the discretion of the Council, however:
 - 6.4.1 A Representative from United Way Ballarat or The Ballarat Foundation is appointed by their respective Board.
 - 6.4.2 Community representatives are appointed to the Committee via an expression of interest process by way of a notice in the Public Notice Section of the local newspaper.

- 6.4.3 Appointments made are for a period of two (2) years. Community representatives can complete a maximum of two terms / four (4) years continuous service.
- 6.4.4 The Council shall select the independent community representatives based on a documented selection process, with reference to the position description and any other relevant criteria as determined by Council with the advice of the Committee and shall determine the final membership of the Committee.
- 6.4.5 Any vacancy caused by the resignation of the community representative shall only be filled by Council via an expression of interest process.
- 6.5 Council officers who attend the meetings of the Committee are to provide advice and support to the Committee and are not considered Committee members and do not have voting rights.
- 6.6 Each member of the Committee has and may exercise one equal vote on any question before the Committee for determination.
- 6.7 Council Officers will manage all internal resourcing to support the committee in the promotion of programs and administration of the committee in carrying out their duties.
- 6.8 The Chairperson will be one of the independent representatives on the Committee.
- 6.9 The Chairperson will be elected at the first Committee meeting of the financial year.
- 6.10 The Chairperson must preside at meetings of the Committee. In the absence of the Chairperson, the Committee will nominate a Chair for that meeting from one of the community representatives.
- 6.11 All of the Committee members must submit primary and ordinary returns to Council in accordance with section 81 of the LGA.
- 6.12 All Committee members are bound by the Conflict of Interest provisions of the Local Government Act 1989.
- 6.13 Committee members must not make improper use of information acquired as a Committee member and are bound by Division 1A of the *Local Government Act* 1989.
- 6.14 Each independent member of the Special Committee should possess at least one of the following skills to a high degree:
 - 6.14.1 Accounting;
 - 6.14.2 Governance;
 - 6.14.3 Auditing;
 - 6.14.4 Finance;
 - 6.14.5 Government relations;
 - 6.14.6 Business;
 - 6.14.7 Community engagement;
 - 6.14.8 Advocacy;
 - 6.14.9 Legal;
 - 6.14.10 Media;
 - 6.14.11 Ethics;
 - 6.14.12 Fundraising;
 - 6.14.13 Administration / Management;
 - 6.14.14 Community Development; and

- 6.14.15 Local community knowledge.
- 6.15 Community Members will be appointed for a period as designated in the terms of appointment. Council shall designate terms of appointment so that there is an appropriate balance between continuity of membership and renewal.
- 6.16 Community representatives shall appoint a chairperson. The term of the chairperson shall be rotated on an annual basis. A chairperson is eligible for reappointment.
- 6.17 Any vacancy caused by the resignation of the Community representative, shall only be filled by Council via an expression of interest process.
- 6.18 All Special Committee members must assess, score and allocate funding in accordance with set operational parameters and methodologies. Decisions are made upon a majority vote, including the vote of the Chairperson. The Chairperson has a casting vote if appropriate.

7. MEETINGS

- 7.1 Unless Council resolves otherwise, Committee meetings must be conducted in accordance with:
 - 7.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
 - 7.1.2 Division 2 of Part 4 of the LGA; and
 - 7.1.3 The Committee's discretion, as exercised from time to time.
- 7.2 The Committee will meet on at least five (5) occasions per financial year or as required to process applications, and achieve the purpose.
- 7.3 A quorum of the Committee will be a majority of the Committee membership with voting rights. This equates to four (4) Committee members, two of which must be community representatives.
- 7.4 Voting will be by a majority of votes by a show of hands. Only members in attendance are entitled to vote. The chairperson shall have the casting vote in the event of an equality of votes.
- 7.5 Absentees and Apologies:
 - 7.5.1 Committee members are expected to send apologies if they are unable to attend a meeting;
 - 7.5.2 Where possible absent committee members should supply grading on any received applications for the consideration of the committee members present;
 - 7.5.3 A Committee member who is absent from three (3) consecutive meetings without sending apologies will have their membership of the Committee withdrawn via a letter from the Chairperson; and
 - 7.5.4 The non-attendance and nil apology of any member of the committee is to be noted in the minutes of the meeting.

- 7.6 The Committee may appoint advisory sub-committees of members, as required. These sub-committees must have clear guidelines of operation.
- 7.7 The Committee cannot delegate any powers, duties or functions to any sub-committee established from time to time.

8. REPORTING

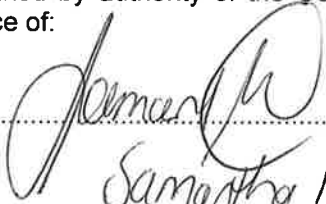

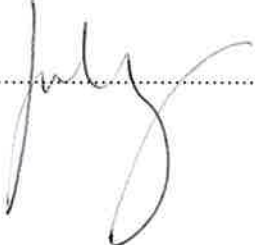
- 8.1 The Committee is responsible for taking proper minutes of all meetings and preparing reports for the Committee's consideration in accordance with:
- 8.1.1 Council's Meeting Procedure Local Law (as amended from time to time and adopted by Council);
 - 8.1.2 Division 2 of Part 4 of the LGA; and
 - 8.1.3 The Committee's discretion, as exercised from time to time.
- 8.2 Minutes of Committee meetings must be forwarded to the Statutory Compliance Unit immediately after adoption by the Committee.
- 8.3 The Committee must prepare and present to Council a report of its activities upon being required to do so by Council and in any event at least once per year.
- 8.4 The Committee may be included in Council's Internal Annual Audit program.
- 8.5 Council will endorse the Assessment and Evaluation method agreed to and adopted by the Community Impact Committee.
- 8.6 A mid-year breakdown report is to be presented to the Special Committee using the breakdown as follows:
- Capital
 - Community Event
 - Equipment
 - Training and Development
- 8.6.1 The mid-year report is to also provide a thematic split of grant allocations where applicable e.g. number of multicultural grants allocated.

9. CREATION AND DISSOLUTION

- 9.1 By these Terms of Reference the:
 - 9.1.1 Committee is established (or continued); and
 - 9.1.2 powers, duties and functions of the Committee, as set out in this Instrument, are delegated.
- 9.2 The Terms of Reference and the Instrument of Delegation:
 - 9.2.1 come into force immediately the common seal of Council is affixed to it; and
 - 9.2.2 remain in force until Council determines to vary or revoke it.
- 9.3 The Committee can be dissolved by resolution of Council.
- 9.4 These Terms of Reference must be reviewed in the 12 months following a general election.

Dated: 25 October 2017

The Common Seal of Ballarat City Council
was affixed by authority of the Council in the
presence of:


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Mayor/Councillor

Councillor

Chief Executive Officer



SCHEDULE

Powers and functions

To exercise Council's functions and powers to perform Council's duties in relation to the management of the community funds in the form of grants and for these purposes:

1. to function in accordance with the Council sealed Terms of Reference;
2. the power to establish an evaluation framework and/or policy for the assessment of all applications for funding (to be approved by Council's Audit Advisory Committee);
3. to engage community expertise in the planning and development of funding programs;
4. the power to apportion and disburse all funds allocated to the Special Committee each year as part of Council's budget;
5. the power to evaluate variation requests of funding allocations above \$500.00 to grant recipients as, and when, requested by grant applicants.

Exceptions, conditions and limitations

The Committee is not authorised by this Instrument to:

1. enter into contracts, or incur expenditure for any amount which exceeds the approved budget; and
2. exercise the powers which, by force section 86 of the *Local Government Act 1989* cannot be delegated.