



Item No: 19.4

File No: 5.14.1.5

Date: 18 May 2020

Attachment: A

**Meeting:** Council

**Title:** ERA Water Independent Chairperson

**Responsible Manager:** Chief Executive Officer, Kiki Cristol

**Author:** Chief Executive Officer, Kiki Cristol

**Key Focus Area 3:** Transparent and accountable local tier of government that is respected for its forward thinking approaches and cross-council collaborations

**Type of Report:** **Decision Required**

---

Pursuant to Section 83(5) of the Local Government Act 1999, the Chief Executive Officer indicates that the matter contained in this report may, if the Council so determines, be considered in confidence pursuant to Section 90(2) of the Local Government Act 1999 on the basis that the information contained in the attached report is information of the nature specified in subsections 90(3)(h) of the Act being legal advice.

### Recommendation

#### Pursuant to s90(3)(h)

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public except, Council's Chief Executive Officer Kiki Cristol and Council Secretariat Vanessa Davidson, be excluded from attendance at the meeting for Agenda Item ERA Water Independent Chair.

The Council is satisfied that, pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information pertaining to the personal and confidential details of applicants for the position of ERA Water Independent Chairman.

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because the matter relates to confidential details of various persons.

## Recommendation

1. That Council reappoint Mr Bryan Jenkins as the Independent Chairperson for ERA Water for a two year period to commence from a date immediately proceeding the date of the last decision of all three Constituent Councils.
2. That the Independent Chairperson of ERA Water's annual fee of \$12,000 be increased by 2.1% commensurate to the CPI All Groups Adelaide increase for the 12 months ending 31 December 2019, for all work associated with the role.

## Recommendation

### Pursuant to s.91(7)

That having considered Agenda Item ERA Water Independent Chairman in confidence under section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report relevant to this Agenda Item be retained in confidence the matter has been finalised and that the attachments to the report remain in confidence for a period of seven (7) years, excepting that Council authorises the release of the minutes to substantive party/parties to enable enactment of the resolution and that pursuant to Section 91(9)(c) of the *Local Government Act 1999* the Council delegates to the Chief Executive Officer the power to review and revoke this Order.

and

That Council resolves to end its confidential deliberations pursuant to Section 90(2) of the Local Government Act 1999 Council and re-admit the public.

## Summary

The term of Mr Bryan Jenkins as Chairperson of the ERA Water Board is due to expire on 10 July 2020. He has held the position since 10 July 2018. The ERA Water Charter, clauses 3.4 and 3.7, requires that the Chief Executive Officers of the Constituent Councils provide a recommendation to the Constituent Councils to appoint the Independent Chair, and determine the fee to be paid to that person.

The Constituent Council CEOs have considered the matter and have collectively agreed to recommend to the Constuent Councils the reappointment of Mr Bryan Jenkins to the role of Chairperson.

Further, in recognition that the fee has not been reviewed since July 2018, the CEOs are also recommending that the fee paid to the Chairperson be increased by 2.1%, commensurate to the CPI All Groups Adelaide increase for the 12 months ending 31 December 2019, for all work undertaken.

## Background

The former Independent Chairperson, Mr John O'Brien, formally resigned from his role as Chairperson on 26 March 2018 with his resignation taking effect from the end of the Board meeting held 27 March 2018.

At the meeting held 27 March 2018 the ERA Water Board resolved to appoint Mr Geoff Vogt as the Acting Independent Chairperson until the role was filled.

## Discussion/Issues for Consideration

The ERA Water Charter sets out the requirement for the Board to appoint an Independent Chairperson. Clause 3.4.3 of the Charter states:

- 3.4.3        *The Chief Executive Officers of the Constituent Councils shall invite applications for the position of Chairperson and assess such*

*applications through such process as they consider appropriate and make recommendations to the Constituent Councils on the appointment of the Chairperson including the fee to be paid to the Chairperson and other terms and conditions to attach to such appointment.*

A detailed 'Candidate Briefing Pack', outlining the roles purpose and function was produced in April 2018 to provide information to potential candidates. The City of Burnside undertook the recruitment process on behalf of the Constituent Council CEOs. An advertisement appeared in both the Eastern Courier Messenger and City Messenger, in addition to a LinkedIn advertisement and promotion through Council websites during April 2018 seeking expressions of interest (EOI) from suitably qualified candidates.

A total of six applications were received, all of which were considered appointable high calibre candidates and therefore proceeded to interview.

The interview Panel consisted of the CEOs from the three Constituent Councils with interviews taking place at the City of Burnside on 11 May 2018. The CEO of Town of Walkerville was on leave and not present, however was represented by the Acting CEO.

The interview panel considered that Mr Jenkins had a very impressive history coupled with solid experience in the water industry, in addition to having held positions in local government; demonstrating solid commercial acumen throughout the interview.

He has a strong understanding of corporate governance and has also authored numerous academic articles. On balance and compared to all candidates the selection panel agreed he was the preferred candidate.

Mr Jenkins was subsequently appointed to the role on 10 July 2018, following the unanimous endorsement of the Constituent Councils.

He has been a committed and dedicated Chairman. He understands the sector and has worked tirelessly since his appointment. Maintaining him as Chairman will ensure stability and continue to provide confidence to the member Councils.

Mr Jenkins has indicated his willingness to be reappointed.

## **Options for Consideration**

### Option 1:

1. That Council reappoint Mr Bryan Jenkins as the Independent Chairperson for ERA Water for a two year period to commence from 11 July 2020 or a date immediately proceeding the date of the last decision of all three Constituent Councils.
2. That the Independent Chairperson of ERA Water's annual fee of \$12,000 be increased by 2.1% commensurate to the CPI All Groups Adelaide increase for the 12 months ending 31 December 2019, for all work associated with the role.

### Option 2:

That the Constituent Council CEOs undertake a recruitment process.

## **Financial Implications**

The annual fee, paid to the Chairman is factored into the ERA Water budget.

**Community Implications**

There are no known community implications in the reappointment of Mr Bryan Jenkins.

**Regional Implications**

Reappointing Mr Bryan Jenkins as Independent Chairman will provide stability and confidence to the member Councils and the Subsidiary.

**Governance Implications**

The ERA Water Charter, clauses 3.4 and 3.7, requires that the CEOs of the Constituent Councils provide a recommendation to the Constituent Councils to appoint the Independent Chair, and determine the fee to be paid to that person. The CEOs are unanimous in their recommendation to reappoint Mr Bryan Jenkins.

**Preferred Option & Reasoning**

Option 1 is the preferred option. The Constituent Council CEOs have considered the matter and were unanimous in their conclusion that maintaining Mr Jenkins as the Independent Chairman of ERA Water would provide stability and confidence to the member Councils. Mr Jenkins has indicated a willingness to be reappointed.

**Attachment/s**

Attachment A	Mr Bryan Jenkins CV
--------------	---------------------