

**ITEM NO: 4**

**SUBJECT: NEW FUNDING AGREEMENT BETWEEN DEPARTMENT OF FAMILIES, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS AND BLUE MOUNTAINS CITY COUNCIL - FAMILY DAY CARE**

**FILE NO: F02641**

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**Recommendation:**

*That the Common Seal of Blue Mountains City Council be affixed to the Funding Agreement Form between the Australian Government Department of Families, Community Services and Indigenous Affairs and Blue Mountains City Council for the purpose of obtaining grant funding to assist in the transition to the Child Care Management System.*

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**Report by Group Manager, BM City Services:**

**Introduction**

On behalf of the Council, Blue Mountains Family Day Care Service provides quality childcare services for young children who are cared for by registered Carers in the Carer's home. The service also runs Blackheath Vacation Care for school aged children each school holiday period. The Service is part funded by the Federal Government and is licensed by the NSW Department of Community Services.

Blue Mountains City Council has been granted a total funding of \$2,200 (GST inclusive) to assist Family Day Care to transition the service to the Federal Government's new Child Care Management System. This Funding Agreement has been reviewed and is in line with previous agreements signed by the Council for the Family Day Care service.

**Background**

Blue Mountains Family Day Care and Blackheath Vacation Care service are required to transfer to the new Child Care Management System. To support child care services during their transition to the new system the Government announced that financial assistance would be provided. The objective of the funding is to ensure all approved child care services achieve a smooth transition to the new Child Care Management System. This can include purchasing necessary hardware and software, training of staff or any other activity required to transition to the new Child Care Management System.

**Financial Implications**

Blue Mountains City Council is to receive funding of \$2,200 (GST inclusive) to assist Family Day Care to transition the service to the Federal Government's new Child Care Management System

**Conclusion/Recommendation**

It is recommended that the Council endorse the Funding Agreement and that the Common Seal of the Council be affixed to the two copies of the funding document.

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**ITEM NO: 5**

**SUBJECT: COMMUNITY ASSISTANCE / DONATIONS – RECOMMENDATIONS BY COUNCILLORS**

**FILE NO: C00944**

**Recommendation:**

1. *That the Council approve the following donations from the Councillors' Minor Local Projects Vote:*

| <u>Organisation</u>                          | <u>Amount</u>   |
|--|-----------------|
| <i>Wentworth Falls P&amp;C</i>               | <i>\$100.00</i> |
| <i>Wentworth Falls P&amp;C</i>               | <i>\$100.00</i> |
| <i>Wentworth Falls P&amp;C</i>               | <i>\$100.00</i> |
| <i>Rotary Club of Lower Blue Mountains</i>   | <i>\$100.00</i> |
| <i>Friends of Blue Mountains Babies</i>      | <i>\$ 80.00</i> |
| <i>Rotary Club of Central Blue Mountains</i> | <i>\$100.00</i> |
| <i>Rotary Club of Central Blue Mountains</i> | <i>\$100.00</i> |
| <i>Rotary Club of Central Blue Mountains</i> | <i>\$ 50.00</i> |

**Report by General Manager:**

On 11 July 2000 the Council adopted a revised Policy for Councillors' Minor Local Projects allocations for the provision of community assistance/donations. The following recommendations for donation, which appear to fall within the ambit of the Policy, have been received and are submitted for approval.

**Minor Local Projects**

| <u>Recommending Councillor</u> | <u>Organisation</u>                   | <u>Purpose</u>              | <u>Amount</u> |
|--------------------------------|---------------------------------------|-----------------------------|---------------|
| Cr. Searle                     | Wentworth Falls P&C                   | 2007 Art Festival           | \$100.00      |
| Cr. Van der Kley               | Wentworth Falls P&C                   | 2007 Art Festival           | \$100.00      |
| Cr. McInnes                    | Wentworth Falls P&C                   | 2007 Art Festival           | \$100.00      |
| Cr. Trindall                   | Rotary Club of Lower Blue Mountains   | Australia Day Celebrations  | \$100.00      |
| Cr. Trindall                   | Friends of Blue Mountains Library     | Books for Babies            | \$80.00       |
| Cr. Van der Kley               | Rotary Club of Central Blue Mountains | Pride of Workmanship Awards | \$100.00      |
| Cr. Searle                     | Rotary Club of Central Blue Mountains | Pride of Workmanship Awards | \$100.00      |
| Cr. McInnes                    | Rotary Club of Central Blue Mountains | Pride of Workmanship Awards | \$50.00       |

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**ITEM NO:** 6**SUBJECT:** SPORTS COUNCIL 4<sup>TH</sup> TERM MEMBERSHIP, TERMS OF REFERENCE AND SPORTS FEES OPERATIONAL PLAN**FILE NO:** F01200

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**Recommendations:**

1. *That the Council approves the proposed membership of the Blue Mountains Sports Council for 2007/2008 and the updated Terms of Reference.*
  2. *That membership for vacant positions of soccer and basketball be reported back to Council as per the Terms of Reference.*
  3. *That as per the Sports Council Terms of Reference, the Council nominates at least one Councillor from each Ward to the Sports Council for 2007/2008.*
  4. *That from the nominated Councillors, the Council elects the Sports Council Chair for 2007/2008.*
  5. *That the Council adopt the draft Sports Fees Operational Plan.*
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**Report by Group Manager, Community & Corporate****Reason for report**

On 24 September 2007 the Sports Council held its Annual General Meeting (AGM) and at that meeting, elections were held for the code representative positions on the Sports Council.

This report advises the Council of the outcome of those elections, details of the updated Terms of Reference and recommends the adoption of the draft Sports Fees Operational Plan.

**Background**

The Blue Mountains Sports Council was officially created on 10 December 2003. The Sports Council completed its third term in June 2007. During this third term the Sport Council consisted of thirteen sporting code representatives, four Ward Councillors and one staff member of Council.

At its meeting on 28 August 2007, the Council received a report outlining the Sports Council activities and achievements during its third year of operation and an overview of the proposed tasks for 2007/8. At that meeting the Council resolved:

- "1. *That following the Sports Council Annual General Meeting, to be held on 24 September 2007, a report be submitted to the Council advising of the new Sports Council membership and of its updated Terms of Reference.*

2. *That the Sports Fees Operational Plan be submitted to the Council once the final Sports Council consultation has been undertaken in August/September.*
3. *That the Council acknowledge and thank the effort of the Sports Council during its third year of operation."*

(Minute No. 232, 28/08/07)

### **Terms of Reference**

The Sports Council updated Terms of Reference is attached to this report (see attachment 1) and states that:

- Membership of the Blue Mountains Sports Council shall consist of members approved and appointed by the Council.
- Each sporting code admitted to membership shall be entitled to nominate one delegate to the Sports Council. Membership is open to City Councillors with no limit to how many, provided there is a minimum of one City Councillor per Area Ward.
- Membership is limited to one person per sport code, of codes with membership greater than 100 members.
- It is Council's prerogative to accept or reject any application for membership without assigning any reason therefore.
- Membership is open to the Mayor – regardless of Ward representation.
- Membership is open to one Council staff.

The Sports Council Terms of Reference also stipulates that membership on the Sports Council is for one year. Membership is then reviewed at the AGM with re-election of existing membership permitted.

### **Changes to Terms of Reference**

The following change has been made to the Sports Council Terms of Reference:

Under the objectives of the Sports Council there has been the inclusion of (2.5) "Implement the Sports Fees Operational Plan" (see enclosure).

### **Election Outcome**

During the third year of operation of the Sports Council, there were changes to the sporting code representatives for Athletics and AFL on the Sports Council. At the AGM, the sporting code representatives for both Basketball and Soccer resigned and these positions are currently vacant.

The following code representatives were re-elected at the AGM held on 24 September 2007:

| <b>Code</b>       | <b>Representative</b> |
|-------------------|-----------------------|
| AFL               | Paul Watson           |
| Athletics         | Brett Sowerby         |
| Baseball/Softball | Dave Gaddes           |
| Basketball        | Vacant                |
| Cricket           | Stephen Poole         |
| Dog Training      | David Brown           |
| Netball           | Estelle Godkin        |
| Soccer            | Vacant                |
| Swimming          | Walter Hitchell       |
| Tennis            | John Tremble          |
| Touch Football    | Rob Voura             |
| Rugby League      | John Beazley          |
| Rugby Union       | Chris Moloney         |

### **Sports Fee Operational Plan**

The Sports Council undertook consultation in August and September 2007 and a draft Sports Fee Operational Plan was produced and is enclosed separately with this report (see Enclosure 1).

### **Conclusion**

The Sports Council AGM resulted in the re-election of eleven of the previous Sports Council code representatives. The sporting codes of Basketball and Soccer are currently unrepresented. It is recommended that the Council approve the re-election of these eleven code representatives to the Sports Council and that representatives are sought for Basketball and Soccer and reported back to Council.

As per the Sports Council Terms of Reference, the Council is required to nominate at least one Councillor from each Ward to the Sports Council for 2007/2008. Additionally, from these Councillors' nominations, the Council needs to elect the Sports Council Chair for 2007/2008.

It is recommended that the Council adopts the draft Sports Fee Operational Plan.

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Attachment

### **Blue Mountains Sports Council Terms of Reference**

#### **1. Name**

The name shall be the Blue Mountains Sports Council.

#### **2. Objectives**

The objectives of the Sports Council shall be to:

- 2.1 Act as a central point of communication between the Blue Mountains City Council and Sporting Clubs in the Blue Mountains.
- 2.2 Foster the appreciation, development and maintenance of sporting facilities, clubs and opportunities in the Blue Mountains.
- 2.3 To assist clubs where possible, in the application process for grants.
- 2.4 Make recommendations to the Blue Mountains City Council in respect to Council's Capital Works Program.
- 2.5 Implement the Sports fees Operational Plan.
- 2.6 To assist in the promotion of sport in the Blue Mountains.

#### **3. Membership**

- 3.1 Membership of the Blue Mountains Sports Council shall consist of members approved and appointed by Council.
- 3.2 Each sporting code admitted to membership shall be entitled to nominate one delegate to the Sports Council. Membership is open to City Councillors with no limit to how many, provided there is a minimum of one City Councillor per Area Ward.
- 3.3 Membership is limited to one person per sport code, of codes with membership greater than 100 members.
- 3.4 It is Council's prerogative to accept or reject any application for membership without assigning any reason therefore.
- 3.5 Membership is open to the Mayor – regardless of Ward representation.
- 3.6 One Council staff.

#### **4. Election of non Councillor Officer Bearers**

Individual Sporting code representatives will be nominated from within their particular code. Where problems arise in electing a representative, Sporting codes can request the Sports Council to choose a representative from those nominated on the codes behalf – all decisions will be final.

**5. Term of membership**

Term of membership is one year. Membership shall be reviewed yearly at the Annual General Meeting with re election of existing membership permitted. After three years of continuous membership a review will be undertaken by Council to determine whether the delegate should continue representing their sporting code or if a new representative should be sought.

**6. Disqualification of members**

If for any reason the majority of members consider that disqualification of any member is warranted, and if after mediation by the Chair the dispute hasn't been resolved, the facts shall be examined and a vote taken to determine the appropriate action. The decision by the vote majority will be final.

**7. Resignation of membership**

In the event of a member resigning a request will be made to the sporting code clubs seeking a new representative. All resignations must be in writing and addressed to the Sports Council convenor.

**8. Chairmanship**

A City Councillor, nominated through Council at an Ordinary meeting, shall chair the Sports Council. The Councillor shall be a member of the Sports Council. The Deputy Chair likewise will be appointed.

The Chair is responsible for:

- 8.1 Directing the business of the Sports Council.
- 8.2 Ensuring the agenda is followed.
- 8.3 Ensuring there is fair discussion on each issue and that all points are expressed.
- 8.4 Ensures a true and correct record of meetings is kept.
- 8.5 In the event of a dispute between members of the Council, the Chair shall act as a mediator to resolve the issue. Should a dispute not be resolved item 6 of the Terms of Reference will apply.

**9. Convening of meetings and attendance**

- 9.1 Convener – Council staff
- 9.2 Elected representatives are expected to attend all Ordinary General meetings and the Annual General meeting however apologies may be given prior to any meeting should the representative not be able to attend.
- 9.3 Should an elected representative be unable to attend a Sports Council meeting, an alternative representative may attend on their behalf. Notification of such should be made via the Sports Council convenor seven (7) days prior to the scheduled meeting.

## **10. Sports Council Meetings**

### **General Meetings**

- 10.1 At least fourteen (14) days notice in writing shall be given for an Ordinary General meeting.
- 10.2 A special Meeting of the Sports Council may be called by the Sports Council, or should the Convenor receive requisition in writing from no less than (5) members of the Sports council he/she shall forthwith call a Special General Meeting provided that such requisition states the object of the meeting.
- 10.3 The Chair shall be chairperson at all General Meetings at which he/she is present and in his/her absence the Deputy Chair shall chair the meeting. In the case of an equal number of votes being recorded the Chairperson of the meeting shall have the casting vote.
- 10.4 Notice of a Special General Meeting shall be in writing and given at least (7) days before such meeting.
- 10.5 At any General Meeting of the Sports council the presence of 30% of the members shall constitute a quorum. If no quorum is present within twenty (20) minutes of the advertised time of the meeting, such meeting shall be postponed for at least seven (7) days and not more than twenty one (21) clear days when due notice of at least forty eight (48) hours have been given, it shall then be held and irrespective of the number of members attending shall be empowered to transact legally the business for which the General Meeting was called.
- 10.6 Every resolution passed at any General meeting of the Sports Council shall be binding on all members thereof, whether present there or not.

### **Annual General Meetings**

Notice of the Annual General Meeting of the Sports Council shall be in writing and given at least twenty-eight (28) days before such meeting. Annual General Meetings will be held on the last Monday of July.

## **11. Voting**

Members will pass all resolutions on a simple majority of votes cast - each Member has one (1) deliberative vote at all Meetings.

## **12. Code of conduct**

Sports Council members when carrying out the tasks involved as members of the Sports Council are part of Council. Consequently they have the legal rights, duties and protections that come with being part of Council.

- 12.1 Council's Code of Conduct and supplementary standards and guidelines will apply in relation to the Sports Council dealings and members participation and advice on Sporting matters.

- 12.2 The Pecuniary Interest provisions of the Local Government Act shall apply to all members of the Sports Council. Anyone with such interests must disclose the nature and extent of the interest and not take part in any deliberations on the matter
- 12.3 The minutes of the Sports Council must include a record of the nature and extent of the interest where a Member makes a disclosure about a conflict of interest.
- 12.4 The principles and procedures espoused in Council’s Code of Conduct and Standards of Ethical Behaviour for Staff shall apply to Sports Council members wherever appropriate. Guidance may be sought from Council’s Executive Officer.

**13. Minutes**

The Sports Council shall cause minutes to be made of all appointments to the sports council, all persons taking part in Sports Council meetings, of all proceedings at all general meetings. The chairperson is responsible for ensuring that recommendations of the Sports Council are minuted.

**14. Reporting to Council**

The Sports Council shall report and make recommendations to Council for their consideration no less than once a year.

**15. Liability**

Refer item 12.

**16. Amending the Terms of Reference**

Any member of the Sports Council can request an amendment to the Terms of Reference however such a request should be tabled as a Sports Council agenda item and any agreed changes recorded in the meeting minutes.

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