



FLOODPLAIN MANAGEMENT AUTHORITIES 2007 CONSTITUTION

MISSION STATEMENT:

To facilitate the reduction of the impact of flooding and flood liability on life and property, by co-ordinating the implementation, ongoing operations, and maintenance of effective Floodplain Management processes and procedures.

OBJECTIVES:

1. Support the primary objectives of floodplain management policy, namely to reduce the impact of flooding and flood liability on individual owners and occupiers and to reduce private and public losses from flooding.
2. Press for optimum financial assistance by State and Federal Governments to Floodplain Management in order to implement the Government's Floodplain Management Policy.
3. Support the implementation of Total Catchment Management principles in the context of flood mitigation works, management of floodplains, river management and stream stabilisation.
4. Provide a forum for exchange of information and ideas related to Floodplain Management.
5. Foster good relationships and effective liaison between the Authorities, State and Commonwealth Government Departments and other relevant organisations.
6. Promote the need to maintain public awareness of the significance of floods and appropriate community responses to flooding.
7. Make recommendations to Government on Floodplain Management matters and where appropriate, to act in support of any Member's representations to Government on local flood related matters.
8. Encourage Local Councils and other relevant Authorities involved in Floodplain Management to become members.

9. Assist both the State and Federal Governments to prioritise funding proposals for Floodplain Management projects.

MEMBERSHIP:

(i) **Full Members:**

All local government councils, catchment management trusts and catchment management authorities and other approved organisations involved in floodplain management in New South Wales are eligible.

ii) **Associate Members:**

Open to all organisations involved in floodplain management. This category includes government departments, interstate authorities, corporations, businesses and other associations.

(iii) **Individual Membership:**

All individuals involved in floodplain management or with an interest in floodplain management.

(iv) **Life Membership:**

This membership may be conferred on an individual by the Authorities in recognition of outstanding meritorious service to the Floodplain Management Authorities. Nominations for Life Membership must be lodged with the Executive Officer at least 30 days before the Annual General Meeting and must be considered for approval by a vote of Members at the following Annual General Meeting. The Authorities will provide Life Members accommodation and registration to the Annual Conference. Life members will be entitled to the same voting entitlements as individual members.

Applications for membership must be in writing to the Executive and shall be determined by the Executive of the Floodplain Management Authorities (FMA).

A Member ceases to be a Member of the Authorities if:

- (i) their resignation of membership is notified in writing.
- (ii) membership fees are not paid as required.
- (iii) the member is expelled following a resolution carried at a duly authorised meeting of the Authorities.

REPRESENTATION:

Full Members

Full members may be represented at meetings by three representatives. Voting eligibility of full members will be restricted to two votes per full member authority.

Associate Members

Associate members may be represented at meetings by three representatives. Associate members are entitled to participate in the affairs of the Floodplain Management Authorities; they are however precluded from voting.

Individual Members

Individual Members may attend meetings and are entitled to participate in the affairs of the Floodplain Management Authorities; they are however precluded from voting.

EXECUTIVE COMMITTEE:

The Executive Committee shall comprise the Chairperson, Deputy Chairperson, Executive Member – Technical, Executive Member – Planning, the Immediate Past Chairperson and Executive Officer. This committee shall carry out all routine administrative functions of behalf of the Floodplain Management Authorities. Each member of the executive is entitled to one vote in relation to matters considered by the Executive Committee. A Majority of votes will determine issues considered by the Executive.

Chairperson:

- (i) Shall be a Councillor, Trustee or a Board Member of a Member Authority.
- (ii) Is to hold office for a period of two years.
- (iii) Is eligible for re-election.
- (iv) Elections for Chairperson shall be held at the Annual General Meeting.
- (v) Shall cease to be Chairperson if not re-elected a councillor or appointed a trustee or board member of a member authority.
- (vi) In the event of the death, incapacity or ineligibility of the Chairperson, the Deputy Chairperson shall act as Chairperson until the position is filled at an election held at the next meeting.

Deputy Chairperson:

- (i) Shall be a Councillor, a Trustee or board member of a Member Authority.
- (ii) Is to hold office for a period of two years.
- (iii) Is eligible for re-election.
- (iv) Elections for Deputy Chairperson shall be held at the Annual General Meeting.
- (v) Shall cease to be Deputy Chairperson if not re-elected a councillor or appointed a trustee or board member of a member authority.
- (vi) In the event of the death, incapacity or ineligibility of the Deputy Chairperson, the Executive Officer shall act as Deputy Chairperson until the position is filled at an election held at the next meeting.

Executive Member - Technical

- (i) Shall be a staff member of a Full Member or a delegate of an Associate Member.
- (ii) Is to hold office for a period of two years.
- (iii) Is eligible for re-election
- (iv) The election for Executive Member – Technical shall be held at the Annual General Meeting.
- (v) In the event of death, incapacity or ineligibility of the Executive Member – Technical, the position will remain vacant until the position is filled either at an election held at the next meeting of members or by immediate appointment by the Chairman.

Executive Member - Planning

- (i) Shall be a staff member of a Full Member or a delegate of an Associate Member.
- (ii) Is to hold office for a period of two years.
- (iii) Is eligible for re-election
- (iv) The election for Executive Member – Technical shall be held at the Annual General Meeting
- (v) In the event of death, incapacity or ineligibility of the Executive Member – Technical, the position will remain vacant until the position is filled at an election held at the next meeting of members or by immediate appointment by the Chairman.

Immediate Past Chairperson

Shall be the chairperson before the election of the current chairperson.

Casual Vacancy

In the event of a casual vacancy on the Executive Committee, the Chairman may immediately nominate an eligible member to fill the casual vacancy as an acting executive committee member until the next AGM and report such action to the next quarterly meeting, or, may direct the Executive Officer to undertake an election at the next quarterly meeting of the Authorities. Election procedures shall be as for the normal election of office bearers. The newly elected member of the executive committee shall hold office for the remainder of the term of office of the former office-holder and shall be eligible for re-election. There may only be one acting member of the Executive Committee at any one time.

Executive Service Provider

The Authorities shall prepare a Specification which details the duties required to be carried out by the Executive Services provider. The Executive Services provider shall appoint an Executive Officer who will be the primary contact between the Authorities and the service provider and will be responsible for the completion of Specification duties.

The Executive Service Provider is to nominate a person acceptable to the Executive Committee to act as Treasurer of the Floodplain Management Authorities for the period of appointment as Executive Service Provider.

Executive Services shall be tendered and awarded by the Authorities. An Executive Services provider shall be appointed to provide administrative support and infrastructure, for a period of two years, renewable.

This appointment may be terminated after three months notice by either party. Tenders shall be called from amongst Member Authorities for the provision of executive services, but if no suitable tenders are received, the process shall go to open tender.

Executive Officer:

Shall be the General Manager or Chief Executive Officer or other officer of the Executive Services provider, nominated and agreed by the Authorities.

Fees:

The Chairperson shall be paid an annual fee determined by the Authorities subject to Annual review.

The provider of the executive services shall be paid a fee for the term of their appointment, paid annually and subject to CPI review or some other agreed arrangement.

MEETING PROCEDURES:

1. The Authorities shall meet at least four times each year.
2. The Executive Officer shall give Members at least 14 days notice of all meetings.
3. The Chairperson may call extraordinary meetings at short notice in exceptional circumstances.
4. The business to be transacted at all meetings shall be restricted to that included in the circulated agenda with the Chairman to exercise his discretion to allow introduction of business for which due notice has not been given.
5. In the absence of the Chairperson, Deputy Chairperson, Executive Member - Planning and Executive Member - Technical, the Members present shall elect a Chairperson for that meeting.
6. Each Full Member organisation in attendance shall be entitled to two votes on any issue, each Associate Member one vote and each Individual Member one vote.
7. Should there be an equality of votes at any meeting the Chairperson is entitled to exercise a second or casting vote.
8. Member's delegates are not entitled to vote on any issue, if any money due and payable to the Authorities is outstanding.
9. There will be no provision for proxy votes. Each delegate has only one vote and must be present to exercise such vote.

MEMBERSHIP FEES/SUBSCRIPTIONS:

All Members with the exception of Life Members shall pay an annual subscription to be determined as part of the annual budgeting process.

ELECTION OF OFFICE BEARERS:

1. Elections, if required, for the position of Chairperson Deputy Chairperson, Executive Member - Planning or Executive Member – Technical shall be conducted at the Annual General Conference. The election of the Chairperson, Deputy Chairperson, Executive Member - Planning or Executive Member – Technical should take place at the same Annual General Meeting and will serve their terms concurrently. Nominees for these positions shall be given an opportunity to address the Annual General Meeting prior to voting.
2. The Executive Officer shall be the Returning Officer for all such elections. The Deputy Returning Officer shall be the General Manager or Chief Executive Officer of the Conference host Authority.
3. Nominations for election of office bearers shall be called by the Returning Officer by Notice to all Member Authorities at least six weeks before the Annual Conference.
4. Nominations for vacant positions shall be in writing, endorsed by two voting delegates, include the consent of the person nominated and be lodged with the Returning Officer not less than 30 days prior to the commencement of the Annual Conference. Nominations shall bear the candidates name and organisation; the nominator's name, organisation and signature; the seconder's name, organisation and signature; and the nominee shall indicate acceptance by signing the nomination form.

Nomination details should be sent to Member Authorities prior to the Conference.

5. If there is only one nomination then that person is elected.
6. If there is more than one nomination the election shall be by preferential ballot with all squares to be numbered 1-2-3-etc in the order of the voter's choice to be a valid vote. Where more than one nomination is received for any position the Returning Officer shall:
 - (i) prepare a list of eligible voters for the ballot,
 - (ii) prepare ballot papers.

Positions on the ballot paper shall be drawn from an appropriate receptacle in the presence of the candidates or their representatives.

7. The Returning Officer shall provide a ballot box that can be locked or sealed in the presence of appointed scrutineers. Voting shall take place at the Annual General Meeting.
8. A ballot paper that has been initialled by the Returning Officer shall be issued to eligible delegates, who shall identify themselves and have their names crossed out from the voters list.
9. At the conclusion of the ballot the Returning Officer and Deputy Returning Officer shall:
 - (i) check and record the number of ballot papers issued including spoilt ballot papers,

- (ii) check that all votes cast have the Returning Officers initial on the back of the ballot paper,
- (iii) allocate first preferences, at the same time checking that every square is numbered in a sequential order,
- (iv) if no candidate has an absolute majority, the Returning Officer shall eliminate the candidate with the lowest primary vote, and distribute that persons second preferences,
- (v) this process shall continue until a candidate has acquired a majority vote'
- (vi) the Returning Officer shall then declare the results of the election,
- (vii) The Returning Officer shall retain all voting papers for a period not exceeding 14 days before destroying.

10. These election proceedings shall be overriding, however, in other respects the election proceedings shall be conducted in accordance with the NSW Local Government (Elections) Regulation.

FINANCE:

The Executive Officer shall maintain discrete accounting records and shall operate an appropriately named account in the name of the Floodplain Management Authorities.

All income received shall be deposited in the relevant account and all disbursements authorised by a delegated person. Signatories to the account shall be any two of the following: Chairperson, Deputy Chairperson, Executive Member – Technical, Executive Member Planning or Executive Officer.

Each meeting of the Authorities shall be provided with:

- (i) a listing of all disbursements since the previous meeting.
- (ii) a summary of income and expenditure for the current financial year to date and a comparison of that income and expenditure against the estimated annual estimate.

An estimate of income and expenditure shall be prepared and approved by the Authorities at the Annual Conference, prior to the commencement of each financial year, which shall begin on 1 January each year.

At the conclusion of each financial year, an annual report of income and expenditure shall be prepared and presented to the Annual General Meeting.

Auditors shall be appointed by the executive services provider and shall be requested to report annually on all matters concerning the financial affairs of the Authorities. Every endeavour shall be made to have the audited report available for the Annual General Meeting, but in any case, the audited report is to be provided at the quarterly meeting following Annual General Meeting.

BUSINESS PLAN:

The Authorities shall consider and adopt a four year corporate plan at its Annual General Meeting. Such plan shall be developed by the Executive Committee and submitted to the Annual General Meeting for adoption. The plan shall be circulated at least 30 days before the Annual General Meeting to members.

The Authorities shall review the corporate plan at intervals no longer than two years. Such review shall be submitted to the Annual General Meeting. The first corporate plan was adopted in 2000, the next will be submitted to the 2004 Annual General Meeting with subsequent plans submitted every four years thereafter.

The Annual Business Plan shall be prepared by the Executive Committee and submitted to the Annual General Meeting for adoption by the members. The Annual Business Plan shall be circulated at least 14 days prior to the Annual General Meeting.

Each Plan will incorporate agreed or proposed goals, objectives, strategies and actions, and details of proposed income and expenditure.

ANNUAL CONFERENCE:

1. The Authorities shall convene an Annual Conference which may be hosted by any full Member Authority.
2. Each full Member Authority shall be entitled to two votes when voting on any matter provided that there will be no provision for proxy votes. That is, only delegates in attendance may cast votes.
3. Applications to host the Annual Conference shall be in writing and be lodged with the Executive Officer not less than 30 days prior to the commencement of the Annual Conference. Applications to host the Conference will be decided two years in advance of the proposed Conference date and where practicable, the Conference venue shall be rotated around the State.
4. Determination of the Conference host shall be by Conference delegates and if more than one application is received, by preferential ballot under the jurisdiction of the Returning Officer, during the Conference.
5. The conference host may charge a registration fee for each person attending the Conference. This Conference fee is to be approved by the Executive Committee of the Floodplain Management Authorities.
6. The Conference host in consultation with the Authorities shall be responsible for:-
 - Providing a suitable venue and facilities.
 - Organising all speakers.
 - Organising inspections as appropriate.
 - Seeking appropriate sponsorship.
 - Co-ordination of accommodation and sustenance for participants.
 - Submission of a comprehensive Debrief Report and Statement of Income and Expenditure to the following Quarterly Meeting to assist in the organisation of future Annual Conferences.
 - Complying with the Authorities' "Standard Operating Procedures for the Annual Conference.
7. The conference host will endeavour to conduct the conference on a cost recovery basis.

Any profit generated by the conference (after applying accepted accounting standards and allowance for all related expense including due allowance for labour cost of the host authority's staff) is to be shared on an equal basis between that Authority and the Floodplain Management Authorities. Such Profit & Loss Statement is to be provided to

the Floodplain Management Authorities within three months of the conference completion.

Any loss incurred by the host Authority will be underwritten by the Floodplain Management Authorities to a maximum sum of eight thousand dollars (\$8000-00).

REVIEW OF CONSTITUTION:

This Constitution may only be reviewed or altered at the Annual Conference of the Authorities. All Member Authorities must be advised in writing of proposed changes at least 30 days prior to the Conference. Proposed changes shall be put to the vote during the Annual General Meeting and will require at least 60% of Member Authorities to be represented at the meeting and a vote in favour of the change(s) in order for the change(s) to be adopted.