

# **Minutes**

## **Library Board Special Meeting**

**Thursday 24<sup>th</sup> April 2008  
4pm  
Terang Library**

**Notice is hereby given that a Special Meeting of the Corangamite Regional Library Corporation Board held on Thursday 24<sup>th</sup> April 2008 at the Terang Library, commenced at 4p.m.**

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**BOARD MEMBERS**

<b>Member</b>	<b>Council</b>
Cr. Peter Mercer (Chair)	Colac Otway Shire
Mr Colin Hayman	Colac Otway Shire
Cr Jim O'Brien	Corangamite Shire
Mr Trev Greenberger	Corangamite Shire
Cr. Adrian Jacobs	Warrnambool City
Mr Paul O'Brien	Warrnambool City
Cr. Di Clanchy	Moyne Shire
Mr Craig Ralston	Moyne Shire

Quorum in the draft new Meeting Procedure Local Law is “***at least one Member from three of the Party Councils***”.

A substitute member (or Deputy Member) can be appointed by a Party Council to act as deputy in place of one of its appointed Members. This appointment must be made by resolution of the Council (or a Council authorized delegate) for it to be valid.

**Officers & Consultants**

<b>Name</b>	<b>Position</b>
Sally Armistead	Acting Chief Executive Officer
Graham Shiell	Consultant

## **Minutes**

### **APOLOGIES**

Nil.

### **1. DECLARATIONS OF INTEREST**

The Local Government Act 1989 (the Act) requires a Board Member to disclose any interest they may have in any matter that is before the Board. Where their interest is financial, or where the Board Member considers that their interest may be in conflict with their public duty, they must declare a “pecuniary interest” or a “conflict of interest” and leave the meeting while the vote is being taken.

Board Members are required to complete a disclosure form for each item on which an interest is declared. This disclosure must state the nature of the interest.

There is a legal requirement to disclose the nature of an interest immediately before the matter is considered.

### **2. REPORTS**

- 2.1 Regional Agreement**
- 2.2 Library Plan**
- 2.3 Draft Budget 2008/2009 & Contributions Formula**
- 2.4 Meeting Procedure Local Law 2008**
- 2.5 Library Services Local Law 2008**
- 2.6 Colac Library**
- 2.7 Colac Otway Ratepayers & Residents Association (CORRA)**
- 2.8 CEO Recruitment**

## **2.1 REGIONAL AGREEMENT**

The Board at its August 2007 meeting resolved to seek the support of the member councils to entering in to a new regional agreement. The Board proposed extending the term to June 2011.

A subsequent meeting was held with the council CEOs and it was agreed that consent be sought to a new 5 year term – thus providing an end date of June 2013.

All councils have since communicated their support, in principle, for the proposed new agreement.

The Board at its March 2008 meeting resolved that, subject to a positive response from Warrnambool City on a new regional agreement, a new agreement be drafted for consideration by the Board. With Warrnambool's positive response the new agreement has been drafted.

Attached were:

- A summary of the key changes to the current agreement
- Draft new Regional Agreement
- Marked copy of the new Agreement showing changes to the current Agreement.

It should be noted that each council, prior to formally considering a resolution to enter into a new agreement, must comply with section 197(1) of the Local Government Act, which provides:

*“A person has the right to make a submission under section 223 on any proposal by a Council to enter into an agreement referred to in section 196”.*

**Moved Cr. O'Brien seconded Cr. Jacobs that the draft new Corangamite Regional Library Corporation Agreement 2008 be approved; and that the Corangamite Regional Library Corporation party councils, Colac-Otway Shire, Corangamite Shire, Moyne Shire and Warrnambool City, be requested to formally agree to enter into the new Corangamite Regional Library Corporation Agreement 2008.**

**CARRIED**

## **2.2 LIBRARY PLAN**

Section 125 of the Local Government Act 1989 requires the Corporation to have prepared and approved a Library Plan.

The plan must include:

- (a) the strategic objectives of the Corporation;
- (b) strategies for achieving the objectives for at least the next 4 years;
- (c) strategic indicators for monitoring the achievement of the objectives; and
- (d) a Strategic Resource Plan.

The current Plan (copy attached) is valid to the end of the 2008/09 year. A new Plan will need to be prepared following the November 2008 council general elections. This plan will cover the period 2009/10 – 2013/14.

The Act requires that at least once in each financial year, the Corporation must consider whether the current Library Plan requires any adjustment in respect of the remaining period of the Plan.

Therefore the issue to now be addressed is whether the current Plan needs any adjustment for the 2008/2009 year.

### **Review Comments**

- The current Plan period only has one year remaining. It is not considered necessary to undertake a substantial review of the Plan given that a new Plan will need to be prepared within the next 12 months
- The Performance Indicators should be replaced with the revised indicators (copy attached) as recently presented to the Board. The targets have been adjusted to reflect realistic goals for the 2009 year.
- The Strategic Resources Plan needs to be updated to reflect any revised financial directions. This will be prepared in conjunction with the formal 2008/2009 budget process.

**Moved Mr. Greenberger seconded Cr. Jacobs that the Library Plan 2005/06 – 2008/09 having been considered by the Corporation, in accordance with section 125 of the Local Government Act 1989 (the Act) be adjusted as follows:**

- a) the existing performance indicators be replaced with the “updated performance indicators”; and**
- b) the Strategic Resources Plan be updated to include the next 4 financial years, as required by section 126 of the Act.**

**CARRIED**

## **2.3 DRAFT BUDGET 2008/2009 & CONTRIBUTIONS FORMULA**

### **a) Draft Budget 2008/2009**

The Board at its March 2008 resolved on several matters related to the financial strategy and the 2008/2009 Budget:

- to adopt a policy of undertaking, annually, a full acquittal of council contributions required to meet the budgeted cash flow outcome and that such acquittals be based on actual results and be in accordance with the standard council contributions formula;
- to support a Base Model 2008/2009 Budget and the associated increase in Council contributions; and
- to circulate the Base Model Budget to the member councils for support and request that they advise the Board of their response by 23 April 2008.

Since the Board meeting the draft Budget and the 5 year Financial Plan proposal have been circulated to all councils.

The Chief Executive Officer and Project Consultant have attended briefing sessions of all councils and made a presentation which:

- provided an overview of the library service
- outlined the financial position
- presented the proposed future service model
- outlined the 2008/2009 proposed budget & 5 year plan
- presented the financial implications for councils and the Corporation.

The following attachments are included:

- 2008/2009 base model budget summary
- Council contributions summary and calculation sheet
- 5 year financial plan summary

Warrnambool City has an Ordinary Meeting scheduled for 21<sup>st</sup> April and the Shire Councils all have Ordinary Meetings on 22<sup>nd</sup> April and it is expected that they will be providing a response to the Board's budget proposal, as requested.

Responses will be submitted at the meeting.

The Board can then pursue the formal budget process, per the Local Government Act requirements. The following timeline is suggested.

<b>Date</b>	<b>Activity</b>	<b>Action</b>
8 <sup>th</sup> May	Board Meeting	Consider formal Budget documents (standard statements). Resolve to prepare Budget and Strategic Resources Plan (SRP).
12 May	Advertise	Invite public submissions on Budget & SRP.
29 May	Board Meeting	Consider submissions. Adopt Budget & SRP.

**Moved Mr. Hayman seconded Mr. Greenberger that a Special Meeting of the Board be held on 8<sup>th</sup> May 2008 to consider:**

- a) the formal Budget documents (standard statements) for 2008/2009;  
and
- b) the draft Strategic Resources Plan (SRP) update.

**CARRIED**

**b) Council Contributions Formula**

The Regional Agreement provides that “each Council will contribute to the operating budget of the Corporation via a formula to be agreed by the Board on an annual basis”. This report is submitted in order that the Board meets its obligation.

The funding formula applied in the current financial review reflects a continuation of the basis of the formula most recently supported by the Board.

<b>Cost component (operating &amp; capital)</b>	<b>Formula basis</b>
Regional	Per capita
Information Technology	No. of PCs at branch libraries
Materials	No. of issues per branch library
Branches	Direct operating costs for branch libraries
Outreach	No. of issues per stop

**Moved Mr. O’Brien seconded Mr. Ralston that the Council Contributions funding formula as tabled in this report be approved and applied to the 2008/2009 budget and that acquittal accounts for the 2007/2008 be forwarded to member councils.**

**CARRIED**

### **c) Planning & Accountability Reporting**

For the Board's information a schedule on the strategic planning and accountability reports required under the Local Government Act and the Library agreements is attached.

**Report was for information.**

### **2.4 MEETING PROCEDURE LOCAL LAW 2008**

The Board at its March 2008 meeting resolved to agree, in principle, to the draft Meeting Procedure Local Law 2008 (Local Law No. 1 of 2008) and the associated Question Time Procedure.

A copy of the draft Law and the associated Question Time procedure were circulated with the meeting agenda.

The Board further resolved that prior to formally considering the making of the Local Law it seek ratification of the proposed Law by all the member councils, as required by section 197F of the Local Government Act 1989.

Correspondence was sent to the four member councils on 17 March 2008.

Following the ratification of the Law by all councils the Board can then resolve to give public notice of its intention to make the Local Law.

The procedure for making a local law is set out in the Local Government Act and the remaining steps in the process are:

- 1) Notice of intention to make the Local Law is then advertised in the Victoria Government Gazette, the Colac Herald and the Warrnambool Standard.
- 2) Public submissions can then be made on the proposed Local Law.
- 3) The Board then resolves to adopt or amend the Local Law.
- 4) Finally, the making of the Local Law is advertised in the Victoria Government Gazette, the Colac Herald and the Warrnambool Standard.

Moyne Council at its meeting on 25 March 2008 resolved to ratify the Law.

Warrnambool City has an Ordinary Meeting scheduled for 21<sup>st</sup> April and the Colac-Otway and Corangamite Councils have Ordinary Meetings on 22<sup>nd</sup> April and it is expected that they will be providing a response to the ratification request at these meetings.

Responses will be provided at the meeting.

The recommendation is submitted in anticipation of ratification resolutions being made by all councils prior to this meeting.

**Responses were not received from Corangamite Shire and Warrnambool City resulting in the item being held over to future Meeting.**

## **2.5 LIBRARY SERVICES LOCAL LAW 2008**

The Corporation's Library Regulations Local Law 1997 regulated the management and control of services provided by the Corporation. It included provisions for:

- Membership
- Access and borrowing entitlements
- Behaviour in the libraries
- Book returns
- Fees and charges

The Law was operative from 6<sup>th</sup> March 1998 and in accordance with the Local Government Act 1989 it contained a sunset provision which means that it expired on 5<sup>th</sup> March 2008.

It is therefore necessary to make a new Local Law to regulate the relevant matters.

The 1997 Law has been reviewed by staff and compared with recently adopted similar Laws by other Library Services.

Attached are:

- A summary of the key changes to the Library Services Local Law 2008
- Draft new Local Law
- Marked copy of the new Local Law showing changes to the old Local Law

The Act (section 197F) requires that the member councils must ratify the law before it can be made by the Corporation.

The procedure for making a local law is set out in the Local Government Act and it is proposed that the following process will be followed:

- The Board resolves to agree in principle to the draft and advises the Party Councils of its intention to develop the Local Law and seek their respective ratification.
- The Party Councils to advise the Board, pursuant to section 197F of the Act, of their respective ratification of the Local Law:
- The Board can then resolve to give public notice of its intention to make the Local Law.
- Notice of intention to make the Local Law is then advertised in the Victoria Government Gazette, the Colac Herald and the Warrnambool Standard.
- Public submissions can then be made on the proposed Local Law.
- The Board then resolves to adopt or amend the Local Law.
- Finally, the making of the Local Law is advertised in the Victoria Government Gazette, the Colac Herald and the Warrnambool Standard.

**Moved Cr. Clanchy seconded Mr. Ralston that the Board agree, in principle, to the draft Library Services Local Law 2008 (Local Law No. 2 of 2008) and that prior to the Board formally considering its intention to make the Library Services Local Law 2008 (Local Law No. 2 of 2008) it now seek ratification of the draft Local Law by all the member councils, in accordance with section 197F of the Local Government Act 1989.**

**CARRIED**

## **2.6 COLAC LIBRARY**

Correspondence from the Colac-Otway Shire Council advising of its decision to commit to the implementation of the 'Global Connector' project, which includes a new public library in Colac, is attached.

**Moved Cr. Clanchy seconded Cr. Jacobs that the Board, having considered Mr. Ensley's letter dated 24<sup>th</sup> April 2008 advise Mr Ensley that the Board considers that Colac's Global Connector Joint Use Library will continue to operate and provide Public Library services under the management of the Corangamite Regional Library Corporation.**

**CARRIED**

## **2.7 COLAC OTWAY RATEPAYERS & RESIDENTS ASSOCIATION (CORRA)**

Correspondence, dated 29 March 2008, has been received from the Colac Otway Ratepayers & Residents Association (CORRA). The correspondence was addressed to the Acting CEO and marked 'Confidential'. The writer was informed that the issues raised would be addressed at the next Board meeting.

The questions posed and suggested responses are set out below.

### **1. Will CRLC take independent advice to ensure that the assets and interests of the CRLC are protected?**

CRLC will take legal advice on any matter as and when it considers it appropriate.

The CRLC exists only through the agreement of the four member councils – Colac-Otway, Corangamite, Moyne and Warrnambool. Its primary role is to deliver a library service in the municipalities of the member councils.

The CRLC assets are, in effect, the assets of the member councils. The councils reflect this ownership of the assets in their respective balance sheets.

The CRLC is accountable to its member councils for the custodianship of these assets.

### **2. Will the CRLC ensure that a proposal to amend the regional library agreement is put out for public comment as required by the Local Government Act?**

A new regional library agreement is proposed - the current agreement expires in February 2009. Councils will be advised of their responsibilities under section 197 of the Local Government Act (the Act) to invite public submissions before formally entering into the new agreement.

- 3. Does CRLC acknowledge that the changes proposed by the Colac Otway Council in its recent resolution (25/3/08) require either an amendment to the existing regional library agreement and/or a new regional library agreement with the Education Department as a signatory?**

Section 196 of the Act allows a council to enter into an agreement with a 'public body' to, in effect, provide a library service.

If, at some future date, the councils to the agreement support a variation to include a school or the Education Department then an amendment to the agreement would be required.

Section 197 of the Act would apply – councils to seek public comment on the amendment before formally deciding on the amendment.

Depending on the circumstances, an alternative to being a party to a regional agreement (for a school, the Education Department or any other body) could be a services supply agreement.

No request for such service provision has been made, so accordingly the Corporation has not had to consider the matter.

- 4. What part will CRLC take in inviting comment on any proposal to include the Education Department (or any other “public body”) to access assets of CRLC?**

The responsibility for seeking public comments (under section 197 of the Act) on an amendment to the agreement is with the councils.

The CRLC would most likely have a role in drafting the proposed amendment to the agreement for consideration by the councils.

- 5. a. Does the CRLC agree that it is possible for the CRLC to have a different view on the contents of a proposed regional library agreement involving the Education Department than the Colac Otway Council?**

The CRLC is not a signatory to the regional agreement. It is for the members to agree on its content.

The CRLC role is to deliver the service in accordance with the terms of any agreement reached by the member parties.

- b. Alternatively, does the CRLC have the view that it is bound to agree to a regional library agreement in terms set out by the Colac Otway Council? If so, how does the CRLC reconcile this with representing the interest of all member Councils rather than just one?

See response to the previous question.

Moved Mr. Greenberger seconded Cr. O'Brien that the Corporation respond to the Colac Otway Ratepayers & Residents Association correspondence dated 29 March 2008 in accordance with the notes set out in the report to this meeting.

**CARRIED**

## **2.8 CHIEF EXECUTIVE OFFICER RECRUITMENT**

Report was distributed.

Item held over to Special Meeting scheduled for 8<sup>th</sup> May 2008.

**ATTACHMENTS** included were:

<b>Item/Report</b>	<b>Attachment</b>
<b>2.1</b>	<b>Summary of key changes to Agreement</b>
	<b>Draft new Regional Agreement 2008</b>
	<b>Marked up copy of new Agreement</b>
<b>2.2</b>	<b>Library Plan 2008/2009</b>
	<b>Updated Performance Indicators</b>
	<b>2008/2009 draft Budget</b>
<b>2.3</b>	<b>Council contributions summary</b>
	<b>5 year forward financial plan</b>
	<b>Planning &amp; Accountability Reports</b>
<b>2.5</b>	<b>Summary of key changes to Library Services Local Law 2008</b>
	<b>Draft new Library Services Local Law 2008</b>
	<b>Marked up copy of new Library Services Local Law 2008</b>
<b>2.6</b>	<b>Correspondence from Colac-Otway Shire Council</b>

**CONFIRMATION OF MINUTES**

**It is hereby certified that the above minutes of the Special Meeting held 24<sup>th</sup> April 2008 are those confirmed by the Corangamite Regional Library Board.**

**Chairman**

**Date**