

Minutes of the Ordinary Meeting of Council of the City of Holdfast Bay held in the Council Chamber, Glenelg Town Hall, Moseley Square, Glenelg, on 28 March 2023 at 7:00pm.

MEMBERS PRESENT

Mayor A Wilson
Councillor R Abley
Councillor A Bradshaw
Councillor J Fleming
Councillor C Lindop
Councillor S Lonie
Councillor W Miller
Councillor M O'Donohue
Councillor R Patton
Councillor J Smedley
Councillor A Venning

STAFF IN ATTENDANCE

Chief Executive Officer – R Bria
General Manager Assets and Delivery – M de Heus
General Manager Community and Business – M Lock
General Manager Strategy and Corporate – P Jackson
General Manager Alwyndor – B Davidson-Park

1. OPENING

Her Worship the Mayor declared the meeting open at 7.00pm.

2. KAURNA ACKNOWLEDGEMENT

With the opening of the meeting Her Worship the Mayor stated:

We acknowledge Kurna people as the traditional owners and custodians of this land.

We respect their spiritual relationship with country that has developed over thousands of years, and the cultural heritage and beliefs that remain important to Kurna People today.

3. SERVICE TO COUNTRY ACKNOWLEDGEMENT

The City of Holdfast Bay would like to acknowledge all personnel who have served in the Australian forces and services, including volunteers, for our country.

4. PRAYER

Her Worship the Mayor requested all present to pray and read the following Prayer:

Heavenly Father, we pray for your presence and guidance at our Council Meeting.

Grant us your wisdom and protect our integrity as we carry out the powers and responsibilities entrusted to us on behalf of the community that we serve.

At the commencement of the meeting, the Mayor advised the Chamber she had recently attended Principle Member training. New rules for proceedings at meetings were now in place and Members were reminded of the rules for meeting conduct.

5. APOLOGIES

5.1 Apologies Received - Councillor A Kane, Councillor R Snewin

5.2 Absent - Nil

6. ITEMS PRESENTED TO COUNCIL - Nil

7. DECLARATION OF INTEREST

Members were reminded to declare their interest before each item.

8. CONFIRMATION OF MINUTES

Motion

280323/7389

That the minutes of the Ordinary Meeting of Council held on 14 March 2023 be taken as read and confirmed.

Moved Councillor Lonie, Seconded Councillor Miller

Carried Unanimously

9. PUBLIC PRESENTATIONS

9.1 **Petitions** - Nil

9.2 **Presentation** - Nil

9.3 **Deputations** - Nil

10. QUESTIONS BY MEMBERS

10.1 **Without Notice**

10.1.1 **St Andrews by the Sea Church**

Councillor Smedley asked a question in relation to the fencing around St Andrews by the Sea Church on Jetty Road.

General Manager, Assets and Delivery took the question on notice.

10.2 **With Notice** - Nil

11. MEMBER'S ACTIVITY REPORTS - Nil

12. MOTIONS ON NOTICE

12.1 **Motion on Notice – Request to Attend Deputy Mayor Forum - Councillor Lindop**
(Report No: 101/23)

Motion**280323/7390**

In accordance with the Elected Member Training and Development Policy, Council approves for Councillor Lindop to attend the LGA Deputy Mayor Forum at LG House, 148 Frome Street, Adelaide on Friday 12 May 2023.

Moved Councillor Lindop, Seconded Councillor Abley

Carried Unanimously**Conflict of Interest**

Councillor Lindop declared a material conflict of interest for Item 12.1 **Motion on Notice – Request to Attend Deputy Mayor Form – Councillor Lindop** (Report No. 101/23) (pursuant to section 75 of the *Local Government Act 1999*) on the basis that she would have a direct financial advantage.

Councillor Lindop, after moving the motion, dealt with the material conflict of interest by making it known and leaving the meeting at 7.08pm.

Councillor Lindop re-joined the chamber at 7.09pm.

- 12.2 **Motion on Notice – International Women’s Day Breakfast - Councillor Abley**
(Report No: 99/23)

Motion**280323/7391****That Council:**

1. **Purchases a table of 10 seats annually to the International Women’s Day Breakfast (approx. \$600).**
2. **Invites the two high schools in the City of Holdfast Bay to select four students to attend the International Women’s Day breakfast with the Youth Coordinator and an Elected Member.**

Moved Councillor Abley, Seconded Councillor Lonie

Carried Unanimously

- 12.3 **Motion on Notice – Reclaiming Footpath Encroachments - Councillor Smedley**
(Report No: 103/23)

Motion**280323/7392**

That section 2.7 of Council’s Encroachments Policy is amended to require that any existing encroachment over public land that forms part of a new development application, is assessed for its suitability for return to public open space in consultation with the affected landowner, for the purpose of enhancing public safety, accessibility, and walkability, improving the interface between public and private spaces, whilst having regard to any construction costs required to implement the reclamation, and consideration of any logistical practicalities arising with Council assuming care and control of the land.

Moved Councillor Smedley, Seconded Councillor Lonie

Carried Unanimously

Item Withdrawn

At the request of Councillor Lindop prior to the meeting, Item 12.4 **Motion on Notice – Recission Motion – Order of Australia Nomination – Councillor Lindop** (Report No: 106/23) was withdrawn from the Council Agenda.

13. ADJOURNED MATTERS - Nil**14. REPORTS OF MANAGEMENT COMMITTEES AND SUBSIDIARIES****Conflict of Interest**

Councillor Smedley declared a material conflict of interest for Item 14.1 **Minutes – Audit and Risk Committee – 15 March 2023** (Report No. 97/23) (pursuant to section 75 of the *Local Government Act 1999*) on the basis that he would have a direct financial advantage.

Councillor Smedley dealt with the material conflict of interest by making it known and leaving the meeting at 7.22pm.

14.1 Minutes – Audit and Risk Committee – 15 March 2023 (Report No: 97/23)

The minutes of the meeting of the Audit and Risk Committee held 15 March 2023 were presented to Council for information.

Motion**280323/7393****1. That Council notes the minutes of the meeting of the Audit and Risk Committee of 15 March 2023, namely:**

(a) that the Audit and Risk Committee recommends to Council the appointment of Councillor John Smedley as the Presiding Member for the term of Council; and

(b) that the Audit and Risk Committee advises Council it has received and considered a Standing Items Report addressing:

- **Monthly Financial Statements**
- **Risk Management and Internal Control**
- **External Audit**
- **Public Interest Disclosures**
- **Economy and Efficiency Audits**
- **Audit and Risk Committee Meeting Schedule 2023**

2. That Council appoints Councillor John Smedley as the Presiding Member of the Audit and Risk Committee for the term of Council.

Moved Councillor Miller, Seconded Councillor Abley

Carried Unanimously

Councillor Smedley re-joined the chamber at 7.23pm

14.2 **Minutes – Executive Committee – 14 March 2023** (Report No: 96/23)

The minutes of the meeting of the Executive Committee held 14 March 2023 were presented to Council for information.

Motion

280323/7394

1. That Council notes the minutes of the meeting of the Executive Committee of 14 March 2023.

RETAIN IN CONFIDENCE - Section 91(7) Order

2. That having considered Attachment 2 to Report No: 96/23 Minutes - Executive Committee Meeting – 14 March 2023 in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the attachment be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Patton, Seconded Councillor Lonie

Carried Unanimously

15. REPORTS BY OFFICERS

15.1 **Items in Brief** (Report No: 100/23)

These items were presented for the information of Members.

After noting the report any items of interest were discussed and, if required, further motions proposed.

Motion

280323/7395

That the following items be noted and items of interest discussed:

1. **Council Leadership on Strategic Planning**
2. **IWS SRWRA Performance Summary**
3. **Outstanding Council Actions Update**
4. **Jetty Road, Glenelg Editorial**

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

15.2 **Monthly Financial Report – 28 February 2023** (Report No: 104/23)

Attached were financial reports as of 28 February 2023. They comprised a Funds Statement and a Capital Expenditure Report for Council's municipal activities and Alwyndor Aged Care. The adjusted forecast budget included the carried forward amount as approved by Council 23 August 2022 and the two quarterly budget updates approved by Council 25 October 2022 and 14 February 2023.

No changes to the Municipal budget were recommended at this time, but the report highlighted items that show a material variance from the YTD budget.

Alwyndor forecasted an increase in their operating deficit of \$27,000 to \$308,000 due to higher-than-expected employee and contract labour costs offset by increased revenue from client growth and government funding.

Motion

280323/7396

That Council:

1. receives the financial reports and budget update for the 8 months to 28 February 2023 and notes no change to the Municipal activities 2022/23 revised budget forecast.
2. notes the first 2022/23 budget update for Alwyndor operations including:
 - (a) an increase in the forecast operating deficit for 2022/23 of \$27,000 from an operating deficit of \$281,000 to an operating deficit of \$308,000;
 - (b) an increase in the forecast capital expenditure for 2022/23 of \$232,000 from \$874,000 to \$1,106,000; and
 - (c) a decrease in the forecast funding surplus for 2022/23 of \$111,000 from a funding surplus of \$395,000 to a funding surplus of \$284,000.

Moved Councillor Smedley, Seconded Councillor Abley **Carried Unanimously**

15.3 **Elected Member Training and Development Policy** (Report No: 95/23)

The Elected Member Training and Development Policy is due for review and presented to Council for adoption.

Suggested changes were shown through tracked changes and were generally minor in nature.

Motion

280323/7397

That Council approves the changes to the Elected Member Training and Development Policy, as amended, subject to any minor typographical corrections that may be required.

Moved Councillor Lonie, Seconded Councillor Lindop **Carried Unanimously**

16. **RESOLUTIONS SUBJECT TO FORMAL MOTIONS - Nil**

17. **URGENT BUSINESS – SUBJECT TO THE LEAVE OF THE MEETING - Nil**

18. ITEMS IN CONFIDENCE**Item Withdrawn**

At the request of Councillor Lindop prior to the meeting, Item 18.1 **Motion on Notice – Recission Motion – Order of Australia Nomination – Councillor Lindop** (Report No: 106/23) was withdrawn from the Council Agenda.

18.2 Claim Against Council (Report No: 105/23)**Motion - Exclusion of the Public – Section 90(3)(h) and (i) Order** **280323/7398**

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 105/23 Claim Against Council in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 105/23 Claim Against Council on the following grounds:
 - h. pursuant to section 90(3)(h) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is legal advice that is strictly confidential and subject to Legal Professional Privilege, and
 - i. pursuant to section 90(3)(i) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information relating to litigation that is in progress.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Miller, Seconded Councillor Bradshaw **Carried Unanimously**

Motion

1. That Council notes this report.

RETAIN IN CONFIDENCE - Section 91(7) Order **280323/7399**

2. That having considered Agenda Item 18.2 105/23 Claim Against Council in confidence under section 90(2) and (3)(h) and (i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachment and minutes be retained in confidence until further notice and the Chief Executive Officer is authorised to release the documents when the matter is concluded, giving due consideration to any relevant legal considerations, and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Smedley **Carried Unanimously**

18.3 **Executive Committee – Appointment of a Qualified Independent Person**
(Report No: 82/23)

Motion Exclusion of the Public – Section 90(3)(d) Order 280323/7400

1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the General Manager, Strategy and Corporate and Staff minute taker in attendance at the meeting in order to consider Report No: 82/23 Executive Committee - Appointment of a Qualified Independent Person in confidence.
2. That in accordance with Section 90(3) of the *Local Government Act 1999* Council is satisfied that it is necessary that the public be excluded to consider the information contained in Report No: 82/23 Executive Committee - Appointment of a Qualified Independent Person on the following grounds:
 - d. pursuant to section 90(3)(d) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is commercial information of a confidential nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information.

In addition, the disclosure of this information would, on balance, be contrary to the public interest. The public interest in public access to the meeting has been balanced against the public interest in the continued non-disclosure of the information. The benefit to the public at large resulting from withholding the information outweighs the benefit to it of disclosure of the information.
3. The Council is satisfied, the principle that the meeting be conducted in a place open to the public, has been outweighed by the need to keep the information or discussion confidential.

Moved Councillor Miller, Seconded Councillor Smedley **Carried Unanimously**

At its meeting held 14 February 2023, Council resolved to seek Expressions of Interest for a qualified independent person to provide advice to the Executive Committee on the Chief Executive's performance review.

Following a call for expressions of interest from four reputable human resource management companies, three submissions were received.

The Executive Committee met on 14 March 2023 and recommended to Council the appointment of Christine Molitor for a period of two years with an option for an additional two years.

Motion

1. appoints Christine Molitor as the Advisor to the Executive Committee; and
2. the term of the appointment of the Advisor be for a period of two years, with the option of an additional two years.

RETAIN IN CONFIDENCE - Section 91(7) Order**280323/7401**

3. That having considered Agenda Item 18.3 Executive Committee - Appointment of a Qualified Independent Person in confidence under section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and attachments be retained in confidence for a period of 12 months and that this order be reviewed every 12 months.

Moved Councillor Lonie, Seconded Councillor Smedley

Carried Unanimously**CLOSURE**

The Meeting closed at 7.36 pm.

CONFIRMED 11 April 2023**MAYOR**