

**Confidential 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 Tuesday 22 November 2016.**

**12. ADJOURNED MATTERS**

**12.3 CONFIDENTIAL – Adjourned Report – Glenelg Football Club (Report No: 296/16)**

**Recommendation – Exclusion Of The Public – Section 90(3)(d) Order**

**Motion**

**C221116/583**

- 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: 296/16 Glenelg Football Club 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: 285/16 Glenelg Football Club 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, because it relates to the operations of the Glenelg Football Club.**

**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.**

**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 as the benefit or detriment to Council in not disclosing information relating to Glenelg Football Club outweighs the public interest at this time.**

Moved Councillor Smedley, Seconded Councillor Lonie

**Carried**

The public was excluded from the meeting at 8.04pm.

Staff in attendance: Chief Executive Officer - JP Lynch, Interim General Manager Alwyndor Aged Care – PE Aukett, General Manager Business Services - IS Walker, General Manager City Assets & Services - SG Hodge, Acting General Manager Community Services – K Harding, Manager Jetty Road, L Johnson and Governance Coordinator, W Matthews.

Councillor Wilson left the chamber at 8.04pm.

Councillor Bouchee rejoined the chamber at 8.05pm.

Councillor Wilson rejoined the chamber at 8.05pm.

Councillor Wilson left the chamber at 8.06pm.

Councillor Wilson rejoined the chamber at 8.07pm.

### **Conflict of Interest**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 12.3 – Confidential – Adjourned Report - Glenelg Football Club (Report No: 296/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and if it becomes apparent he would have a Material Conflict of Interest this will be declared.

#### **Confidential – Adjourned Report – Glenelg Football Club (Report No: 296/16)**

At its meeting on 8 November 2016 Council adjourned consideration of Report No: 285/16 pending a further workshop on the matter. Elected Members held a confidential workshop on 15 November 2016 and, accordingly, the matter is returned to Council for consideration.

#### **Motion**

1. **That Council re-affirms its commitment to support Glenelg Football Club in its objective of long-term sustainability.**
2. **That Council puts the following proposal to Glenelg Football Club, SANFL and ANZ in order to release funds and reduce the club's overall indebtedness:**
  - a. **the balance of the first tranche of sale proceeds held by SANFL (\$162,000) be immediately released to the club and applied to repay Council's secured debt and the proceeds from the club's *Save the Tigers* debt demolition campaign (approximately \$80,000) be immediately applied to repay ANZ's loan facilities; and**



3. That Council prefers Option 3 as outlined in Report No: 285/16 (Council negotiates a sharing arrangement with ANZ Bank). Council appoints BRI Ferrier, as its agent, to assist in its negotiations with ANZ and authorises the Chief Executive Officer and Mayor, after ratification by council, only in the event items are not met, to sign any agreements with Glenelg Football Club, Glenelg Footballers Club, SANFL and ANZ that provides:
- a. a sharing of future SANFL sale proceeds to be applied in the proportion of  $\frac{2}{5}$  to repay Council's secured debt and  $\frac{3}{5}$  to repay ANZ's secured debt; and
  - b. where permitted under the terms of the SANFL's arrangements with Glenelg Football Club, the SANFL sale proceeds be paid directly to Council and ANZ; and
  - c. neither Council or ANZ will take any action to enforce rights under their loan and security interests without first advising and discussing with the other.
  - d. Council enters into a formal deed of arrangement with GFC, GHFERS, ANZ and SANFL recording the obligations of the parties. The terms of this deed to be determined in consultation with and by agreement of council upon achievement of an agreed outcome in a and b above.

Moved Councillor Smedley, Seconded Councillor Snewin

Carried

Councillor Wilson left the chamber at 8.41pm.

Councillor Bouchee left the chamber at 8.41pm.

Councillor Wilson rejoined the chamber at 8.41pm.

Councillor Bouchee rejoined the chamber at 8.42pm.

Motion

C221116/584

That the question be put.

Moved Councillor Patton, Seconded Councillor Charlick

Carried

The motion, as amended, on being put was

Moved Councillor Lonie, Seconded Councillor Aust

Carried

A division was called:

Those voting for: Councillors Bouchée, Aust, Bradshaw, Charlick, Clancy, Donaldson, Lonie, Patton, Smedley, Snewin and Wilson Yates (11)

Those voting against: Councillor Yates (1).

His Worship the Mayor declared the motion

Carried

Councillor Clancy left the chamber at 8.46pm.

**Conflict of Interest**

His Worship the Mayor, S Patterson declared a perceived conflict of interest for the item 12.3 – Confidential – Adjourned Report - Glenelg Football Club (Report No: 296/16). The nature of his perceived conflict of interest (Pursuant to Section 74 of the Local Government Act 1999) was that his company has a business relationship with the Club. His Worship the Mayor dealt with this perceived conflict of interest by making it known to the chamber and left the meeting at 8.48pm.

His Worship the Mayor vacated the chair at 8.48pm and the Deputy Mayor, Councillor Bouchee took the chair at 8.49pm.

Councillor Clancy rejoined the chamber at 8.48pm.

**Motion****C221116/586**

4. **That the loan tranches to the Glenelg Football Club funded by back-to-back loans from the LGFA be renewed as they mature at the prevailing LGFA interest rate without adding a 0.50% credit margin and loan tranches funded by Council reserves be immediately rolled over at prevailing LGFA interest rates without the 0.50% credit margin.**

Moved Councillor Aust, Seconded Councillor Lonie

**Carried****Motion**

5. **That Council waive rent payable under the Lease for a term of one year as from 1 December 2016 provided the amount waived is applied by Glenelg Football Club to reduce Council's secured debt.**

Moved Councillor Lonie, Seconded Councillor Aust

**Point of Order**

The Chairman, Councillor Bouchee, under Regulation 29(2)(a), Local Government (Procedures at Meetings) Regulations requested that Councillor Clancy withdraw her comments.

Councillor Clancy withdrew her comment.

**Amendment**

**That Council reduces the rent payable under the Lease for a term of two years as to a figure of \$25K per annum from 1 December 2016 provided the amount waived is applied by Glenelg Football Club to reduce Council's secured debt and a new lease to be negotiated at the end of two years.**

Moved Councillor Snewin, Seconded Councillor Patton

The amendment on being put was

**Carried**

**Division called**

A division was called:

Those voting for: Councillors Aust, Donaldson, Lonie, Patton, Smedley, Snewin and Wilson (7)

Those voting against: Councillors Charlick, Yates, Bradshaw and Clancy (4).

The Chairman, Deputy Mayor Councillor Bouchee declared the motion

**Carried**

The motion, as amended, on being put was

**Lost**

**Division called**

A division was called:

Those voting for: Councillors Wilson, Patton, Snewin and Donaldson (4)

Those voting against: Councillors Aust, Bradshaw, Charlick, Clancy, Lonie, Smedley and Yates (7)

The Chairman, Deputy Mayor Councillor Bouchee declared the motion

**Lost**

Councillor Clancy left the chamber at 9.24pm.

His Worship the Mayor rejoined the chamber at 9.25pm and resumed the chair.

Councillor Snewin left the chamber at 9.26pm.

**Retain In Confidence - Section 91(7) Order****Motion**

**C221116/587**

1. That having considered Agenda Item 12.3 Report No: 296/16 Glenelg Football Club 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, minutes and attachments be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.
2. That the Council authorises the Chief Executive Officer to release from confidence the minutes relating to:
  - Part 1 of Resolution Number C221116/585 be released from confidence.
  - Part 2 of Resolution Number C221116/585 be released from confidence once all parties have been informed and agreement of all parties is obtained.
2. That the Mayor is authorised on behalf of Council to speak publicly on council's position.

Councillor Lonie left the chamber at 9.28pm.

Councillor Snewin rejoined the chamber at 9.28pm.

Councillor Lonie rejoined the chamber at 9.28pm.

Councillor Wilson rejoined the chamber at 9.29pm.

Councillor Lonie left the chamber at 9.30pm.

Councillor Lonie rejoined the chamber at 9.30pm.

Councillor Yates left the chamber at 9.31pm.

Councillor Wilson left the chamber at 9.32pm.

Moved Councillor Lonie, Seconded Councillor Donaldson

Carried

**CONFIRMED**

**Tuesday 13 December 2016**

**MAYOR**

CONFIDENTIAL