

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 14 June 2022.

19. ITEMS IN CONFIDENCE

19.1 Kauri Community and Sporting Complex – Management Agreement and Lease to Seacliff Sports Club (Report No: 198/22)

Motion – Exclusion of the Public – Section 90(3)(b & d) Order C140622/2635

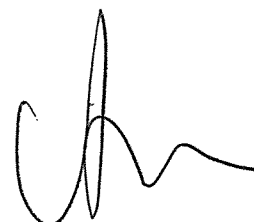
1. That pursuant to Section 90(2) of the *Local Government Act 1999* Council hereby orders that the public be excluded from attendance at this meeting with the exception of the Chief Executive Officer and Staff in attendance at the meeting in order to consider Report No: 198/22 Kauri Community & Sporting Complex – Management Agreement and Lease to Seacliff Sports 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: 198/22 Kauri Community & Sporting Complex – Management Agreement and Lease to Seacliff Sports Club on the following grounds:
 - b. pursuant to section 90(3)(b) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is information the disclosure of which would prejudice the commercial position of the Council.
 - 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 Lindop

Carried



The current agreement between the City of Holdfast Bay (**Council**) and Belgravia Health and Leisure Group Pty Ltd (**Belgravia**) for the management of the Kauri Community and Sporting Complex (**Complex**) expires on 22 June 2022. As foreshadowed by Council Resolution No. C20322/2581, Council Administration has now facilitated negotiations with the Seacliff Tennis and Hockey Clubs (**Clubs**) with the aim of transitioning the management to the Clubs. As such, this report recommends that Council extend the existing arrangements with Belgravia until 30 June 2022 and grant a lease to Seacliff Sports Club Inc (being an umbrella association comprising both Clubs) in respect of the first floor function area for a term of five (5) years as and from 1 July 2022 and otherwise on the terms discussed herein.

Motion**C140622/2636****That Council:**

1. approves the extension of the current management agreement with Belgravia for the facility management of the Kauri Community and Sports Complex for a period of eight (8) days commencing on 23 June 2022 and expiring on 30 June 2022;
2. enters into Memorandum of Lease with Seacliff Sports Club in respect of the first floor function area of the Kauri Community and Sporting Complex and more particularly being the area delineated in red on the plan annexed hereto as Attachment 1 for a term of five (5) years commencing on 1 July 2022 (subject to a trial period of one (1) year) and otherwise on the terms discussed herein; and
3. authorises the Mayor and Chief Executive Officer to execute and seal any documents required to give effect to the extension of the management agreement with Belgravia, the Memorandum of Lease to Seacliff Sports Club and any documents of and incidental to the transfer of management.

RETAIN IN CONFIDENCE - Section 91(7) Order

4. having considered Agenda Item 19.1 Kauri Community and Sporting Complex – Management Agreement and Lease to Seacliff Sports Club (Report No: 198/22) in confidence under Section 90(2), 90(3)(b) and 90(3)(d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the Report and Attachment 2 be retained in confidence for a period of 24 months with the Chief Executive Officer authorised to release the documents following conclusion of the Management Agreement with Belgravia Health and Leisure Group or the expiry of the 24 month confidentiality period.

Moved Councillor Lindop, Seconded Councillor Lonie

Carried Unanimously

19.2 Legal Claim (Report No: 199/22)

Motion – Exclusion of the Public – Section 90(3)(i) Order

C140622/2637

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: 199/22 Legal Claim 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: 199/22 Legal Claim on the following grounds:
 - 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 the Council or Council committee believes on reasonable grounds will take place involving the Council or an employee of the Council
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 Clancy, Seconded Councillor Smedley

Carried Unanimously

Administration has received a claim for a former employee in relation to asbestos exposure and inhalation during the term of their employment. Mr Pollard claims indicates he was employed by the Brighton Council from 1978 to 1986. The Council's payroll records confirm Mr Pollard's employment from 1978 until at least 1995.

Liabilities of the former Brighton Council are now the responsibility of City of Holdfast Bay. At this stage, Administration has been unable to identify the workers compensation insurer for Mr Pollard's period of employment. As a result, Council's responsibility for the claim has increased resulting in a larger liability for any settlement agreement.

Due to the nature of asbestos claims, matters are settled expediently. Therefore, Council will need to be able to pay any settlement amount by early August and Administration seeks authorisation for the Chief Executive Officer to authorise a settlement agreement.



Motion

C140622/2638

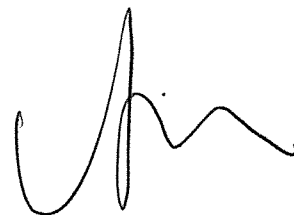
That Council:

1. notes the report; and
2. endorses the Chief Executive Officer to authorise a settlement agreement with Mr Pollard, relating to the claim of asbestos exposure and inhalation during the term of his employment with the Brighton Council, and delegates the Chief Executive Officer to authorise a settlement payment of up to \$350,000 in accordance with the determination made by the court.

RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 19.2 Legal Claim (Report No: 199/22) in confidence under section 90(2) and (3)(i) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report and minutes relevant to this item be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Clancy, Seconded Councillor Miller

Carried Unanimously

19.3 Confidential Minutes – Audit Committee – 1 June 2022 (Report No: 207/22)

Motion – Exclusion of the Public – Section 90(3)(d) Order C140622/2639

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: 207/22 Confidential Minutes – Audit Committee – 1 June 2022 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: 207/22 Confidential Minutes – Audit Committee – 1 June 2022 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 confer a commercial advantage on a third party.

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 Lonie, Seconded Councillor Fleming

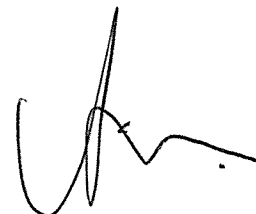
Carried Unanimously

The confidential minutes of the meeting of the Audit Committee held 1 June 2022 were presented to Council for information and endorsement.

Motion**C140622/2640**

That Council notes the confidential minutes of the meeting of the Audit Committee of 1 June 2022, namely that the Audit Committee:

1. advises Council that it supports Alwyndor's proposal to establish a loan facility (Convertible Cash Advance Debenture (CCAD)) with the Local Government Finance Authority of South Australia consistent with its amended Refundable Deposits Prudential Standards, Liquidity Management Strategy and Policy; and



2. advises Council it has considered and supports an amendment to Alwyndor's Refundable Deposits Prudential Standards, Liquidity management Strategy and Policy to include the provision to access a loan fund (Convertible Cash Advance Debenture (CCAD)) with the Local Government Finance Authority of South Australia.

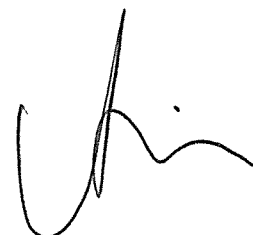
RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Attachment 1 to Report No: 207/22 Confidential Minutes – Audit Committee – 1 June 2022 in confidence under section 90(2) and (3) (d) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of the Act orders that Attachment 1 be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Snewin, Seconded Councillor Smedley

Carried Unanimously

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15.4 Minutes - Executive Committee – 17 May 2022 (Report No: 169/22)

Motion – Exclusion of the Public – Section 90(3)(e) Order C140622/2641

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 the staff minute taker in attendance at the meeting in order to consider Report No: 169/22 - Minutes Executive Committee – 17 May 2022 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: 169/22 - Minutes Executive Committee – 17 May 2022 on the following grounds:
 - e. pursuant to section 90(3)(e) of the Act, the information to be received, discussed or considered in relation to this Agenda Item is related to matters affecting the security of an employee of the Council, as details of the Chief Executive's remuneration will be discussed, which are sensitive and are details only known to those who have participated in the discussion.
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 Fleming

Carried Unanimously

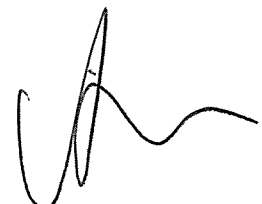
At its meeting on 17 May 2022, the Executive Committee considered the recommendation by Administration of Ms Christine Molitor as the independent member of the Executive Committee for the period until the Chief Executive Officer's 2021/22 Performance Review process has concluded.

Motion

C140622/2642

That Council:

1. notes the confidential minutes of the Executive Committee of 17 May 2022; and
2. appoints Ms Christine Molitor to the Executive Committee for the period until the Chief Executive Officer's 2021/22 Performance Review process has concluded.



RETAIN IN CONFIDENCE - Section 91(7) Order

3. That having considered Agenda Item 15.4 Minutes – Executive Committee – 17 May 2022, Report No 169/22 in confidence under section 90(2) and (3)(e) of the *Local Government Act 1999*, the Council, pursuant to section 91(7) of that Act orders that the report, attachments and minutes be retained in confidence for a period of 24 months and that this order be reviewed every 12 months.

Moved Councillor Miller, Seconded Councillor Lonie

Carried Unanimously

CONFIRMED 28 June 2022


MAYOR